

Report to:	Cabinet Council	Date of Meeting:	10 March 2022 21 April 2022
Subject:	Social Housing Allocations Scheme		
Report of:	Head of Economic Growth and Housing	Wards Affected:	(All Wards);
Portfolio:	Cabinet Member - Communities and Housing Cabinet Member - Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

Since 2012 the Council has been part of the Merseyside sub regional social housing allocations scheme known as Property Pool Plus (PPP). Following a review of the policy, which included extensive community consultation which concluded in early 2021, a final draft of the policy which updates the current version of the policy has now been agreed between all the other Liverpool City Region local authorities. Cabinet is asked to approve this final revised Allocations Policy and agree the arrangements for the introduction of a new IT system to support the operation of the new policy and scheme.

Recommendation(s):

Cabinet is asked to agree the following recommendations:

(1) to approve adoptions of the proposed Allocations policy and scheme as set out in Appendix B

(2) to delay introduction of the new scheme until a suitable IT system is procured to support the operation of the new policy and scheme

(3) to delegate authority to the Head of Economic Growth and Housing in consultation with the Cabinet Member Communities & Housing to enter into a contract with an IT system supplier following a procurement exercise for the provision of the IT system

(4) to delegate authority to the Head of Economic Growth and Housing to approve the financial arrangements for procuring and operating the new IT system

(5) Recommendations (2), (3) and (4) being subject to **Council** approving a Supplementary Capital Estimate for the scheme of £65,000 funded from prudential borrowing with repayments met from the Housing Service's budget

(6) delegate authority to the Head of Economic Growth & Housing to enter into

arrangements with the other participating local authorities (Halton, Knowsley, Liverpool and Wirral), to govern the implementation and future operation of the allocations scheme, including the appointment of a PPP Coordinator to work across all local authority areas.

Council is recommended

(1) To approve a Supplementary Capital Estimate for the scheme of £65,000 funded from prudential borrowing with repayments met from the Housing Service's budget.

Reasons for the Recommendation(s):

In order to ensure that the Allocations Policy is in line with current legislation, case law and good practice it is necessary to update the current iteration. Cabinet authority is required to adopt a new Social Housing Allocations Policy and to approve the work and cost related to an IT system necessary to operate it.

Alternative Options Considered and Rejected: (including any Risk Implications)

The alternative option would be to not approve participation in this sub-regional scheme, and under that scenario the Council would need to operate its own allocation scheme. In the short term this would require the continued use of the existing policy and therefore extend use of the existing allocation scheme and operational agreements with One Vision Housing (OVH) and Civica, the existing IT system supplier. In order to ensure that the policy in operation was up to date the Council would need to develop its own allocations policy and scheme, and separately procure a suitable IT system with which to operate it.

However, the opportunity to take advantage of joint sub-regional operational arrangements for an allocations scheme or efficient procurement of an improved IT system will not be possible, nor will the efficiencies that are expected to flow from these arrangements be gained.

What will it cost and how will it be financed?

(A) Revenue Costs

Existing revenue budget exists to help fund the operation of administering an allocations service, which is currently performed by OVH, on behalf of the Council. The annual revenue costs for operating a new IT system will be circa £90,000, in line with the current cost.

Further, an existing revenue budget exists to fund the ongoing licence and maintenance fees for the provision of an IT system that delivers the Property Pool Plus scheme. The existing annual revenue costs is circa £19,350. A new IT system will be required in order to deliver the new PPP policy.

All revenue costs will be contained within the existing Housing Service's budget.

(B) Capital Costs

The capital costs associated with the scheme includes the development and purchase of a new IT system referenced above at a total cost of £65,000. This is to be funded from prudential borrowing with repayments met from the Housing Service's budget. The annual borrowing repayments over a 5 year period are estimated to be £14,000 per annum.

Implications of the Proposals:

<p>Resource Implications (Financial, IT, Staffing and Assets): The Council entered into a service contract with OVH in March 2019 for the operation of an allocations service. That arrangement is unaffected by the introduction of a new policy and scheme. There is the need to procure a new IT system to support the operation of a new allocations scheme.</p>								
<p>Legal Implications: LAs must adhere to the law regarding the allocation of Social Rented Housing, as set out in the Housing Act 1996, Part 6 Allocation of Housing Accommodation.</p>								
<p>Equality Implications: The equality Implications have been identified and mitigated.</p>								
<p>Climate Emergency Implications:</p> <p>The recommendations within this report will</p> <table border="1"> <tr> <td>Have a positive impact</td> <td>No</td> </tr> <tr> <td>Have a neutral impact</td> <td>Yes</td> </tr> <tr> <td>Have a negative impact</td> <td>No</td> </tr> <tr> <td>The Author has undertaken the Climate Emergency training for report authors</td> <td>Yes</td> </tr> </table> <p>There are no direct climate emergency implications arising from this report. Any climate emergency implications arising from matters referred to in the Cabinet Member report will be contained in reports when they are presented to Members at the appropriate time.</p>	Have a positive impact	No	Have a neutral impact	Yes	Have a negative impact	No	The Author has undertaken the Climate Emergency training for report authors	Yes
Have a positive impact	No							
Have a neutral impact	Yes							
Have a negative impact	No							
The Author has undertaken the Climate Emergency training for report authors	Yes							

Contribution to the Council's Core Purpose:

<p>Protect the most vulnerable: Many vulnerable people rely on accessing social housing for a home to live in.</p>
<p>Facilitate confident and resilient communities: Providing a stable home is a primary way of creating sustainable and resilient communities and lifestyles</p>
<p>Commission, broker and provide core services: A social housing allocations scheme is a core service</p>
<p>Place – leadership and influencer: Not applicable</p>
<p>Drivers of change and reform: The current Allocations Policy and Procedures for Property Pool Plus require amendments, to bring it up to date with the latest legislation.</p>
<p>Facilitate sustainable economic prosperity: Not applicable</p>
<p>Greater income for social investment: Not applicable</p>
<p>Cleaner Greener Not applicable</p>

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director Corporate Resources & Customer Services (FD.6694/22) and the Chief Legal & Democratic Officer (LD.4894/22) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

A formal public consultation has been conducted, as required in law. The nature and form of this consultation was approved by the Council's consultation and Engagement Panel at its meeting in September 2020.

The consultation was open to any member of the public, asking a number of questions in a set survey questionnaire, including an easy read version of the survey. These questions were accessed via a Survey Monkey link from the Property Pool Plus website and each Local Authorities respective websites. The draft Allocations Policy scheme was provided for reference. The consultation and survey was aimed at as many residents within the borough of Sefton as possible and specifically those residents currently on the Housing Register for social housing with Property Pool Plus, Participating Registered Social Landlords, other referring agencies, and other key public sector agencies. The consultation ran for 12 weeks between 18th November 2020 and 10th February 2021.

Implementation Date for the Decision

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

Contact Officer:	Graham Parry
Telephone Number:	Tel: 0151 934 3446
Email Address:	graham.parry@sefton.gov.uk

Appendices:

The following appendices are attached to this report:

- A. Details of Qualification to the Scheme; Choice; Additional Preference and Priority
- B. (proposed new) Housing Allocations Policy/scheme
- C. Consultation results
- D. Equality Impact Assessment

Background Papers:

The following background papers are available for inspection:

- Report to Overview & Scrutiny Committee (Regeneration & Skills) January 2020, 'Review of Social Housing Allocations' (Item 30.
<https://modgov.sefton.gov.uk/ieListDocuments.aspx?CId=767&MId=9649&Ver=4>)
- Report to Cabinet Member Communities & Housing September 2020; 'Housing Allocations scheme review and consultation';
<https://modgov.sefton.gov.uk/ieDecisionDetails.aspx?ID=11049>

1. Introduction/Background

- 1.1 A report was submitted to Cabinet in February 2011, to approve the common Choice Based Lettings and Allocations Policy for the 5 participating Local Authorities – Sefton, Halton, Liverpool, Wirral and Knowsley. The allocations scheme has been known as the Property Pool Plus scheme (PPP). PPP is a partnership between the five local housing authorities plus numerous private registered providers of social housing. PPP provides a common procedure and approach to allocating social rented housing, using a choice-based method to let homes.
- 1.2 The Council entered into a contract with Abritas (now Civica), for the provision of an IT system, which has been critical to underpin the operation of the scheme. The IT system has been upgraded over the life of the scheme, but a new system will need to be procured in order to operate the new policy. In the meantime, the contractual arrangements with Civica extended until a new IT system is procured in line with public procurement regulations, and Wirral Council are leading on this aspect of the project with assistance from the other local authorities.
- 1.3 The operation of the scheme, including the IT system, in Sefton is administered on behalf of the Council by One Vision Housing (OVH). Following a procurement exercise conducted in 2018, OVH were appointed to continue to administer PPP from 1st March 2019 until 28th February 2024.
- 1.4 PPP provides a single point of access for customers/applicants to apply for social housing, complete a single application process, and join a single housing register. It also provides local authorities with a single means to provide nominations, including for homeless applicants. This requires the participation of the vast majority of housing associations who let available properties via PPP. The aspiration remains that the local authorities continue to facilitate a single lettings approach for scheme partners and customers when allocating and letting social housing across the city region.

2 Housing Allocations Policy review

- 2.1 The Local Authority, in collaboration with other local authority members of the Property Pool Plus scheme, commissioned an independent review of how social rented housing is allocated across the Liverpool City Region.
- 2.2 The review was carried out during 2019 and a total of 15 recommendations were made to improve how social housing is allocated. The primary recommendation was to revise the current rules for allocating social rented housing, to bring it up to date with current legislative requirements and accord with nationally recognised best practice.

3. Context

- 3.1 The Local Authority has a public law duty to accept applications from any member of the public, for an allocation of social rented housing.
- 3.2 The Local Authority has a number of nomination agreements in place with Registered Providers of Social Housing with stock in the borough, which allows

people who have applied to the Council for an allocation of social rented housing, to be allocated an available property.

- 3.3 The Local Authority chooses to hold a common database of applicants and a common set of rules allocating social rented housing, with four other local authorities. This scheme is known as Property Pool Plus.
- 3.4 The Local Authority is required to allocate social rented housing in accordance with statute, statutory guidance and regulations and orders issued by the UK Parliament and the UK Government. The local authority is obliged to provide information to anyone who is interested in making an application for social rented housing. The law sets out how local authorities must handle applications, make decisions, and conduct reviews, about allocations. Eligibility for an allocation of social housing can also be determined by immigration law, resulting in local authorities having no say on this matter. The law specifies that some applicants must be given a reasonable priority for an allocation. These include people who are homeless, owed a homelessness duty, occupying unsatisfactory accommodation need to move on medical or welfare grounds, or need to move to avoid hardship. When allocating social rented housing, the local authority must avoid discriminating against any person and ensure it enhances equality of opportunity for all. The best interests of children must also be taken account of when social rented housing is allocated. The Local Authority is afforded no powers over these matters, nor does it have any discretion as to how these matters are administered.
- 3.5 In respect of the above matters, a range of administrative changes are being proposed to bring practice and procedure in line with current legislative requirements.

The Local Authority has powers to determine how social rented housing is allocated in respect of the following matters.

1. Qualification – which persons should qualify or be disqualified from being allocated of social rented housing.
2. Choice – how much choice a person might be entitled to express in regard to the social rented housing they wish to be allocated.
3. Additional Preference – persons should be given an extra favour when social rented housing is being allocated.
4. Priority – persons wishing to be allocated social rented housing should be selected for an allocation.

- 3.6 Elected councillors are responsible for determining how powers are used for the aforementioned matters. The changes being proposed are set out below, with an explanation of the current policy position alongside the proposed new rules.

4. Other matters

- 4.1 A range of minor amendments are being made to the information people are provided, how applications are handled, how decisions are made, and how

reviews are carried out to ensure these matters accord with the law and statutory guidance.

- 4.2 A range of technical amendments are being made to definitions of eligibility for an allocation of social rented housing along with how eligibility and qualification will be determined plus the way notifications of decisions and rights to review will be issued, along with how renewed applications will be dealt with. These adjustments are being made to reflect changes in the law.
- 4.3 Other amendments that are being made include matters relating to local lettings schemes, avoiding discrimination and enhancing equality of opportunity, ensuring the best interest of children when allocations are made, the way discretion is applied to individual cases, the way any future changes about the rules will be publicised, how direct flights will be administered, how people can make applications to housing associations, details of nominations agreements and specific matters relating to transfer tenants.
- 4.4 Administration of the Social Housing Allocations Scheme (PPP) in Sefton is currently contracted out to One Vision Housing until 28th February 2024. Matters relating to the contracting out of the administration of housing allocation functions are outside the scope of the proposed new rules. The long-term administration of the Social Housing Allocations Scheme following the conclusion of the current contract will be subject to a separate recommendation.

5.1 Consultation

- 5.1 Consultation on the amended scheme rules took place with Registered Providers during 2020, feedback being very positive.
- 5.2 A public consultation on draft new scheme rules took place from late 2020 to early 2021. A total of 4,344 individual responded to the consultation, along with 4 organisations. 36% of all respondents were from Liverpool, which is reflective of City residents equating to one-third of the population of the Liverpool City Region.

	Halton	Knowsley	Liverpool	Sefton	Wirral	Total
Individual	433	657	1,593	718	993	4,394
on behalf of an organisation	0	1	2	1	0	4
Grand Total	433	658	1,595	719	993	4,398

- 5.3 The majority (both in relative and absolute terms) of respondents agreed with all four key proposals being consulted on. This scheme is also following due process for approval in each of the LAs currently participating in Property Pool Plus

6 Conclusion

- 6.1 The Council has been part of the Merseyside sub regional social housing allocations scheme known as Property Pool Plus since 2012 and in order to ensure that the scheme remains rational, legal and follows public law procedural requirements, and compliant with statute, statutory guidance, regulations, orders, court ruling and ombudsman decisions a review of the current policy was undertaken with a new draft policy produced which addresses these issues. This new policy will ensure that the Council are better able to respond to the needs of those in housing need in the borough.

Details of Qualification to the Scheme; Choice; Additional Preference and Priority

Qualification

Incapable of holding a tenancy agreement

A child aged 16 or 17 years of age, will be disqualified from being allocated social rented housing, unless a suitable party can act as a trustee and hold a legal tenancy until the child reaches the age of 18 years. This rule prevails in the current policy no changes are being proposed to this matter.

A child, defined as a child in need under the children act 1989, section 17, will be disqualified from being allocated social rented housing. This rule prevails presently but is not expressly made clear in the current policy, an amendment proposed to rectify this.

A person lacking the mental capacity to hold a tenancy, will be disqualified from being allocated social rented housing. This rule prevails presently but is not expressly made clear in the current policy, an amendment proposed to rectify this.

Unacceptable behaviour

A person who is guilty of unacceptable behaviour that makes them unsuitable to be a tenant, will be disqualified from being allocated social rented housing. This rule prevails in the current policy; however, amendments are proposed to make it clearer what constitutes unacceptable behaviour. The new rules will make it clear that anyone with a spent conviction under the Rehabilitation of Offender Act 1974, section 4, (1) will not be taken account of when making decisions about whether a person should be disqualified. The proposed new definition of unacceptable behaviour is as follows:

1. Having an unspent conviction of a serious offence, committed in the locality of their property, against a person with a right to reside or occupy or accommodation.
2. Having an unspent conviction of a serious offence, committed elsewhere against the Local Authority or a Registered Provider or agents acting on their behalf, which directly or indirectly was related or affected carrying out housing management functions
3. Perpetrators of domestic abuse who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order, which is in force at the date an application is being determined.
4. Having an unspent conviction at the date an application is being determined for a serious offence as defined by the Serious Crime Act 2007, Part 1, Schedule 1, committed in the locality of a property against another person or the Local Authority or a Registered Provider.
5. Breaching a provision of an injunction under section 1, conviction under section 30, or an order made under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which occurred in the locality of a specified property or elsewhere which caused nuisance, annoyance, harassment, alarm or distress to a person in the locality or the Local Authority or a Registered Provider, or resulted in access to property that has been prohibited under section 76 of the Anti-social

- Behaviour, Crime and Policing Act 2014, for a continuous period of more than 48 hours.
6. Having an unspent conviction for an offence under section 80(4) or 82(8) Environmental Protection Act 1990, concerning noise from a property which was a statutory nuisance as per section 79(1), Part 3 of the Environmental Protection Act 1990.
 7. Having an unspent conviction for an offence under the Fraud Act 2006, Forgery and Counterfeiting Act 1981 or Social Housing Fraud Act 2013, involving withholding, falsifying or misrepresenting any information to access to be allocated social rented housing or sub-letting of social housing by current tenants.
 8. Within the past [timescale to be determined, e.g. 12-months], having committed any other behaviour that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A. This includes an applicant being responsible for:
 - a. Causing nuisance or annoyance to other; people living, visiting or carrying out lawful activities in the locality of their home, and/or employees of the Local Authority, or people employed by other organisations, to carry out housing management functions, for the Local Authority
 - b. Causing an offence, or another adult residing with them, for which they were convicted for, which took place during and at the scene of a riot in the UK.
 - c. Causing violence or threats of violence towards another person or their family members, who were living at the same property as the applicant, which resulted in them leaving and being unlikely to return the property.
 - d. Allowing acts of waste or neglect of their property or common parts of a building in which their property is situated or failing take reasonable steps to stop any person residing with them to cause acts of waste or neglect to the property.
 - e. Allowing furniture, provided by a landlord for use as part of their tenancy, or for use in common parts, to deteriorate due to ill-treatment, and in a circumstance where a lodger has caused the ill-treatment, not taking reasonable steps to evict that lodger.
 - f. Being granted a tenancy as a result of deliberately and rashly making a false statement, made by themselves or another person at their prompting.

Following rules concerning unacceptable behaviour, are not permitted in law and so are not proposed to be carried forward to the new policy.

- Persons who have been convicted of arson.
- Person who have been previously evicted from a social housing tenancy.
- Persons who been previously abandoned a social housing tenancy.
- Persons whose criminal convictions are not spent being time restricted for a 12-month period.

Rent or service charge arrears

Persons who have outstanding liabilities, such as rent or service charge arrears or re-charges, attributable to a tenancy will be disqualified from being allocated social rented housing. This rule prevails in the current policy; however, amendments are proposed to the method used for calculating the amount of outstanding arrears by which it is acceptable for a person to be allocated social rented housing. The current rules require a person to agree to a repayment plan and have maintained repayments for a minimum of 52 weeks or have reduced their debt to below the equivalent of eight weeks gross rent. The new rules still propose a person is required to have a repayment plan, but instead require at least three continuous payments to have been made and be no more than one month behind the agreed schedule of repayments. In future repayment plans will ignore any debts which are statute barred. Deciding what a realistic affordable repayment amount might be, it will be necessary to take account of all income a person receive. Following which, from a person's income the deductions will be made.

- Existing expenditure on any current housing costs
- Reasonable living expenses up to the value equal to universal credit standard allowance rates.
- Expenditure necessary to nurture and keep safe any child lives in a household.
- Income spent paying priority debts

These arrangements have been proposed as they accord with established law and court rulings.

Breach of tenancy conditions

Persons who have been evicted for any breach of tenancy conditions (regardless of tenure) will be disqualified from being allocated social rented housing. This rule prevails in the current policy, however some minor amendments are proposed to clarify the meaning of term 'breach of tenancy conditions'. This will now cover:

1. Sub-letting part or whole of the property without permission.
2. Purposely failing to report repairs.
3. Failing to allow contractors to enter the property to carry out maintenance.
4. Running a business from the property without permission from the landlord.
5. Having an unspent conviction for using or allowing their property to be used for illegal or immoral purposes

Local connection

Persons who have not been resident in the local authority area for a minimum of two years will be disqualified from being allocated social rented housing. A rule in the current policy requires, persons to have a connection of at least six months out of the last 12 months or three years out of the last five years, with some minor exemptions applying in certain specified circumstances. To accord with statutory guidance the minimum period to establish a local connection should be fixed at two years. A person can establish a local connection to the local authority area due to them being resident, having employment, having family associations, or some other special reason. These matters are defined in some detail within the proposed new rules.

Homeowners

Persons who are homeowners will be disqualified from being allocated social rented housing. This is a change to the current policy; it has been proposed to ensure the new rules accord with law and statutory guidance. Some minor exemptions will be put in place, such as for those who property has been subject to a prohibition order issued by the local authority under the Housing act 2004, due to the property being a danger to the health of any occupants.

Savings

Persons who have savings above £16,000 will be disqualified from being allocated social rented housing. This is a change to the current policy; it has been proposed to ensure the new rules accord with law and statutory guidance. The sum of £16,000 has been adopted as these accords with the rate at which the Department for work and pensions fixes its own rules regarding entitlement welfare benefits.

Exemptions

Persons who are victims of domestic abuse will be exempt from the requirements concerning local connection and property ownership.

Persons who have been on active service with the armed forces or reserve forces will have any financial resources gained because of an injury or disability, sustained while on active service, disregarded when the matter of savings are considered. Persons who are currently serving in the armed forces or have done in the preceding five years plus their spouses, also bereaved spouses or civil partners of persons who served in the armed forces, and former or serving members of the reserved Armed Forces, plus divorced or separated spouses or civil partners of service personnel, along with adult children of service personnel who could no longer remain in the family home, will all be exempt from local connection requirements.

Choice

People will be offered the opportunity to express a preference about the social rented housing that might be allocated to them. This will be done via an online platform, by placing bids against a property which is being advertised as available to let. A cap of three bids per week will be in force for each person. Each person will be entitled to make a limited number of refusals when offered a suitable property. This will be capped at one refusal for those in the highest band, two refusals for those in the next band, and three refusals for those in the lowest band. These proposed arrangements make no adjustments to rules set out in the current policy.

Additional Preference

The law requires that the following persons are given a reasonable preference when social rented housing is being allocated:

- People who are homeless.
- People who are owed a homelessness duty by the local authority.
- People occupying insanitary or overcrowded or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including any grounds relating to a disability.

- People who need to move to a particular locality in the area, where failure to meet that need would cause hardship to them.

Local authorities have a power to afford an additional preference on any person they might choose whose circumstances are one of those listed above. The current rules do not explicitly state how this power has been applied, however it is apparent that this power is being put into effect. It is proposed that in future the following persons will be afforded an additional preference for an allocation of social housing, and this will be demonstrated by placing all such persons in the highest band of the scheme:

1. People who are homeless owed the initial relief duty.
2. People who are homeless owed the main housing duty, due to being not intentionally homeless and having a priority need for accommodation.
3. People who are victims of domestic abuse
4. People who experience a sudden loss of home due to disaster
5. People who are severely overcrowded, lacking two or more bedrooms
6. People who are under occupying social rented housing by two or more bedrooms
7. People whose medical condition is expected to be terminal, and rehousing is required due to the detrimental effects caused by present accommodation.
8. People whose medical condition is life-threatening, and rehousing is required due to detrimental effect caused by present accommodation.
9. People who are ready to be discharged from hospital and there is no accommodation available to them to be discharged to
10. People leaving the care of the Local Authority's children services
11. People approved to be a foster carer or to adopt, who need to move to a larger home, in order to look after a child under the care of the Local Authority's Children Services.
12. Members of the armed and reserve forces, including former members
13. Bereaved spouses and civil partners of members of the armed forces
14. Victims of racial harassment amounting to violence or threats of violence.
15. Victims of hate crime amounting to violence or threats of violence.
16. Witnesses of crime or victims of crime who would be at risk of intimidation amounted to violence or threats of violence.
17. People who need to be rehoused due to a compulsory purchase order and/or are subject to a local authority approved regeneration scheme
18. People participating in the housing first pilot led by the Liverpool City Region Combined Authority

Priority

The current rules involve six different bands, from A to F, with some variation in some local authority areas as to how people are prioritised across banding.

Applicants will be prioritised for an allocation of social rented housing according to:

1. Four Bands, and the order of A to D
2. Where two or more applicants might have the same priority, then by the date they were accepted into the band they are placed in at the time of an offer being made, with earlier date taking priority over later dates
3. Where two or more applicants might still have the same priority, then those who are making a community contribution. A community contribution is defined as (i) someone who is in paid or unpaid employment for a minimum of 16 hours per week, for a minimum of six months, (ii) in further or higher education, either part-time or full time, for a minimum of one term, (iii) serving in the regular or reserve armed forces
4. At two or more applicants still might have the same priority, then by those who work or have close family in the local authority
5. Meeting landlord advert preference criteria to make best use of stock

Band A will consist of people who have been awarded extra priority for an offer of accommodation, due to having an urgent need to move. This band will consist of all people whom the local authority has chosen to forward an additional preference. See above for full definition.

Band B will consist of people who are entitled to a priority for an offer of accommodation, due to having a need to move. This band will consist of all people whom the law insists have a reasonable preference. This will include:

- People who are homeless not already included in Band A.
- People who are owed a homelessness duty by the local authority, not already included in Band A, such as those who are intentionally homeless but have a priority need for accommodation, all those who are threatened with homelessness.
- People who are occupying in sanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. The Environmental Protection Act 1990 Part 3 (in relation to unhealthy premises), Housing Act 1985, Part 10 (relating to overcrowding) and the Housing Act 2004, part one (relating to hazardous housing) will be taken account of by the local authority when determining an applicant housing conditions.
- People needing to move on medical or welfare grounds, including grounds relating to a disability, due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with a direct knowledge of a person's condition will be contacted by the local authority for an opinion of the person's health and the impact on their housing needs. The local authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation. Once accommodation is allocated to a person with medical or welfare needs, their support and care needs will be assessed jointly by social care services, housing support providers, NHS trusts, and other relevant agencies.

- People needing to move to a particular locality in the district of the authority, where failure to meet this need would cause hardship to themselves or others.

Band C will consist of all other applicants who do not have a priority to move, due to them wanting to move rather than having any need to move, as a result of which they will not have been afforded an additional preference nor will they be entitled to a reasonable preference.

Band D will consist of applicants from band a or B or C who have exhausted the right to refuse an allocation of social rented housing, or have failed to bid on more than three occasions where a suitable property would have been available. Applicant will remain in band D for a period of 12 months.

Applicants in the current Band A will primarily remain in the new proposed band A. Applicants in the current band B and C would primarily be placed in the new proposed band B. Applicants in the current band D and E would primarily be placed in the new proposed Band C. Applicants in the current Band F would be placed in the proposed new band D. In future it is proposed that all bandings and prioritisation of people within them will be consistently applied across all local authorities.

Property Pool Plus

A common housing allocation scheme between Halton Borough Council, Knowsley Metropolitan Borough Council, Liverpool City Council, Sefton Metropolitan Borough Council and Wirral Metropolitan Borough Council.

