



Stoke on Trent City Council

Housing Allocation Policy

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Section 1: Introduction

1.1 The Lettings Framework

- 1.1.1 Stoke-on-Trent City Council is committed to providing housing at affordable levels for local people. The Allocations Policy complies with the requirements of the Housing Act 1996, as amended by the Homelessness Act 2002 and takes into consideration published codes of guidance. The policy is also drafted and framed to ensure that it is compatible with the city council's equality duties. The council has carried out an Equality Impact Assessment in relation to the policy.
- 1.1.2 The Housing Act 1996, as amended, requires all local authorities to make allocations and nominations in accordance with an Allocations Policy. The policy must give Reasonable Preference to groups in high levels of assessed housing need.
- 1.1.3 The Allocations Policy aims to give clear criteria setting out who is eligible to apply for social rented housing in the city and how applicants' priorities are assessed. The Policy has considered:
- The council's statutory obligations and discretion as to who is eligible for housing allocation
 - The council's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law, i.e. those who must be given a 'head start' under the council's Allocation Policy.
 - The council's statutory discretion to grant 'additional preference' and/or to determine priority between applicants with Reasonable Preference.
- 1.1.4 Applicants assessed as eligible to apply for social housing will be placed on either an active or an inactive Housing Register.
- 1.1.5 Upon making an application, the needs of all applicants will be assessed; Section 2 of this Policy contains further information about this assessment process. When making an assessment of an applicant's level of housing need, consideration is given to the Reasonable Preference categories (as defined in part 1.1.8 below); however it is recognised that housing need is wider than the stipulations within the Reasonable Preference categories. Applicants are considered to have a housing need if they live in accommodation which is inadequate or unsuitable for their requirements.
- 1.1.6 The active Housing Register is based on banding (see part 2.12.4). Applicants are prioritised within bands according to date of registration.
- 1.1.7 Applicants who are assessed as having no housing need will be placed on the inactive Housing Register. There is currently a shortage of social housing within Stoke-on-Trent therefore it is unlikely that those on the inactive register will be offered accommodation. However, should this situation change or where the city council considers alternative ways to allocate properties, such as through Local Sensitive Lettings Policies (part 4.3), applicants on the inactive Housing Register may be considered for accommodation. To manage this process, applicants on the inactive Housing Register will be contacted according to the date of registration.

- 1.1.8 The law, as it applies to local housing authorities, requires that Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories cover:
- All homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with Stoke-on-Trent City Council).
 - People who are owed a duty under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68 (2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing authority under section 192 (3).
 - People occupying unsanitary, overcrowded or otherwise unsatisfactory housing.
 - People who need to move on medical or welfare grounds (including grounds relating to a disability).
 - People who need to move to a particular locality within the district to avoid hardship to themselves or others.
- 1.1.8 A summary of the Allocations Policy will be available in a leaflet format, and will be sent to everyone applying for housing. This more detailed document will be made available upon request and can be accessed via the council's website, at stoke.gov.uk

1.2 The Scope of the Housing Allocations Policy

- 1.2.1 The Allocations Policy covers how an applicant qualifies for entry onto the Housing Register, which covers access to council and housing association properties.
- 1.2.2 The following are 'allocations' of accommodation under this Policy:
1. The selection of a person to be a tenant of the Council. This includes; the granting of a new tenancy to an existing tenant by way of 'transfer' upon the tenants request/ the granting of a new tenancy under the council's (non statutory) contractual and/ or discretionary lets policy.
- Or
2. The nomination of a person to be a tenant of housing accommodation held by a Registered Providers (via the council's Nomination Rights Agreement).
- 1.2.3 The following are not 'allocations' under this Policy:
- Succession to a tenancy on a tenant's death pursuant to s89 Housing Act 1985, or
 - Assignment of a tenancy by way of mutual exchange, or
 - Assignment of a tenancy to a person qualified to succeed to the tenancy on the tenants death, or
 - Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004, or
 - An introductory tenancy becoming another form of tenancy
 - Council initiated transfers (e.g. decant to alternative accommodation to allow for major works)
 - Re-housing due to being displaced from previous accommodation by the council or being re-housed by the council pursuant to the Land Compensation Act 1973
 - A person being granted a family intervention tenancy

- Provision of non secure temporary accommodation in discharge of any homelessness duty or power.

1.3 Aim and Objectives of the Allocations Policy

- 1.3.1 The Allocations Policy is designed to meet all the legal requirements and aims to support and contribute towards promoting sustainable communities. Key objectives of this Allocations Policy are to:
- Provide housing applicants in Stoke-on-Trent with a fair system by which they are prioritised for social housing.
 - Help applicants who are in housing need.
 - Make the best use of Stoke-on-Trent's social housing.
 - Make efficient use of our resources and those of our partner Registered Providers.
- 1.3.2 The allocation of available properties will be driven by a housing options approach, giving applicants realistic prospects advice and promoting other housing options, such as low cost home ownership and private sector renting. All applicants will be fully assessed under the council's Allocations Policy. Stoke-on-Trent City Council will hold two Housing Registers. Where an applicant has an assessed housing need they will be registered on an active list. Where an applicant does not fall within these categories they will be registered on an inactive list. All details of applicants on both the active and inactive Housing Registers will be stored to ensure the city council can keep up-to-date with information relating to demand for housing and plan service provision appropriately.
- 1.3.3 The city council are committed to providing a fair service to all persons registering for housing under the council's Allocations Policy, and to allocating accommodation to those households in housing need.

1.4 Statement of Choice

- 1.4.1 The amount of choice that the council is able to offer may be limited by the acute housing pressures it faces and responsibilities it has to some groups in housing need, such as those in Reasonable Preference categories. Any applicant will be able to express a preference in the area in which they would like to live. However, applicants should be aware that the council's ability to satisfy their expressed preference may be limited

1.5 The City Council's Commitment

- 1.5.1 This Allocations Policy is intended to reflect the city councils' commitment to the vision and priorities that are described in the Corporate Plan. This Allocations Policy also complements the emerging Housing Strategy, Homelessness Strategy and Supporting People Strategy and has been developed in conjunction with a range of stakeholders.

1.6 Equal Opportunities and Monitoring

- 1.6.1 The council is committed to equal opportunities and anti-discriminatory practice in service provision and seeks to promote social inclusion.
- 1.6.2 Every effort will be made to ensure that housing applicants are treated fairly and sensitively. Applicants who are eligible to join the Housing Registers will not be discriminated against on the

grounds of race, colour, ethnic or national origin, disability, religion, age, gender, sexual orientation or marital status.

1.6.3 For monitoring purposes, all applicants will be asked to provide details of their gender, age, religion, disability, ethnicity and sexual orientation. These are referred to as protected characteristics in the Equality Act 2010. This is not a requirement for acceptance onto the Housing Register.