December 2021

Contents

1.0	<u>OVERVIEW</u>	18
1.1.0	<u>INTRODUCTION</u>	18
1.2.0	<u>PURPOSE OF THIS SCHEME</u>	18
1.3.0	<u>PRINCIPLES OF THIS SCHEME</u>	19
1.4.0	<u>CONSULTATION</u>	22
2.0	<u>INFORMATION, APPLICATIONS AND DECISION-MAKING</u>	23
2.1.0	<u>INFORMATION</u>	23
2.2.0	<u>APPLICATIONS</u>	25
2.3.0	<u>DECISION-MAKING</u>	30
2.4.0	<u>REVIEWS</u>	31
3.0	<u>ELIGIBILITY AND QUALIFICATION</u>	32
3.1.0	<u>ELIGIBILITY</u>	32
3.2.0	<u>QUALIFICATION</u>	34
3.3.0	<u>DETERMINING ELIGIBILITY AND QUALIFICATION</u>	40
3.4.0	<u>NOTIFICATIONS OF DECISIONS AND RIGHT TO A REVIEW</u>	40
3.5.0	<u>RE-APPLICATION</u>	40
4.0	<u>ALLOCATIONS</u>	41
4.1.0	<u>ADOPTING THIS SCHEME</u>	41
4.2.0	<u>DETERMINING PRIORITY FOR AN ALLOCATION FOR HOUSING</u>	42
4.3.0	<u>LOCAL LETTINGS SCHEMES</u>	48
4.4.0	<u>AVOIDING DISCRIMINATION AND ENHANCING EQUALITY OF OPPORTUNITY</u>	50
4.5.0	<u>BEST INTERESTS OF CHILDREN</u>	51
4.6.0	<u>DISCRETION</u>	51
5.0	<u>BEING ALLOCATED A PROPERTY</u>	53
5.1.0	<u>CHOICE</u>	53
5.2.0	<u>OTHER GENERAL POINTS</u>	54
6.0	<u>OTHER ARRANGEMENTS</u>	57
6.1.0	<u>DIRECT APPLICATIONS TO REGISTERED PROVIDERS</u>	57
6.2.0	<u>NOMINATIONS</u>	57
6.3.0	<u>TRANSFERS</u>	57
6.4.0	<u>CONTRACTING-OUT</u>	57
6.5.0	<u>COMPLAINTS, APPEALS AND LEGAL CHALLENGES</u>	58
4.6.0	<u>DISCRETION</u>	78
1.	<u>ASSESS WHETHER THE APPLICANT HAS EXCEPTIONAL CIRCUMSTANCES</u>	79
2.	<u>REFER TO THE SENIOR OFFICER</u>	79
3.	<u>SENIOR OFFICER TO DECIDE WHETHER TO EXERCISE DISCRETION</u>	79
4.	<u>INFORM THE APPLICANT OF THE OUTCOME</u>	81
5.	<u>BACKGROUND INFORMATION</u>	81
	<u>PROCESS CHART FOR APPLYING DISCRETION WHEN ALLOCATING HOUSING</u>	82
	<u>DETERMINING AN APPLICANTS' ENTITLEMENT TO BEDROOMS, FOR ASSESSING OVERCROWDING AND UNDER-OCCUPANCY</u>	88
I.	<u>LOCAL AUTHORITY LETTER (COUNCIL TAX, BENEFITS ETC)</u>	88
II.	<u>DWP LETTER</u>	88
III.	<u>PAYSLIP / P45 / P60</u>	88
IV.	<u>PHOTO DRIVING LICENCE</u>	88
	<u>OVERVIEW</u>	93
	<u>SUMMARY OF RESPONSES</u>	94

<u>QUESTION 1. DO YOU AGREE OR DISAGREE WITH THE PROPOSED QUALIFICATION CRITERIA?</u>	94
<u>QUESTION 2 - DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR OFFERING CHOICE?</u>	95
<u>QUESTION 3 – DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR AFFORDING ADDITIONAL PREFERENCE TO PERSONS IN THE SPECIFIED CIRCUMSTANCES</u>	96
<u>QUESTION 4 – DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR PRIORITISING PEOPLE WAITING FOR AN ALLOCATION OF SOCIAL HOUSING?</u>	98
<u>OTHER COMMENTS</u>	99
<u>APPENDIX 1 – HALTON PUBLIC CONSULTATION SUMMARY</u>	101
<u>APPENDIX 2 – KNOWSLEY PUBLIC CONSULTATION SUMMARY</u>	106
<u>APPENDIX 3 – LIVERPOOL PUBLIC CONSULTATION SUMMARY</u>	112
<u>APPENDIX 4 – SEFTON PUBLIC CONSULTATION SUMMARY</u>	116
<u>APPENDIX 5 – WIRRAL PUBLIC CONSULTATION SUMMARY</u>	119
<u>LIVERPOOL CITY REGION COMBINED AUTHORITY AREA</u>	123
<u>ALLOCATION OF SOCIAL HOUSING POLICY EQUALITY IMPACT ASSESSMENT</u>	123
<u>3.1.1 Age</u>	124
<u>3.6.3 Wheelchair user standards</u>	125
<u>3.1.3 Gender</u>	126
<u>3.1.2 Ethnicity</u>	127

1.0 Overview

1.1.0 Introduction

- 1.1.1 Halton Borough Council (“**Halton**”), Knowsley Metropolitan Borough Council (“**Knowsley**”), Liverpool City Council (“**Liverpool**”), Sefton Metropolitan Borough Council (“**Sefton**”) and Wirral Metropolitan Borough Council (“**Wirral**”) are local housing authorities, which have chosen to operate a common housing allocation scheme, under the name Property Pool Plus.
- 1.1.2 There is a legal requirement for all English local housing authorities to have a scheme for the allocation of social rented housing, regardless of whether they own or manage any social rented housing. All local housing authorities which are members of the scheme previously undertook a voluntary transfer of their housing accommodation. Both Liverpool and Wirral have subsequently built a small number of new units and other participating local authorities may do the same in the future.
- 1.1.3 Throughout this Scheme, a reference to the “**Local Authority**” means all of those authorities and/or each relevant authority as appropriate.
- 1.1.4 The Local Authority’s housing allocations functions are regulated by the Local Government and Social Care Ombudsman.
- 1.1.5 This Scheme explains how people can apply for an allocation of social rented housing, how the Local Authority will allocate social rented housing and the extent of choice applicants will be offered.
- 1.1.6 The Local Authority is permitted to contract out the administration of specific public law housing allocation functions to a third party. Any such arrangements that might be in force are outside the scope of this Scheme. Where such arrangements have been established, any reference made in this Scheme to the Local Authority automatically extend to any third party appointed to undertake such administration.
- 1.1.7 The Local Authority will provide general information via the Property Pool Plus website about the social housing stock in its area. <https://www.propertypoolplus.org.uk>

1.2.0 Purpose of this Scheme

- 1.2.1 The Housing and Regeneration Act 2008 defines social housing as low-cost homes for rent and sale to people whose housing needs cannot be met by the general housing market. This Scheme shall demonstrate how the Local Authority will allocate social rented housing to:
- a. persons applying to become a social housing tenant; and
 - b. secure/assured tenants seeking to move to another dwelling house (“**Transfer Applicants**”), let under secure/assured tenancies.
- The Local Authority intends to allocate homes in a fair, transparent and effective way, that prioritises applicants who are most in need, is lawful and makes best use of the homes available.

- 1.2.2 This Scheme explains how priority between applicants will be determined and the arrangements for nominating applicants for homes owned by private registered providers of social housing (“**Registered Providers**”), who own and/or manage social rented housing in the Local Authority area.
- 1.2.3 A copy of this Scheme will be made available to any person who requests one. A summary is also available. A copy has been sent to the Regulator of Social Housing and the Local Government & Social Care Ombudsman.
- 1.2.4 This Scheme has been framed with consideration to the housing requirements of current and future potential tenants. Most applicants will be afforded choice in the lettings offered to them in that they will be able to express a preference of the available properties that meet their housing needs. Any issues of overcrowding and under-occupation will be fully taken account of when an allocation is made.

1.3.0 Principles of this Scheme

- 1.3.1 This Scheme has been formulated with regard to the law and regulatory requirements, including:
1. Housing Act 1985
 2. Housing Act 1996
 3. Homelessness Act 2002
 4. Homelessness Reduction Act 2020
 5. Housing and Regeneration Act 2008
 6. Localism Act 2011
 7. Armed Forces Act 2006
 8. Asylum and Immigration Act 1996
 9. Immigration and Asylum Act 1999
 10. Children Act 2004
 11. Equality Act 2010
 12. Data Protection Act 2018
 13. European Union (Withdrawal Agreement) Act 2020
 14. Statutory guidance:
 - a. Allocation of accommodation: guidance for local authorities, December 2020, updated September 2021
 - b. Providing social housing for local people, December 2013
 - c. Right to Move and social housing allocations, March 2015
 - d. Improving access to social housing for victims of domestic abuse, November 2018
 - e. Improving access to social housing for members of the Armed Forces, June 2020
 15. The regulatory standards for registered providers of social housing in England:
 - a. Tenancy Standard, published April 2012
- 1.3.2 Case law from the English and Welsh Courts has also been taken into consideration.

- 1.3.3 This Scheme only relates to the allocation of social rented housing in Halton, Knowsley, Liverpool, Sefton and Wirral, excluding extra care social rented housing (which will be subject to separate arrangements), but which extends to:
1. Affordable rent social housing.
 2. General needs social housing.
 3. Affordable rent supported housing.
 4. General needs supported housing.
- 1.3.4 For the purpose of this Scheme, an “**allocation**” is defined as occurring when the Local Authority select an applicant to be a secure or introductory tenant of social rented housing held by the Local Authority, or nominates a person to be an assured tenant (encompassing flexible and affordable tenancies) of social rented housing held by a Registered Provider, subject to certain exceptions.
- 1.3.5 Actual entry by an applicant into a tenancy agreement for a particular property is beyond the scope of this Scheme. The law and regulations instruct registered providers to publish rules and policies about how housing allocations will be made. Applicants should consult individual Registered Providers for their rules and policies concerning allocation of social rented housing. Copies of which are available from the Local Authority.
- 1.3.6 There are exceptions to the position set out above in 1.3.4 as detailed below. There will not have been an allocation in any of the following cases. The Local Authority and/or registered providers shall have their own rules and policies for these matters, which should be referenced for further details:
1. The granting of a tenancy that is not of the type specified in the legal definition of allocation, such as one without security of tenure (e.g. a ‘family intervention tenancy’, , temporary accommodation provided to homeless households that are owed a duty of assistance, etc).
 2. Granting a tenancy to a person who is currently and lawfully occupying a property held on a family intervention tenancy.
 3. The vesting (by succession) of a periodic secure or introductory tenancy on the death of the current tenant.
 4. The devolution of a fixed term secure tenancy on the death of a tenant.
 5. The assignment of a secure tenancy as part of a mutual exchange.
 6. The assignment of a secure or introductory tenancy to a person who would have been qualified to succeed to the tenancy on a tenant’s death.
 7. The vesting or disposal of a secure or introductory tenancy pursuant to a court order made under the following provisions of family law statutes:
 - a. section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings);
 - b. section 71 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce);
 - c. paragraph 1 of schedule 1 of the Children Act 1989 (orders for financial relief against parents); and
 - d. schedule 7, Part 2 of the Family Law Act 1996 (orders for moving a tenancy from an existing tenant to a new tenant).
 8. The vesting or disposal of a secure or introductory tenancy pursuant to an order made under Part 2 of schedule 5, or paragraph 9(2) or (3) of schedule 7, to the Civil

Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership).

9. A transfer initiated by a private registered provider of social housing of a secure or introductory tenancy (i.e. not initiated by an application for a transfer by the tenant).
10. A tenancy being granted as part of a surrender and re-grant where two social housing tenants wish to exchange their homes and one tenant holds a flexible tenancy or an assured shorthold tenancy.
11. Where a tenant has been displaced from previous accommodation and has been provided with suitable alternative accommodation under the Land Compensation Act 1973.
12. The granting of a secure tenancy to a former owner-occupier or statutory tenant of a defective dwelling house acquired by the Local Authority.
13. The granting of a secure tenancy to a person who is already a secure tenant or an assured tenant of a private registered provider of social housing unless the person applies for a transfer and is entitled to a statutory reasonable preference.

1.3.7 When drawing up this Scheme, the Local Authority has consulted with the Liverpool City Region Combined Authority, along with the following bodies and person located within the Liverpool City Region; local housing authorities, registered providers (who hold stock in the Liverpool City Region), public authorities, voluntary organisations, and other persons, plus previous, current and future potential tenants. Regard was had to the current:

1. *Halton Homelessness Strategy*
2. *Knowsley Homelessness Strategy*
3. *Liverpool Homelessness Strategy*
4. *Sefton Homelessness Strategy*
5. *Wirral Homelessness Strategy*
6. *Liverpool City Region Tenancy Strategy 2021-26*

1.3.8 The Local Authority will take such steps as it considers reasonable (e.g. by making contact via email, telephone, or letter, or by placing a notification on the Property Pool Plus Website or the Local Authority website, or via another suitable form of communication), within a reasonable period of time, to bring to the attention of those likely to be affected by it:

- a. any alterations made to this Scheme,
- b. any subsequent alteration to this Scheme that would affect the relative priority of a large number of applicants; and
- c. any significant alteration to any associated procedures for administering this Scheme.

1.3.9 Elected Councillors of the Local Authority are prohibited from making decisions about any individual allocation pertaining to any accommodation situated in their electoral ward area or any person who is resident in their electoral ward area. Elected Councillors may seek to obtain general information about the allocation of housing, can represent their constituents and discuss their cases with Property Pool Plus administrators. Elected Councillors should participate in making decisions about the overall content of this Scheme. Elected Councillors should consider whether the Local Authority's Code of Conduct requires them to declare an interest before participating in such deliberations. If in any doubt, the advice of the Local Authority's Monitoring Officer should be obtained. The Local Authority arranges for Elected Councillors to be provided with suitable training in these matters.

- 1.3.10 Copies of this Scheme are made available by the Local Authority to any person who requests one. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. People will be informed about their rights to information, advice and assistance concerning Property Pool Plus. For further information, see section 2 of these rules and procedures.
- 1.3.11 People will not be able to join Property Pool Plus if they are either not eligible for an allocation of social housing or match the disqualification criterion set out in this Scheme. For further information, see section 3 of this Scheme.
- 1.3.12 Applicants will be prioritised for an allocation by Band, then the date they were placed in the current band they have been afforded, then whether they are making a community contribution. For further information, see section 4 of this Scheme.
- 1.3.13 Applicants will be allowed to express a preference for the homes available to let. This will be subject to certain limitations. Applicants will be penalised for refusing reasonable offers. For further information, see section 5 of this Scheme.

1.4.0 Consultation

- 1.4.1 The Local Authority carried out consultation on how it intends to prioritise the allocation of social rented housing. Applicants who were members of Property Pool Plus and other people, such as advocates for people from all of the protected characteristics groups, as the Local Authority deemed appropriate, were consulted before finalising this Scheme.
- 1.4.2 The Local Authority has published a report on the consultation of this Scheme, on the outcomes of the consultation and changes that have been made to the Property Pool Plus.
- 1.4.3 A variety of consultation methods, such as focus groups and online surveys, were used to solicit opinions. The Local Authority has taken account of the needs of specific groups, such as persons with a disability, or learning and support need. An Equality Impact Assessment has been completed in conjunction with adopting this Scheme.
- 1.4.4 This Scheme will be reviewed by the Local Authority at least every two years (and more often if required, for example due to legislative or regulatory changes) in conjunction with applicants and other appropriate persons or organisations.
- 1.4.5 Any major changes to this Scheme that will affect the relative priority of a large number of people have been communicated in writing (using email, letter or notification via the Property Pool Plus website) to potential applicants that might be affected.

2.0 Information, Applications and Decision-Making

2.1.0 Information

- 2.1.1 The Local Authority will provide a summary of this Scheme free to any person who asks for one. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. The whole of this Scheme will be kept available for inspection by any person at the principal offices of the Local Authority. The Local Authority will provide a copy to anyone who asks for one. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. The Local Authority will also publish this Scheme on its websites, including the Property Pool Plus website. The Local Authority will provide, information via the Property Pool Plus website, about:
1. The rules associated with initial consideration of an applicant's application, plus the treatment of any nomination made by the Local Authority for social rented housing to a Registered Provider.
 2. Potential stock availability.
 3. Eligibility, qualification and prioritisation criterion for joining Property Pool Plus and being offered a nomination of social rented housing.
- 2.1.2 The Local Authority will provide general information via the Property Pool Plus website about the social housing stock in its area. <https://www.propertypoolplus.org.uk>
- 2.1.3 The Local Authority will provide the following information via the Property Pool Plus website for any given dwelling, wherever it is made available by the Local Authority or registered providers:
1. Type (e.g. house, flat, bungalow, etc), size (e.g. number of bedrooms, bathrooms, etc) and location (e.g. by electoral ward).
 2. Whether it is already accessible for people with disabilities or could be adapted to be so.
 3. Whether there is access to a shared or private garden.
 4. How old it is.
 5. An indication of how frequently it is likely to become available.
 6. An indication of the cost of running it.
- 2.1.4 The Local Authority will consider requests for information in translated and alternative formats (e.g. Braille, large print, audio etc) and provide materials as relevant. The special needs of specific groups of prospective applicants (e.g. the housebound, prisoners, gypsies and travellers, etc), will be taken account of when making any arrangement to access and provide information and advice. Information will be made available using a variety of media, including printed hard copy form, on the website of the Local Authority and the Property Pool Plus website and via the telephone.
- 2.1.5 The Local Authority will provide any person who requests it with information (e.g. in a suitable written format) and advice (e.g. via the phone or in person) about their rights to make an application for an allocation of social rented housing. Furthermore, the Local Authority will freely help any person who is likely to have difficulty in making an application to join Property Pool Plus. This assistance will include (this list is not intended to be exhaustive):

1. Completing any form that might exist
2. Explain what evidence might be required for the Local Authority determine any eligibility and qualification criterion that might be in force and help collect this evidence for assessment
3. Explain what evidence might be required to determine the degree of priority for when allocations are made and help collect this evidence for assessment
4. Explain what evidence might be required to help determine the type of property should be allocated and help collect this evidence for assessment

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

1. How their application is likely to be treated.
2. Whether or not they have been accepted as being eligible for an allocation or any reasons for being determined as ineligible
3. Whether or not they qualify to join Property Pool Plus and the reasons for being disqualified.
4. The property size they are eligible for.
5. The method that will be used in assessing their needs.
6. The number of other applicants on the register.
7. An assessment of the likely time that they will have to wait to receive an offer by reference to average waiting time or the number of allocations of similar properties, based on data available for the most recent data available.
8. Any facts about the applicant's case which have been or will be taken account of when making decisions.
9. The right to request a review of any decision that they are not eligible and/or do not qualify to join the Property Pool Plus or concerning an allocation or nomination of social rented housing.
10. Any review decision, along with the grounds for that decision in a written acknowledgement.
11. The right to seek a judicial review on any point of law where this Procedure (or the administration of it) is irrational, illegal, or fails to follow public law procedural requirements.

2.1.7 The Local Authority will advise either orally or in writing all persons that equalities information will be collected, to enable a better understanding of peoples' housing needs and to ensure that no one is discriminated against as a result of the way this Scheme has been framed, or during the administration of it. People will be informed either orally or in writing as to how such data will be used, handled, and stored.

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

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

2.2.0 Applications

2.2.1 Each applicant will be provided with a user account that they will be able to securely log into via the Scheme website. The Local Authority will primarily communicate with applicants via their user account, to include but not limited to, for example, to provide them with information and advice, give assistance, issue warnings about fraud, seek further evidence or clarify matters relating to evidence already submitted, make notifications as whether someone is eligible and qualifies to join the Scheme, confirm whether an applicant wish to accept an offer of an allocation and other matters relating to their application. Whenever necessary, the Local Authority will also communicate with applicants via other means, such as email, telephone/videotelephone, letter/leaflet or in-person, etc, such as when they are having difficulty using their Scheme user account, this includes where a person with a protected characteristic, needs or asks for an alternative.

2.2.2 All applications must be made using the prescribed online form published by the Local Authority. Whenever necessary, the Local Authority will also arrange for applications to be completed by other means, such as when an applicant is having difficulty completing the prescribed online form, this includes where a person with a protected characteristic, needs or asks for an alternative. Copies can be accessed from the Property Pool Plus website. Applications can only be made by a sole individual, all other persons who might presently live with the applicant can feature as usual household members. Applications are welcomed from persons who live at two separate addresses, but who wish to live together at one single address, one person will have to feature as the applicant (although an applicant together with one or more other persons can enter into a joint tenancy with a registered provider, subject to such an organisation's acquiescence), with the other person(s) featuring as usual a household member. Anyone who might usually reside with an applicant, or who might reasonably be expected to reside with an applicant, can feature as part of the application. A usual household member is a person who primarily (for at least 50% of a reasonable period of time, e.g. week, month) or exclusively lives with an applicant. People who usually live with the applicant but are temporarily absent due to circumstances beyond their control (e.g. care of a local authority, hospital, armed forces, etc), are also considered a usual household member.

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

1. Passport, to help determine eligibility to rent social housing in England.
2. A utility or Council Tax bill from the past three months, to help determine eligibility to rent social housing in England.

3. Birth certificate, to help determine qualification to join the Property Pool Plus.
4. Details of any relevant unspent convictions (see section 3.2.4), to help determine qualification to join Property Pool Plus.
5. All financial records from the past three months relating to income and savings, to help determine qualification to join Property Pool Plus,
6. All legal records relating to property ownership to help determine qualification to join Property Pool Plus.
7. Any other information that helps to determine eligibility to rent social housing in England and/or qualification to join Property Pool Plus.

2.2.4 The Local Authority will receive applications from any person, regardless of where they currently reside, and this extends to persons of no fixed abode. All applicants will be required to renew their application annually, from the anniversary of being accepted to join Property Pool Plus. Failure to renew an application will result in an application being closed and membership of Property Pool Plus being discontinued. Applicants will be reminded via notification issued on the Property Pool Plus website, or email or letter and will have 28 days from receipt of this information to comply with the renewal request. If an applicant fails to comply with the renewal request within the allotted timeframe, further contact, using the same methods described above, will be made and they will be afforded a further 28 days to renew their application, Failure to comply during the second 28-day period will result in an applicant being removed from Property Pool Plus.

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

2.2.6 The Local Authority will provide every applicant with information and advice (in writing or orally, electronically or in person) about their rights to make an application for an allocation of social rented housing. Furthermore, assistance (such as explain the steps for making and determining an application, collecting evidence to determine eligibility and qualification for an allocation, the degree of choice they are entitled to and how applicants are prioritised for an allocation) will be provided free of charge to any person who is likely to have difficulty in making an application (e.g. due to mental or physical impairment, or because of any other special characteristic) to join Property Pool Plus. This assistance will be extended to those who might require help to express a preference for an available property to let. The Local Authority is subject to the Equality Act 2010 which has been duly considered when formulating this Procedure (and any associated rules, procedures, policies and processes). A separate *Equality Impact Assessment* has been completed and copies can be requested from the Local Authority or downloaded from the Property Pool Plus website. The *Equality Impact Assessment* has identified any potential impact on people with a protected characteristic, showing these as positive, negative or negligible, plus includes actions to mitigate any such negative impacts. This Scheme aligns with the Local Authority's *Strategic Equalities Plan*. To ensure compliance with public sector equality duties, the following arrangements will be made by the Local Authority and/or Registered Providers for each individual applicant and property:

1. A mechanism (e.g. assistance provided via the Property Pool Plus website, phone, or in person) for providing support in making applications.
2. A mechanism (e.g. a specific question on the online application) to identify the requirements of disabled applicants.
3. Informing an applicant of a property's accessible features (e.g. via the Property Pool Plus website, or by email or letter, on the phone or in person) or by any other necessary means) Whenever properties with accessible features are advertised via the Scheme website, they will be marked as such.
4. A mechanism (e.g. at the stage of offer or nomination from the Local Authority to a registered provider) to allow a request for extra time, for disabled applicants if they need it to accept an offer.

2.2.7 The Local Authority will process applications this will involve a preliminary assessment. Firstly, consideration will be given to whether the applicant is eligible for social rented housing in accordance with the law. It will then be determined if an applicant qualifies to join Property Pool Plus under the terms of this Scheme. For further information on eligibility and qualification, please see section 3 of this Scheme. Detailed scrutiny will take place when an applicant is due to be allocated or nominated for a particular property, to determine whether the applicant:

1. Is still eligible.
2. Is still a qualifying person.
3. Meets any specific lettings criteria for the particular property (e.g. due to a Local Lettings Scheme being in force (see section 4.3.0 for further details), or the having accessible features suitable for a person with a disability).
4. Has a household size that matches any size criteria for the property.

2.2.8 The Local Authority will process applications within a reasonable period of time (relative the particulars of any given application) after all documentation has been received. Upon receipt of an application, the Local Authority will inform the applicant of its complaints procedure and how they may seek the help of the Local Government & Social Care Ombudsman. Complaints can be made by:

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

2.2.9 The Local Authority will accept applications from its current tenants of that of registered providers, for transfers ("**Transfer Applicants**") to alternative social rented housing available in Halton, Knowsley, Liverpool, Sefton and Wirral. Such applicants have the right to:

1. Make applications.
2. Have their applications considered.
3. Be notified as to their rights to information and review.
4. Confidentiality of the fact of their application.

2.2.10 The Local Authority will initially treat Transfer Applicants in the same way as all other applicants, except that there will no inquiries made about eligibility. This is because the law dictates that all current tenants of social housing are eligible for a further allocation of social housing accommodation regardless of their immigration or habitual residence status. Transfer Applicants will be prioritised in the same way as new applicants (e.g. by housing need and then date of banding, then community contribution). Transfer Applicants will not

be offered an allocation that would result in them under-occupying the dwelling (against the definition used by the Department of Work Pensions to determine claims for help with housing costs), being overcrowded by the Bedroom Standard or being unable to afford any possible rental or service charges at the date an allocation or nomination is made. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment completed at the same time an offer is made, but prior to a letting being agreed. Transfer Applicants will be required to satisfy the qualification criterion set out in this Scheme.

2.2.11 The Local Authority will handle applications as per the provisions contained in this Scheme. Any application which gives the Local Authority a reason to believe a person may be homeless or threatened with homelessness, will trigger inquiries as to what duty of assistance, if any is owed under Housing Act 1996, Part 7 (as amended). Such inquiries and any subsequent assistance a person might be entitled to are outside the scope of this Scheme. The Local Authority has separate arrangements in force to administer public law homelessness duties. Contact details for which are as follows:

Local Authority	Homelessness Service Contact Number	Email Address
Halton	0151 511 7979	Housing.solutionsteam@halton.gov.uk
Knowsley	0151 443 2333	housingsolutions@knowsley.gov.uk
Liverpool	0151 233 3044	HousingOptionsService@liverpool.gov.uk
Sefton	0151 934 3541	Housing.Options@sefton.gov.uk
Wirral	0151 666 5511	housingoptions@wirral.gov.uk

2.2.12 Specific procedures have been published for administering the following matters and are available as the following Appendices:

1. Appendix 1 – Initial Enquiries Procedure
2. Appendix 2 – Application Procedure
3. Appendix 3 – Discretion Procedure
4. Appendix 4 – Request a Review Procedure
5. Appendix 5 – Advertising Options (Overcrowding) Procedure

2.2.13 Decisions about whether an applicant is eligible for an allocation of social rented housing and qualifies to join Property Pool Plus will be made in strict accordance with the rules established by this Scheme. Reviews will be carried out in strict accordance with the rules established by this Scheme. The discretionary power (available in Appendix 3) to allow an applicant to be treated as qualified to join Property Pool Plus outside the criteria set out below and/or prioritise them for an allocation or nomination of social rented housing is limited to a designated senior officer with responsibility for administering housing allocation functions for the Local Authority. The aforementioned senior employee(s) will be responsible for minimising the risk of employee fraud and errors, including the vetting of junior employees and randomly checking and validating decisions on applications. Consideration of an application will be based on the information provided on the application form, plus any evidence supplied by an applicant (e.g. proofs of identify, etc), or information gained from public bodies (e.g. prisons, young offender institutes, secure training centres, secure colleges, youth offending teams, probation services, DWP/Jobcentre Plus, social services authorities (adult social services and child social care), NHS Trusts and NHS

Foundation Trusts, Ministry of Defence, general medical practitioners, schools, police, etc) Registered Providers, voluntary organisations and any other persons or organisation that might be able to provide or verify evidence relevant to a person's application).

- 2.2.14 Unsuccessful applicants, who have been declared not eligible for an allocation of social rented housing or disqualified from joining Property Pool Plus, will be informed that they can make a further application whenever they believe there has been a material change to their circumstances. They will also be informed of their right to a review (see Appendix 4).
- 2.2.15 Upon initially receiving an application, the Local Authority will, under the application procedure set out in Appendix 2:
1. Confirm accuracy of all information provided by an Applicant. Where information is inaccurate or missing, the Local Authority will contact the applicant notifying them of this and requesting that they provide further relevant information. Where information requires verifying by a third party (e.g. housing, health, social care or other professional), the Local Authority will contact the relevant party and seek their opinion about the applicant's circumstances at the date of their application and how this affects their housing needs.
 2. Confirm whether an applicant is eligible for an allocation of social rented housing, in accordance with the criteria set out in section 3.1.0.
 3. Confirm whether an applicant is qualifying or is disqualified for an allocation of social rented housing, in accordance with the criteria set out in section 3.2.0:
 - i. If the applicant has applied on the grounds of being homeless or owed a homelessness duty, ascertain whether or not the applicant has already made an application of homelessness assistance.
 1. If yes, subject to the applicant's acquiescence, access the Local Authority's homelessness database for information relevant to the applicant's application for an allocation of social rented housing.
 2. If no, subject to the applicant's acquiescence, arrange for the applicant to make an application for homelessness assistance and share any information from the applicant's application for an allocation of social rented housing that might be relevant to their application for homelessness assistance.
 - ii. If an applicant has applied on the grounds that their existing accommodation is overcrowded, follow the steps set out in Appendix 5, section 2.1.0.
 4. Confirm an applicant's priority for an allocation of social rented housing, in accordance with the criteria set out in section 4.2.0.
 5. Confirm the best interests of any children that might need to be taken account of, in accordance with the arrangements set out in section 4.5.0.
 6. Confirm whether an applicant's circumstances warrant any discretion needing to be exercised, in accordance with the arrangements set out in section 4.6.0.
 7. Confirm the degree of choice an applicant is entitled to express, in accordance with the arrangements set out in section 5.1.0.
 8. Confirm what would constitute a reasonable offer of accommodation, in accordance with the criteria set out in section 5.16.

- i. Affordability will be determined in accordance with the criteria set out in Appendix 1.
- ii. Bedroom entitlement will be determined in accordance with the criteria set out in Appendix 2, section 2.2.0.

2.2.16 Subsequent to completing the set-out section 2.214, the Local Authority will inform an applicant:

1. Whether they are or are not eligible for an allocation of social rented housing and of their right to request a review of this decision, in accordance with section 2.4.0.
2. Whether they are qualifying or disqualified from joining the Scheme and of their right to request a review of this decision, in accordance with section 2.4.0.
3. The priority they have been afforded (e.g. the Band they have been placed in) for an allocation of social rented housing and of their right to request a review of this decision, in accordance with section 2.4.0.
4. That the best interests of any children will be taken account of, including any necessity to contact children social services as part of this.
5. Whether or not their circumstances warrant any discretion needing to be exercised.
6. The degree of choice they will be entitled to express.
7. The extent of their household and the type of social rented housing they will be considered for and of their right to request a review of this decision, in accordance with section 2.4.0

2.2.17 Applicants that are eligible and qualify to join Property Pool Plus, shall join the Scheme in accordance with the date their application was first received by the Local Authority.

2.2.18 The above steps will be repeated whenever the applicant notifies the Local Authority of a change of circumstances and also at the point the Local Authority will make an offer or a nomination of social rented housing to an applicant.

2.3.0 Decision-Making

2.3.1 Decisions on applications will be notified in writing (either in the form of an email or a letter when the applicant has not supplied an email address, via notification on the Property Pool website), regardless of whether they are adverse or successful. Where the notification confirms a successful decision, applicants will also be told when realistically they might be offered a letting of social rented housing.

2.3.2 Where the notification confirms a decision that an applicant is ineligible for an allocation of social rented housing or disqualified from joining Property Pool Plus, the applicant will be given reasons for the decision based on the relevant facts of the case. Additional arrangements will be made for applicants who might have difficulty understanding the implications of the decision to be informed orally (e.g. via a telephone call or in person). Copies of all adverse decisions can be made available for a reasonable period of time for collection by the applicants, or by someone on their behalf (with consent), when an applicant has not provided either an email address or postal address.

2.3.3 Decisions about applications made by employees of the Local Authority, will be made as per the rules set out in this Scheme. However, all such decisions will be verified via a series of random checks by a designated senior officer with responsibility for administering

housing allocation functions for the Local Authority. Applicants will be asked at the point of making an application, whether they (or anyone who lives with them or might reasonably be expected to live with them) are an employee of the Local Authority. Where a person affirms on their application that they (or a usual household member), is an employee of the Local Authority, they will be notified of the process to deal with any conflicts of interest which will involve a senior officer processing the application and ensuring that it is dealt with impartially without any reference to the relevant employee. The same principle will be applied to relatives of persons who are employed by the Local Authority.

2.4.0 Reviews

- 2.4.1 Applicants will be informed of their right to request a review, (as set out in Appendix 4) within 21 calendar days of receiving a decision about their housing application, of any of the decisions shown below:
1. That an applicant is not eligible for an allocation of social rented housing, due to being subject to immigration control or being an ineligible person from abroad.
 2. That an applicant is not within a class of persons qualifying to join the Property Pool Plus.
 3. The degree of preference they have been afforded under Property Pool Plus, including any changes made to the degree of preference they are entitled to.
 4. The facts of their case which are likely to be, or have been, taken account of when deciding whether to make a nomination to a registered provider, including their medical condition or other welfare needs.
 5. The type of social rented housing for which an applicant will be considered under Property Pool Plus.
 6. The extent of an applicant's household.
 7. Whether a nomination constitutes a final offer with the terms of this Scheme.
- 2.4.2 Following the review, where a higher priority band is awarded at stage 1 or 2 of the appeals process as a result of information previously considered as part of an earlier banding decision, or as a result of further information relating to the same set of circumstances previously considered, the Band Effective date in the higher band will be the same as that which had been awarded in the lower priority band. If a priority has been refused previously, but subsequently awarded at Stage 1 or 2 of the appeals process then the Band Effective date will be the date the original decision was made.
- 2.4.3 If at stage 1 or 2 of the appeals process new information is considered as a result of a change in the applicant's circumstances resulting in a change in the priority band, the Band effective date will be the date the appeal is considered
- 2.4.4 Applicants will be informed of their right to pursue a judicial review, where they believe there is evidence that a decision is irrational, illegal or fails to follow public law procedural requirements. This includes a refusal to take an application to join Property Pool Plus. If applicants are dissatisfied with how their application and any subsequent complaint has been handled by the Local Authority, they will be informed of their right to make a claim of maladministration to the Local Government & Social Care Ombudsman (see 2.2.8).

3.0 Eligibility and Qualification

3.1.0 Eligibility

3.1.1 The following classes of persons, subject to the satisfying a habitual residency test (see section 3.1.6), will be eligible to join Property Pool Plus:

1. British citizens (constituting the nations of England, Scotland and Wales).
2. Commonwealth citizens with a right of abode in the UK immediately before 01 January 1983 who have remained commonwealth citizens throughout (excluding non-British citizens from Pakistan and South Africa, but inclusive of citizens from Gambia and Zimbabwe).
3. Irish citizens (constituting the nations of Northern Ireland and Republic of Ireland)
4. EEA Nationals (other than those from Ireland) and their family members, who
 - a. have acquired limited leave to enter and remain in the UK
 - b. were frontier working before 31 December 2020, or
 - c. are lawfully residing in the UK by 31 December 2020, but still have to apply to, or acquire status under the EU Settlement Scheme before the deadline of 30 June 2021, and are covered by the “Grace Period statutory instrument”
5. Persons exempt from immigration control (e.g. diplomats and their family members based in the UK and some military personnel).
6. Persons granted refugee status by the UK Government.
7. Persons granted exceptional or limited leave to enter or remain in the UK with condition that they and any dependents have resource to public funds (e.g. humanitarian or compassionate circumstances).
8. Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in the UK, The Channel Islands, the Isle of Man or the Republic of Ireland (defined as the Common Travel Area) (a person whose maintenance and accommodation is being sponsored must be resident in the Common Travel Area for five years since date of entry or date of sponsorship, unless the sponsor has died).
9. Persons who have humanitarian protection granted under the Immigration Rules (e.g. a person whose asylum application has failed, but they face real risk of harm if they returned to their state of origin).
10. Persons who are Afghan citizens with limited leave to enter or remain in the United Kingdom, who are habitually resident in the Common Travel Area.
11. Persons who are habitually resident in the Common Travel Area, who has Calais leave to remain under the Immigration Rules
12. Persons who are habitually resident in the Common Travel Area and who have been granted leave to remain as a stateless person under Immigration Act 1971
13. Persons who have limited leave to enter and remain in the UK as the family member of a ‘relevant person of Northern Ireland by virtue of the Immigration Rules.

3.1.2 EEA Nationals means nationals of any of the EU member states, and national of Iceland, Norway, Liechtenstein and Switzerland.

3.1.3 The following people will not be eligible to join the Property Pool Plus:

1. Persons not habitually resident in the Common Travel Area (see section 3.1.1 subsection 8 for definition):
2. EEA nationals whose only right to reside in the UK is:
 - a. Derived from their status as a jobseeker (or their status as a family member of a jobseeker)
 - b. An initial right of residence for 3 months.
 - c. Derivative right of residence because the person is the primary carer of a British citizen.
 - d. Right to reside as a result of the persons deportation, expulsion or other removal by compulsion of law from another country to the UK (including EEA nationals exercising EU Treaty rights, who were previously settled in the UK prior to deportation).
3. Persons whose only right to reside in the UK is an initial right for no more than 3 months, including those who would become an unreasonable burden on the social assistance system of the UK.
4. Persons who are excluded by section 115 of the Immigration and Asylum Act 1999 to entitlement to universal credit under Part 1 of the Welfare Reform Act 2012 or to housing benefit.

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

3.1.5 Eligibility provisions do not apply to applicants who are already secure, introductory, or assured tenants of the Local Authority or a registered provider seeking to transfer.

3.1.6 Confirmation of immigration status of an applicant from abroad will be obtained, where necessary, from the Home Office by emailing EvidenceandEnquiry@homeoffice.gsi.gov.uk

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

1. The degree of permanence in the person's residence in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man or the Channel Islands.
2. The association between a person and their place of residence.
3. Why a person has come to live in the UK
4. Whether a person is joining family or friends in the UK
5. Whether a person has accumulated a continuous period of residence prior to making their application.
6. The length of residence in another country
7. Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded.
8. A person's future intentions, employment prospects and centre of interest

9. Exemptions from the habitual residence test include EEA nationals and their family members who are workers or self-employed, or have certain permanent rights of residence, or have been removed from another country to the UK.

- 3.1.8 Persons who are subject to immigration control or are an ineligible person from abroad, will not be eligible for an allocation of social rented housing.
- 3.1.9 The Local Authority will carry out appropriate checks on an applicant's eligibility to be allocated social rented housing, but will ensure these checks are not discriminatory on the basis of race, nationality, ethnic origin, or any other protected characteristic as defined by the Equality Act 2010. The Local Authority will monitor performance in screening housing applications for immigration status to ensure that members of ethnic minorities, who are eligible for an allocation of social rented housing, do not experience unreasonably long delays while their application is being considered. Where there is any uncertainty about an applicant's immigration status, the Local Authority shall contact the Home Office. Before doing so, applicants will be advised that such inquiries will be made in order to comply with data protection legislation. The Local Authority or its administering partner will train its employees about housing allocation law and practice and the duties and responsibilities under the Equality Act 2010. The Local Authority shall ensure that language and interpretation support is available for applicants who have difficulty reading or speaking English.
- 3.1.10 The Local Authority is not subject to the duty arising from the Immigration Act 2014, part 3, chapter 1, to carry-out a 'right to rent' check on each letting. The Local Authority will only perform checks on the eligibility of any applicant, as per sections 3.1.1 – 3.1.9 of this Scheme.

3.2.0 Qualification

- 3.2.1 The following rules which are equally applicable to new applicants and Transfer Applicants, explains those applicants who are disqualified from joining this Scheme.
- 3.2.2 Participants of the Liverpool City Region Combined Authority Housing First Pilot are exempt from this qualification criterion, with the exception of section 3.2.4.
- 3.2.3. An applicant who has been allocated social rented housing via this Scheme within the 12 months preceding a new application, and whose accommodation remains suitable.
- 3.2.4 An applicant that is incapable of holding a tenancy agreement, which extends to:
 1. Persons defined as a child in English and Welsh law (anyone aged 0 - 17 inclusive). An exemption will apply to an applicant who is a child aged 16 or 17, (who may or may not also feature another person(s) aged 16 or 17 as a usual household member(s)), where a tenancy can be granted to a third party (e.g. an adult relative or social worker, etc), 'a trustee', and held on trust for the child until they reach the age of 18 years. An exemption will also apply of if there is a person aged 18 years or over who willing to enter into a joint tenancy agreement with a child.
 2. Persons defined as a child in need as a result of a statutory assessment carried out in accordance with Children Act 1989, section 17. When making decisions about the qualification of a child aged 16/17 or an adult (a person aged 18 years and over) who is

leaving the care of the Local Authority, full regard will be made to any protocol agreed between the Local Authority's children services and housing services for rehousing care leavers. Former care leavers aged 18 years or older fall outside the scope of this section, determination as to whether they qualify will be based on any or all relevant factors in the entirety of section 3.2.0

3. Persons lacking mental capacity as defined in the Mental Capacity Act 2005.

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

1. Having an unspent conviction of a serious offence, committed in the locality of their property, against a person with a right to reside or occupy or accommodation.
2. Having an unspent conviction of a serious offence, committed elsewhere against the Local Authority or a Registered Provider or agents acting on their behalf, which directly or indirectly was related or affected carrying out housing management functions
3. Perpetrators of domestic abuse who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order, which is in force at the date an application is being determined.
4. Having an unspent conviction at the date an application is being determined for a serious offence as defined by the Serious Crime Act 2007, Part 1, Schedule 1, committed in the locality of a property against another person or the Local Authority or a Registered Provider.
5. Breaching a provision of an injunction under section 1, conviction under section 30, or an order made under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which occurred in the locality of a specified property or elsewhere which caused nuisance, annoyance, harassment, alarm or distress to a person in the locality or the Local Authority or a Registered Provider, or resulted in access to property that has been prohibited under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014, for a continuous period of more than 48 hours.
6. Having an unspent conviction for an offence under section 80(4) or 82(8) Environmental Protection Act 1990, concerning noise from a property which was a statutory nuisance as per section 79(1), Part 3 of the Environmental Protection Act 1990.
7. Having an unspent conviction for an offence under the Fraud Act 2006, Forgery and Counterfeiting Act 1981 or Social Housing Fraud Act 2013, involving withholding, falsifying or misrepresenting any information to access to be allocated social rented housing or sub-letting of social housing by current tenants.

8. Within the past [timescale to be determined, e.g. 12-months], having committed any other behaviour that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A. This includes an applicant being responsible for:
 - a. Causing nuisance or annoyance to other; people living, visiting or carrying out lawful activities in the locality of their home, and/or employees of the Local Authority, or people employed by other organisations, to carry out housing management functions, for the Local Authority
 - b. Causing an offence, or another adult residing with them, for which they were convicted for, which took place during and at the scene of a riot in the UK.
 - c. Causing violence or threats of violence towards another person or their family members, who were living at the same property as the applicant, which resulted in them leaving and being unlikely to return the property.
 - d. Allowing acts of waste or neglect of their property or common parts of a building in which their property is situated or failing to take reasonable steps to stop any person residing with them to cause acts of waste or neglect to the property.
 - e. Allowing furniture, provided by a landlord for use as part of their tenancy, or for use in common parts, to deteriorate due to ill-treatment, and in a circumstance where a lodger has caused the ill-treatment, not taking reasonable steps to evict that lodger.
 - f. Being granted a tenancy as a result of deliberately and rashly making a false statement, made by themselves or another person at their prompting.

3.2.6 An applicant or a member of their household who has outstanding liabilities (such as rent or service charge arrears, or recharges) attributable to a tenancy which are more than 1/12th of the annual amount payable (or which was payable) by an applicant to a landlord in respect of a tenancy. When determining a realistic repayment agreement, there will be an emphasis on an applicant's willingness to address the debt and to come to an agreement to do so. Any agreement will be based on the affordability of an applicant, rather than the level of debt. Efforts will be made to take into consideration why the arrears have arisen. The urgency of an applicant's housing need will also be of paramount importance. For the purpose of this Procedure, outstanding rent arrears or debts which fall within the following categories will be disregarded:

1. Any outstanding liability (such as rent arrears) attributable to a tenancy of which the applicant (or a member of their household) is not, and was not when the liability accrued, the tenant.
2. Any rent or other liability which is outstanding, but where the amount outstanding is less than 1/12th of the annual amount payable (or which was payable) to a landlord in respect of a tenancy, or the applicant has both (i) agreed payments with a landlord for paying the outstanding liability, and (ii) made payments in line with that arrangement for at least three months and is continuing to make such payments.
3. Any outstanding liability of an applicant or anyone who will live with them, which does not relate to the tenancy of a property.
4. Any outstanding liability that has been declared unenforceable or statute barred (e.g. any debts that can no longer be recovered through court action). For rent arrears this will be after six years. (Debts which are subject to court action before the unenforceable period begins, will not become statute barred).

- 3.2.7 An applicant, or a member of their household who have been found to have breached any of the following tenancy conditions, within the past 12-months, regardless of tenure:
1. Sub-letting part or whole of the property without permission.
 2. Purposely failing to report repairs.
 3. Failing to allow contractors to enter the property to carry out maintenance.
 4. Running a business from the property without permission from the landlord.
 5. Having an unspent conviction for using or allowing their property to be used for illegal or immoral purposes.

- 3.2.8 An applicant who does not have a minimum of two years continuous connection to the Scheme area, due to any of the following factors (disregards apply to applicants who are entitled to be afforded a reasonable preference for an allocation of social rented housing as defined in law, including persons who are survivors of domestic abuse and Armed Forces personnel, see sections 3.2.13 and 3.2.14):

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

Exemptions to residence conditions will apply to:

1. homeless households and care leavers owed a duty by the Local Authority placed outside the local authority area, including care leavers placed outside the area.

An applicant will only be awarded the highest band for the Local Authority Scheme area they have local connection to. Every other scheme area will be Band C.

2. Employment – a connection established by employment (including an apprenticeship) will be limited to the usual place of work Any work that is short-term (e.g. a contract of employment is less than 12 months), marginal (e.g. less than 16 hours per week and earnings allow for claiming Universal Credit or entitlement to Working Tax Credits), ancillary (e.g. occasional (even regularly) work that is undertaken in the Local Authority area, but the main place of work is outside the Local Authority area) or voluntary (e.g. where no payment is received, or payment is made only for expenses) will not be taken account of. An exemption will apply for applicants who need to move to take-up an offer of work. When deciding whether to apply an exemption, the Local Authority will consider evidence (the following list is not exhaustive, and the Local Authority will consider any other appropriate factors and local circumstances):
 1. The distance and/or time taken to travel between work and home.
 2. The availability and affordability of transport, taking account the level of earnings.
 3. The nature of the work and whether similar opportunities are available closer to home.

4. Other personal factors, such as medical conditions and childcare, which would be affected if a move could not take place.
 5. The length of the work contract.
 6. Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, such as taking a better job, a promotion, or an apprenticeship.
 7. In circumstances where a job is being offered, and there is a need to move to take it up, and their intention to take up an offer of employment.
 8. Verification of employment, or an offer of employment, and acceptance of it from the employer, such as:
 - i. a contract of employment,
 - ii. wages/salary slips or bank statements in cases of zero hours contracts,
 - iii. proof of receipt of tax and benefit information,
 - iv. a formal offer letter.
3. Family associations – a connection established by family relationships will be limited to near relatives (e.g. parents/other guardians, siblings, adult children where there is sufficiently close links in the form of frequent contact) and their residence being within the Local Authority for a minimum period of five years. Applicants who can prove they have a continuing caring responsibility for someone who is resident in the Local Authority area, and that this care could not be provided unless they were resident in the region, will be exempt from local connection requirements.
 4. Other special reason – persons who need to be near special medical or support services which are only available in the Local Authority area will be exempt from local connection requirements.
 5. Care leavers – persons aged 18-21 or 25 if they are pursuing a programme of education agreed in their pathway plan, who are owed a duty under Children Act 1989, section 23C, by the Local Authority will be deemed to have a local connection to the Local Authority area.

3.2.9 An applicant, or a member of their household who are homeowners, encompassing anyone who has a mortgage for the whole or part of their home (disregards apply to applicants who have survived domestic abuse, see sections 3.2.13). Applicants who own property will be able to qualify for an allocation of social rented housing in the following circumstances:

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

- 3.2.10 An applicant, or a member of their household with financial resources consistent with the UK Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates (disregards apply to Armed Forces personnel, see sections 3.2.14).
- 3.2.11 An applicant whose qualification would solely derive from a household member who is subject to immigration control, due to them not being entitled to freely enter or remain in the UK, or not being entitled to state aid, will not qualify to join the Scheme.
- 3.2.12 The Local Authority will consider whether an applicant qualifies to join Property Pool Plus, at both the time of the initial application and then again when an allocation is made. A decision that an applicant is disqualified will be notified in writing with the grounds for that decision. Applicants will be notified of their right to request a review of such a decision and will be notified in writing of the grounds of any review decision made. Following the conclusion of a review, applicants will be notified of their right to apply for a judicial review on any point of law. Applicants will be notified of their right to make a complaint to the Local Authority, if they remain dissatisfied upon conclusion of any internal complaints investigation and their right to ask the Local Government & Social Care Ombudsman or the Housing Ombudsman to investigate claims of maladministration.
- 3.2.13 Persons who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm, will be exempt from local connection requirements, as will those who have sought a place of safety in a refuge or other form of temporary accommodation in the Local Authority area. Property ownership conditions will also be disapplied.
- 3.2.14 Any compensation for an injury or disability sustained on active service with the Armed Forces or Reserve Forces will be disregarded when calculating financial resources. Any mesne profit debts accrued by occupants of service families accommodation will be disregarded, subject to them providing a copy of their notice to vacate or Certificate of cessation of Entitlement to Service Families Accommodation (the Local Authority may contact the Ministry of Defence Loss of Entitlement team by emailing DIORDAccn-LOETeam@mod.gov.uk with any queries about the status of such applicants. The following applicants who are members of the Armed Forces community are exempt from local connection
1. Persons who are currently serving in the Regular Armed Forces or were serving in the Regular Armed Forces at any time in the five preceding years of their application, and their spouses.
 2. Bereaved spouse or civil partners of persons who are serving in the Regular Armed Forces, where the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner and the death was wholly or partially attributable to their service.
 3. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partially attributable to their service.
 4. Divorced or separated spouses or civil partners of Service personnel, who are required to move out of accommodation provided by the Ministry of Defence.
 5. Adult children of service personnel who are no longer able to remain in the family home due to the impact of their family moving from base-to-base.

3.3.0 Determining eligibility and qualification

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

3.4.0 Notifications of decisions and right to a review

3.4.1 The Local Authority will provide all applicants found to be not eligible or disqualified with written notification and the grounds for the decision (see 2.3.1 to 2.3.2). Information will also be provided on any rights they have to request an internal review (see 2.4.1 to 2.4.4).

3.5.0 Re-application

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

4.0 Allocations

4.1.0 Adopting this Scheme

- 4.1.1 This Scheme has been subject to an equality impact assessment required under equalities legislation, carried-out in accordance with the Local Authority's own equalities policies and procedures. Other local housing authorities, registered providers, public authorities, voluntary organisations and other people and organisations were afforded a reasonable opportunity to comment on a draft version of this Scheme. Prior to adopting this Scheme, views were elicited from former, current and future potential applicants.
- 4.1.2 The Local Authority will review this Scheme at least every two years, however amendments will be made as result of any significant change in legislation, regulations and/or circumstances. Any major change to this Scheme will be subject to further consultation or notification.
- 4.1.3 An annual report will be published by the Local Authority about allocations made as result of this Policy. This report will inform whether the purpose and principles set out in section one of this Procedure are being accomplished. The report will consider matters such as:
1. Who was allocated social rented housing
 - a. characteristic (e.g. age, gender, household formation etc)
 - b. eligibility and ineligibility
 - c. qualification and disqualification
 2. What social rented housing was allocated
 - a. number of bedrooms
 - b. property types
 - c. tenure type (e.g. affordable rent, social rent, supported, etc)
 3. When was social rented housing allocated
 - a. waiting times by band
 4. Where was social rented housing allocated
 - a. by electoral ward
 - b. by local authority area in comparison with other local authority areas that are members of Property Pool Plus
 5. With whom was social rented housing allocated
 - a. by registered provider
 6. Why was social rented housing allocated
 - a. reasonable preference
 - b. victims of domestic abuse
 - c. armed forces veterans
 - d. community contribution
 - e. local connection
 - f. right to move criteria
 7. How was social rented housing allocated
 - a. choice
 - b. direct let
 - c. final offer
 - d. review

4.2.0 Determining priority for an allocation for housing

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

1. Bands, in the order of A to D. Band A has the highest priority and Band D the lowest.
2. Where two or more applicants might have the same priority under 1 above, then by the date they were accepted into the Band they are placed in at the time an offer is made, with earlier dates taking priority over later dates.
3. Where two or more applicants still might have the same priority, then those who are making a community contribution, as defined in section 4.2.7.
4. Where two or more applicants still might have the same priority, then by those who work or have close family in the Local Authority area, as per the definition set out in section 3.2.8 of the Scheme.
5. Meeting landlord advert preference criteria to make best use of stock.

4.2.2. In determining in which band to place an application, the following priorities will apply:

1. Applicants who have been awarded an additional preference, in addition to the requirement to be afforded a reasonable preference for an allocation of social housing accommodation, as defined in section 4.2.3. of this Procedure.
2. Applicants who statute stipulates must be afforded a reasonable preference for an allocation of social housing accommodation, as defined in section 4.2.4. of this Procedure.
3. All other applicants for whom no additional or reasonable preference has been afforded, as defined in section 4.2.5 of the Procedure
4. Applicants who have exhausted their right to refuse an allocation of social rented housing, as defined in section 4.2.6 of the Procedure.

4.2.3 **Band A** will consist of applicants in the following circumstances:

1. Homeless, specifically owed the section 189B initial duty owed to all eligible persons who are homeless and owed the section 188 interim duty to accommodate due to having an apparent priority need.
2. Owed a duty under Housing Act 1996, Part 7, specifically, those who are:
 - a. Not intentionally homeless and have a priority need for accommodation, owed the section 193 duty.
3. Victims of domestic abuse (defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse), including those have been provided temporary protection in a refuge or other form of temporary accommodation, who are homeless or owed any homelessness duty and/or have been identified as high-risk victims of domestic abuse, for example, at a local MARAC.
4. Sudden loss existing home as a result of a disaster, such as those who are required to leave their home due to fire safety concerns identified by the Merseyside Fire & Rescue Service or the Cheshire Fire & Rescue Service.
5. Severely overcrowded due to lacking two or more bedrooms. For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01st October 2018) or the UK

Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:

- i. A married or cohabiting couple,
 - ii. Adult aged 21 years or more,
 - iii. Pair of adolescents aged 10-20 years of the same gender,
 - iv. Pair of children aged under 10 years regardless of gender,
 - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
 - vi. An unpaired adolescent aged 10-20 years,
 - vii. An unpaired child aged under 10 years.
 - viii. Due to the shortage of larger properties, applicants who are eligible for four bedroom properties may also be considered for larger three bedroom properties, for example a three bedroom property with two separate living rooms where one can be considered to be used as a bedroom.
 - ix. A second ground floor living room can be regarded as a bedroom, and included in the assessment of an applicant's bedroom need as such, except where the property has a through kitchen/lounge or kitchen/diner and only one other separate living room or the dividing wall between two living rooms has been substantially removed. In considering the use of a room which could be used as a bedroom, regard will be given to whether the room has a fixed heating appliance with exposed flame which would make it unsuitable for use as a bedroom.
6. Under-occupying social rented housing by two or more bedrooms, as per the criteria set out above in section 4.2.3.5
 7. Medical condition is expected to be terminal and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The Local Authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.
 8. Medical condition is life threatening and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health/mental health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The Local Authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.
 9. Planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy. See section 5.1.6 for definition of reasonable.

10. Persons leaving care of the Local Authority's children services.
11. Persons approved by the Local Authority as foster carers or to adopt, who need to move to a larger home in order to look after a child under the care of the Local Authority's children services, including those who require a larger property in order to secure a Special Guardianship order or Child Arrangement Order in respects to a looked after child or for a child that is deemed at high risk of becoming looked after otherwise.
12. Members of the Armed and Reserve Forces, such as:
 - a. Former members of the Regular Armed Forces
 - b. Serving members of the Regular Armed forces 6 months prior to discharge.
 - c. Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability (encompassing a mental ill health condition) which is wholly or partially attributable to their service
 - d. Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability which is wholly or partially attributable to their service
13. Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.
14. Victims of racial harassment amounting to violence or threats of violence.
15. Victims of hate crime amounting to violence or threats of violence due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.
16. Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.
17. Those who require rehousing due to a compulsory purchase order and/or subject to a local authority approved regeneration scheme.
18. Persons participating in the Housing First Pilot led by the Liverpool City Region Combined Authority.