1.6.4 Records will be kept of gender, age, religion, disability, ethnicity, sexual orientation and household type and monitored on a regular and systematic basis to ensure that properties are being offered and allocated fairly and that all sections of the community have access to the Housing Register if they are eligible to do so. This data will be reported annually. This is to ensure that the Council complies with the General Duty as set out in the Equality Act 2010. That is that the Council should have due regard to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

1.6.5 The Allocations Policy will be amended and updated as necessary in order to conform to emerging legislation and guidance, which will also include case law. This will ensure that the council does not operate in a way that discriminates against or disadvantages any particular group.

1.7 Advice, Assistance and Information

1.7.1 The council acknowledges that this Allocations Policy requires the active participation of housing applicants and to reflect this fact the council will provide advice and assistance to ensure that no person is disadvantaged by the way the Policy operates.

1.7.2 General Information about the scheme will be made available as follows:

- Information about the procedures for applying to go onto the Housing Register;
- Information about how applicants are prioritised under this Allocations Policy;
- How successful applicants will be selected;
- Information about review procedures;

1.7.3 Applicants will also be provided with information regarding their own application which will include:

- Whether they are eligible for housing.
- Full housing options advice tailored to meet the customer enquiry
- Whether their application will be placed on the active or inactive Housing Register. If customers are listed on the active Housing Register they will be provided with information in relation to what band they are placed in. If they are placed on the inactive Housing Register information will be given as to how they can move onto the active Housing Register and how their application will be reviewed.
- Properties that applicants on the active Housing Register are entitled to access.
- What information they need to supply in relation to verification and when this information will need to be provided.

- If they are awarded reduced priority or are found to be ineligible (see part 2.4 for further details) what they need to do to rectify this.
 - Property availability (supply of the type of property in the areas requested).
- 1.7.4 If appropriate, applicants may be offered the following services to enhance their understanding of the Allocations Policy:
- An interpretation service if their first language is not English.
 - Signing if speech or hearing is impaired and the applicant would like to seek clarification about the document.
 - Provision of documents in large print if an applicant is visually impaired.
 - An interview to explain the content of this document and information about where independent advice can be obtained about the council's Allocations Policy.
- 1.7.5 As there are likely to be many more applicants than properties available, the council will also provide information about other housing options. This will include:
- A range of housing options specific to the needs of the applicant.
 - Advice on Registered Providers operating in Stoke-on-Trent.
 - Advice and help on renting in the private sector.
 - Advice on available low cost home ownership options.
- 1.7.6 The Housing Solutions Service will seek to identify vulnerable applicants at the initial contact stage and will help them to manage their application for housing, making referrals to other agencies as appropriate and considering suitable housing options.
- 1.7.7 Procedures will be available separately that guide council staff in ensuring that all of the assistance available is offered to each housing applicant. The procedures will be published with the adopted policy.

1.8 Publicity

- 1.8.1 The council will make every effort to ensure that stakeholders, partner agencies and applicants can access information about the council's Allocation Policy. A shortened version of this Policy will be provided to every applicant.

Section 2: The Housing Register and Banding Scheme

2.1 Definition of Terms

- 2.1.1 The term “applicant” will include single people and the term “joint applicants” will include couples where spouses or partners could be joint tenants.
- 2.1.2 The term “household” includes all individuals included in the applicant’s application. A household may therefore be an individual, a couple, a family or two or more individuals who wish, or need, to live together in the long term. Short term sharing arrangements or temporary part time arrangements will not normally qualify as a household for rehousing purposes.

2.2 How to Apply for Housing

- 2.2.1 Customers can make a housing enquiry to the Housing Advice Centre.
- Either in person or via the telephone: 01782 233696
 - Via the council website stoke.gov.uk
 - By e-mail at housing.adviceservices@stoke.gov.uk
- 2.2.2 There is no statutory requirement to maintain a Housing Register. However, the council believes there are significant benefits for the people of Stoke-on-Trent in maintaining a Housing Register which provides a single point of entry for council owned properties or properties owed to the council through nomination rights from various social landlords. All applicants will be placed on an active or an inactive register depending on whether they have a housing need.
- 2.2.3 Applications for housing are made under the council’s Allocations Policy using a standard assessment. Having received the application in full, including required supporting information, the assessment of the applicant’s housing needs will be carried out by staff from the council.
- 2.2.4 Anyone approaching the city council for housing advice will receive information about their housing options. Following this, an applicant may decide to submit an application to go onto the Housing Register. Once an application for accommodation under this Policy has been submitted to the council it will:
- Carry out a full assessment of the applicant’s eligibility, housing enquiry and housing need.
 - Having determined eligibility and a housing need, allocate a band to applicants who will be placed on the active Housing Register. A band will not be allocated to those on the inactive Housing Register where an applicant does not have a housing need.
 - Where there is a need to visit an applicant or make further enquiries to confirm an applicant’s circumstances, any band awarded will be provisional pending a successful visit or other full confirmation of circumstances.

An applicant has the right to be informed of any decision about the facts of their case which is likely to be taken into account when considering whether to allocate housing to them.

2.3 Applicants who are Eligible to Join the Housing Register

- 2.3.1 Normally, any United Kingdom resident aged 16 or above can apply for housing. A home visit may be arranged to verify the information contained in the application form, and to provide an opportunity to discuss housing options. Anyone under the age of 18 years of age who is offered a tenancy will need to have a guarantor to hold the legal tenancy and guarantee rental payments until the applicant reaches 18. Applicants under the age of 18 will also be expected to have a support worker. For young people under the age of 18 years the social landlord may grant permission to allow the occupation of a property by way of an ‘Equitable Agreement’

2.3.2 Married, civil partners and cohabiting couples, same sex couples and brothers and sisters who wish to live together can make joint applications. In such cases, it is usual for a joint tenancy to be granted in the event of an offer of accommodation being made.

2.4 Applicants who are Not Eligible to Join the Housing Register

2.4.1 The Housing Act 1996 Part 6, as amended by the Homelessness Act 2002, requires councils to consider applications for housing from anyone unless they are ineligible for housing. The following persons are **not** eligible:

- People who are 'subject to immigration control' (unless they fall within a class prescribed by regulations as eligible).
- People who are not subject to immigration control, but are nevertheless prescribed by regulation as being 'persons from abroad' (this may include British citizens).
- Any person as prescribed by the Secretary of State.
- Applicants (or a member of their household) who have been guilty of 'unacceptable behaviour' and at the time of their application for housing they are still considered unsuitable to be a tenant by reason of that behaviour.

2.4.2 Eligibility will be assessed by the council at the time that the person applies for housing.

2.4.3 'Unacceptable behaviour' is defined as behaviour which would, if an applicant or member of their household was a tenant, entitle a landlord to obtain possession under section 84 and Part 1 of Schedule 2 of the Housing Act 1985.

Unacceptable behaviour includes:

- owing significant rent arrears and/or failing to comply with a current or past tenancy agreement with a council, Registered Providers or private landlord to such an extent that a Court would grant a possession order.
- conviction as a result of illegal or immoral purpose
- causing nuisance and annoyance to neighbours or visitors
- committing certain criminal offences in or near the home and still posing a threat to neighbours or the community
- being violent towards a partner or members of the family
- allowing the condition of the property to deteriorate
- obtaining the tenancy by deception (for example, by giving untrue information)

2.4.4 The council will make the final decision after carefully considering the individual circumstances of an application. Each application will be assessed on its own merits and a decision regarding eligibility made accordingly. Anyone subsequently made ineligible from the scheme will be provided with a full written explanation for the decision and will have a right of review of the decision. Information in relation to the right of reviews of decisions is included later in this document.

2.4.5 The rules regarding eligibility are complex and officers within the Housing Solutions Service are trained to give advice to applicants concerning eligibility under this scheme. In determining eligibility the local authority will apply the following test:

- Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- Was the unacceptable behaviour serious enough to have entitled a council to have obtained an outright possession order?

- At the time of the application, is the applicant still unsuitable to be a tenant of the council by reason of his behaviour, or the behaviour of a member of his household?

2.4.6 An applicant's eligibility to join the scheme will be kept under review during the application process. An applicant may be rendered ineligible at anytime during the process. Applicants classified as being ineligible through 'unacceptable behaviour' can make an application for accommodation in the future, if they can demonstrate a changed pattern of behaviour. It is for the council to determine whether the changed behaviour makes the applicant eligible under the scheme. This is carried out at the point of re-application to the scheme.

2.5 The Housing Options Approach

2.5.1 In addition to the eligibility assessments detailed above, Stoke-on-Trent City Council will make an assessment of the applicants' level of housing need. As highlighted previously, there is a lack of social housing in Stoke-on-Trent; it is therefore necessary to ensure that those most in need of housing receive the priority.

2.5.2 Applicants will be deemed to be in housing need if the accommodation they occupy is unsuitable for them. This could include applicants who need to move on grounds of health and safety or who require more accessible accommodation because of their limited mobility.

2.5.3 Staff within the Housing Solutions Service will arrange a confidential discussion with anyone who wants to apply for social housing. The purpose of this will be to understand their housing need and to determine whether there are actions the council can take in order to support the customer.

2.5.4 The purpose of a housing options interview is to explore a wide range of alternative housing options. Due to the considerable demand for social housing in Stoke-on-Trent, many applicants find that the possibility of being allocated a social housing tenancy is unrealistic.

2.5.5 Applications will be assessed using the criteria for the banding scheme. The assessment will be based on the suitability of the applicant's current housing situation and specific needs. It will reflect additional information provided by or on the applicant's behalf.

2.5.6 Applicants' needs may be re-assessed from time to time, or as a result of a change of circumstances. This may result in applicants moving from one band to another.

2.5.7 Applications may not be prioritised in circumstances where an applicant is deemed to have deliberately worsened their housing circumstances in order to increase their priority within the Allocations Policy. For example, this may apply where an applicant gives up settled accommodation in order to move into less settled or overcrowded accommodation. This includes the sale of a home where the owner was not experiencing financial hardship. Where this is found to be the case, an applicant may receive reduced priority.

2.5.8 The housing options approach may be used to prevent homelessness, but does not negate the statutory requirement to complete a homelessness application. This approach may be used in tandem with our homelessness obligations and is not a form of 'gate-keeping'.

2.6 Reduced Priority

2.6.1 The council has a right to reduce an applicant's priority under this Allocations Policy. In doing so, due regard has been given to the requirement to give Reasonable Preference to those categories in the Housing Act 1996 Part 6 (as amended).

2.6.2 An applicant will be awarded the Reasonable Preference that their assessed housing needs warrant but will not be considered for available properties until action is taken to rectify the applicant's behaviour/ circumstances. The application will remain in the band appropriate for the level of need, but will remain as 'application pending'.

- 2.6.3 An applicant's priority can be reduced for the following reasons:
- arrears or other housing related debt within the meaning of this scheme
 - breach of the tenancy agreement that is unresolved but would not warrant a full possession order
 - a property not meeting the standard required for a transfer applicant
 - no local connection
 - refusing two reasonable offers within a six month period

- 2.6.4 Any applicant whose priority is reduced will be provided with written notification of the decision that will contain the following information:
- The reasons for the decision to reduce priority
 - The applicant's right to appeal against the decision
 - What they have to do before they will be considered for available properties.
 - That any appeal against the decision must be made in writing within 21 days of written notification of the decision
 - That any appeal will be dealt with by a Senior Officer not involved in the original decision. All appeals will be dealt with within 8 weeks, and the applicant advised of the outcome.
 - That an applicant may request that their application be removed from the reduced priority band at any time. The request for removal of the reduced priority must be made in writing and must set out how and why the applicant believes that the removal of the reduced priority is now justified.

2.7 Successions and Transfers

2.7.1 This Allocations Policy supports adult applicants wishing to sign as joint tenants should they choose to do so. In relation to allocations to Registered Providers tenancies, made under the council's Nominations Agreement, the individual Registered Providers will decide whether to allow a Joint Tenancy depending on the circumstances of the case. The rules around succession within local authority properties may differ to those of Registered Providers; Registered Providers will be able to advise appropriately.

2.7.2 The law on succession rights is found at Sections 87 to 89 of the Housing Act 1985 and Sections 131 to 133 of the Housing Act 1996. This scheme considers the following types of succession:

- Statutory Tenancy succession
- Contractual Tenancy succession
- Discretionary Lets

2.7.3 *Statutory tenancy succession*

There can only be one succession of a tenancy. To decide whether a person can succeed to a tenancy, first we need to know if the person who has died is a successor.

2.7.4 A tenant is a successor if:

- The tenant inherited the tenancy under the provisions of the Housing Act 1985.
- The tenant used to be a joint tenant but has become a sole tenant.
- The tenant became a tenant by assignment.
- The tenant became a tenant on inheriting the tenancy under the terms of a person's will.

- The tenant was previously a successor to an introductory tenancy.

If the person who has died was a successor, then there can be no further statutory successions.

2.7.5 In order to inherit the tenancy you must be eligible. An eligible person is considered to be the existing joint tenant, the deceased tenant's husband/wife or civil partner, the deceased tenant's partner (including same sex partner) and then certain other members of the deceased tenant's family. Family members who are considered eligible are:

- | | | |
|---------------|----------|----------------|
| • Parent | • Sister | • Half brother |
| • Grandparent | • Uncle | • Half sister |
| • Child | • Aunt | • Foster child |
| • Grandchild | • Nephew | |
| • Brother | • Niece | |

2.7.6 A person is qualified to succeed if:

- S/he was married to the tenant and living in the property as his/her only or principal home when the tenant died.
- S/he is a family member and was living in the property as his/her only or principal home when the tenant died AND residing with the tenant throughout the twelve months ending with the death of the tenant. Family Members include heterosexual couples living together as husband and wife or same sex partners living together in the property as his/her only or principal home.