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

1. Homeless, as defined by Housing Act 1996, Part 7, section 175, regardless of whether they have made an application for homelessness assistance, , including those who are owed the section 189B initial duty owed to all eligible persons who are homeless, but are not owed the section 188 interim accommodation duty.
2. Owed a duty under Housing Act 1996, Part 7, specifically, those who are:
 - a. Intentionally homeless and have a priority need for accommodation, owed the section 190 duty.
 - b. Threatened with homelessness, owed the (prevention) section 195 duty.
3. Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. The Environmental Protection Act 1990 (in relation to premises which pose a statutory nuisance to the occupant), Part 3, Housing Act 1985, Part 10 (relating to overcrowding) and the Housing Act 2004, Part 1 (relating to hazardous housing) will be taken account of by the Local Authority when determining an applicant's housing conditions. The following list of is intended to be illustrative and in no way prescribed or definitive:

- a. Lacking a bathroom or kitchen, as verified by an Environmental Health Officer or equivalent.
 - b. Lacking an inside WC, verified by an Environmental Health Officer or equivalent.
 - c. Lacking cold or hot water supplies, electricity, gas, or adequate heating, as verified by an Environmental Health Officer or equivalent.
 - d. overcrowded due to lacking one bedroom. For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01st October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
 - i. A married or cohabiting couple,
 - ii. Adult aged 21 years or more,
 - iii. Pair of adolescents aged 10-20 years of the same gender,
 - iv. Pair of children aged under 10 years regardless of gender,
 - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
 - vi. An unpaired adolescent aged 10-20 years,
 - vii. An unpaired child aged under 10 years.
 - viii. Due to the shortage of larger properties, applicants who are eligible for four bedroom properties may also be considered for larger three bedroom properties, for example a three bedroom property with two separate living rooms where one can be considered to be used as a bedroom.
 - ix. A second ground floor living room can be regarded as a bedroom, and included in the assessment of an applicant's bedroom need as such, except where the property has a through kitchen/lounge or kitchen/diner and only one other separate living room or the dividing wall between two living rooms has been substantially removed. In considering the use of a room which could be used as a bedroom, regard will be given to whether the room has a fixed heating appliance with exposed flame which would make it unsuitable for use as a bedroom.
 - e. Property in disrepair, as verified by an Environmental Health Officer or equivalent.
 - f. Under-occupying social rented housing by one bedroom, as per the criteria set out above in point d.
4. Needing to move on medical or welfare grounds (including grounds relating to a disability), due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. Applicants will be asked to provide evidence from a health/mental health or social care professional with direct knowledge of the applicant's condition for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The Local Authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation. Once accommodation is allocated to a person with medical or welfare needs, their support and care needs will be assessed jointly by social services, housing support providers, NHS Trusts, and other relevant

agencies. The following list is intended to be illustrative and in no way prescribed or definitive:

- a. A mental illness, including but not limited to current or former Armed Forces personnel suffering from depression, anxiety, post-traumatic stress disorder, a family member of victims of domestic abuse who are suffering the effects of violence or threats of violence.
 - b. A physical or learning disability of any member of the applicant's household.
 - c. Chronic or progressive medical conditions (e.g. MS, HIV/AIDS).
 - d. Frailty due to old age.
 - e. The need to give or receive care.
 - f. Victims of domestic abuse (defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse), including those have been provided temporary protection in a refuge or other form of temporary accommodation.
 - g. The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.
 - h. A restricted ability to fend for self.
 - i. Experiencing or at risk of abuse, harm or self-neglect from others or from self.
 - j. Young people at risk.
 - k. People with behavioural difficulties.
 - l. Need adapted housing and/or extra facilities, bedroom or bathroom.
 - m. Need improved heating (on medical and/or social care grounds).
 - n. Need sheltered housing (on medical and/or social care grounds).
 - o. Need ground floor accommodation (on medical and/or social care grounds).
 - p. Need to be near friends/relatives or medical/social care facilities on medical or social care grounds.
 - q. Need to move following hospitalisation or long-term care on medical and/or social care grounds.
 - r. Moving on from drug or alcohol recovery programme.
 - s. Moving on from short-term supported housing and hostels, including specialist accommodation for those with mental health issues.
5. Needing to move to a particular locality in the district of the authority, where failure to meet this need would cause hardship (to themselves or others). The following list is intended to be illustrative and in no way prescribed or definitive:
- a. Victims of racial harassment.
 - b. Victims of hate crime due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.
 - c. Witnesses of crime, or victims of crime, who would be at risk of intimidation if they remained in their current homes.
 - d. Escaping anti-social behaviour such as harassment, alarm, distress, as result of nuisance or annoyance in relation to the occupation of their premises, or as a result of housing-related nuisance or annoyance, from a person.
 - e. Give or receive care

- f. Access specialised medical treatment.
- g. Take-up a particular employment, education or training opportunity and in respect of Transfer Applicants, be closer to work (see section 3.2.7.2 for definition)
- h. Due to housing benefit restrictions or other constraints on income from benefits (e.g. benefit sanctions)

4.2.5 **Band C** will consist of all other applicants who have not been afforded an additional preference or are not entitled to a reasonable preference. This will include all applicants who have been awarded either Band A or B for another scheme area.

4.2.6 **Band D** will consist of applicants from Band A, B or C, who have exhausted their right to refuse an allocation of social rented housing (see section 5.15), or have failed to bid on more than three occasions where a suitable property would be available. Applicants will remain in Band D for a period of 12 months from date of final refusal. After which, they will then be moved to whichever Band is applicable to their circumstances at that time.

4.2.7 For the purposes of this Scheme, an applicant or their usual household members will be considered as being involved or participating in a community (i.e. making a community contribution) if they are:

1. Engaged in paid or unpaid employment for a minimum of 16 hours per week for a minimum of 6 months.
 - a. including serving in the Regular or Reserve Armed Forces
2. Engaged in further or higher education, either part-time or full-time, for a minimum of one term.

4.2.8 Those applicants who are unable to be involved or participate in their community due to an illness, disability, age, gender or any other characteristic or circumstance which means they are less likely to be able to work, will also be treated with the same favour as those who are actively involved or participating in their community.

4.2.9 Applicants whose circumstances change once they've been accepted onto Property Pool Plus must notify the Local Authority of such changes. A failure to do so could result in an applicant becoming disqualified and facing prosecution for fraud. If as a result of a change in circumstances an applicant gains a higher banding preference for re-housing (e.g. they move from Band B up to Band A), their acceptance date will be amended to reflect the date of the change. If as a result of a change in circumstances an applicant is assessed as having the same banding preference (e.g. they remain in Band B), the original acceptance date will remain in force. If as a result of a change in circumstances an applicant is assessed as having less banding preference (e.g. the move from Band B down to Band C), the original acceptance date will remain in force. If an applicant is moved from Band A, B or C down to Band D, their acceptance date will be amended to reflect the date of the change. If as a result of a change in circumstances an applicant becomes ineligible or disqualified, then they shall cease to be registered on Property Pool Plus.

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

- 4.2.11 Accessible properties will always be offered to applicants with a need for such accommodation (e.g. due to disability), over those with no such need, even when those with a need might have been waiting a shorter time than those without a need. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition.
- 4.2.13 Properties purposely built for elderly applicants will always be offered to applicants that are elderly, over those with no such need, even when those with a need might have waiting a shorter time than those without a need. A health or social care professional, or other relevant professional, with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition.

4.3.0 Local lettings schemes

- 4.3.1 The Local Authority and registered providers can use local lettings schemes to achieve a wide variety of housing management and policy objectives subject to agreement with the Local Authority. The following list is intended to be illustrative and in no way prescribed or definitive:
1. Allocating accommodation in rural villages and giving priority to applicants with a connection to a particular parish
 2. Creating more mixed and/or sustainable communities.
 3. Dealing with a concentration of deprivation.
 4. Ensuring properties that are particularly suited to being made accessible (e.g. ground floor flats) are prioritised for those with access needs.
 5. Relocating essential workers such as teachers, nurses and police officers within a reasonable travelling distance from their work.
 6. Supporting people in work/volunteering or who are seeking work or seeking volunteering opportunities.
 7. Dealing sensitively with lettings in rural areas to sustain communities by giving priority to those with a local connection of more than two years.
 8. Where a child to adult ratio could be lowered on an estate where there is high child density or, conversely, young single people could integrate into an estate where there is high ratio of older persons.
 9. Where there are reasons to positively discriminate due to age, for example accommodation is only suitable for applicants under the age of 35 years, or over the age of state pension entitlement.
- 4.3.2 Upon identification of particular types, clusters or locations of housing for particular types of applicants, a local lettings scheme will be used to deal with letting those homes. Local letting schemes will have clear evidence of need for the approach being taken. Any local lettings scheme will not dominate Property Pool Plus and will overall give a reasonable

preference to those in Band A and Band B over applicants in Band C or Band D. Any local lettings scheme adopted will set out the following:

1. A clear definition of the objective(s) to be achieved, backed up by evidence.
2. A method which is likely to achieve the objective(s).
3. An equality impact assessment.
4. How the scheme will be monitored and who will be involved.
5. Mechanisms of reporting and reviewing the scheme.
6. How the views of local communities have shaped the scheme (e.g. with people who are on electoral register as being resident in an electoral ward(s), where a local letting scheme is being proposed. Their view will not be treated as an overriding factor in decision making).
7. The circumstances in which the local lettings scheme will be reviewed or will come to an end.

4.3.3 Local lettings schemes may be adopted to include but not exhaustive to the following:

1. A portion of properties for letting of new build properties for the first time, to be determined in accordance with the Local Authority's Local Plan.
2. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for former members of the Armed Forces based on the number of applications made by and allocations made to former members of the Armed Forces during the preceding 12 months.
3. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for households in types of employment where skills are in short supply.
4. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for prospective and approved foster carers and adopters (endorsed by the Local Authority), so it can satisfy its duty under Children Act 1989, section 22G to ensure there is sufficient accommodation available to the needs of looked after children, based on intelligence provided by the Local Authority's Children Services.
5. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, a minimum of which is one percent (1%) of all properties allocated, to Transfer Applicants who need to move for work related reasons, based on the number of applications made by and allocations made to Transfer Applicants who need to move for work related reasons, during the preceding 12 months.

4.3.4 A local lettings scheme may be adopted for specific types of accommodation which provide with linked support services for:

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

department, or an organisation commissioned by the Local Authority to provide support to people sleeping rough or at risk of rough sleeping.

4. Sex offenders. A joint assessment of will be undertaken by Cheshire Police or Merseyside Police, National Probation Service, the Local Authority's adult social care department, health professionals and other bodies to manage risk to the community

4.3.5 A local letting scheme may be adopted for displaced agricultural workers, where they have been displaced due to a need to accommodate another agricultural worker and the farmer cannot provide suitable alternative accommodation for the displaced worker and needs to rehoused in the interest of efficient agriculture.

4.3.6 A local lettings scheme may be adopted for former tenants or other occupiers when allocating certain accommodation which would otherwise be available for letting in the following circumstances:

1. An applicant has married an existing tenant and they both seek the grant of a fresh tenancy in their joint names.
2. An applicant is a former joint tenant and the joint tenancy has ended.
3. An applicant is a relation of the previous tenant who has died without there being a right of succession.
4. An applicant has otherwise occupied the particular property for a considerable time.
5. An applicant was placed in accommodation under a non-secure tenancy but now wishes to be granted a secure introductory tenancy of the same property.

4.4.0 Avoiding discrimination and enhancing equality of opportunity

4.4.1 An equality duty is imposed on the Local Authority by the Equality Act 2010, section 149 (the "Public Sector Equality Duty"). Regard has been made to this public-sector equality duty and to the equality objectives that it sets out when formulating this Scheme and it will inform decision-making on individual cases so far as the law requires. Allocations of social rented housing will be monitored to determine whether equal opportunities obligations are being met, to identify any negative impact on people with protected characteristics. A plan will be adopted to mitigate any negative impacts.

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

4.4.3 When formulating this Scheme, an equality impact assessment was undertaken to avoid discrimination and to demonstrate compliance with the public-sector equality duty. Particular attention has been paid to the housing needs of refugees, Gypsies and Travellers, people with disabilities, older people, people with mental health problems, and people who identify as lesbian, gay, bisexual or transgender. Any substantial variation to this Scheme will also be subject to an equality impact assessment. For further information, please see *the Property Pool Plus Equality Impact Assessment*.

4.4.4 This Scheme has been formulated to ensure compliance with the Human Rights Act 1998, the Equality Act 2010 and the European Convention on Human Rights Article 14 and

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

- 4.4.5 The Local Authority will provide regular, accurate and generalised information on how Property Pool Plus is managed, to actively dispel any misconceptions arising about the allocation of social rented housing and immigration, including data on nationality and immigration status, to strengthen public confidence in Property Pool Plus.
- 4.4.6 Applicants will be informed of their rights to seek assistance from the Equality and Human Rights Commission, if they believe the Local Authority has breached the Human Rights Act 1998, by contravening their human rights or unlawfully discriminated against them.

4.5.0 Best interests of children

- 4.5.1 When formulating this Scheme, the Local Authority has considered and taken full account of the need to safeguard and promote the welfare of children, in accordance with the Children Act 2002, section 11.
- 4.5.2 This Scheme and the administration of it will accord the objectives and actions set out in the Local Authority's joint working protocol agreed between its Housing Services and Children Services.
- 4.5.3 When making decisions about individual applications for an allocation of social rented housing, the best interests of any children involved will be treated as a primary (but not overriding) consideration. Active involvement from the Local Authority's Children Services department will be sought, when making decisions about housing allocations where there is involvement with an applicant or a usual member of their household, from the Local Authority's Children Services. If there is some uncertainty about whether an applicant should qualify specifically due to matters relating to children services' duties, the Children Services department will be consulted.

4.6.0 Discretion

- 4.6.1 Discretion about being made eligible, allocated social rented housing or awarded additional preference will be exercised only by the Local Authority's Senior Officer, limited only to individual cases, within the City Region area, where there are exceptional circumstances as defined below (see Appendix 3):
1. Providing protection to people who need to move away from another local authority area, to escape violence, harm, or intimidation.
 2. In circumstances where an applicant needs to move due to a serious offence (equal to MAPPA level 2 or 3), as defined by the Serious Crime Act 2007, Part 1, Schedule 1, there will be joint working with the Police, Probation Services, Adult Care Services, health professionals, registered providers and other bodies, to manage any risk to the community.
- 4.6.2 When assessing whether discretion should be applied, the Local Authority will consider:

1. What the exceptional circumstances are. They should be unusual or remarkable circumstances which indicate that the applicant's housing needs are more urgent than other applicants.
2. What will be the consequences if no discretion is exercised? This will include considering how serious the potential consequences are and how likely each potential consequence is

4.6.3 When deciding, the Local Authority will have regard to:

1. The fact that decisions to exercise discretion will be kept to minimum
2. The need for consistency with previous decisions whether or not to exercise discretion
3. What would be a fair outcome to ensure that there is no discrimination and
4. The likelihood and severity of the potential consequences of discretion is not exercised.

A decision as to whether or not to exercise discretion will be made at the point of receipt of application and again at the point of offer.

In all cases when direct offers are made, applicants will receive one direct offer only subject to the Local Authority's discretion to make a further direct offer.

5.0 Being Allocated a Property

5.1.0 Choice

- 5.1.1 The Local Authority will inform applicants of their right to express (place a bid) a preference about the property which might be allocated.
- 5.1.2 The Local Authority will identify and support any applicants who may have a difficulty in expressing a preference. Applicants will be encouraged to self-identify that they require support to express a preference. The Local Authority will use its own judgement on initial contact with an applicant, based on whether they were able to complete an application to join Property Pool Plus unaided. Applicants who are not expressing a preference will be contacted to determine if this is due to them having difficulties. Particular attention will be paid to ensuring those who are homeless, have a disability or are from a black or minority ethnic community, are provided with any support they might need to express a preference.
- 5.1.3 Applicants will be able to express a preference of up to three properties that are available to let from the Local Authority or a Registered Provider in a calendar week. Applicants will be able to express a preference making a 'bid' for a property via the Property Pool Plus website. The Local Authority will make a bid on behalf of an applicant who requires support. Applicants may be sent reminders about opportunities to bid via email or text. The Local Authority will provide information on the likely level of priority or waiting time for any property available to bid on.
- 5.1.4 An applicant's right to express a preference of a property they wish to be allocated, does not extend to any social rented housing that is intended for occupation by persons with specific characteristic which they do not possess, e.g. properties specifically for persons of specified age where an applicant is under minimum and/or maximum threshold.
- 5.1.5 All applicants are subject to a limit on the number of properties that would be reasonable for them to occupy, which they are entitled to refuse an offer of. Auto-bidding may be implemented for applicants who are owed the section 189B initial duty owed to all eligible persons who are homeless and persons with a priority need who are not homeless intentionally. If an applicant should refuse a final offer, they will be given reduced preference for a period of 12 months, by being placed into Band D. The Local Authority will consider the circumstances of each refusal on a case-by-case basis and confirm with an applicant they are refusing an offer prior to imposing a sanction.
1. Band A applicants are entitled to one refusal of a reasonable offer of accommodation, except those who are homeless or owed a homelessness duty who will have no entitlement to a refusal of a reasonable offer of accommodation.
 2. Band B applicants are entitled to two reasonable refusals, except those who are homeless or owed a homelessness duty who will be entitled to one reasonable refusal
 3. Band C applicants are entitled to three refusals of a reasonable offer of accommodation.
 4. Band D applicants have no cap on the number of refusals of a reasonable offer of accommodation.

- 5.1.6 An offer of accommodation will be considered reasonable if the property being offered will meet the housing needs of an applicant, having had regard to the following matters at the date when the offer is made:
1. Whether the applicant and their household would be overcrowded or under-occupying. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment.
 2. Affordability of the property when compared to the applicants' income and expenditure, see appendix one for the methodology that will followed to determine whether a property is affordable
 3. Location of the property in regard to essential journeys the applicants needs to make
 4. Public sector equality duty in Equality Act 2010, section 149
 5. When there is a child or children in the applicant's household, the duty to safeguard and promote the welfare of children in the Children Act 2002, section 11
 6. In respect of school-age children, the duty in the Human Rights Act 1989, that no person should be denied the right to an education (Notwithstanding this, an offer of accommodation might necessitate a child having to move school).
 7. Space and arrangement of the property
 8. The standard of property
 9. The specific health needs of the applicant their usual household members
 10. The proximity and accessibility of family support
 11. The proximity and accessibility of medical facilities and other support services which are currently used by or provided to the applicant or the usual family members that are essential to that persons' wellbeing
 12. The proximity of alleged perpetrators or victims of domestic abuse
- 5.1.7 Instances when an applicant who requires adaptations who are offered a property, that is subsequently deemed to be unable to be adapted, will not be deemed as a refusal.
- 5.1.8 Applicants will be informed of their right to seek a review of whether an offer of social rented housing they refused was a reasonable offer, or whether the final offered refused was a suitable offer.
- 5.1.9 The Local Authority will publish feedback on the outcome of bids on the Property Pool Plus website. Requests for this information to be provided in alternative formats will be considered on an individual basis.
- 5.1.10 The Local Authority will maintain a list of suitable homes for disabled people with access needs, to avoid potentially disadvantaging applicants who might require a home with such features.

5.2.0 Other General Points

- 5.2.1 Following an offer or nomination of social rented housing by the Local Authority, applicants will be given a reasonable period to properly consider whether to accept it. However, the personal circumstances of each applicant, including those who are vulnerable applicants, unfamiliar with the property being offered, in hospital, need to arrange a support worker to be present at the viewing, are working, or have childcare commitments will be given longer to consider the property offered. Any longer timescale will be based in specific circumstances of an applicant. The actual letting will be handled by the Local Authority or a

registered provider, who will complete the letting following the offer and acceptance of a tenancy agreement by the applicant.

- 5.2.2 Applicants will not be offered an allocation that would result in them under-occupying the dwelling (against the definition used by the Department of Work Pensions to determine claims for help with housing costs), being overcrowded (against the UK Government's Bedroom Standard) or being unable to afford rental or service charges at the date an allocation or nomination is made. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment. Applicants who receive support from a carer who does not live with them and who is required to stay overnight, will have their need for a spare room taken account of whenever possible. Properties on the ground floor, with an accessible bathroom or an additional bathroom or toilet will be offered to applicants who have a medical need for such a dwelling over an applicant who has no need for such accommodation. Any particular needs of elderly applicants will be taken account of. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The needs of applicants who have been approved by the Local Authority to adopt or foster and require a larger property will be taken account of. The extent and circumstances of an applicant's household will be taken account of, as to whether they would be eligible or qualify in their own right or not.
- 5.2.3 For the purposes of determining overcrowding or under-occupying, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01st October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
1. A married or cohabiting couple,
 2. Adult aged 21 years or more,
 3. Pair of adolescents aged 10-20 years of the same gender,
 4. Pair of children aged under 10 years regardless of gender,
 5. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
 6. An unpaired adolescent aged 10-20 years,
 7. An unpaired child aged under 10 years.
 8. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority
 9. An overnight carer for any usual household member, if the carer isn't a usual household member.
 10. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement
- 5.2.6 Applicants may not be made an offer of a property in a locality (e.g. electoral ward, parliamentary constituency) in which he or she has previously been the perpetrator or victim of anti-social behaviour, hate crime, violence or domestic abuse, or where the perpetrator or victim now currently lives. Offers may be withdrawn if new information is provided to the Local Authority, which they believe may put the victim at risk.

- 5.2.7 The letting of a property, including whether a joint tenancy will be granted, is beyond the scope of this Procedure. The Local Authority and registered providers have their own allocation rules and policies that dictate how lettings will be agreed.
- 5.2.8 This Scheme has been drawn up with regard to the Liverpool City Region Tenancy Strategy referred to above in paragraph 1.3.7. Tenancies offered by registered providers will be made having regard to this document.
- 5.2.9 Applicants will be informed by the relevant Registered Provider, at the point of an allocation, if the property will be furnished or unfurnished.
- 5.2.10 Applicants will be provided with an opportunity to view the property prior to accepting or rejecting the dwelling being offered. Applicants can expect properties to be fit for occupation at the date of the letting, or that any repairing obligations imposed on a registered provider, will be met within a reasonable time of commencement of the tenancy.
- 5.2.11 Transfer Applicants will be made an offer that ensures they do not inadvertently lose accrued rights and will be tenancy of equivalent form to that which they are transferring from. Arrears of rent outstanding on a previous tenancy can be transferred to the new one when both properties are held by the same Registered Provider, subject to agreement with their Landlord as to how those arrears will be cleared (compliance with the arrears agreement will be a term of the new occupancy agreement).
- 5.2.12 The Local Authority has not developed a specified position on pets in social rented housing. Registered Providers are expected to set out their position clearly in property advertisements and tenancy agreements.

6.0 Other Arrangements

6.1.0 Direct applications to registered providers

- 6.1.1 Registered Providers have a duty to maintain rules and policies concerning the allocation of social rented housing. The contents of such rules and policies should reflect the law and also regulations found in the Tenancy Standard, published by the Regulator of Social Housing. Information about housing allocation rules and policies of Registered Providers are available directly from these organisations. Copies are also available from the Local Authority and can be found on the Property Pool Plus website. Applicants that have a dispute about housing allocation rules and policies of a Registered Provider will be informed of their right to make seek judicial review and/or make a complaint directly to the organisation, and if they remain dissatisfied to the Housing Ombudsman.
- 6.1.2 People who make an application to the Local Authority for social rented housing, are in no way restricted from also making separate additional applications directly to any Registered Provider, where their own housing allocation rules and policies allow this.

6.2.0 Nominations

- 6.2.1 Nominations agreements have been adopted between the Local Authority and registered providers that own and/or manage social rented housing in the Local Authority district. All such agreements prescribe the portion of lettings that any registered provider will make available to the Local Authority. The agreements also have a criterion for how registered providers can accept or reject a nomination, plus describe how any disagreements about nominations will be resolved.
- 6.2.2 The Local Authority and Registered Providers that it has entered into nomination arrangements with have agreed an information sharing protocol that accords with the General Data Protection Regulation and Data Protection Act 2018. The Local Authority will require written consent from an applicant to share their information with a Registered Provider.
- 6.2.3 A system has been adopted to monitor the effectiveness of the nominations agreements, to allow the Local Authority to satisfy itself that it is fulfilling its legal obligations to allocate social rented housing. An annual report on nominations agreements will be presented to elected councillors of the Local Authority and will be shared with registered providers who have entered into a nomination agreement with the Local Authority.

6.3.0 Transfers

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

6.4.0 Contracting-out

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

6.5.0 Complaints, appeals and legal challenges

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

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

Appendix 1

Policy for assessing initial enquiries to make an application for an allocation of housing or amend an application following a change of circumstances

Contents

<u>1.0</u>	<u>OVERVIEW</u>	18
1.1.0	<u>INTRODUCTION</u>	18
1.2.0	<u>PURPOSE OF THIS SCHEME</u>	18
1.3.0	<u>PRINCIPLES OF THIS SCHEME</u>	19
1.4.0	<u>CONSULTATION</u>	22
<u>2.0</u>	<u>INFORMATION, APPLICATIONS AND DECISION-MAKING</u>	23
2.1.0	<u>INFORMATION</u>	23
2.2.0	<u>APPLICATIONS</u>	25
2.3.0	<u>DECISION-MAKING</u>	30
2.4.0	<u>REVIEWS</u>	31
<u>3.0</u>	<u>ELIGIBILITY AND QUALIFICATION</u>	32
3.1.0	<u>ELIGIBILITY</u>	32
3.2.0	<u>QUALIFICATION</u>	34
3.3.0	<u>DETERMINING ELIGIBILITY AND QUALIFICATION</u>	40
3.4.0	<u>NOTIFICATIONS OF DECISIONS AND RIGHT TO A REVIEW</u>	40
3.5.0	<u>RE-APPLICATION</u>	40
<u>4.0</u>	<u>ALLOCATIONS</u>	41
4.1.0	<u>ADOPTING THIS SCHEME</u>	41
4.2.0	<u>DETERMINING PRIORITY FOR AN ALLOCATION FOR HOUSING</u>	42
4.3.0	<u>LOCAL LETTINGS SCHEMES</u>	48
4.4.0	<u>AVOIDING DISCRIMINATION AND ENHANCING EQUALITY OF OPPORTUNITY</u>	50
4.5.0	<u>BEST INTERESTS OF CHILDREN</u>	51
4.6.0	<u>DISCRETION</u>	51
<u>5.0</u>	<u>BEING ALLOCATED A PROPERTY</u>	53
5.1.0	<u>CHOICE</u>	53
5.2.0	<u>OTHER GENERAL POINTS</u>	54
<u>6.0</u>	<u>OTHER ARRANGEMENTS</u>	57
6.1.0	<u>DIRECT APPLICATIONS TO REGISTERED PROVIDERS</u>	57
6.2.0	<u>NOMINATIONS</u>	57
6.3.0	<u>TRANSFERS</u>	57
6.4.0	<u>CONTRACTING-OUT</u>	57
6.5.0	<u>COMPLAINTS, APPEALS AND LEGAL CHALLENGES</u>	58
4.6.0	<u>DISCRETION</u>	78
1.	<u>ASSESS WHETHER THE APPLICANT HAS EXCEPTIONAL CIRCUMSTANCES</u>	79
2.	<u>REFER TO THE SENIOR OFFICER</u>	79
3.	<u>SENIOR OFFICER TO DECIDE WHETHER TO EXERCISE DISCRETION</u>	79
4.	<u>INFORM THE APPLICANT OF THE OUTCOME</u>	81
5.	<u>BACKGROUND INFORMATION</u>	81
	<u>PROCESS CHART FOR APPLYING DISCRETION WHEN ALLOCATING HOUSING</u>	82

<u>DETERMINING AN APPLICANTS' ENTITLEMENT TO BEDROOMS, FOR ASSESSING OVERCROWDING AND UNDER-OCCUPANCY</u>	88
I. <u>LOCAL AUTHORITY LETTER (COUNCIL TAX, BENEFITS ETC)</u>	88
II. <u>DWP LETTER</u>	88
III. <u>PAYSLIP / P45 / P60</u>	88
IV. <u>PHOTO DRIVING LICENCE</u>	88
<u>OVERVIEW</u>	93
<u>SUMMARY OF RESPONSES</u>	94
<u>QUESTION 1. DO YOU AGREE OR DISAGREE WITH THE PROPOSED QUALIFICATION CRITERIA?</u>	94
<u>QUESTION 2 - DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR OFFERING CHOICE?</u>	95
<u>QUESTION 3 – DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR AFFORDING ADDITIONAL PREFERENCE TO PERSONS IN THE SPECIFIED CIRCUMSTANCES</u>	96
<u>QUESTION 4 – DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR PRIORITISING PEOPLE WAITING FOR AN ALLOCATION OF SOCIAL HOUSING?</u>	98
<u>OTHER COMMENTS</u>	99
<u>APPENDIX 1 – HALTON PUBLIC CONSULTATION SUMMARY</u>	101
<u>APPENDIX 2 – KNOWSLEY PUBLIC CONSULTATION SUMMARY</u>	106
<u>APPENDIX 3 – LIVERPOOL PUBLIC CONSULTATION SUMMARY</u>	112
<u>APPENDIX 4 – SEFTON PUBLIC CONSULTATION SUMMARY</u>	116
<u>APPENDIX 5 – WIRRAL PUBLIC CONSULTATION SUMMARY</u>	119
<u>LIVERPOOL CITY REGION COMBINED AUTHORITY AREA</u>	123
<u>ALLOCATION OF SOCIAL HOUSING POLICY EQUALITY IMPACT ASSESSMENT</u>	123
<u>3.1.1 Age</u>	124
<u>3.6.3 Wheelchair user standards</u>	125
<u>3.1.3 Gender</u>	126
<u>3.1.2 Ethnicity</u>	127

Procedure for assessing initial enquiries or change of circumstances

Assess the applicant's eligibility

- a. On receiving initial enquiries to make a new application or amend an existing application following a change of circumstances, the officer must establish that the applicant is eligible to join the scheme.
- b. Applicants will be eligible unless:
 - i. they are from abroad and subject to immigration control (unless they fall into one of the limited exceptions); or
 - ii. they are from abroad and fall into a category the Secretary of State has prescribed as being ineligible.
- c. The allocations officer should review the applicant's identity documents to confirm the applicant's nationality and immigration status. Evidence should be a passport; birth certificate or immigration documents and copies should be kept on the file.
- d. If the allocations officer cannot determine the applicant's immigration status from the identity documents, the allocations officer can contact the UK Border Agency to confirm the applicant's immigration status, but should first warn the applicant so that the applicant has the option of withdrawing the enquiry before any action is taken.
- e. If the allocations officer is in any doubt as to the eligibility of the applicant, the allocations officer should consult the code of guidance (Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012) and discuss the file with a senior officer.
- f. If the allocations officer determines that the applicant is not eligible, the allocations officer should inform the applicant using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.