2.7.7 *When there is only one person qualified to succeed*

The tenancy automatically passes to that person. This means that there is no need to sign the successor up to a new tenancy. The successor becomes responsible for the tenancy from the date of the death of the old tenant. If the successor does not want the tenancy, they should take the necessary steps to terminate it.

2.7.8 *If there is more than one person qualified to succeed:*

- If one of them is a spouse, s/he automatically inherits the tenancy from the date of the death of the old tenant.
- If none of them are a spouse, the family members must decide between themselves who is to inherit the tenancy, but if they cannot decide the council will decide and will apply its usual Allocations Policy criteria to determine priority between the claimants as far as is possible.
- If a succession results in a property becoming under-occupied, the council may think it reasonable to seek possession of the property where reasonable alternative accommodation is available for the tenant. This must be done no sooner than six months after the death of the tenant but before 12 months from the death of the tenant. In deciding this, the council will take into account circumstances such as how long the successor has lived there and how old they are.

2.7.9 *Contractual Succession*

As stated in the Tenancy Agreement, the council will extend the rights of certain relatives/partners to be granted a new tenancy following the death of a tenant, where a tenancy succession has not previously occurred.

2.7.10 *Discretionary Lets*

Area Housing Managers may grant a new introductory tenancy in the following circumstances:

- To surviving relatives/partners of deceased tenants where they are left in a property they occupied for a minimum of 5 years as their principal home with the deceased tenant, immediately prior to the death of the tenant, and a statutory or contractual succession has previously taken place, and the individual has successfully completed a serious offenders check and the individual should not be under occupying a larger family type property (house with 4 bedrooms or more). Where the successor is under occupying a larger family type property (house with 4 bedrooms or more), then they can be offered a smaller house in the same housing neighbourhood.
- To full-time live-in non-paid carers where verification checks with relevant agencies have confirmed the carer's status, and s/he has lived in the property as his/her principal home for 2 or more continuous years immediately prior to the death of the tenant, has successfully completed a serious offenders check and would not be under-occupying the property by 2 bedrooms or more.
- Where the Tenant enters permanent residential care and the Tenant (or the person with the appropriate authority to do so on the Tenant's behalf) surrenders his/her tenancy or the tenancy is surrendered by operation of the law, the city council **may** assign the tenancy to a person who legally qualifies to succeed to the tenancy as defined in section 87 of the Housing Act 1985.

2.7.11 When a relationship breaks down and one partner terminates a joint tenancy, the council may 're-grant' a tenancy of the same property to the partner remaining in occupation.

2.7.12 When a relationship is formed or when an adult wishes to become a joint tenant with their parent, the council can agree to the tenancy being changed from a sole tenancy to a joint tenancy or vice versa. However, this is a 're-grant' of a tenancy and the council can refuse to do this in certain circumstances, e.g. where the tenancy is in arrears or where the proposed joint tenant is ineligible on the grounds of his/ her behaviour.

2.7.13 The council may take into account the following when deciding to exercise the above discretions in favour of an applicant:

- Whether the rent account is free of arrears
- Whether the property would pass a Pre-Transfer Inspection.

2.7.14 Consideration will be given to whether a tenant applying for succession is occupying a property that contains adaptations, were the applicant does not need these adaptations. In these circumstances it may be appropriate to consider alternative accommodation for the applicant.

2.7.15 Existing tenants who have a housing need and who wish to transfer to an alternative property will be progressed within the Allocation Policy. Existing tenants with no housing need, but still wish to transfer to an alternative property, will be progressed within the Transfer and Mutual Exchange Procedure, which is available upon request.

2.8 **The Bedroom Standard**

2.8.1 Applicants who claim they are overcrowded will have their circumstances assessed against the Bedroom Standard. In addition, any new applicants will be advised what size of accommodation they are eligible for. Sharing rules only apply to those children under the age of 18. Children will be expected to share a room in the circumstances outlined below.

| Bedroom Standard | | | |
|---|----------|---|---|
| | Bedrooms | | |
| Household Members | 1 | 2 | 3 |
| Singles and Couples | ✓ | | |
| 28+ weeks pregnant woman with or without partner and no other children | | ✓ | |
| Families with one child under 18 | | ✓ | |
| Families with two children of the same sex where the age gap between the children (aged under 18 years) is less than seven years | | ✓ | |
| Families with two children of the opposite sex where the older child is over 7 years | | | ✓ |
| Families with two children (aged under 18 years) of the same sex where the age gap between the children is seven years or more | | | ✓ |

- Larger families will be considered for three bedroom ground and first floor flats or three or four bedroom houses according to the numbers, ages and sex of the children, using the criteria specified above.
 - Families are able to apply for ground and first floor flats
 - Priority for houses will be given to families with children under the age of 18.
- 2.8.2 Applications from divorced / separated parents who want to provide accommodation for children will be considered on a case by case basis. As a general rule, when determining the size of accommodation suitable for the family, children from former relationships will be counted only if they spend more than half their time resident with the applicant.
- 2.8.3 Access arrangements for weekend / holidays do not qualify for the additional bedrooms.
- 2.8.4 Parents may be asked for evidence of residence orders or access arrangements and supporting evidence from other agencies may be required where conflicting information is given. In most cases, the parent receiving Child Benefit will be considered as the principal carer and the person with care and control of the children.
- 2.8.5 Applicants should provide medical evidence of the need for separate bedrooms. In cases where children are in the care of Social Services, no bedrooms will be set aside for the child until a decision has been reached as to the long term future of the child as determined by the courts.
- 2.8.6 Pregnant women with no children will be considered for 2 bedroom properties when they produce their MATb1 Form at 28 weeks. Pregnant women with children, upon receipt of the MATb1 Form will have their bed space entitlement recalculated depending on the age and sex of the children within the family as described above. It may be necessary to defer this decision until the sex of the new child is known.
- 2.8.7 In exceptional circumstances the council may exercise discretion in deviating from the Bedroom Standard. Examples are:
- Where there is little or no demand for a particular vacancy and it is therefore difficult to let.

- Where no suitable applicants can be identified to make the best use of larger accommodation.
- Where the applicant has been approved as a foster carer by Children's Services, and so will need a larger property than normally required by the household.
- Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household.
- Where an older person requiring retirement accommodation (sheltered housing or extracare provision) requests an additional bedroom and this is in keeping with the published eligibility criteria for the scheme.
- Where it may be possible to accommodate families with children in flats above first floor level, depending on the ages of children and the layout of the flats.

2.9 How we allocate to Homeless Households under the Scheme

- 2.9.1 This section of the Allocations Policy applies to applicants who are considered to be homeless under Part VII of the 1996 Housing Act (as amended). The Local Authority has a legal duty to secure settled accommodation for households who are homeless or at risk of becoming homeless (unless certain exceptions apply). The council will do all they can to prevent homelessness and where this is not possible an assessment will be carried out by the Housing Solutions Service.
- 2.9.2 If a household is found to be intentionally homeless then reduced priority will be given to the application and it will be placed in Band 3.
- 2.9.3 It is recognised that social rented housing is not the only tenure available to homeless households and where appropriate they will be encouraged to accept rehousing in the private sector. Where possible the council will look to offer private rented options to give applicants a wider choice of tenure and location.
- 2.9.4 Where a homeless applicant is offered accommodation and accepts this offer, the offer will be the applicant's final offer and will end the council's homelessness duty. The offer will be confirmed in writing stating that this is the final offer that will end the council's duty to the applicant under part VII of the 1996 Housing Act (as amended).
- 2.9.5 Where a property is refused, a senior officer will be informed immediately. Applicants can request a review of the suitability of this offer.
- 2.9.6 Those homeless applicants who are owed a full duty will be entitled to one reasonable offer under the policy. If the homeless duty is discharged due to the applicant refusing the property, they will be entitled to remain on the housing register and their priority will be assessed accordingly.

2.10 Nomination to Registered Providers

- 2.10.1 The council recognises the important role Registered Providers play in the city, providing affordable homes to those in need. The council has negotiated nomination arrangements with most Registered Providers who have properties in the city. We can therefore nominate applicants from our Housing Register to properties made available to the council.
- 2.10.2 Registered Providers may apply particular criteria in letting these homes and the council recognise the need for Registered Providers to make the best use of their own stock. The council will apply the same selection rules as for council properties, although the decision to offer a property will ultimately rest with the Registered Provider.

2.11 The Banding Scheme

2.11.1 The Allocations Policy uses a needs-based banding system to determine priority between applicants who are placed on the active Housing Register. Applications will be organised and prioritised according to the banding placement of the applicant, and within bands the priority will be determined by the date of the application. Applicants on the inactive Housing Register will not be placed in a band.

2.11.2 Where two or more applicants on the active Housing Register are interested in the same property, are within the same band and have the same date on the Housing Register, the council will consider which household has the best “fit” for the property with regard to household size.

2.11.3 For reference, Reasonable Preference categories are:

- People who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless and those who are not in priority need.
- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3).
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds.
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

2.12.4 The Banding Scheme is set out below:

| Band 1- Exceptional Housing Need | |
|---|--|
| Homeless Households owed a full homeless duty under section 193(2) or 195(2). | People who are owed a duty under section 190 (2), 193 (2) Or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing authority under section 192 (3). |
| Emergency medical or disability | Someone with a serious medical condition with unsuitable housing e.g. those who are unable to be discharged from hospital or residential care. |
| Need to move on Health & Safety grounds | <ul style="list-style-type: none"> • Any child that needs to be accommodated under a child protection or corporate parenting provision • Applicants who need to move due to violence, including domestic abuse or harassment. Violence or harassment will be verified by the Police and/or other agencies as necessary. This may include where a move is necessary to protect a witness to criminal acts. • There are significant problems associated with the tenant’s occupation of a dwelling in the social or private rented sector and there is a high risk to the tenant or their family’s safety if they remain in the dwelling/area. For social housing tenants, transfers will be to properties of the same size or smaller if they are under-occupying, but |

| | |
|---|--|
| | <p>locations or areas are likely to change.</p> <ul style="list-style-type: none"> • Where a council tenant has to move whilst major works are undertaken or where their home is due to be demolished • Private sector tenants and residents of dwellings where the council's Housing Standards Team has determined that the property contains one or more Category 1 Hazard under the Housing Health and Safety fitness rating and the council are satisfied that the problem cannot be resolved by the landlord within 6 months, and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period. • A private sector property either owned or rented where a statutory notice has been issued by the Housing Standards Team that a property containing one or more Category 1 Hazards is subject to a Prohibition Order or Demolition Order under the Housing Acts 1985 and 2004. • Where a private sector owner occupier is subject to clearance area procedures and certain conditions regarding the sale of property have been met. The same level of assistance will be given to sitting tenants where the landlord has sold the property to the council under clearance procedures. Discretionary assistance may also be given to tenants in clearance areas where the landlord has service notice to quit immediately prior to selling the property to the council. |
| Severe Overcrowding | 3 or more bedrooms deficient based on statutory guidance |
| Band 2- High Housing Need | |
| Overcrowding | 2 bedrooms deficient based on statutory guidance |
| Medical grounds | Where an applicant's housing is unsuitable due to serious medical reasons or their disability (including learning disability) and have been assessed as having a high priority need to move. |
| Ready to move on from supported accommodation or Approved Premises, including those leaving care. | <p>An applicant is ready to move to independent settled housing on the recommendation of the support worker where alternative housing options are not deemed suitable. If the applicant were not able to move quickly, access to services would be made more difficult for those waiting to receive support.</p> <p>A support package has been assessed and is in place</p> |
| Discretionary Lets | Where the council has agreed to grant a tenancy under clause 2.7.10 of this policy. |
| Band 3- Medium Housing Need | |
| Other homeless categories | <ul style="list-style-type: none"> • Where homeless investigations are taking place and have not been concluded. • Non priority homeless. |

| | |
|---|--|
| | <ul style="list-style-type: none"> • Intentionally homeless. |
| Hardship | Those who need to take up (or continue) employment, education or a training opportunity that is not available elsewhere and who do not live within reasonable commuting distance. |
| Welfare | Those experiencing financial hardship as a result of changing circumstances that are beyond their control. |
| Need to provide or receive care or support. | Those who need to access social services facilities, and are unable to travel across the city. |
| | Those who need to move to give or receive care that is substantial and ongoing. |
| Medical grounds | Applicants whose household includes someone with a medical condition which is directly linked to unsuitable housing conditions, and has been given a medium priority medical assessment. |
| Overcrowding | Applicants living in overcrowded accommodation where they lack one bedroom. |
| Under-occupation | Where a council or housing association tenant will release a property which is bigger than the household requires for which there is demand or an ingoing tenant identified for it. |
| Older people's accommodation | Applicants are eligible for older people's accommodation including sheltered housing and extracare provision, as per eligibility criteria for the specific scheme. |

2.12 Definition of Local Connection

- 2.12.1 A person may apply for social housing in any area in the country where they might wish to live. This means that the Housing Register is not restricted to people who come from the Stoke-on-Trent area. However, in order to ensure that we are meeting the needs of the local community, Stoke-on-Trent City Council gives reduced priority to people in housing need without a local connection to the area.
- 2.12.2 Local connection will be assessed in accordance with the definition of local connection contained in Section 199 Housing Act 1996. The following persons shall normally be considered to have a local connection with Stoke-on-Trent if they or anyone who is moving with them:
- has lived in Stoke-on-Trent by choice for a certain time (usually for 6 months out of the last 12 months or for 3 years out of the last 5 years)
 - has close family living in Stoke-on-Trent and who have lived in Stoke-on-Trent for at least the previous 5 years
 - has settled employment (paid or unpaid) or education in Stoke-on-Trent
 - has special circumstances that give rise to a local connection
 - is a serving member of the armed forces and is posted in the Stoke-on-Trent City Council area.
- 2.12.3 Special circumstances may include but is not limited to:
- persons to whom the council has accepted a duty to secure accommodation because they are homeless

- persons who are not currently resident in the district but who have a need to be near close relatives to give or to receive their support, e.g. carers.
- 2.12.4 For the purposes of the above, living in the district means living in accommodation of an applicants own choice and will not include either:
- occupation of a mobile home, caravan or motor caravan which is not placed on a residential site; or
 - occupation of a holiday letting, which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday.
- 2.12.5 In all cases, applicants will be asked to provide documentary evidence as proof of their local connection.