Determine whether the applicant qualifies for the scheme

- g. Once the applicant has been confirmed as being eligible, the allocations officer must determine whether the applicant qualifies for the scheme by completing the Qualification Assessment (Document 2) with the applicant.
- h. The allocations officer does not need to assess evidence of the applicant's qualification at this stage, but any evidence provided should be referred to in the Qualification Assessment and a copy kept on the file.

- i. If the applicant does not qualify, the allocations officer should inform the applicant using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.

Confirm that the applicant has a local connection

- j. The allocations officer must next confirm that the applicant has a local connection with the local authority area.
- k. An applicant will have a local connection if they:
 - i. live in the local authority area for at least two years
 - ii. have permanent employment in the local authority area or (if they are self-employed) have a work base in the local authority area;
 - iii. have parents, adult siblings or adult children who live in the local authority area and have done so for at least 2 years; or
 - iv. have special circumstances.
- l. Special circumstances can include, but is not limited to:
 - i. households fleeing violence who are owed a homelessness duty;
 - ii. people who do not live in local authority area, but who need to be near a close relative to provide care and/or support;
 - iii. people returning from temporary care or interim accommodation in another local authority area; and
 - iv. households including someone who:
 - 1. is serving in the regular forces or has done so in the last 5 years;
 - 2. has recently ceased, or will cease, to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner which was wholly or partly due to their service in the regular forces; or
 - 3. is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is wholly or partly attributable to that service.
- m. The applicant should be asked to confirm that they have one of the above local connections with the local authority area and should be reminded of the importance of not providing misleading or inaccurate information.
- n. The allocations officer should assess evidence of the applicant's local connection at this stage and any evidence provided a copy should be kept on the file.
- o. If the applicant does not have a local connection with the local authority area, the officer should inform the applicant that they are disqualified from the scheme using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.

Check that the applicant is not guilty of unacceptable behaviour

- p. Applicants can be disqualified on the grounds of unacceptable behaviour by the applicant or a member of their household.
- q. Unacceptable behaviour can include, but is not limited to:
 - i. Causing or likely to cause nuisance or annoyance to other persons in the locality of their property.

- ii. Causing or likely to cause nuisance or annoyance to the Local Authority or a Registered Provider or agents acting on their behalf to carry out housing management functions
 - iii. Perpetrators of domestic abuse who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order, which is in force at the date an application is being determined.
 - iv. Having an unspent conviction at the date an application is being determined for a serious offence as defined by the Serious Crime Act 2007, Part 1, Schedule 1, committed in the locality of a property against another person or the Local Authority or a Registered Provider.
 - v. Breaching a provision of an injunction under section 1, conviction under section 30, or an order made under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which occurred in the locality of a specified property or elsewhere which caused nuisance, annoyance, harassment, alarm or distress to a person in the locality or the Local Authority or a Registered Provider, or resulted in access to property that has been prohibited under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014, for a continuous period of more than 48 hours
 - vi. Having an unspent conviction for an offence under section 80(4) or 82(8) Environmental Protection Act 1990, concerning noise from a property which was a statutory nuisance as per section 79(1), Part 3 of the Environmental Protection Act 1990
 - vii. Having committed an act of fraud to which the circumstances remain relevant at the date an application is being determined, involving withholding, falsifying or misrepresenting any information to access to public funds and/or services.
 - viii. Having committed any other behaviour that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A.
- r. The allocations officer should check existing records to see whether there is any evidence of unacceptable behaviour by the applicant or a member of the applicant's household. The applicant should also be asked to confirm that there has been no such unacceptable behaviour and should be reminded of the importance of not providing misleading or inaccurate information.
- s. If there is any behaviour which may be unacceptable, the allocations officer should apply the following tests before making a decision on disqualification:
- i. Has the applicant or member of their household behaved in such an unacceptable manner that they are considered unsuitable to be a tenant?
 - ii. At the time of the application, is the applicant or member of their household still considered unsuitable to be a tenant?
 - iii. Was the unacceptable behaviour serious enough to entitle a landlord to commence legal proceedings or to pose a serious threat to the local community?
- t. If the allocations officer decides that the unacceptable behaviour should lead to disqualification, the allocations officer should inform the applicant using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.

Check the applicant's financial resources

- a. Applicants are also disqualified from the scheme if:

- i. they are owner-occupiers or have equity in a property, unless there are pressing health needs that mean sheltered housing is required;
 - ii. the applicant or a member of their household has savings or other capital which would make them ineligible for local housing allowance or universal credit.
- b. The applicant should be asked to confirm that their financial resources do not breach these criteria and should be reminded of the importance of not providing misleading or inaccurate information.
- c. If the applicant's financial resources do breach the above criteria, the allocations officer should inform the applicant that they are disqualified from the scheme using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.

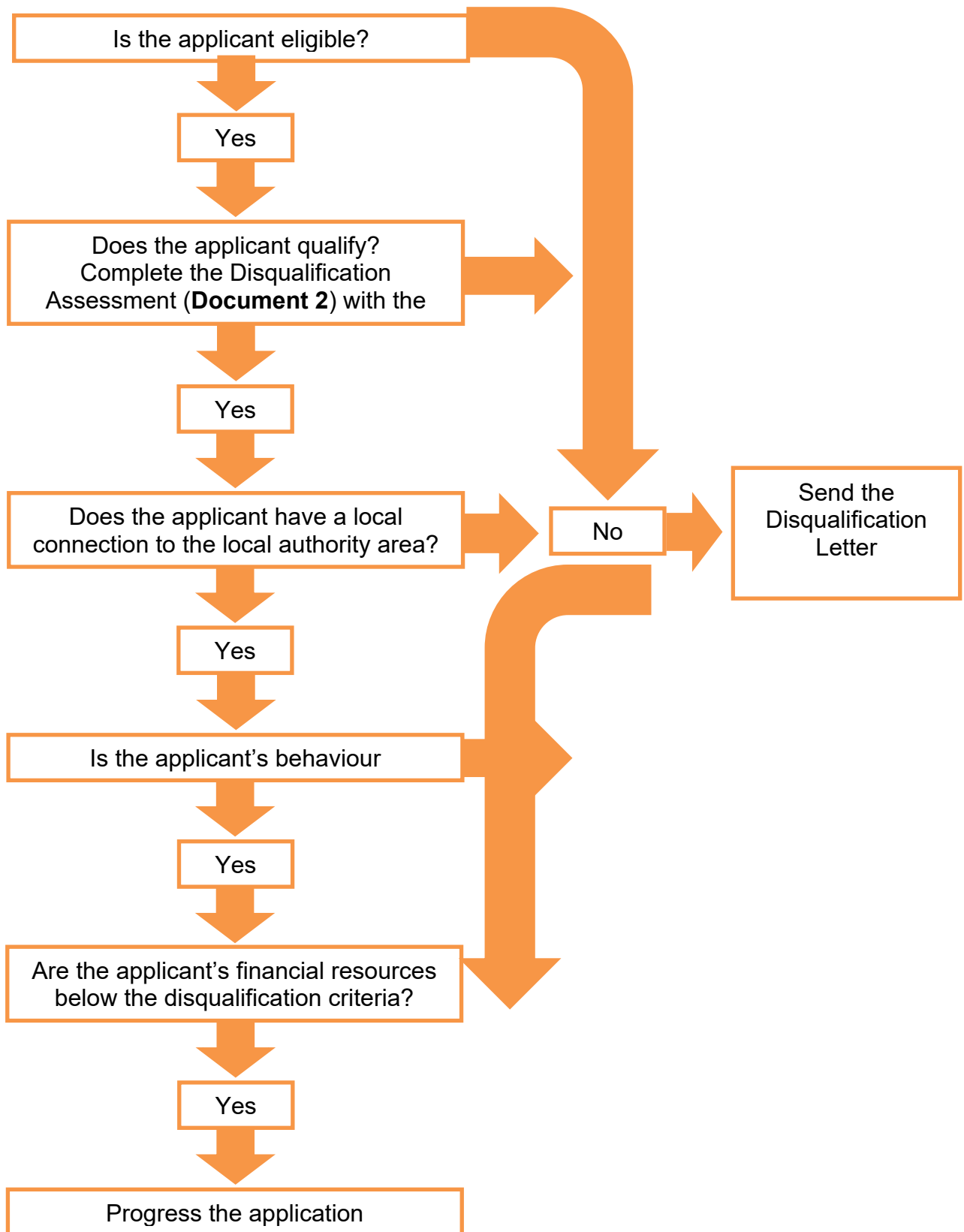
Progress the application

- u. If the applicant has met the above requirements, the allocations officer should process the enquiry by advising the applicant on the next steps in the application process.

Background information

- v. This procedure applies to any applicants who have made enquiries about applying for an allocation of housing or amending an application following a change of circumstances in the local authority area.
- w. This procedure is in accordance with the Housing Allocation Scheme produced by local authority.
- x. Throughout this procedure, whenever a document is to be completed or issued, a copy should be retained on the electronic file.
- y. This procedure will be reviewed in line with any significant change in the Housing Allocation Scheme, legislation, statutory guidance or significant case law. Separate to this it should be reviewed every two years.

Process chart for assessing initial enquiries or change of circumstances



Appendix 2 -

Policy for assessing and processing applications for an allocation of housing

Contents

<u>1.0</u>	<u>OVERVIEW</u>	18
<u>1.1.0</u>	<u>INTRODUCTION</u>	18
<u>1.2.0</u>	<u>PURPOSE OF THIS SCHEME</u>	18
<u>1.3.0</u>	<u>PRINCIPLES OF THIS SCHEME</u>	19
<u>1.4.0</u>	<u>CONSULTATION</u>	22
<u>2.0</u>	<u>INFORMATION, APPLICATIONS AND DECISION-MAKING</u>	23
<u>2.1.0</u>	<u>INFORMATION</u>	23
<u>2.2.0</u>	<u>APPLICATIONS</u>	25
<u>2.3.0</u>	<u>DECISION-MAKING</u>	30
<u>2.4.0</u>	<u>REVIEWS</u>	31
<u>3.0</u>	<u>ELIGIBILITY AND QUALIFICATION</u>	32
<u>3.1.0</u>	<u>ELIGIBILITY</u>	32
<u>3.2.0</u>	<u>QUALIFICATION</u>	34
<u>3.3.0</u>	<u>DETERMINING ELIGIBILITY AND QUALIFICATION</u>	40
<u>3.4.0</u>	<u>NOTIFICATIONS OF DECISIONS AND RIGHT TO A REVIEW</u>	40
<u>3.5.0</u>	<u>RE-APPLICATION</u>	40
<u>4.0</u>	<u>ALLOCATIONS</u>	41
<u>4.1.0</u>	<u>ADOPTING THIS SCHEME</u>	41
<u>4.2.0</u>	<u>DETERMINING PRIORITY FOR AN ALLOCATION FOR HOUSING</u>	42
<u>4.3.0</u>	<u>LOCAL LETTINGS SCHEMES</u>	48
<u>4.4.0</u>	<u>AVOIDING DISCRIMINATION AND ENHANCING EQUALITY OF OPPORTUNITY</u>	50
<u>4.5.0</u>	<u>BEST INTERESTS OF CHILDREN</u>	51
<u>4.6.0</u>	<u>DISCRETION</u>	51
<u>5.0</u>	<u>BEING ALLOCATED A PROPERTY</u>	53
<u>5.1.0</u>	<u>CHOICE</u>	53
<u>5.2.0</u>	<u>OTHER GENERAL POINTS</u>	54
<u>6.0</u>	<u>OTHER ARRANGEMENTS</u>	57
<u>6.1.0</u>	<u>DIRECT APPLICATIONS TO REGISTERED PROVIDERS</u>	57
<u>6.2.0</u>	<u>NOMINATIONS</u>	57
<u>6.3.0</u>	<u>TRANSFERS</u>	57
<u>6.4.0</u>	<u>CONTRACTING-OUT</u>	57
<u>6.5.0</u>	<u>COMPLAINTS, APPEALS AND LEGAL CHALLENGES</u>	58
<u>4.6.0</u>	<u>DISCRETION</u>	78
<u>1.</u>	<u>ASSESS WHETHER THE APPLICANT HAS EXCEPTIONAL CIRCUMSTANCES</u>	79
<u>2.</u>	<u>REFER TO THE SENIOR OFFICER</u>	79
<u>3.</u>	<u>SENIOR OFFICER TO DECIDE WHETHER TO EXERCISE DISCRETION</u>	79
<u>4.</u>	<u>INFORM THE APPLICANT OF THE OUTCOME</u>	81
<u>5.</u>	<u>BACKGROUND INFORMATION</u>	81
	<u>PROCESS CHART FOR APPLYING DISCRETION WHEN ALLOCATING HOUSING</u>	82
	<u>DETERMINING AN APPLICANTS' ENTITLEMENT TO BEDROOMS, FOR ASSESSING OVERCROWDING AND UNDER-OCCUPANCY</u>	88

I.	LOCAL AUTHORITY LETTER (COUNCIL TAX, BENEFITS ETC)	88
II.	DWP LETTER	88
III.	PAYSリップ / P45 / P60	88
IV.	PHOTO DRIVING LICENCE	88
	OVERVIEW	93
	SUMMARY OF RESPONSES	94
	QUESTION 1. DO YOU AGREE OR DISAGREE WITH THE PROPOSED QUALIFICATION CRITERIA?	94
	QUESTION 2 - DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR OFFERING CHOICE?	95
	QUESTION 3 – DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR AFFORDING ADDITIONAL PREFERENCE TO PERSONS IN THE SPECIFIED CIRCUMSTANCES	96
	QUESTION 4 – DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR PRIORITISING PEOPLE WAITING FOR AN ALLOCATION OF SOCIAL HOUSING?	98
	OTHER COMMENTS	99
	APPENDIX 1 – HALTON PUBLIC CONSULTATION SUMMARY	101
	APPENDIX 2 – KNOWSLEY PUBLIC CONSULTATION SUMMARY	106
	APPENDIX 3 – LIVERPOOL PUBLIC CONSULTATION SUMMARY	112
	APPENDIX 4 – SEFTON PUBLIC CONSULTATION SUMMARY	116
	APPENDIX 5 – WIRRAL PUBLIC CONSULTATION SUMMARY	119
	LIVERPOOL CITY REGION COMBINED AUTHORITY AREA	123
	ALLOCATION OF SOCIAL HOUSING POLICY EQUALITY IMPACT ASSESSMENT	123
	3.1.1 Age	124
	3.6.3 Wheelchair user standards	125
	3.1.3 Gender	126
	3.1.2 Ethnicity	127

Procedure for assessing and processing applications

Following a decision being made that an applicant is eligible and qualifying the following processes should be followed:

1. Determine the applicant's housing needs

- a. The officer should determine the number of bedrooms required by household per the bedroom standard specified in the policy s.4.2.3.
- b. If the applicant has applied on the grounds that their existing accommodation is overcrowded, i.e. the number of bedrooms in the current accommodation is fewer than required for all existing residents including those who are not being rehoused, then the officer should follow the procedure for dealing with applications from overcrowded households see Appendix 5.
- c. If the applicant has applied on the grounds of being threatened with homelessness, the applicant should be sign posted to relevant Housing Options Team to explore any ways of preventing homelessness.
- d. If the applicant meets any of the criteria for a priority band A or B as specified in the policy then relevant evidence should be requested to verify this need as set out in the checklist (Document 1).
- e. If the applicant has no housing need as identified within the criteria set out in the scheme s 4.2.3 Band A and 4.2.4 Band B then they will be placed in Band C.
- f. If the applicant wishes to exclude any location from consideration, the applicant must provide reasons relating to safety and / or welfare and the officer must be satisfied that there is a genuine justification to exclude the relevant zone.

2. Place the applicant in the appropriate band on the register

- a. The officer should place the applicant in the appropriate band on the register using the Banding Structure. The date of entry in the band should be the date the last piece of evidence / information was submitted to verify that the criteria is met.
- b. If the officer believes there are exceptional circumstances which may mean that the applicant needs higher priority than the applicant would normally be given, the officer should refer to the procedure for applying discretion see Appendix 3.
- c. The officer should refer to the local connection criteria as set out in s 3.2.8 of the scheme to ensure that a priority band A or B is only awarded for a Local Authority area where a local connection can be confirmed as defined in the scheme. For all other Local Authority areas, the highest priority band that can be awarded will be Band C.

3. Inform the applicant of the outcome

- a. Once the applicant has been placed on the register, the officer should inform the applicant in writing of the outcome of the assessment and ensure to make relevant notes on the application via the IT system to detail the decision made.
- b. If the applicant is placed in band C, the officer should advise the applicant on other housing options available as this may be the quickest way for the applicant to be rehoused.

4. Match the applicant with a property

This section of the process will be undertaken by the Registered Provider allocating the advertised property.

- a. Properties will be shortlisted according to section 4.2.1 of the Scheme Policy.
- b. The only exceptions are if there is an agreed and published Local Lettings plan in place which allows a variation to standard procedure.

5. Verify the applicant's eligibility

This section of the process will be undertaken by the Registered Provider allocating the advertised property.

- a. Once a property has been identified as being suitable for the applicant, the officer must verify that the applicant is still eligible.
- b. The officer should first check if the identity evidence provided at the initial enquiries stage is still valid and correct. For example, has the applicant's passport expired? If the evidence on file is no longer valid, the applicant should be asked to provide updated identity documents.
- c. The allocations officer should take particular care with applicants from abroad because their immigration status may have changed or the eligibility regulations concerning people from abroad may have changed. Such applicants should be asked for updated identity documents confirming their immigration status.
- d. If the officer cannot determine the applicant's immigration status from the identity documents, the allocations officer can contact the UK Border Agency to confirm the applicant's immigration status, but should first warn the applicant so that the applicant has the option of withdrawing the application before any action is taken.
- e. If the officer is in any doubt as to the eligibility of the applicant, the allocations officer should consult the code of guidance (Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012).
- f. If the officer believes that the applicant is no longer eligible, the officer should contact the Administering Scheme partner responsible for managing that application who will investigate further and determine eligibility for the scheme.

6. Verify the applicant's qualification and priority band

This section of the process will be undertaken by the Registered Provider allocating the advertised property.

- a. The officer must next verify that the applicant still qualifies under the scheme and is not disqualified due to lack of local connection, unacceptable behaviour or financial resources.
- b. The officer should verify that there has been no change in the applicants' circumstances that may impact their qualification and / or priority band. This may include requesting and reviewing evidence to confirm that the applicant falls into the relevant category of qualification. The Checklist (Document 1) provides guidance as to the types of suitable evidence that could be requested.
- c. If the officer considers that the applicant may no longer qualify and / or meet the criteria for the priority band awarded, the officer should discuss further with the Administering Scheme partner responsible for managing that application, who will investigate further and make a decision on qualification / priority band.

7. Confirm the allocation

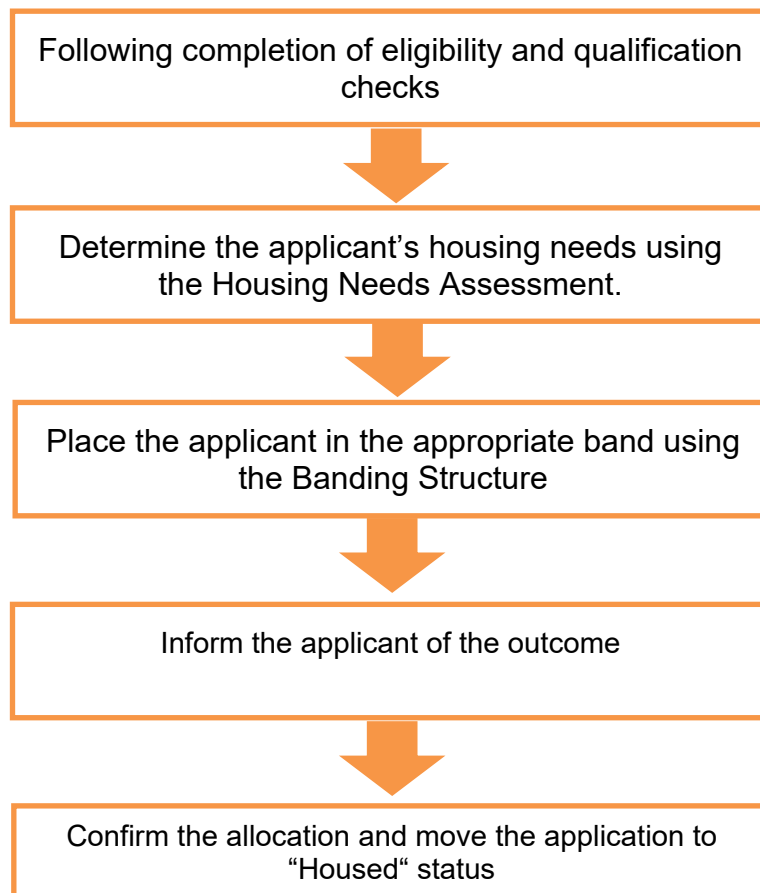
This section of the process will be undertaken by the Registered Provider allocating the advertised property.

- a. Once the applicant's information has been verified as above, the officer should undertake all usual allocations procedures per their own organisation.
- b. The officer should follow the PPP IT system procedure for moving the housing application to a "Housed" status.

8. Background information

- a. This procedure applies to any applicants who have made an application for an allocation of housing in the local authority area.
- b. This procedure is in accordance with the Housing Allocation Scheme produced by the Council.
- c. This procedure will be reviewed in line with any significant change in the Housing Allocation Scheme, legislation, statutory guidance or significant case law. Separate to this it should be reviewed every two years.

Process chart for assessing and processing applications



Paperwork Templates

Document 1 – Checklist

Additional Preference - Band A:

Criteria	Example evidence
Homeless, specifically owed the section 189B initial duty owed to all eligible persons who are homeless and owed the section 188 interim duty to accommodate due to having an apparent priority need.	Confirmation from the homelessness team
Owed a duty under Housing Act 1996, Part 7, specifically, those who are: Not intentionally homeless and have a priority need for accommodation, owed the section 193 duty.	Confirmation from the homelessness team
Victims of domestic abuse who are homeless or owed any homelessness duty and/or have been identified as high-risk victims of domestic abuse at a local MARAC	Referral from MARAC
Sudden loss of existing home as a result of a disaster	Referral from Fire and Rescue Service
Severely overcrowded due to lacking two or more bedrooms	Evidence of the size of the property, such as property particulars or confirmation from the landlord, and the number of inhabitants, such as the electoral register. If necessary, an inspection may be carried out and advice sought from the Housing Standards Team in respect of space standards. Refer to Overcrowding procedure Appendix 5.
Under-occupying social rented housing by two or more bedrooms	Evidence of the size of the property, such as property particulars or confirmation from the landlord, and the number of inhabitants, such as the electoral register. If necessary, an inspection may be carried out. Refer to bedroom standard.
Medical condition is expected to be terminal and re-housing is required due to detrimental effects caused by present accommodation	Supporting evidence from a health or social care professional with direct knowledge of the applicant's condition
Medical condition is life threatening and re-housing is required due to detrimental effects caused by present accommodation	Supporting evidence from a health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs.
Planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy.	Evidence from Hospital Discharge Team / Social Care
Persons leaving care of the Local Authority's children services	A referral from their personal adviser and evidence that a support package is in place where applicable.
Persons approved by the Local Authority as	Referral from Local Authority Children's'

foster carers or to adopt, who need to move to a larger home in order to look after a child under the care of the Local Authority's children services	Services confirming approval and requirements for a move to take on the care of a child.
Members of the Armed and Reserve Forces	Proof of Forces service and need to move
Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.	Confirmation of situation from Armed Forces
Victims of racial harassment amounting to violence or threats of violence	Referral / supporting evidence from a relevant agency e.g. Police, Victim Support, ASBT
Victims of hate crime	Referral / supporting evidence from a relevant agency e.g. Police, Victim Support, ASBT, Anthony Walker Foundation
Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes	Referral / supporting evidence from a relevant agency e.g. Police, Victim Support
Those who require rehousing due to a compulsory purchase order and/or subject to a local authority approved regeneration scheme	Copy of CPO and confirmation from the LA that the property falls within an approved Regeneration Scheme.
Persons participating in the Housing First Pilot led by the Liverpool City Region Combined Authority	Referral from LCR Housing First Administrator

Reasonable Preference – Band B

Criteria	Example evidence
Homeless, as defined by Housing Act 1996, Part 7, section 175, regardless of whether they have made an application for homelessness assistance, , including those who are owed the section 189B initial duty owed to all eligible persons who are homeless, but are not owed the section 188 interim accommodation duty	Referral from Homeless Team or following assessment by PPP Officer
Owed a duty under Housing Act 1996, Part 7, specifically, those who are: <ul style="list-style-type: none"> a. Intentionally homeless and have a priority need for accommodation, owed the section 190 duty. b. Threatened with homelessness, owed the (prevention) section 195 duty. 	Referral from Homeless Team
Overcrowded due to lacking one bedroom	Evidence of the size of the property, such as property particulars or confirmation from the landlord, and the number of inhabitants, such as the electoral register. If necessary, an inspection may be carried out and advice sought from the Housing Standards Team. Refer to Overcrowding procedure Appendix

	5.
Occupying insanitary housing or otherwise living in unsatisfactory housing conditions	Evidence that the applicant has made contact with their landlord and the Housing Standards team and copies of any improvement notices or prohibition orders issued. If an emergency prohibition order has been made, there should be a referral from the Housing Standards team with advice on the urgency of the situation.
Property in disrepair	Evidence that the applicant has made contact with their landlord and the Housing Standards team and copies of any improvement notices or prohibition orders issued. If an emergency prohibition order has been made, there should be a referral from the Housing Standards team with advice on the urgency of the situation.
Under-occupying social rented housing by one bedroom	Evidence of the size of the property, such as property particulars or confirmation from the landlord, and the number of inhabitants, such as the electoral register. If necessary, an inspection may be carried out. Refer to bedroom standard.
In housing need and needs to move on medical grounds (including grounds relating to a disability).	Referral from a medical professional (occupational therapist, psychiatrist, consultant, GP) or a social worker after a period of reablement provided by Adult Services has been completed. The key factor is the detrimental effect of the current accommodation so the referral could relate to the location of the property or its facilities. Whilst a referral is required and medical advice should be taken into consideration, it should not solely determine the outcome of the allocation officer's decision where there are other relevant factors.
In housing need and needs to move on welfare grounds.	Evidence of the applicant's welfare needs, such as confirmation from social services that the applicant is: a) providing accommodation for a care leaver or a person returning from a drug or alcohol recovery programme; or b) a young adult with learning disabilities who could not be expected to find their own accommodation.
In housing need and needs to move to a particular locality to avoid hardship to themselves or others (for example to access medical treatment, give or receive care or start employment/training).	Evidence of how the move will relieve hardship. For example: a) evidence from a family member who is suffering harassment and/or financial abuse and is in danger of losing their home that the applicant will provide emotional/financial support on moving; or b) evidence from a medical professional that the applicant needs to be in a specific area

	to access treatment for a medical condition that cannot be reasonably accessed where they currently live.
--	---

Additional requirements for special categories:

If the applicant is under 18.	A third party to be a trustee of the tenancy and satisfactory evidence that the applicant can pay the rent, such as proof of earnings, or an adult guarantor.
-------------------------------	---

Local connection:

Grounds for local connection	Example evidence
Live within the Scheme area for two years (6 of the last 12 months or 1 of the last 5 years owed a homelessness duty) .	Tenancy agreement, Council tax or utility bills or bank statements. For proof of former residence, possibly confirmation from the electoral register.
Have employment in the local authority area or (if self-employed) have a work base in the local authority area. Must not be short term i.e. less than 12 month contract, or less than 16 hours per week and in receipt of UC / WTC	Wage slips or P60 if employed, rates or business utility bills or business bank statements for self-employed.
Have parents, adult siblings or adult children living in the local authority area who have lived in the area for at least 5 years.	Evidence of family connection, such as birth certificate, and evidence of family member's residence, such as tenancy agreement, Council tax or utility bills or bank statements. For proof of former residence, possibly confirmation from the electoral register.
Have special circumstances so should be deemed to have a local connection.	Evidence that the household includes someone who: a) is serving in the regular forces or who has served in the regular forces within the last 5 years; b) has recently ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partners where the spouse or partner served in the regular forces and their death was attributable (wholly or partly) to that service; or c) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service. d) Persons who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm It may be possible to verify special circumstances with a third party. For example, the police may be able to verify that a household is fleeing violence, a social worker may be able to verify that someone needs to be near a close relative to provide care or the homelessness team may be able to verify that the applicant was placed in interim accommodation outside the borough.
Clarification notes	Applicants will only be awarded a priority band A or B for a Local Authority area where they have a

	<p>verified Local Connection to the area as described above. For all other LA areas they will be awarded Band C.</p> <p>If they are claiming local connection based on residence and have been resident in more than one Local Authority area in the past two years, then they will only get a priority Band A or B for the area where they are currently resident or where they can demonstrate a local connection on other grounds e.g. employment or family connection. For all other Local Authority areas a Band C will be awarded.</p>
--	--

Unacceptable behaviour:

Appropriate evidence could be evidence from internal records, the applicant’s current landlord or the police of the applicant or a member of the applicant’s household. If no unacceptable behaviour is found, the applicant should be asked to confirm in writing that there has been no such unacceptable behaviour and should be reminded of the importance of not providing misleading or inaccurate information.