2.13 Medical Assessments

- 2.13.1 Applicants who have a medical need will be assessed by the council. The criteria to be considered relate to the extent that the health of the applicant, or an immediate member of the applicant's family, will be significantly improved by a move to alternative accommodation. The assessment is not based on the seriousness of an applicant's condition, but is solely based on the impact of their current housing on that condition, and whether this would improve significantly through a move to alternative housing. Where an applicant requests priority based on a medical condition, the council will, where necessary, seek the opinion of a medical expert in determining whether priority will be awarded.

2.14 Including Carers on a Housing Application

- 2.14.1 A carer is someone, who, with or without payment, provides help and support to a partner, relative, friend or neighbour, who could not manage without their help. This could be due to age, physical or mental illness, addiction or disability. In many cases a carer may not reside with the person receiving care.
- 2.14.2 In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care and needing to live with them or near them.
- 2.14.3 The council recognises that even if a carer is in receipt of Carers Allowance this does not mean that it is necessary for them to reside with the person who is being cared for. Many carers provide over 35 hours a week support whilst living in their own home. Inclusion on the application will be considered if the carer has been assessed as needing to provide overnight support. In these circumstances, the applicant must produce supporting evidence from other agencies e.g. Social Services, GPs, Health Visitors or other health professionals. All applications will be assessed on an individual basis.
- 2.14.4 Under some circumstances it may be appropriate to consider cases where the carer is not in receipt of Carers Allowance. Under these circumstances it will still be necessary for the applicant to demonstrate that:
- The person looked after is in receipt of one of the following benefits:
 - Disability Living Allowance - paid at either the middle or higher rate for personal care
 - Attendance Allowance
 - Disablement benefit
 - The person looked after requires 24 hour support and that the carer is available to give that support, i.e. they are not in full time education or employment. This will have to be supported by medical assessment or by other agencies and health professionals.

2.14.5 In some circumstances a carer or potential carer may request a move to property nearer a person requiring care in order to provide support. Such cases will only be considered if the medical assessment indicates that help may be required on a 24 hour basis and that it would be impractical for the carer to respond adequately given their geographical location. Under these circumstances the Housing Solutions Service will seek an independent assessment.

2.15 Adapted and Retirement Properties

2.15.1 Properties which are adapted, or which the council believe are suitable for adaptation, or which are otherwise potentially suitable for applicants with a substantial disability or other special reason, may be allocated directly to the most appropriate applicant and outside any strict band/date order. This will be done in conjunction with the Disability Resource Team, subject to the findings of the review of current practices. This may, depending on the characteristics of the property, include cases where a ground floor flat is available and an applicant with very high priority requires such accommodation. Rather than select an applicant with general needs to occupy the property, the council reserves the right to allocate to a high priority applicant in need of such accommodation.

2.15.2 Retirement housing comprises city council owned sheltered housing and sheltered and extracare provision managed by Registered Providers. They offer independent living with security and peace of mind. City council bungalows are not included within this provision.

Where applicants have expressed an interest in retirement properties and there are no additional housing needs, they will be placed in Band 3. To be eligible for retirement housing, applicants must normally be:

- Aged 60 or over. If there is no demand from those over pensionable age, people over the age of 55 may be considered
- Eligible for housing as per the published Allocations Policy.
- Deemed suitable for the scheme and confirm they do not have support needs that are unable to be met or would be detrimental to the scheme itself or other tenants.
- Made aware of the costs of moving into the scheme before a letting is carried out. This is especially in regard to Supporting People costs, where these are not covered by Local Housing Allowance.

2.16 How the Council Allocates Properties

2.16.1 Properties available for letting will be offered to the applicant on the active Housing Register with the highest priority for each specific property. This means looking first at applicants in Band 1, then Band 2, and so on. Relative priority between applicants in the same band will be determined in date order, by the length of time applicants have been within that band.

2.16.2 Applicants can only be selected for property types that they have included in their application. The policy is designed to enable applicants to exercise choice within the options and areas that are available. Applicants will be asked to indicate the area and property attributes they require to be considered for in terms of location, amenities, floor level and type of landlord (council, Registered Provider or private sector).

2.16.3 The number of bedrooms a household requires will be determined according to the Bedroom Standard.

2.16.4 Applicants who have been selected for an offer of council accommodation through the scheme will be contacted and invited to view the property they have been offered before deciding whether they wish to accept the tenancy. At this point, applicants will have an opportunity to discuss any specific housing requirements/ repairs that they feel are required.

- 2.16.5 Applicants have a choice as to whether to accept or refuse the property they have been offered. Through the verification and assessment of the household needs, this will formulate the most suitable property and area so that an intelligent allocation can be made. Any property refusal will be fully discussed with the customer and the Housing Needs Officer to establish why the offer does not match the customer requirements.
- 2.16.6 If the offer is deemed reasonable then the applicant may have their banding priority reduced or alternative housing options explored as an effective housing solution.
- 2.16.7 The city council reserve the right to allocate a small number of properties outside of the Allocations Policy at the discretion of the Assistant Director, Housing Services (delegated authority to Strategic Manager Landlord Services) as management lets.
- 2.16.8 In order to ensure that the system of allocating accommodation is transparent and robust, the city council will periodically publish information about the types of properties that have been allocated and the households that were offered these properties. Personal information will not be shared.

Section 3: Administering the Housing Register

3.1 Renewing and Updating Applications

- 3.1.1 Applicants placed on the active Housing Register will be asked to renew their housing application on the anniversary of their original application date. Applicants who fail to do so will have their application removed from the Housing Register. A letter will be sent to the applicant informing them that their application has been cancelled. If good reason can be shown why there was a failure to respond to the review, then the applications may be reinstated.
- 3.1.2 If an applicant's circumstances change, they must advise the council of any changes immediately. This applies to applicants on both the active and inactive Housing Register. Applicants who have had a change of circumstances and have not informed the council may have their application status changed to 'application pending' whilst an investigation takes place in order to determine eligibility.
- 3.1.3 Applicants should notify the council of any change in their circumstances. For example:
- A change of address, for themselves or any other person on their application.
 - Any additions to the family or any other persons they would wish to join the application.
 - Any member of the family or any other person on the application who has left the accommodation.
- 3.1.4 Applicants who were placed on the inactive Housing Register can have their application re-assessed at any time. If the applicant's needs have changed the application may be placed on the active Housing Register. The date of this new assessment will be the date of registration, rather than the initial approach.

3.2 Confidentiality

- 3.2.1 The fact that a person is an applicant on the Allocation Policy will not be disclosed (without their consent) to any other member of the public.
- 3.2.2 All information held is subject to the Data Protection Act 1998. The council will seek the express consent of applicants joining the Allocation Policy to share personal information about the applicant, and any member of their household.
- 3.2.3 Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances which will include:
- In accordance with the provisions of the Crime and Disorder Act 1998 (Section 115).
 - Where there is a serious threat to the other party's staff or contractors.
 - Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff.
- 3.2.4 It is a criminal offence for applicants and/or anyone providing information to this scheme to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (s171 Housing Act 1996). This includes but is not limited to information requested on the housing application form, in response to correspondence at the renewal of the application, or relating to any other review of the application. An offence is also committed if a third party provides false information whether or not on the instigation of the applicant. This would apply at any stage of the application process.

- 3.2.5 Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be given the status 'application pending' during the investigation and will be excluded from being considered for offers until an outcome is reached.
- 3.2.6 If the outcome of any investigation is that they did not provide false information or there was no withholding of information or such was not found to be withheld knowingly, then the application will be reinstated from the date of registration meaning the relevant applicant should not suffer prejudice. However, where the investigation shows that false information was provided on the application form, or was deliberately withheld, this may render the applicant ineligible.
- 3.2.7 Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by the 1996 Act, s.146) enables the landlord to seek possession of a property where it has been granted as a result of a false statement by either the tenant or a person acting at the tenants instigation. Where this is the case the council will pursue recovery of possession vigorously.
- 3.2.8 If the council determines that an applicant directly, or through a person acting on his or her behalf, has given false information or withheld required information it may result in an applicant being removed from the Housing Register and rendered ineligible.
- 3.2.9 Applicants will be asked to authorise information sharing with relevant agencies, for example, Housing Benefits, Social Services, Probation, Registered Providers and a range of voluntary and statutory agencies where this is necessary.
- 3.2.10 If there is evidence to suggest that the applicant is involved in criminal activity and /or fraudulent claiming of welfare benefits, this information will normally be disclosed to the relevant agency.
- 3.2.11 Applicants are entitled to see their files if they wish to do so. If the file contains information from third parties, for example letters from doctors, other agencies or individuals, each third party must be contacted for their consent before these documents are made available to the applicant.

3.3 Verification of Details for the Active Housing Register

- 3.3.1 Before any banding assessment is made in relation to the active housing register, the applicant will be contacted for verification of all relevant information on their housing application. Information we obtain will be used to assess eligibility and is not exhaustive. Applicants will be expected to provide this information on request and must do so before an offer can be made. Home visits will, wherever possible, be carried out to verify applications.
- 3.3.2 Procedures will be developed to ensure that robust checks are in place to ensure applications contain correct information. Where necessary, the council will conduct Criminal Records Bureau checks.
- 3.3.3 If the tenant (or former tenant) of the council or Registered Providers is found to be in rent arrears or to owe former tenant arrears, repair costs, damage deposit or rent in advance costs, then the tenant or applicant will not normally be offered rehousing but will be made a reduced priority, unless a suitable arrangement is made to clear the debt. Any offer of accommodation will be subject to a clear rent account.
- 3.3.4 Should an applicant on the inactive Housing Register be approached in relation to available social housing, appropriate verification will take place at this point.

3.4 Removal of Applications from the Housing Register

- 3.4.1 Applications may be removed from the council's active Housing Register in certain circumstances such as:

- Where removal from the Housing Register is requested by the applicant, provided that the council does not owe the applicant a duty under the homelessness legislation
 - Where the applicant's circumstances change and they are no longer eligible under the Allocations Policy
 - Where the applicant or a member of the household has been guilty of serious unacceptable behaviour
 - An applicant fails to respond to a review.
 - An applicant has been rehoused by the council or another Local Authority, or a Registered Providers in or outside of the Stoke-on-Trent area.
 - An applicant rehoused with a licence to occupy.
- 3.4.2 The applicant will be notified of any proposal to remove the application from the Housing Register and will be given the opportunity to provide further information to the council to enable it to decide whether removal is appropriate. Any subsequent removal from the Register will be notified to the applicant in writing. The applicant will have a right to request a review of the council's decision in this respect. Further detailed information about the appeals process will be made available to all applicants.

3.5 Moving Up and Down the Bands

- 3.5.1 Where the applicant has an assessed housing need they will be placed on the active Housing Register. They will then be placed in a band with the date of acceptance as their 'queue' date. This is the date that will be used for any offers to be made to the applicant.
- 3.5.2 If the applicant subsequently has a change of circumstances the application will be reassessed and one of following four outcomes will occur:
- An applicant may gain greater priority on the scheme and enter a higher band.
 - An applicant may lose priority or preference due to their circumstances and their application may be placed in 'application pending', or removed if they have no housing need.
 - An applicant may be assessed as being in the same band.
 - An applicant may become ineligible for the council's Allocations Policy.
- 3.5.3 If an applicant provides information which places them in a higher band following assessment their registration date in the new band will be the date on which they were assessed and accepted for that band. *e.g.: if an applicant entered Band 3 on the 1st January 2006 and then is reassessed and placed in Band 2 on the 1st January 2009 their date in Band 2 will be 1st January 2009.*
- 3.5.4 If an applicant provides information which places them in a lower band following assessment, their registration date in the new band will be the same as the queue date from the band they were in previously. *E.g.: if an applicant entered Band 2 on the 1st January 2006 and then is reassessed and placed in Band 3 on the 1st January 2009 their date in Band 3 will be the 1st January 2006.*
- 3.5.5 If an applicant stays in the same band their registration date does not change even if new information has been assessed. Exceptions to this are as follows:
- If an application is placed back at 'application pending' stage during investigations into an applicants' circumstances but the result of the investigation is that the applicant is assessed as being in the same band they were in prior to investigation they will be reinstated into the band with the queue date they had previously.

3.7 Staff, Board Members of Relevant Organisations, Council Members and Relatives of these Groups

- 3.7.1 This policy is designed to ensure that Stoke-on-Trent City Council (and any relevant organisation) is transparent and equitable when letting homes to staff or Board Members and their relatives.
- 3.7.2 The Allocations Policy is open to any eligible applicant and there are stringent checks in place that all applicants must follow. Staff, Board Members, council Members and their relatives are treated as any other applicant and must be seen to not be gaining any advantage or disadvantage or any preferential treatment in the course of their application.