Financial resources:

Disqualification criteria	Example evidence
Owner occupier or has equity in a property (unless there are pressing health needs for sheltered housing).	Declaration on application form. Mortgage statements.
An applicant, or a member of their household with financial resources consistent with the UK Government’s upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates (disregards apply to Armed Forces personnel, see sections 3.2.14)	Proof UC in payment, Bank statements and declaration vi application form that this is not the case. If in receipt of Universal Credit this will suffice as evidence
An applicant who has been allocated social rented housing via this Scheme within the 12 months preceding a new application, and whose accommodation remains suitable.	Application housing history, PPP Records, landlord reference.
Participants of the Liverpool City Region Combined Authority Housing First Pilot are exempt from this qualification criterion	Housing First referral (see policy s3.2.2 for exemptions)

APPENDIX 3 –

Policy for applying discretion when allocating housing

Contents

PPP POLICY -

<u>1.0</u>	<u>OVERVIEW</u>	18
<u>1.1.0</u>	<u>INTRODUCTION</u>	18
<u>1.2.0</u>	<u>PURPOSE OF THIS SCHEME</u>	18
<u>1.3.0</u>	<u>PRINCIPLES OF THIS SCHEME</u>	19
<u>1.4.0</u>	<u>CONSULTATION</u>	22
<u>2.0</u>	<u>INFORMATION, APPLICATIONS AND DECISION-MAKING</u>	23
<u>2.1.0</u>	<u>INFORMATION</u>	23
<u>2.2.0</u>	<u>APPLICATIONS</u>	25
<u>2.3.0</u>	<u>DECISION-MAKING</u>	30
<u>2.4.0</u>	<u>REVIEWS</u>	31
<u>3.0</u>	<u>ELIGIBILITY AND QUALIFICATION</u>	32
<u>3.1.0</u>	<u>ELIGIBILITY</u>	32
<u>3.2.0</u>	<u>QUALIFICATION</u>	34
<u>3.3.0</u>	<u>DETERMINING ELIGIBILITY AND QUALIFICATION</u>	40
<u>3.4.0</u>	<u>NOTIFICATIONS OF DECISIONS AND RIGHT TO A REVIEW</u>	40
<u>3.5.0</u>	<u>RE-APPLICATION</u>	40
<u>4.0</u>	<u>ALLOCATIONS</u>	41
<u>4.1.0</u>	<u>ADOPTING THIS SCHEME</u>	41
<u>4.2.0</u>	<u>DETERMINING PRIORITY FOR AN ALLOCATION FOR HOUSING</u>	42
<u>4.3.0</u>	<u>LOCAL LETTINGS SCHEMES</u>	48
<u>4.4.0</u>	<u>AVOIDING DISCRIMINATION AND ENHANCING EQUALITY OF OPPORTUNITY</u>	50
<u>4.5.0</u>	<u>BEST INTERESTS OF CHILDREN</u>	51
<u>4.6.0</u>	<u>DISCRETION</u>	51
<u>5.0</u>	<u>BEING ALLOCATED A PROPERTY</u>	53
<u>5.1.0</u>	<u>CHOICE</u>	53
<u>5.2.0</u>	<u>OTHER GENERAL POINTS</u>	54
<u>6.0</u>	<u>OTHER ARRANGEMENTS</u>	57
<u>6.1.0</u>	<u>DIRECT APPLICATIONS TO REGISTERED PROVIDERS</u>	57
<u>6.2.0</u>	<u>NOMINATIONS</u>	57
<u>6.3.0</u>	<u>TRANSFERS</u>	57
<u>6.4.0</u>	<u>CONTRACTING-OUT</u>	57
<u>6.5.0</u>	<u>COMPLAINTS, APPEALS AND LEGAL CHALLENGES</u>	58
<u>4.6.0</u>	<u>DISCRETION</u>	78
<u>1.</u>	<u>ASSESS WHETHER THE APPLICANT HAS EXCEPTIONAL CIRCUMSTANCES</u>	79
<u>2.</u>	<u>REFER TO THE SENIOR OFFICER</u>	79
<u>3.</u>	<u>SENIOR OFFICER TO DECIDE WHETHER TO EXERCISE DISCRETION</u>	79
<u>4.</u>	<u>INFORM THE APPLICANT OF THE OUTCOME</u>	81
<u>5.</u>	<u>BACKGROUND INFORMATION</u>	81
	<u>PROCESS CHART FOR APPLYING DISCRETION WHEN ALLOCATING HOUSING</u>	82

<u>DETERMINING AN APPLICANTS' ENTITLEMENT TO BEDROOMS, FOR ASSESSING OVERCROWDING AND UNDER-OCCUPANCY</u>	88
I. <u>LOCAL AUTHORITY LETTER (COUNCIL TAX, BENEFITS ETC)</u>	88
II. <u>DWP LETTER</u>	88
III. <u>PAYSLIP / P45 / P60</u>	88
IV. <u>PHOTO DRIVING LICENCE</u>	88
<u>OVERVIEW</u>	93
<u>SUMMARY OF RESPONSES</u>	94
<u>QUESTION 1. DO YOU AGREE OR DISAGREE WITH THE PROPOSED QUALIFICATION CRITERIA?</u>	94
<u>QUESTION 2 - DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR OFFERING CHOICE?</u>	95
<u>QUESTION 3 – DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR AFFORDING ADDITIONAL PREFERENCE TO PERSONS IN THE SPECIFIED CIRCUMSTANCES</u>	96
<u>QUESTION 4 – DO YOU AGREE OR DISAGREE WITH THE PROPOSALS FOR PRIORITISING PEOPLE WAITING FOR AN ALLOCATION OF SOCIAL HOUSING?</u>	98
<u>OTHER COMMENTS</u>	99
<u>APPENDIX 1 – HALTON PUBLIC CONSULTATION SUMMARY</u>	101
<u>APPENDIX 2 – KNOWSLEY PUBLIC CONSULTATION SUMMARY</u>	106
<u>APPENDIX 3 – LIVERPOOL PUBLIC CONSULTATION SUMMARY</u>	112
<u>APPENDIX 4 – SEFTON PUBLIC CONSULTATION SUMMARY</u>	116
<u>APPENDIX 5 – WIRRAL PUBLIC CONSULTATION SUMMARY</u>	119
<u>LIVERPOOL CITY REGION COMBINED AUTHORITY AREA</u>	123
<u>ALLOCATION OF SOCIAL HOUSING POLICY EQUALITY IMPACT ASSESSMENT</u>	123
<u>3.1.1 Age</u>	124
<u>3.6.3 Wheelchair user standards</u>	125
<u>3.1.3 Gender</u>	126
<u>3.1.2 Ethnicity</u>	127

4.6.0 Discretion

4.6.1 Discretion about being made eligible, allocated social rented housing or awarded additional preference will be exercised only by the Local Authority's Senior Officer, limited only to individual cases, within the City Region area, where there are exceptional circumstances as defined below:

- 1. Providing protection to people who need to move away from another local authority area, to escape violence, harm, or intimidation.*
- 2. In circumstances where an applicant needs to move due to a serious offence (equal to MAPPA level 2 or 3), as defined by the Serious Crime Act 2007, Part 1, Schedule 1, there will be joint working with the Police, Probation Services, Adult Care Services, health professionals, registered providers and other bodies, to manage any risk to the community.*

4.6.2 When assessing whether discretion should be applied, the Local Authority will consider:

- 1. What the exceptional circumstances are. They should be unusual or remarkable circumstances which indicate that the applicant's housing needs are more urgent than other applicants*
- 2. What will be the consequences if no discretion is exercised? This will include considering how serious the potential consequences are and how likely each potential consequence is*

4.6.3 When deciding, the Local Authority will have regard to:

- 1. The fact that decisions to exercise discretion will be kept to minimum*
- 2. The need for consistency with previous decisions whether or not to exercise discretion*
- 3. What would be a fair outcome to ensure that there is no discrimination and*
- 4. The likelihood and severity of the potential consequences of discretion is not exercised.*

A decision as to whether or not to exercise discretion will be made at the point of receipt of application and again at the point of offer.

In all cases when direct offers are made, applicants will receive one direct offer only subject to the Local Authority's discretion to make a further direct offer.

Procedure for applying discretion when allocating housing

1. Assess whether the applicant has exceptional circumstances

- a. The Senior Officer can exercise discretion if:
 - Providing protection to people who need to move away from another area within the scheme area, to escape violence, harm, or intimidation,
 - In circumstances where an applicant needs to move due to a serious offence (equal to MAPPA level 2 or 3), as defined by the Serious Crime Act 2007, Part 1, Schedule 1, there will be joint working with the Police, Probation Services, Adult Care Services, health professionals, registered providers and other bodies, to manage any risk to the community.
- b. When assessing whether the application should be referred to the Senior Officer, the allocations officer should consider:
 - i. what the exceptional circumstances are. They should be exceptional, unusual or remarkable circumstances which indicate that the applicant's housing needs are more urgent than other applicants with reasonable preference;
 - ii. what will be the consequences if the Local Authority does not exercise discretion to move the applicant urgently. This should include considering how serious the potential consequences are and how likely each potential consequence is;
- c. If the allocations officer is in any doubt as to whether or not to refer the file, the officer should discuss the matter with a senior officer.

2. Refer to the Senior Officer

- a. Once the applicant has been assessed as having exceptional circumstances, the Senior officer may refer the case to the Senior Local Authority Officer using a secure email.

3. Senior Officer to decide whether to exercise discretion

- a. The Senior Officer will carry out a review of the file by considering all of the circumstances, details within the secure email, the PPP Housing Allocation

Scheme, any relevant legislation and statutory guidance and similar previous applications.

- b. As part of the review, the Senior Officer may require the allocations officer to collect further evidence about the circumstances and/or provide a more detailed report on the circumstances.
- c. When carrying out the review, Senior Officer will have regard to:
 - i. the fact that decisions to exercise discretion should be kept to a minimum.
 - ii. the need for consistency with previous decisions.
 - iii. what would be a fair outcome ensuring that there is no discrimination and that reasonable preference groups still have reasonable preference within the allocation system; and
 - iv. the likelihood and severity of the potential consequences if the Senior Officer does not exercise discretion. Got to be threat to life or irreversible harm?
- d. Example where discretion may be appropriate in the circumstances could be:
 - i. an applicant who is a witness in proceedings and who is being threatened or attacked in existing accommodation, where clear support from Merseyside Police is present, so needs to move to a new area within the Liverpool City Region urgently.
 - ii. When the full housing need can't be fully met but an offer would improve their current situation

This example is not definitive in showing when discretion should or should not be exercised and is only included as guidance to assist the Senior Officer in assessing files.

- e. The Senior Officer should aim to make a decision on whether or not to exercise discretion within **7 days** of either receiving the secure email or receiving additional evidence or reports which have been requested (whichever is later). The Senior Officer should inform the officer of the decision as soon as possible after it has been made and should record the decision and the reasons for it on the file.

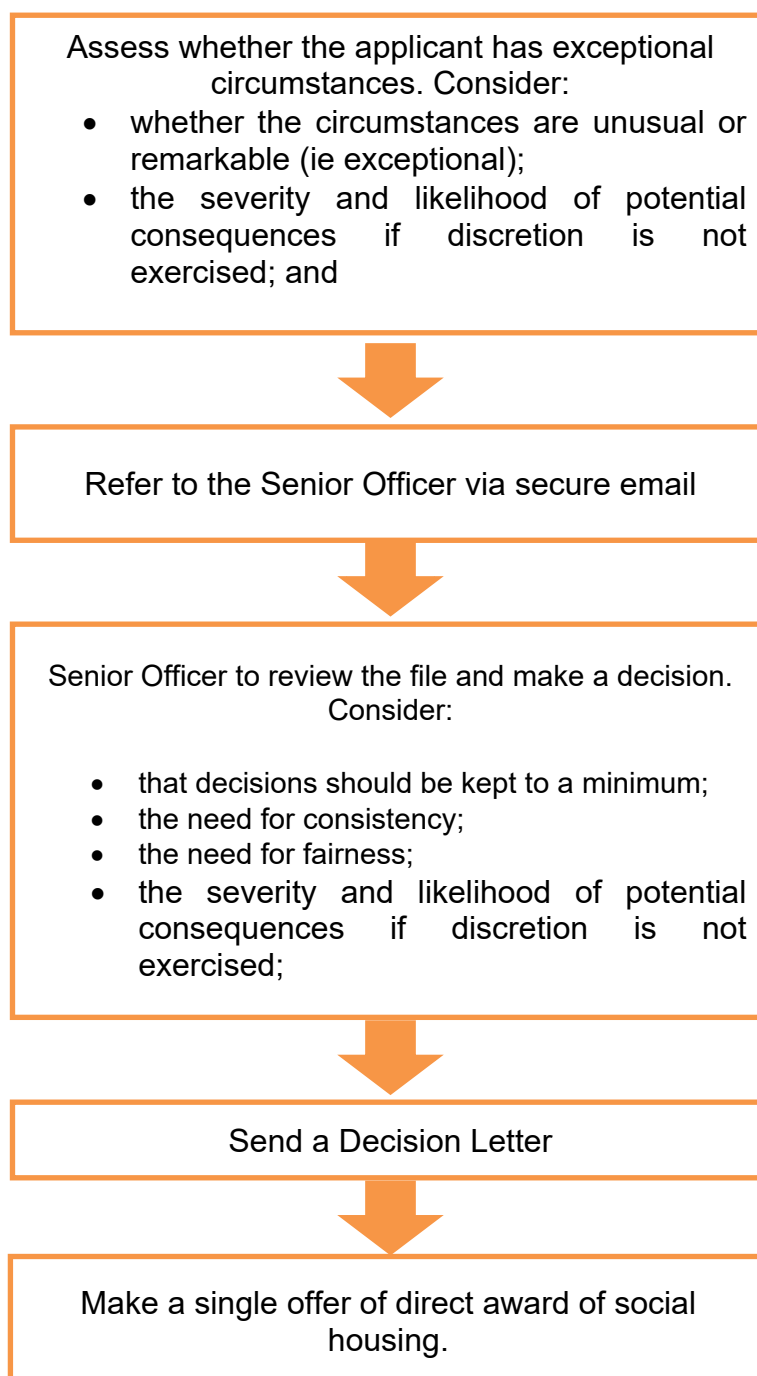
4. Inform the applicant of the outcome

- a. Once the assessment of the application has been completed, the Senior officer should inform the applicant of the outcome using a Decision Letter.
- b. In all cases when direct offers are made, applicants will receive one direct offer only subject to the Local Authority's discretion to make a further direct offer.

5. Background information

- a. This procedure applies to any applicants who have applied for an allocation of housing in the local authority area and are considered to be in exceptional circumstances so that discretion may need to be applied
- b. This procedure is in accordance with the Housing Allocation Scheme produced by The Council.
- c. Throughout this procedure, whenever a document is to be completed or issued, an electronic copy should be retained on the file.
- d. This procedure will be reviewed in line with any significant change in the Housing Allocation Scheme, legislation, statutory guidance or significant case law. Separate to this it should be reviewed every two years.

Process chart for applying discretion when allocating housing



APPENDIX 4

Procedure for dealing with requests for reviews of allocation decisions

Contents

Procedure for dealing with requests for review of allocations decision	2
1. Assess whether the applicant is entitled to request a review	2
2. Acknowledge receipt of the request	2
3. Refer the request	2
4. Stage 1 review	2
5. Inform the applicant of the outcome of the stage 1 review	3
6. If the applicant is not satisfied with the outcome of the stage 1 review and wants to take further action	3
7. Stage 2 review	3
8. If the applicant wants to take further action	3
9. Background information	4
Process chart for dealing with requests for reviews of allocation decisions	5

1. Assess if the applicant is entitled to request a review

- a) Applicants or their representative can request a review of a decision made in relation to their application via their administering scheme partner. The request for a review can be made in person, by telephone, by email or in writing within 15 working days from the date of being advised of the decision they are disputing. In exceptional circumstances, discretion may be used to proceed with the review, if the request for a review is made outside of the 15 working days.
- b) Applicants can only request reviews on the following grounds;
 - i. That an applicant is not eligible for an allocation of social rented housing, due to being subject to immigration control or being an ineligible person from abroad.
 - ii. That an applicant does not meet the qualifying criteria to join the housing allocation scheme.
 - iii. The degree of preference they have been afforded, including any changes made to the degree of preference they are entitled to.
 - iv. The facts of their case which are likely to be, or have been, taken account of when deciding whether to make a nomination to a Registered Provider, including their medical condition or welfare needs.
 - v. The type of social rented housing for which an applicant will be considered for.
 - vi. The extent of the applicant's household.
 - vii. Whether a nomination constitutes a final offer
- c) If the applicant is not entitled to request a review due to being outside of the timeframe or requesting on grounds other than those specified below. The applicant should be informed of this in writing.

2. Acknowledge receipt of the request

- a) As soon as possible after receipt of a verbal or written request for a review, the officer must acknowledge receipt of the request.

3. Refer the request

- a) As soon as the notification has been sent, the officer should refer the request to a senior officer who was not involved in the original decision.

4. Stage 1 review

- a) The review will be carried out by a senior officer who was not involved in the original decision.
- b) The senior officer will carry out the review considering all of the facts, the policy, any relevant legislation and any statutory guidance. Any supporting documentation provided by the applicant or the applicant's representative will also be considered.

5. Inform the applicant of outcome of the stage 1 review

- a) A response should be provided with the outcome of the review to the applicant within 15 working days of the request being received.

6. If the applicant is not satisfied with the outcome of the stage 1 review and wants to take further action

- a) The applicant can request a stage 2 review within 15 working days of receiving the review decision notice advising them of the stage 1 outcome. This request for a review can be made in person, by telephone, by email or in writing, but must set out their reasons for the request.
- b) An acknowledgement letter must be sent to the applicant, copying in the relevant scheme council, within 10 working days of receipt of the stage 2 request.
- c) All the necessary documentation must be sent immediately to the relevant council, which should include the following;
 - The applicant's initial stage 1 review complaint
 - The response from administrating scheme partner
 - The applicants request that they wish to proceed to a stage 2 review
 - Electronic application file
 - Any other relevant documentation.

7. Stage 2 Review

- a) The stage 2 review will be heard by a panel that will be chaired by a senior manager at the relevant scheme council and at least two other panel members, that will be either a officer from one or more of the administering scheme partners not involved in the original decision or stage 1 review and/or the property pool plus co-ordinator.
- b) Applicants will be offered the chance of presenting their case in person (or remotely via teams). Wherever possible a meeting will be convened within 15 working days of the acknowledgement letter being issued, however, this period may need to be extended but, in these cases, will be a maximum of 31 days.
- c) The panel will make their decision based on all the evidence that is detailed above. Please note that any new/additional evidence cannot be considered at Stage 2 but should be submitted to assessment prior to the Stage 2 Panel Hearing.
- d) The decision should be provided in writing within 10 working days from when the panel meets.

8. If the applicant wants to take further action

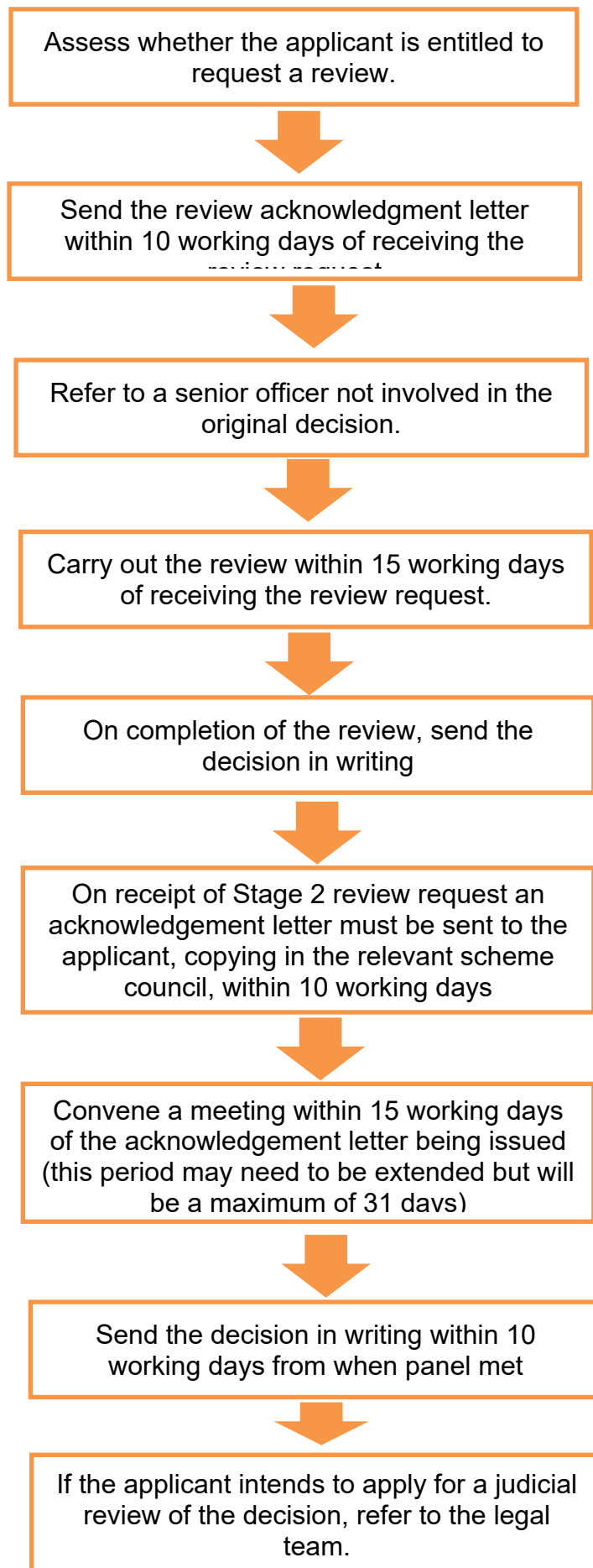
- a) Applicants will be informed of their right to pursue a judicial review, where they believe there is evidence that a decision is irrational, illegal or falls to follow public law procedural requirement. This includes a refusal to take an application to join Property Pool Plus.
- b) An applicant can apply for a judicial review, if they can show that the review decision;
 - i. is contrary to the Part 6 of the Housing Act 1996
 - ii. is contrary to the Housing Allocation Scheme
 - iii. has been reached by applying an unfair or unlawful procedure
 - iv. is based on a mistake of law (or sometimes fact)

- c) To be able to apply for a judicial review, the applicant will have to apply for the Administrative Court's permission as soon as possible, but in any event within three months of being notified of the review decision.
- d) If the officer becomes aware that the applicant intends to apply for a judicial review, the officer should immediately pass the file to the legal team.
- e) If applicants are dissatisfied with how their application and any subsequent complaint has been handled by the Local Authority, they will be informed of their right to make a claim of maladministration to the Local Government and Social Care Ombudsman.

9. Background Information

- a) This procedure applies to any applicants who have requested a review of a decision in relation to the allocation of social housing in the local authority area.
- b) This procedure is in accordance with the Housing Allocation Scheme produced by the Local Authority.
- c) Throughout this procedure, whenever a document is to be issued, a copy should be retained on file.
- d) This procedure will be reviewed in line with any significant change in the Housing Allocations Scheme, legislation, statutory guidance or significant case law. Separate to this it should be reviewed every two years.

Process chart for dealing with requests for reviews of allocation decisions



APPENDIX 5

Determining an applicants' entitlement to bedrooms, for assessing overcrowding and under-occupancy

1.1.0 Determining bedroom entitlement to assess overcrowding or under-occupancy

- 1.1.1 If an applicant has applied on the basis that the applicant's existing accommodation is overcrowded or under-occupied, the officer should first establish the applicant's bedroom needs.
- 1.1.2 For the purposes of determining overcrowding or under-occupying, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01st October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
- i. A married or cohabiting couple,
 - ii. Adult aged 21 years or more,
 - iii. Pair of adolescents aged 10-20 years of the same gender,
 - iv. Pair of children aged under 10 years regardless of gender,
 - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
 - vi. An unpaired adolescent aged 10-20 years,
 - vii. An unpaired child aged under 10 years.
 - viii. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority
 - ix. An overnight carer for any usual household member, if the carer isn't a usual household member.
- 1.1.2 Once an applicant's bedroom needs are known, the Local Authority will confirm whether an applicant's existing accommodation is overcrowded or under-occupied. The Local Authority will confirm the size and type of the existing accommodation and the usual members of the applicant's household. This might include the Local Authority assessing the evidence provided by the applicant or if necessary, carrying out an inspection.
- 1.1.3 The following non-exhaustive list details the types of evidence an applicant may provide, all documents should be dated within the previous 3 months or linked to the current financial year's benefit award:
- i. Local Authority letter (council tax, benefits etc)
 - ii. DWP letter
 - iii. Payslip / P45 / P60
 - iv. Photo driving licence
- 1.1.3 Whilst determining whether an applicant is overcrowded or under-occupied, the Local Authority will consider whether any other services could assist an applicant in resolving their overcrowding or under-occupation and will advise the applicant accordingly.