3.8 Serious Offenders

- 3.8.1 Stoke-on-Trent City Council will make an assessment of risk to the community of any applicant who has been convicted of a community offence and is considered to present a significant risk to potential neighbours and/or communities. This assessment will determine whether;
- either the risk is too great and therefore the applicant is ineligible to appear on this scheme due to the eligibility criteria that apply to applicant's guilty of serious unacceptable behaviour, or
 - the risk is such that the applicant will be considered for housing provided an undertaking is signed to document an agreed cooperation and the applicant is placed in a band appropriate to the applicant's need
 - the risk is such that the applicant will be eligible for the scheme but the application will have reduced priority.
- 3.8.2 At the time of registration, an applicant is asked if s/he or anyone who will be residing with them has a conviction of a criminal offence or anti-social behaviour order.
- The question is asked of all applicants. If the applicant answers yes, permission will be sought from the applicant to contact the Police and/or Probation Service for further information.
- The result will be one of the following
- i) Some applicants will be assessed as ineligible for housing due to evidence of past unacceptable behaviour that would warrant an outright possession order through the courts. In such cases, these applicants will be treated as ineligible.
 - ii) Some applicants will be deemed lower risk providing they agree to and sign up to a behaviour contract and provide two satisfactory references.
 - iii) Some applicants will be allowed on the scheme and given reduced priority until they have demonstrated to the council their ability and willingness to satisfactorily perform the requirements of their tenancy agreement.
- 3.8.3 On a case by case basis the council may only make offers to certain applicants when an appropriate package of support. Additionally, for certain individuals, offers will only be made when serious consideration has been given to child protection issues and where accommodation is an integral part of the risk management plan.

3.9 Rights of Review

- 3.9.1 All applicants for housing have the right of review. Applicants have the following further and specific rights to information about decisions and rights of review of decisions:

- the right, on request, to be informed of any decision about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them
 - the right, on request, to review a decision mentioned above, or a decision to treat them as ineligible due to unacceptable behaviour serious enough to make them unsuitable to be a tenant
 - the right to be informed of the decision on the review and grounds for it.
- 3.9.2 Applicants should request a review in writing within 21 days of being notified of a decision. The council will determine the review within 56 days of the request or such longer period as may be agreed with the applicant. The council will notify the applicant of the outcome of the review including the reasons if the original decision is confirmed. The council's decision on review is final and any challenge to that decision can only be made through judicial review proceedings.
- 3.9.3 Reviews will be carried out by a senior member of staff at Stoke-on-Trent City Council or delegated to an appropriate officer who was not involved in the original decision.
- 3.9.4 The city council also operates a formal Complaints Procedure. Applicants who want to make a complaint or comment about council services can use this procedure. Details are available from the Housing Solutions Service or any of the Local Offices.

Section 4: Additional information

4.1 Multi-storey Accommodation

- 4.1.1 The council owns and manages multi-storey, flat blocks across the City. These blocks will be allocated to applicants according to need and eligibility.
- 4.1.2 We recognise that where possible families with children under the age of 18 who may occupy these blocks should live in accommodation on a lower level. We will therefore allocate these properties to singles or couples with no dependent children living with them as part of their household, except for the ground and first floor units, which will be available for families with children. However, the city council reserve the right to allocate flats above first floor to families, if this is appropriate, given the family make-up and layout of the flats.
- 4.1.3 We also recognise the difficulties of multi storey living, particularly accessing flats via lifts, the age of tenants and make up of the tenants within a block and will be mindful when selecting criteria for allocating these types of properties.

4.2 Bungalows

- 4.2.1 Applicants on the Housing Register must be 60 years or over to be eligible for bungalow accommodation, although those over 55 may be considered in certain circumstances.
- 4.2.2 Historically, some bungalows within Stoke-on-Trent have been difficult to let, particularly those classed as 'bed recess' bungalows. As a result, the city council reserve the right to allocate bungalows to younger people or outside the Allocations Policy, if applicants on the existing Housing Register are unsuitable for this accommodation. This will be done in conjunction with key stakeholders.

4.3 Local Sensitive Lettings Policies (LSLPs) and Community Contribution

- 4.3.1 Local Sensitive Lettings Policies (LSLP) may be developed to meet the particular needs of a local area. LSLPs must be evidence-based and there must be a clear need (this may take the form of recurring antisocial behaviour issues, high child densities or a concentration of older residents, for example). LSLPs must be developed and approved in accordance with an agreed procedure that must have specific aims and will be reviewed on an annual basis.
- 4.3.2 The decision to implement an LSLP will be developed and approved either solely by Stoke-on-Trent City Council or jointly by both the Senior Officer responsible for the Stoke-on-Trent City Council's Allocations Policy and a Senior Manager of the relevant housing provider for whom the council has nomination rights for properties held by that Registered Providers. Any decision to implement a Local Sensitive Lettings Policy will always take into account the implications for equal opportunities and the need to ensure that the council is able to meet the allocation needs of those owed a Reasonable Preference.
- 4.3.3 Where a property is available in an area where there is an agreed Local Sensitive Lettings Policy (LSLP), the letting will be made to the applicant who meets the eligibility criteria of the LSLP and also meets the entitlement rules around size eligibility.
- 4.3.4 The following are examples of LSLPs that may be adopted within the city of Stoke-on-Trent covering an area, estate, or block:
 - Age restrictions.
 - Policies that are geared towards encouraging applicants who work or are training in an area.

- Applicants who are key workers as defined by the council (e.g. nurses, police, fire officer, etc.)
 - Lettings to employed persons where there is a high concentration of existing residents who are out of work.
 - Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents.
 - Lettings to childless households where there are high concentrations of children and young people living on a specific estate or scheme.
- 4.3.4 Local Sensitive Lettings Schemes will be subject to a review at least every 12 months, or as and when changes to an estate, area or block, necessitate such a review.
- 4.3.5 In areas where the city council is experiencing difficulty allocating properties, Local Sensitive Lettings Policies may take into consideration customers who are placed on the inactive Housing Register or those who can demonstrate a community contribution. Examples of community contribution may include:
- No on-going culpable involvement in anti-social behaviour or criminal activities.
 - No breaches of tenancy within the last 3 years
 - No outstanding unspent conviction.
 - Applicants involved in work, training or volunteering.
 - Applicants who have serviced in the British Armed Forces, including the Royal Navy, Royal Air Force and British Army.

4.4 Tenancy Reform

- 4.4.1 The Coalition Government is proposing a series of measures as part of the Localism Bill (2011). At the point of developing this policy it is unclear what impact the Localism Bill will have. There are likely to be changes in relation to flexibility of tenure, affordable rents, transfer and mutual exchange schemes, and new powers in relation to overcrowding and homelessness duties.
- 4.4.2 The impact of these measures will be felt by the local authority and Registered Providers across Stoke-on-Trent.
- 4.4.3 The aim of the city council is to respond to local housing need and make best use of its housing stock, in partnership with other providers in the city. When there is further clarity about new legislation, the city council will carry out a review of the options. At this point it may be necessary to amend the Allocations Policy.

4.5 Ongoing Review

- 4.4.1 The Allocations Policy will be kept under review by the Housing Solutions Service and will be amended in line with new legislation and guidance when required to do so.