- 1.1.4 The Local Authority will notify applicants as to whether they are overcrowded or under-occupying. Applicants that are overcrowded or under-occupied by two or more bedrooms will be placed in Band A. Applicants that are overcrowded or under-occupied by one bedroom will be placed in Band B. Applicants that are not overcrowded or under-occupied will be placed into Band C, unless there are any other grounds relevant to their applicant (see section 4.2.4).
- 1.1.5 If there is any indication that the applicant may have contrived the overcrowding or under-occupancy situation with the intention of gaining preferential access to housing, the officer should ask the applicant for clarification. Should any further evidence provided by the applicant not provide sufficient clarification the officer will discuss the file with a senior officer. The officer and the senior officer should agree what further inquiries there should be carried out to confirm the situation.
- 1.1.6 Applicants who have contrived an overcrowding or under-occupation situation should be dealt with under the policy for dealing with potential cases of disqualification as set out in section 2.3.0.

2.2 Specific Arrangements

- 2.2.1 Officers should discuss the potential of separate housing applications for households with qualifying adult children, if they are statutorily overcrowded at the point of application and are unlikely to have their housing needs fully met when making a single application.
- 2.2.2 Applicants may be awarded eligibility for an additional bedroom should they require and overnight carer who is required to have their own bedroom, or an additional room for medical equipment. Applicants should provide evidence from a health or social care professional with direct knowledge of the situation and housing needs.
- 2.2.3 A second ground floor living room can be regarded as a bedroom and included in the assessment of an applicant's bedroom need as such, except where the property has a through kitchen/lounge or kitchen/diner and only one other separate living room or the dividing wall between two living rooms has been substantially removed. In considering the use of a room which could be used as a bedroom, regard will be given to whether the room has a fixed heating Page 38 appliance with exposed flame which would make it unsuitable for use as a bedroom.
- 2.2.4 Where there is a requirement for space standards to be considered this will use the Housing Act 1985 and 2004 act to inform any decisions on applications.

Proposed amendments to the Property Pool Plus housing allocation scheme: summary of responses to the public consultation

June 2021

NEIL MORLAND CO
HOUSING CONSULTANTS


Property Pool Plus


**LIVERPOOL
CITY REGION**
COMBINED AUTHORITY

Property Pool Plus

Property Pool Plus (PPP) is a housing allocation scheme which operates across the local housing authority areas of City of Liverpool, the metropolitan boroughs of Knowsley, Sefton, and Wirral and the borough of Halton. PPP is a partnership between the aforementioned local housing authorities and numerous private registered providers of social housing. PPP provides a common procedure and approach to allocating social rented housing, using a choice-based method to let homes.

Liverpool City Region Combined Authority

The Liverpool City Region Combined Authority (LCRCA) is a local authority covering the City of Liverpool, the metropolitan boroughs of Knowsley, St Helens, Sefton and Wirral and the borough of Halton. Founded in 2014, an elected mayor leads the authority, together with the council leaders of the constituent local authorities. The LCRCA administers devolved powers from the UK Government, such as transport, economic development and regeneration functions.

Neil Morland & Co

Neil Morland & Co are housing consultants. Formed in 2011, we work throughout England, Scotland and Wales with national and local governments, housing associations, voluntary organisations and others. We believe there should be adequate housing for everyone. We improve the quality and potential of housing services and strategies.

Disclaimers: All views and any errors contained in this report are the responsibility of the authors. The views expressed should not be assumed to be those of the commissioners, sponsors, authors, nor any person who contributed to this report. The information contained in this report is accurate at the date of publication. The information in this report should not be considered legal advice. The commissioners, sponsors and authors are not authorised to provide legal advice. No responsibility for any loss or damage incurred, by any person or organisation acting or refraining from action as result of any statement in the report, can be taken by the commissioners or the authors.

Introduction

This report provides a summary of feedback received from a consultation, which invited comments on proposals to amend the Property Pool Plus housing allocation scheme. These proposals relate to the following local authority areas:

- Halton Borough Council
- Knowsley Metropolitan Borough Council
- Liverpool City Council
- Sefton Metropolitan Borough Council
- Wirral Metropolitan Borough Council

The consultation was aimed at any member of the public. Neighbouring local authorities, social housing tenants, waiting list applicants, voluntary organisations and housing associations were expected to have an interest.

The consultation was run by each local authority via its own website and also via the Property Pool Plus website.

The consultation lasted for 12 weeks from [insert start date and end date].

The consultation could be responded to by using an online survey or, written responses could be submitted by email or sent by post.

Respondents were asked to confirm whether they are replying as an individual or submitting an official response on behalf of an organisation.

The Liverpool City Region Combined Authority on behalf of the local authority members of Property Pool Plus, commissioned an independent review of the way social rented housing is allocated. Review was carried out during 2019. A range of recommendations were made, including that the rules for allocating social rented housing should be amended to ensure full compatibility with the law and alignment with recognised good practice.

Overview

A total of 4,344 individual responded to the consultation, along with 4 organisations. 36% of all respondents were from Liverpool, which is reflective of City residents equating to one-third of the population of the Liverpool City Region.

	Halton	Knowsley	Liverpool	Sefton	Wirral	Total
Individual	433	657	1,593	718	993	4,394
on behalf of an organisation	0	1	2	1	0	4
Grand Total	433	658	1,595	719	993	4,398

The majority (both in relative and absolute terms) of respondents agreed with all four key proposals being consulted on.

The proposed qualification criterion was the most commonly agreed with and the proposals for prioritisation was the least commonly agreed with. The proposed qualification criteria and was also the most commonly disagreed with and the proposals for affording additional preference were the least commonly disagreed with. The proposed qualification criteria and had the least amount of non-responses and the proposals for prioritisation have the most amount of non-responses.

More responses were submitted about the proposed disqualification criteria than any other question, with the least amount being submitted in response to the question about prioritisation.

More comments were submitted about the proposed disqualification criterion than any other question, the least amount of comments being submitted about the proposals for awarding additional preference.

Summary of Responses

Question 1. Do you agree or disagree with the proposed qualification criteria?

An overall average of 91% of consultees responded to this question, 66% of respondents agreed with proposed qualification criteria, compared to 24% disagreeing and 16% providing no response.

	Halton	Knowsley	Liverpool	Sefton	Wirral
Agree	68%	58%	60%	74%	62%
Disagree	20%	25%	21%	26%	23%
No response	12%	17%	19%	0%	15%

There were supportive comments made about the proposed amendments regarding disqualification due to antisocial behaviour.

Comments about the proposed rent arrears criteria were most frequently made in responses. The proposed new arrangements, abolishing an arbitrary cap and replacing it with an arrangement that require at least three consecutive repayments and for these to be no more than one month behind scheme is designed to more person centred, allowing unique circumstances to be better taken account of. Given the amount of concern raised from this survey about the proposed rent arrears criterion, it will be important to communicate the more advantageous arrangements that are being proposed, before and when they are put into force.

Comments were made disagreeing about proposals for two-year minimum local connection criterion, with many preferring local connection rules being relaxed or removed entirely. It has to be acknowledged that the two-year rule will disadvantage some applicants. It will be important to communicate that the two-year threshold is a requirement set out in statutory guidance. Equally, it will be valuable to promote the fact that exemptions will be made for those persons who are entitled to reasonable preference.

Comments were made about the exemptions specific for victims of domestic abuse, with respondents being concerned that these exemptions were adverse to the interests of persons in such circumstances. It will be important to communicate clearly all of the matters specific made throughout the whole policy (not just those specific to qualification) so victims of domestic abuse and organisations that might support them, are confident that the Property Pool Plus Scheme has been formulated to positively discriminate for victims of domestic abuse, so they can be rehoused as quickly as possible. There would be some benefit in publishing a specific guide for victims of domestic abuse, explaining how any applications will be handled and that the proposed amended scheme satisfies the directions set out in MHCLG's code guidance about making allocations of social rented housing to the victims of domestic abuse and the new housing specific duties arising from the Domestic Abuse Act 2021

Comments were made about the exemption specific to Armed Forces personnel, veterans and their families, with respondents suggesting that such exemptions were unnecessarily favourable. There will be some benefit in publishing a specific guide for Armed Forces personnel, veterans, and their families, explaining how applications will be handled and that the proposed amended

scheme satisfies the directions set out in MHCLG’s code of guidance about making allocations of social rented housing to Armed Forces applicants.

Comments were made disagreeing the proposal for an applicant’s equity or savings to be taken account of when considering whether a person qualifies to join Property Pool Plus. Likewise, some respondents also disagreed with the proposal to disqualify a person due to being a homeowner. It will be important to communicate that by law, social rented housing has to be allocated to people whose needs cannot be met by the general housing market. It will be essential to make clear that a person with savings or assets above the upper savings threshold, as fixed by the Department of Work and Pensions, has been deemed to be a sufficient amount for to secure housing from the general market. Equally, emphasise that this applies only to savings and assets, and not to income will also be helpful and that some exemptions have been made to homeowners in certain specific circumstances.

Question 2 - Do you agree or disagree with the proposals for offering choice?

An overall average of 88% of consultees responded to this question, 62% of respondents agreed with proposed qualification criteria, compared to 22% disagreeing and 21% providing no response.

	Halton	Knowsley	Liverpool	Sefton	Wirral
Agree	64%	54%	51%	73%	60%
Disagree	18%	22%	24%	26%	20%
No response	18%	24%	25%	0%	20%

Comments were made about proposals to limited the right of refusal of reasonable offers. Many respondents suggested that there should be no limit on the number of reasonable refusals an applicant is entitled to make. Others suggested that a cap of three should be applied across the scheme bands. Consideration could be given to revising current proposals for refusal of reasonable offers, to make this an equal threshold across all bands (e.g. a cap of three) for all applicants regardless of their circumstances. One consequence of making such a change, would be a possible reduction in the number of review requests relating to refusal of reasonable offers. Another consequence might be that persons who are homeless or owed a homelessness duty, might remain occupying temporary accommodation longer than they otherwise could have done so. This might also be the case for persons occupying a hospital bed ready for discharge, anyone living in supported housing ready to move on, people waiting to leave the care of children services, and other applicants living in transitional housing or institutional environments.

Comments were made about applicants having the right to make more than three bids per week, with many applicants suggesting there should be no limit set at all. It will be important to communicate the reasons for why such a limit has been put in force and how this benefits the overall operation of the scheme. Proposed amendment made to the scheme set out at section 2 a range of information that will be provided about any given dwelling, subject to this being made available by registered providers. The scheme also sets out at section 2, the types of formats by which information will be provided. It will be important to ensure as much information is made available as possible and that this is set out in a user-friendly fashion. This information could be

provided via the scheme website but also be made available in other electronic or printed formats.

Comments were made about clarifying what constituted a reasonable offer. Whilst these facts can be found from reading the proposed scheme rules, there will be some value in putting all this information together in section 5 of the proposed amended scheme.

Comments were made about dissatisfaction with the choice-based letting model and instead adopting alternative model of choice, that might also involve replacing the banding mechanism with a points-based system. It will be important to communicate the benefits of the choice-based lettings approach such as that it fosters transparency about what properties are available to let and to which applicants they were left to. When the scheme is next reviewed, consideration could be given to appraising the options available to facilitate choice and effectiveness of these.

Question 3 – Do you agree or disagree with the proposals for affording additional preference to persons in the specified circumstances

An overall average of 83% of consultees responded to this question, 69% of respondents agreed with proposed qualification criteria, compared to 14% disagreeing and 30% providing no response.

	Halton	Knowsley	Liverpool	Sefton	Wirral
Agree	54%	56%	57%	83%	63%
Disagree	16%	10%	12%	17%	12%
No response	30%	34%	31%	0%	25%

Comments were made about providing extra support with making an application and affording more priority for applicants with a disability and/or medical needs. Legislation already guarantees people support with making an application for an allocation of social rented housing and assistance with expressing choice and responding to offers. The specifics of how this will be carried out under the Property Pool Plus scheme a set out in section 2 of the proposed amended rules. The availability of this assistance, including how to secure it, should be enthusiastically promoted prior and at the time of the amended scheme being launched. It's important to note that Liverpool City Council shall be commissioning an independent review of its accessible housing register, findings from which can inform any future amendments to Property Pool Plus scheme in respect of administering applications from disabled applicants. Notwithstanding this, any future guidance issued by the UK government on making allocations to disabled applicants, will be fully incorporated as required, into the operation of the Property Pool Plus.

Comments were made about overcrowded households, with some suggesting that they should be given less parity and others that they should be given more. It would be useful to publish specific information for applicants from overcrowded households, setting out the range of actions the local authority might be able to assist them with, via initiatives provided from a Councils private sector housing service and how such actions complement the prioritisation for an allocation from the Property Pool Plus scheme. Such information could also include how overcrowding can have an adverse effect on a household's well-being and how individual households might be able prevent and tackle overcrowding themselves.

A common comment made by respondents who disagreed with the proposals for affording additional preference, was more priority should be given to people and in employment. It will be important to emphasise the provisions within the proposed property pool plus scheme that afford that recognise community contribution for applicants in employment and or education. It would also be useful to promote the fact that applicants who need to move will be suitably prioritised and might benefit from being exempt from the usual local connection criteria. There may be some value in considering whether greater regard is had to the principle of community contribution when prioritising applicants for an allocation. It's important to note that they were also comments that expressed an opposition to employment being a factor connected with prioritising how social housing allocations are made.

Comments are made that priority should be given on individual circumstances. It's important to communicate clearly to current and future potential applicants, that each person is unique situation is fully taken account of when they apply to join property pool plus and that that specific housing needs of any given household directly informs the degree of priority they are afforded.

Comments were made that more priority should be given to persons who are homeless or owed a homelessness duty. It will be beneficial to publish some specific advice for persons who are homeless or owed a homelessness duty, setting out how their application will be handled and the priority that they will be afforded. Such advice should explain clearly that any person who is homeless owed the relief duty or is homeless and owed the main duty, will be given additional priority than other persons who might be homeless or owed any other homelessness duty. The advice should provide a justification for this, that being that typically persons out these duties are occupying temporary accommodation and would benefit from being rehoused into settled accommodation as quickly as possible. The advice should also explain that other persons who are homeless or owed other homelessness duties, including those who are threatened with homelessness, have been given the greater priority that they're entitled to in law. The advice should include a clear explanation of the legal definition of homelessness, set out the different homelessness duties that someone might be owed and explain the rights persons who are homeless or owed a homeless duty are afforded in housing allocation law. It's important to note that Liverpool City Council has commissioned an independent review how best to allocate social rented housing to persons who are homeless or owed a homelessness duty, findings from which can inform any future amendments to Property Pool Plus scheme in respect of administering applications from applicants in these circumstances. Notwithstanding this, any future guidance issued by the UK Government on making allocations to homeless applicants, will be fully incorporated as required, into the operation of the Property Pool Plus.

Comments were made that more priority should be given to victims of domestic abuse. As mentioned previously in this paper, it will be important to publish specific advice for victims of domestic abuse, setting out how their applications will be handled and the degree of parity that they are being afforded and that the property pool plus scheme gives an additional property beyond the legal minimum requirements.

Comments were made that more priority should be given to victims of antisocial behaviour. Applicants in such circumstances can be afforded a reasonable preference for an allocation on the grounds of hardship. Consideration can be given to making this clearer within the rules that have been proposed.

Comments were made that more priority should be given to applicants living in the private rented sector whose homes are unaffordable and or in a state of disrepair. Anyone whose home is unreasonable to occupy due to affordability or fitness of condition (along with other matters such as overcrowding and domestic abuse) can approach a local authority and make an application for homelessness assistance. Following an assessment of the facts, the local authority will determine what duty, if any, is owed to a household in such circumstances. Where a local authority finds that a household's home is unaffordable or in an unfit condition, within the legal meaning of these terms, they will be entitled to receive assistance to obtain suitable accommodation. This would also result in an applicant being awarded a band B or band a status, subject to the homeless duty they might be owed. Other action might be taken by the local authority under the housing health and safety rating system, which could also result in an applicant being awarded a band B status, due to them living in unsatisfactory housing conditions.

Comments were made that those in high priority should be give more choice. Options in this respect were explored in response to the previous question. In summary, these could include amending the number of bids an applicant is entitled to make in any given week, along with varying the number of refusals of offers an applicant is entitled to make. There is also an option to abandon the current choice-based lettings model and pursue an alternative, such as inviting applicants to select an area a preference they would like to live in (based on an electoral ward boundary for example) and to make a direct match when properties become available in an applicant's chosen locality. These options might be explored when the scheme is next reviewed.

Question 4 – Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?

An overall average of % of consultees responded to this question, 60% of respondents agreed with proposed qualification criteria, compared to 21% disagreeing and 33% providing no response.

	Halton	Knowsley	Liverpool	Sefton	Wirral
Agree	54%	46%	46%	75%	51%
Disagree	16%	18%	19%	25%	19%
No response	30%	36%	35%	0%	30%

Comments were made about the community contribution provisions set out within the proposed amended scheme. Assertions were made that the definition of commuter contribution was unclear and unfair. Statutory guidance encourages like authority to adopt a curious your contribution criteria. The concept a committee contribution has been tested in the courts and it is these judgements that hace directly informed how community contribution has been framed for the purposes of the amended scheme. There is a clear definition of what constitutes work and education and the evidence that must be sought to confirm these arrangements are in place. Furthermore, those who are unable, as opposed to on willing, to make a community contribution have also been taken account of and have been provided for within the rules.

Comments were made about affording more priority to applicants who are in employment but unable to access other housing markets. The scheme does not take account of earnings when determine qualification or prioritisation (although savings and assets are considered), nor are

earnings taken account of at any time subsequent to a person becoming a tenant. Applicants who are in employment but whose earnings for below the required income levels to purchase a home, would benefit from more information via Property Pool Plus, about the array of low-cost home ownership schemes that they might benefit from.

Comments were made that more importance should be given to an applicant's proximity to their family. An applicant's family being resident in an area is one of the criteria that will be used to determine whether a person qualified to join the scheme. Where an applicant either Gibbs or receives care from or to their family, these factors will be taken account of when determining the degree of prioritisation, they should be afforded.

Comments were made that indicated some respondents are confused about the bidding process, how banding status and duration on the scheme might affect the outcome of any given bid, subject to which other applicants might have also placed a bid on any given property. It will be important to communicate very clearly (ideally using illustrations and or videos alongside text or narrative) how the bidding process works, using a variety of illustrated examples to demonstrate the various outcomes that might occur.

Comments were made that raise concern about not all properties being advertised via Property Pool Plus and that this gave rise to a suspicion of a lack of transparency. Encouraging housing associations to advertise all vacant properties available to let via Property Pool Plus, regardless as to whether these are been allocated via the scheme rules or a housing associations own policy, will help to positively deal with these assertions. It will be important to continue the practice of publishing what property (by location, type and bedrooms) was let to which applicant (by band and waiting time), as this allows for everyone to have insight into typical waiting times.

Comments were made that there is a need for more housing, particularly larger family homes. This illustrates what are the limitations of a housing allocation scheme, in the fact that it does not increase the supply of homes available to that, but is solely concerned with making sure those that are available, are allocated in the fairest way possible. Notwithstanding this, intelligence that can be collected from those registered with Property Pool Plus, is invaluable to inform decision-makers how best increase the supply of new housing, while making the best use of existing homes.

Other comments

Comments were made that waiting time rather than banding status should be the predetermined factor for allocating a home. To ensure the scheme complies with statute, Regulations and statutory guidance, a balance of both waiting time and need must be taken account of when making decisions about applications.

Comments were made about the dissatisfaction with information and assistance applicants received prior to and at the point of joining property pool plus and also once they had been accepted onto the scheme. There was a also criticism for the IT software that Property Pool Plus uses. Improving information and assistance provided to applicants with themes picked up in the review we carried out in 2019. Our recommendations regarding training and centralising of services will help to reduce dissatisfaction with these issues. Notwithstanding this, regular customer satisfaction survey should be carried out to identify opportunities for continuous improvement. There's already an intention to undertake a market testing exercise of software databases, to operate the Property Pool Plus scheme. It will be important to ensure there are

opportunity to involve applicants in the design of any tender specification and the decision-making process for selecting any future IT supplier.

Conclusion

The feedback provided from this consultation exercise will be carefully considered and acted on as required, when formulating the final amended version of the Property Pool Plus scheme. It is anticipated that any changes made will not substantially change the objectives and framing of the scheme, enough to warrant any further public consultation. A final version of the amended scheme will be put forward to elected councillors for them to decide whether to adopt it. Elected Council will be informed of consultation feedback and any changes acted upon as a result of it.

Appendix 1 – Halton Public Consultation Summary

Following a 12-week public consultation on the proposed changes to the Liverpool City Region Allocations Scheme, the responses received by Halton Borough Council are detailed below.

Who

The following table provides a summary of who responded to the survey:

Who	Total
as yourself	433
on behalf of an organisation	0
Grand Total	433

A total of 433 responses were received by HBC, 433 of which were responding as residents

Qualifying Criteria

The following table provides a summary of whether respondents agreed or disagreed with the proposed qualifying criteria:

Count of Agree or disagree with qualification criteria	
Agree	294
Disagree	85
Grand Total	379
(blank)	54 (12%)

This section received a response rate of 88%. Of the 379 respondents, 69% agreed with the qualifying criteria proposals while 20% disagreed.

The following table categorises any additional comments respondents had on the qualifying criteria proposals:

Count of Qualifying criteria comments category	
ASB	5
Children In flats	1
Disagree with armed forces	2
Disagree with local connection	10
Disagree with rent arrears levels	22
Equity shouldn't be considered	5
Increased priority for workers	5
More support for disabled applicants	2
More support for homeless	2
More support in for DV cases	7
Not enough support for offenders	2
Grand Total	63

A total of additional comments were received for this section, with the 3 most common themes detailed below:

- 22 (35%) respondents stated that they disagreed with proposed rent arrears level before reducing an applicant's eligibility, many highlighting the financial difficulties currently facing residents.

- 10 (16%) respondents stated that they disagreed with local connection.
- 7 (11%) respondents felt points surrounding victims of DV seem to be penalising

Offering Choice

The following table provides a summary of whether respondents agreed or disagreed with the proposals on offering choice:

Count of Agree or disagree with offering choice	
Agree	276
Disagree	79
Grand Total	355
(blank)	78 (18%)

This section received a response rate of 82%. Of the 355 respondents, 64% agreed with the proposals while 18% disagreed.

The following table categorises any additional comments respondents had on the offering choice proposals:

Count of Offering choice comments category	
Auto Bidding isn't accurate to areas	1
Improved property information	3
Increase number of bids allowed	12
No definition of reasonable	3
Banding system confusing	5
More/fair choices available	9
Internet access limits to some people	1
Refusals too harsh	15
Grand Total	49

A total of 49 additional comments were received for this section, with the 2 most common themes detailed below:

- 15 (31%) respondents felt the proposed number of refusals per applicant prior to decreasing priority was too harsh.
- 12 (24%) respondents stated that an increase in the number of bids should be allowed.

Additional Preference

The following table provides a summary of whether respondents agreed or disagreed with the proposals on additional preference:

Count of Agree or disagree with additional preference	
Agree	287
Disagree	42
Grand Total	329
(blank)	104 (24%)

This section received a response rate of 76%. Of the 329 respondents, 66% agreed with the proposals while 10% disagreed.

The following table categorises any additional comments respondents had on the additional preference proposals:

Count of Additional preferences comments category	
ASB	1

Domestic violence	4
Downsizing	2
Foster carers	1
Rigid rules instead of case by case analysis	3
More support for homeless	3
More support for medical needs	7
More support for workers	1
More support for young people	2
Overcrowding	6
Overcrowding too generous	3
Should be time based	1
Grand Total	34

A total of 34 additional comments were received for this section, with the 2 most common themes detailed below:

- 7 (21%) respondents felt more support needed to be provided to applicants with medical needs, this ranged from increased priority or process support.
- 6 (18%) respondents felt that not enough priority is given to those in overcrowded situations and felt unsupported .

Prioritisation

The following table provides a summary of whether respondents agreed or disagreed with the proposals on prioritisation:

Count of Agree or disagree prioritisation	
Agree	232
Disagree	71
Grand Total	303
(blank)	130 (30%)

This section received a response rate of 70%. Of the 303 respondents, 54% agreed with the proposals while 16% disagreed.

The following table categorises any additional comments respondents had on the prioritisation proposals:

Count of Prioritisation comments category	
Children in flats	2
Disagree with the bandings	3
Disagree with increase preference for workers	3
Downsizing	1
Financial support	1
More support for homeless	2
More support for workers	5
More support for young people	2
More support medical needs	7
More support for DV cases	1
Should be based on time	1
Shouldn't be based on time	4
Need to be based on individual personal circumstances	5

Suitability	1
Grand Total	38

A total of 38 additional comments were received for this section, with the 3 most common themes detailed below:

- 7 (18%) respondents felt more support needed to be provided to applicants with medical needs, this ranged from increased priority or process support.
- 5 (13%) respondents felt that more support should be given to workers and feel they wait and have no success in obtaining secure housing
- 5 (13%) respondents stated that priority should be given on individual circumstances and not apply a 'blanket' approach in banding people within the same band when some situations could be more priority than others.

Any other comments

The following table categorises any additional comments respondents had on the proposed Allocations Scheme:

Count of Any other comments category	
Auto bids should go on at beginning of cycle	1
ASB	2
Bedroom criteria	4
Better customer information	2
Community contribution	1
Fair process	6
Quicker Process	3
Increased bids	1
Less Priority for workers	1
Localised approach	2
More for transfers	5
More personalised approach	14
More social housing	5
More support for homeless	2
More support for medical needs	6
More support for workers	19
More support for overcrowding	3
Poor service	6
Property quality	1
Priority with those who have access to children	1
Time over need	8
Time of bid	3
Want as well as need	1
Workers shouldn't be eligible	1
Under occupation support	2
Grand Total	100

A total of 100 additional comments were received for this section, with the 3 most common applicable themes detailed below:

- 19 (19%) respondents stated that more support and priority should be given to those in employment and currently feel the current system is penalising them.
- 14 (14%) respondents felt a more personalised approach should be adopted and that the policy is restrictive to individuals needs
- 8 (8%) respondents stated that increased priority should be given to applicants who have a higher waiting time rather than banding.

Appendix 2 – Knowsley Public Consultation Summary

Following a 12-week public consultation on the proposed changes to the Liverpool City Region Allocations Scheme, the responses received by Knowsley Metropolitan Borough Council are detailed below.

Who

The following table provides a summary of who responded to the survey:

Who	Total
as yourself	657
on behalf of an organisation	1
Grand Total	658

A total of 658 responses were received by KMBC, 657 of which were responding as residents while 1 respondent was responding on behalf of an organisation.

Qualifying Criteria

The following table provides a summary of whether respondents agreed or disagreed with the proposed qualifying criteria:

Count of Agree or disagree with qualification criteria	
Agree	383
Disagree	166
Grand Total	549
(blank)	109

This section received a response rate of 83%. Of the 549 respondents, 70% agreed with the qualifying criteria proposals while 30% disagreed.

The following table categorises any additional comments respondents had on the qualifying criteria proposals:

Count of Qualifying criteria comments category	
Agree with support for armed forces	3
ASB	7
Children In flats	1
Disagree with armed forces	4
Disagree with disqualification	1
Disagree with local connection	13
Disagree with rent arrears levels	29
Equity shouldn't be considered	12
Exclude previous convictions	1
Income cap	5
Increased priority for workers	4
Increased priority for overcrowding	1
More support for disabled applicants	1
More support for homeless	4

More support for older applicants	3
N/A	7
Not enough support for offenders	1
Personal approach required	8
Grand Total	105

A total of 105 additional comments were received for this section, with the 3 most common themes detailed below:

- 29 (28%) respondents stated that they disagreed with proposed rent arrears level before reducing an applicant's eligibility, many highlighting the financial difficulties currently facing residents.
- 13 (12%) respondents stated that they disagreed with local connection.
- 12 (11%) respondents felt that an applicant's equity or savings should not be taken into consideration when applying for PPP.

Offering Choice

The following table provides a summary of whether respondents agreed or disagreed with the proposals on offering choice:

Count of Agree or disagree with offering choice	
Agree	358
Disagree	142
Grand Total	500
(blank)	158

This section received a response rate of 76%. Of the 500 respondents, 72% agreed with the proposals while 28% disagreed.

The following table categorises any additional comments respondents had on the offering choice proposals:

Count of Offering choice comments category	
ASB	1
Choice	2
Improved property information	11
Increase number of bids allowed	4
More properties	6
More support for disabled applicants	3
More support for families	2
More support for older applicants	1
No definition of reasonable	10
Refusals too harsh	36
Grand Total	76

A total of 76 additional comments were received for this section, with the 3 most common themes detailed below:

- 36 (47%) respondents felt the proposed number of refusals per applicant prior to decreasing priority was too harsh.
- 11 (14%) respondents stated that improved information needs to be provided to applicants prior to bidding on properties, this included but not limited to; better property photos, viewings, floor plans.

- 10 (13%) respondents expressed a concern that the consultation/policy did not provide a definition of what would be considered a 'reasonable' offer and may lead to inconsistency or unfair decisions.

Additional Preference

The following table provides a summary of whether respondents agreed or disagreed with the proposals on additional preference:

Count of Agree or disagree with additional preference	
Agree	368
Disagree	64
Grand Total	432
(blank)	226

This section received a response rate of 66%. Of the 432 respondents, 85% agreed with the proposals while 15% disagreed.

The following table categorises any additional comments respondents had on the additional preference proposals:

Count of Additional preferences comments category	
ASB	1
Domestic violence	2
Downsizing	2
Foster carers	1
Key workers	1
Less choice for homeless	1
More support for homeless	3
More support for medical needs	8
More support for workers	3
More support for young people	1
Overcrowding	3
Overcrowding too generous	5
Should be time based	1
Grand Total	32

A total of 32 additional comments were received for this section, with the 4 most common themes detailed below:

- 8 (25%) respondents felt more support needed to be provided to applicants with medical needs, this ranged from increased priority or process support.
- 5 (16%) respondents felt that the additional preference for overcrowding was too generous and people within this category had made choices that led them to become overcrowd and should therefore not receive any additional priority.
- 3 (9%) respondents felt that overcrowded applicants should receive more priority than currently proposed.
- 3 (9%) respondents stated that more support was required for homeless applicants.

Prioritisation

The following table provides a summary of whether respondents agreed or disagreed with the proposals on prioritisation:

Count of Agree or disagree prioritisation

Agree	300
Disagree	124
Grand Total	424
(blank)	234

This section received a response rate of 64%. Of the 424 respondents, 71% agreed with the proposals while 29% disagreed.

The following table categorises any additional comments respondents had on the prioritisation proposals:

Count of Prioritisation comments category	
Age designations	1
ASB	2
Bidding	1
Children in flats	1
Community contribution	8
Disagree with local connection	3
Downsizing	1
Financial support	2
Homeowners	1
Increase bids	1
Increased priority for armed forces	1
Key workers	1
More social housing	1
More support for disabled applicants	1
More support for homeless	3
More support for workers	7
More support for young people	1
More support medical needs	9
Poor property conditions	1
Poor system	11
Refusals	4
Should be based on time	1
Suitability	1
Want over need	1
Grand Total	64

A total of 64 additional comments were received for this section, with the 4 most common themes detailed below:

- 11 (17%) respondents commented on their overall dissatisfaction with Choice Based Lettings system based on a banding system.
- 9 (14%) respondents felt more support needed to be provided to applicants with medical needs, this ranged from increased priority or process support.
- 8 (13%) respondents raised concerns over the community contribution proposal, highlighting the lack of definition potentially leading to a lack of transparency or fairness and the potential equality issues facing those who are unable to provide 'community contribution'

- 7 (11%) respondents stated that increased priority should be given to applicants in employment who are unable to access other housing markets.

Any other comments

The following table categorises any additional comments respondents had on the proposed Allocations Scheme:

Count of Any other comments category	
Age designated	2
ASB	6
Bedroom criteria	5
Better customer information	1
Community contribution	1
Disagree with rent arrears levels	1
Disrepair	1
Domestic abuse	2
Fair process	1
Finance	2
Increased bids	2
Less priority for armed forces	1
Less priority for convictions	1
Less priority for homeless	3
Local connection	5
Localised approach	1
More for transfers	1
More personalised approach	9
More social housing	17
More support for homeless	4
More support for homeowners	2
More support for medical needs	9
More support for workers	13
N/A	21
Poor service	26
Property quality	1
Refusals	1
Shorter bidding cycles	1
Single households	5
Time over need	6
Want as well as need	4
Workers shouldn't be eligible	4
Grand Total	159

A total of 159 additional comments were received for this section, with the 3 most common applicable themes detailed below:

- 26 (16%) respondents stated that they felt the overall service offered to customers was poor, the reasons for this included but were not limited to; poor IT system, poor customer service, disagree with the CBL approach.

- 17 (11%) respondents felt the Council should focus on ensuring the development of more social housing provision within the Borough to help meet residents' housing needs.

15 (9%) respondents stated that increased priority should be given to applicants in employment who are unable to access other housing markets.

Appendix 3 – Liverpool Public Consultation Summary

Easy Read

107 people answered

As yourself 100%

Q. Do you agree with who cannot apply for social housing?

Yes- 58.87%

No- 21.49%

No response – 10.28%

Main Comments:

- Local connection rules should be relaxed and made clearer
- More lenient approach should be taken on rent arrears
- Working people should be given more priority
- Disabled people should be given highest priority
- There should be greater recognition of problems with PRS

Q. Do you agree to these ideas about offering choice?

Yes- 52.33%

No- 38.31%

No response – 9.34%

Main Comments:

- Choice should be given re areas and properties
- Should be a limit on number of offers
- Homeless applicants should be given as much choice as everyone else
- People wanting to free up larger accommodation for families should be helped more
- There should be a separate list for homeless people

Q. Do you agree to add these reasons to why we give extra priority to people?

Yes- 69.15%

No- 16.82%

No response – 14.01%

Main Comments:

- Link between ASB and health and safety should be recognised more
- There should be more transparency in assessment of health needs
- Homeless people should be assessed separately

Q. Do you agree with using bands to put people in priority order for social housing?

Yes- 29.90%

No- 51.40%

No response – 18.69%

Main Comments:

- Lots of people in Band C who have no chance of being rehoused
- There should be a separate band for working people
- Credit should be given for waiting time
- Why should community standing be considered?
- Concerns that people manipulate the system and provide false information
- PPP has taken away personal attention to customers

Other Comments:

- It should be easier for people to explain their need for housing
- Concerns about digital exclusion and reliance on IT system
- Should be a limit of £10K on capital
- Quotas should be applied to the bands
- More help for people suffering ASB
- Reviews of applications should be undertaken when they have been registered for a given length of time

Standard Version

1486 responses

As yourself – 100%

Q. Do you agree or disagree with the proposed qualification criteria?

Agree- 59.55%

Disagree- 21.19%

No response – 19.24%

Main Comments:

- Local connection rules should be relaxed or removed
- Many comments that rent arrears exclusion rules were too harsh
- General support for ASB disqualifications
- A number of respondents felt having savings should not stop people applying or £16K limit was too low

Q. Do you agree or disagree with the proposals for offering choice?

Agree- 51.48%

Disagree- 23.82%

No response – 24.56%

Main Comments:

- There should be more information and photographs so that people can make informed choices about properties
- Lots of comments disagreeing with limits on refusals ranging from people having unlimited right to refuse to having the same number of refusals irrespective of priority
- Need a clear definition of what constitutes a 'reasonable refusal'
- People should be able to make unlimited bids in the cycle
- Bidding should be scrapped and replaced with a waiting list

Q. Do you agree or disagree with the proposals for affording additional preference to people in the above specified circumstances?

Agree- 56.59%

Disagree- 12.44%

No response – 30.95%

Main Comments:

- Several comments supporting needs-based approach
- Overcrowding should be given a greater priority
- Greater priority should be given for domestic abuse – several respondents were victims of DA
- ASB victims should be given more support
- Disabled people having real problems accessing suitable accommodation

- Mental health issues are understated
- General support for homelessness as a priority but terms such as relief and prevention should be better explained

Q. Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?

Agree- 45.82%

Disagree- 19.31%

No response – 34.85%

Main comments:

- People felt it would be difficult to define community contribution
- Employment shouldn't be a factor in prioritising applications
- Proximity to family should be given greater weighting
- Difference between medical priorities in B and C are not clear

Other comments:

- Many respondents felt the proposals were fair
- Administering partners should adopt a more personalised approach
- Some respondents clearly still confused about the bidding process and how position on the list changes during bidding cycle
- There should be more transparency e.g. why are not all properties advertised
- Several people highlighted difficulties and cost of living in the PRS
- Many respondents recognised the need for more housing particular some types e.g. larger family homes

COMBINED RESULTS (1593)

Q1. Do you agree or disagree with the proposed qualification criteria?

Agree- 59.15%

Disagree- 33.77%

No response- 18.64%

Q2. Do you agree or disagree with the proposals for offering choice?

Agree- 51.53%

Disagree- 22.22%

No response- 23.54%

Q3. Do you agree or disagree with the proposals for affording additional preference to people in the above specified circumstances?

Agree- 57.43%

Disagree- 12.74%

No response- 28.56%

Q4. Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?

Agree- 44.00%

Disagree- 20.02%

No response- 35.96%

Appendix 4 – Sefton Public Consultation Summary

Easy Read

73 people answered

As yourself 100%

Q. Do you agree with who cannot apply for social housing?

Yes- 59.7%

No- 40.3%

Main Comments:

- Debt shouldn't prevent being accepted onto waiting list
- Rules for bedroom sharing appalling
- More freedom of movement across LCR
- Shouldn't be £16k limit

Q. Do you agree to these ideas about offering choice?

Yes- 50%

No- 50%

Main Comments:

- People in highest priority should still have choice, esp homeless
- Disabled people should be able to apply for whatever comes available

Q. Do you agree to add these reasons to why we give extra priority to people?

Yes- 88.33%

No- 11.67%

Main Comments:

- Priority should be given to those who need support from family to allow to move closer
- People who have 2 additional rooms should be given priority in order to free up that home for others

Q. Do you agree with using bands to put people in priority order for social housing?

Yes- 86%

No- 14%

Main Comments:

- Key workers & community contribution should be given a priority

Other Comments:

- Overcrowding households should only be able to exchange
- Need more bungalows
- Priority for local residents

Standard Version

646 responses

As yourself – 645

On behalf of Organisation – 1 (Sefton based organisation)

Q. Do you agree or disagree with the proposed qualification criteria?

Agree- 73.6%

Disagree- 26.4%

Main Comments:

- Covid should now be taken into account
- Disagree about preferential treatment to Armed Forces
- 16k not a lot of money these days to penalise
- Could be good mitigating reasons for arrears/debt
- Seems a blanket decision concerning homeowners but there may be other circumstances where social housing is needed

Q. Do you agree or disagree with the proposals for offering choice?

Agree- 73.5%

Disagree- 25.5%

Main Comments:

- People should not be limited – all levels should have 3
- Properties should be described better. Photos, floor plans etc

Q. Do you agree or disagree with the proposals for affording additional preference to people in the above specified circumstances?

Agree- 83%

Disagree- 17%

Main Comments:

- Assistance for those in the PRS, unaffordable and in disrepair should count
- Higher priorities should have more choice

Q. Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?

Agree- 74.5%

Disagree- 25.5%

Main comments:

- Community Contribution needs to be clearly defined
- Young people on low wages need supporting more
- Those struggling in PRS need help
- Individual circumstances need to be considered in all cases

Other comments:

- Workers should be given higher priority

COMBINED RESULTS (719)

Q1. Do you agree or disagree with the proposed qualification criteria?

Agree- 72%

Disagree- 28%

Q2. Do you agree or disagree with the proposals for offering choice?

Agree- 71%

Disagree- 29%

Q3. Do you agree or disagree with the proposals for affording additional preference to people in the above specified circumstances?

Agree- 84%

Disagree- 16%

Q4. Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?

Agree- 76%

Appendix 5 – Wirral Public Consultation Summary

In total, **993** respondents completed the survey identifying ‘Wirral’ as their LA.

Respondent Profile

100% of respondents taking part in the survey did so as ‘individuals.’

0% of respondents taking part in the survey did so on behalf of an organisation.

Quantitative and qualitative analysis

“Do you agree or disagree with the proposed qualification criteria?”

84.6% of all respondents answered this question.

15.4% of all respondents did not answer this question.

Of the respondents that answered this question:

72.74% (611) agreed with the proposed qualification criteria.

27.26% (229) disagreed with the proposed qualification criteria.

192 comments to this question were submitted.

A significant number of comments focussed on rent arrears and that a blanket approach to this issue does not consider any personal circumstances that led to the accrual of arrears. Many respondents felt that cases of former tenancy arrears should be viewed individually.

“Unfortunately, people who have built up rent arrears of more than a month are penalised if they have lived in rented accommodation for years. This could actually be due to a number of factors, income drops from children moving out, a spouse dying, hospitalisation and out of work etc. After currently being served with a section 21 after FIFTEEN years of a tenancy, privately renting, I was penalised for having just 6 weeks arrears! In FIFTEEN years. No consideration to what caused it, like a criminal assault on my daughter which required surgery and me being out of work to care for her!”

Disqualification of home-owners was another recurrent theme as respondents also felt that this did not take into consideration any personal circumstances such as those for whom their accommodation is suitable (e.g. as a consequence of disability etc)

“The proposed policy outlined that they would disqualify anyone owning a property from their list, however, as I have said previously this would bring great detriment and discrimination to the elder 60+ years, who may require sheltered accommodation either due to their health, wellbeing or they are suffering harassment and the elderly need support, so, even if they own their own home and they should Not have to sell their property until they have secured a sheltered accommodation property, they need support and make friends within sheltered accommodation environment, it would be unlawful to force an elderly person to sell their home, but if the elderly person is offered a shelter accommodation place, they should also be given 3 choices of offers.”

“Do you agree or disagree with the proposals for offering choice?”

79.75% of all respondents answered this question.

20.25% of all respondents did not answer this question.

Of the respondents that answered this question:

75% (594) agreed with the proposals for offering choice.

25% (198) disagreed with the proposals for offering choice.

153 comments to this question were submitted.

A large number of respondents felt that a maximum of three bids per week is insufficient, with some respondents indicating that applicants should be allowed an unlimited number of bids.

“It takes a long time to get a property on PPP therefore you should be able to bid for more than 3 properties.”

“Do you agree or disagree with the proposals for affording additional preference to people in the above specified circumstances?”

74.8% (743) of all respondents answered this question.

25.2% (250) of all respondents did not answer this question.

Of the respondents that answered this question:

84.5% (628) agreed with the proposals for affording additional preference to people in the above specified circumstances.

15.5% (115) disagreed with the proposals for affording additional preference to people in the above specified circumstances.

122 comments to this question were submitted.

Generally, there was agreement amongst the respondents regarding additional preference. However, there were a number of remarks made that suggested that there should be no preferential treatment and that all applicants should be treated the same irrespective of their circumstances.

A recurring theme amongst those that disagreed was that people in employment should also be afforded additional preference.

“I think some preference needs to be given to people like us who are both in employment, paying high private rent and in no position to buy a home so that we could have a chance at getting a home in which to bring up our family.”

“Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?”

70% (695) of all respondents answered this question.

30% (298) of all respondents did not answer this question.

Of the respondents that answered this question:

73.2% (509) agreed with the with the proposals for prioritising people waiting for an allocation of social housing.

26.8% (186) disagreed with the with the proposals for prioritising people waiting for an allocation of social housing.

139 comments to this question were submitted.

Some respondents queried the term 'community contribution' and how this could be assessed fairly. Some comments suggested that this would indirectly penalise people with ill health s their ability to contribute may be limited.

Employment was another recurrent theme, with some remarks suggesting that the proposals disadvantage non-working households whereas, conversely, some respondents commented that the proposals didn't do enough to support employed households.

Do you have any other comments about the proposed policy for allocating social housing?

275 comments to this question were submitted.

The responses to this question were varied, with no particular stand-out theme.

Again, some respondents felt that the proposed system neglected people in full-time employment.

Some respondents suggested that offers of housing should be based solely on the length of time that a registration has been active.

The appropriateness of blanket policies, rather than consideration of individual personal circumstances, was again questioned by respondents



NEIL MORLAND CO

HOUSING CONSULTANTS

Message Call FaceTime Mail
07816 935620
neil@neilmorland.co.uk

Find us online www.neilmorland.co.uk

Follow us on LinkedIn www.linkedin.com/company/neil-morland-co-consultants/

Registered Office: 78 Borough Road, Altrincham, Greater Manchester, WA14 9EJ
Company no: 7776084
VAT no: 135466214

Neil Morland & Co Housing Consultants is a trading name for Neil Morland Housing Consultant Ltd

Please contact us for a copy of this document in Braille, larger print, audio or other languages. We consider requests on an individual basis.

Liverpool City Region Combined Authority Area

Allocation of Social Housing Policy Equality Impact Assessment

Business Unit:	
Director:	
Lead Officer:	
Name of policy to be assessed: Liverpool Social Housing Allocations Scheme	
Brief description of policy to be assessed: All Local Housing Authorities, including those who no longer manage or own any social housing stock, are required to have in place a Housing Allocation Scheme (HAS), providing detailed information about all procedures that will be followed, and by which persons, in the allocation of Social Rented Housing within their local authority (LA) area. Statutory guidance ¹ reminds LAs they must have regard to their duties under equalities legislation when framing their allocations qualification criteria within the HAS. This Equality Impact Assessment is part of the sub-regional review of the current HAS. The Local Authority intends to allocate homes in a fair, lawful and transparent way, that makes best use of the homes available. The HAS will set out how the Local Authority will allocate social rented housing to those persons applying to become a social housing tenant; and secure tenants seeking to move to another home let under secure tenancies. The HAS Procedure explains how priority between applicants will be determined and the arrangements for nominating applicants for homes owned by private registered providers of social housing (PRPs) who own and/or manage social rented housing in the LA area.	
Date of Assessment: January 2020	Person Responsible for Completing the Assessment: Contact Details:
Brief description of the anticipated outcomes of the proposal: Social Housing Allocations law and guidance ² aims to ensure that LAs social housing is allocated to persons most in need, and therefore may necessarily contain positive discrimination in order to fully comply with the Public Sector Equality Duty. ³ The HAS Procedure intends to ensure that at all times non-discriminatory decisions will be made about	

¹ Allocation of accommodation: guidance for local housing authorities in England 2012 para 3.20

² Allocation of accommodation: guidance for local housing authorities in England 2012 para 3.20

³ Equality Act 2010, s 149(6)

the allocation of social rented housing. The administrators of the HAS will be given training about housing allocation law and practice and their duties and responsibilities under the Equality Act 2010. Allocations will be monitored to understand the impact of the HAS on people with protected characteristics going forward, as recommended by good practice⁴. The monitoring will be used to ensure that the HAS does not negatively discriminate. Guidance⁵, while no longer in force gives a particularly relevant examples showing why this monitoring and analysis is essential to ensure that, for example the HAS is not directly discriminating by consistently offering inferior accommodation to people from certain racial groups.

All applicants will receive information and advice about their rights to make an application for an allocation of social rented housing, and assistance will be provided free of charge to any person who is likely to have difficulty in making an application (e.g. due to mental or physical impairment, or because of any other special characteristic) to join Property Pool Plus. This assistance will be extended to those who might require help to express a preference for an available property to let.

Information will be provided in translated and alternative formats (e.g. Braille, large print, audio etc) upon request. The special needs of specific groups of prospective applicants (e.g. the housebound, gypsies and travellers), will be taken account of when making any arrangement to access and provide information and advice. Information will be made available using a variety of media, including printed hard copy form, on the LA website and via the telephone.

Applicants will be informed of their rights to seek assistance from the Equality and Human Rights Commission, if they believe the Local Authority has breached the Human Rights Act 1998, by contravening their human rights or unlawfully discriminating against them. Those applicants who are unable to be involved or participate in their community due to an illness, disability, age or any other characteristic, will also be treated with the same favour as those who are actively involved or participating in their community.

A HAS must afford a reasonable preference to applicants who fall into certain statutory groups⁶, which has been established in case law to mean such applicants ‘should be given a reasonable head start’⁷. The proposed HAS also affords additional preference to some prescribed applicants who have been afforded reasonable preference as provided by legislation⁸. The highest priority Band A will consist of applicants who will be awarded additional preference, in addition to being entitled to a reasonable preference for an allocation of social housing accommodation. These applicants are listed for each characteristic in Impact: Explanation column as Band A.

Impact: The HAS aims to have an overall positive effect on households in the area with significant housing need.

Protected Characteristic	Impact			Explanation	Evidence
	Pos	Neg	Neu		
Age	√			The procedure contains provision which positively discriminate due	3.1.1 Age⁹ Currently, median age

⁴ p15 The Essential Guide to the Public Sector Equality Duty, 2011 (revised 2014)

⁵ Statutory Code of Practice on Racial Equality in Housing, 2005 Example 38.

⁶ HA 1996, s 166A(a)

⁷ R v Wolverhampton MBC ex p Watters (1997)

⁸ HA 1996, s 166A(3)

⁹ A review of housing allocation in the Liverpool City Region, January 2020

				<p>to age. These include:</p> <p>Victims of hate crime amounting to violence or threats of violence due to their age being placed in Band A.</p> <p>Some social housing accommodation is specifically designated to applicants under the age of 35 years, or over the age of state pension entitlement due to the suitability for certain age groups and will be advertised as such.</p> <p>Sheltered and extra care housing is targeted specifically at older people, usually from 55 and upwards.</p> <p>Young applicants who have been looked after, accommodated or fostered by any local authority as part of the performance of its children social care duties by the LA will be exempt from local connection requirements when preparing to leave the care arrangements so that they can apply for a social rented home in their original home area.</p>	<p>of lead tenants is recorded, but no other data is available with regard to age as a protected characteristic.</p>
Disability	√			<p>The procedure contains provision which positively discriminate due to disability. These include:</p> <p>Those whose medical condition is life threatening and their existing accommodation is a major contributory factor; those whose planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy; and victims of hate crime</p>	<p>3.6.3 Wheelchair user standards¹⁰ Between 2013-14 and 2017-18, 5% of all Affordable Rent General Needs lettings and 3% of Social Rent General needs lettings across the 6 LCR areas met wheelchair user standards.</p>

¹⁰ A review of housing allocation in the Liverpool City Region, January 2020

				<p>amounting to violence or threats of violence due to their disability all being placed in Band A.</p> <p>Specific arrangements will be considered for each individual applicant and property where it may be accessible, informing an applicant of a property's accessible features and implementing a mechanism to identify the requirements of disabled applicants, to allow extra time for disabled applicants, if they need it, to accept an offer and for providing support in making applications.</p> <p>Applicants who can prove they have a continuing caring responsibility for someone who is resident in the Liverpool City Region, and that this care could not be provided unless they were resident in the region, will be exempt from local connection requirements.</p>	
Gender Reassignment (Transgender)	√			<p>The procedure contains provision which positively discriminate due to Gender reassignment. These include:</p> <p>Victims of hate crime amounting to violence or threats of violence due to gender reassignment being placed in Band A.</p>	There is currently no local allocations data available for this protected characteristic.
Sex (Gender),			√	<p>The procedure does not contain specific provision which positively discriminate due to gender, although the gender of each member of an applicant household is fully considered during the assessment process</p>	<p>3.1.3 Gender¹¹ There was an imbalance of genders among affordable rent and social rent general need lettings, with 69% and 58% of lettings made to women,</p>

¹¹ A review of housing allocation in the Liverpool City Region, January 2020

			with regard to the size and type of accommodation that would be suitable, due to children over a certain age not having to share a bedroom with a child of a different sex.	<p>slightly higher compared to 55% of female general needs lettings in England¹². This is likely a result of the priority given to single parents by social housing providers.</p> <p>In contrast, new supported housing lettings contained more male tenants, averaging 58% of all supported housing lettings across the LCR, higher, compared with England, recording 52% of new supported housing lettings to male households in 2017-18¹³</p> <p>This data will not all be relevant to this EIA but supports the Explanation (left).</p>
Race	√		<p>The procedure contains provision which positively discriminate due to race. These include:</p> <p>Victims of racial harassment amounting to violence or threats of violence, and victims of hate crime amounting to violence or threats of violence due to their race being placed in Band A.</p> <p>Essential and appropriate checks carried out to establish an applicant's eligibility to be allocated social rented housing will be monitored to ensure that</p>	<p>3.1.2 Ethnicity¹⁴</p> <p>In the LCC area black households were over-represented in new social housing lettings, at 5.8% compared to 4% of the English population¹⁵. Asian households were under-represented, constituting 2% of lettings but 7% of the population. The remaining 6.2% of new lettings were to households with mixed</p>

¹² MHCLG Social Housing Lettings April 2017 to March 2018, England.

¹³ MHCLG Social Housing Lettings April 2017 to March 2018, England.

¹⁴ A review of housing allocation in the Liverpool City Region, January 2020

¹⁵ Population denominators by ethnic group, 2017

				they are not discriminatory on the basis of race, nationality, ethnic origin, or any other protected characteristic.	race, Chinese or other ethnic group lead tenants. The remaining 5 LAs recorded less than 3% black and other minority ethnicity (BME) households in new social housing lettings.
Religion/Belief	√			The procedure contains provision which positively discriminate due to religion/belief. These include: Victims of hate crime amounting to violence or threats of violence due to their religion or belief being placed in Band A..	There is currently no local allocations data available for this protected characteristic.
Sexual Orientation (Lesbian, Gay and Bisexual)	√			The procedure contains provision which positively discriminate due to sexual orientation. These include: Victims of hate crime amounting to violence or threats of violence due to their sexual orientation being placed in Band A.	There is currently no local allocations data available for this protected characteristic.
Pregnancy and Maternity	√			The procedure contains provision which positively discriminate due to pregnancy and maternity. These include: Victims of hate crime amounting to violence or threats of violence due to their pregnancy or maternity being placed in Band A.	There is currently no local allocations data available for this protected characteristic.
Marriage and Civil Partnership			√	The procedure contains provision which positively discriminate due to marriage and civil partnership. These include: Victims of hate crime amounting to violence or threats of violence due to their marriage or civil partnership being placed in Band A.	There is currently no local allocations data available for this protected characteristic.

Links to evidence

A Review of Housing Allocation in the Liverpool City Region, January 2020

MHCLG Social Housing Lettings April 2017 to March 2018, England

<https://www.gov.uk/government/statistics/social-housing-lettings-in-england-april-2017-to-march-2018>

2. Consideration of Alternatives

2.1 Retain the current HAS

The current HAS must be updated and amended to ensure that the procedure complies with the most up to date legislation and case law, and that the impact on equalities is positive, therefore retaining the current HAS is not a viable option.

2.2 Make additional or fewer amendments to the current HAS.

The consultation draft HAS that this EIA has assessed provides a clear but comprehensive procedure to help ensure that the allocation of scarce social housing is made to those in most need of it, in accordance with the most up to date legislation and case law, therefore fewer or additional amendments to the HAS will likely result in it not being fit for purpose, and possibly unlawful.

3. Consultation

Stakeholder/group consulted	Evidence/Link to data, reports etc
Liverpool Housing Directors Consultation event	
Housing Select Committee	
PPP Project Board	
Liverpool Private Registered Providers Consultation Event	
LA and Private Registered Providers Survey	
Stakeholder Survey	
Public Consultation Survey	

A consultation report will be published with all findings once all consultation has been completed and the responses analysed.

4. Monitoring Arrangements

- PPP Project Board members will review current monitoring arrangements and put in place quarterly and annual monitoring of the impact of the implementation of the HAS on equalities.
- Housing Select Committee to continue with its scrutiny role

5. Publication

Where will this Equality Impact Assessment be

Reported:

Published:

Date:

Proposed implementation date of project/proposal:

Funding arrangements:

--