



# Allocations Policy

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# Section 1: Overview

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## 1.1 Introduction

B-with-us is a partnership agreement between local housing authorities and registered providers of social housing in Pennine Lancashire (all listed below). The partnership has agreed, by the signing of a Memorandum of Understanding document, to operate a common sub-regional choice based lettings scheme, and has the intention of being more efficient in the allocation of social housing in Pennine Lancashire.

It is not intended to create a formal legal partnership within the meaning of the Partnership Act 1890. The term “partnership” is intended to convey a sense of collaborative working.

## 1.2 Partnership Agreement

The following B-with-us partners are local housing authorities with a legal obligation to allow people to register with them for an allocation of social housing (which continues to exist even where local housing authorities have previously transferred the ownership and/or management of their housing stock to a large scale voluntary transfer company):

- Blackburn with Darwen Borough Council
- Burnley Borough Council
- Hyndburn Borough Council
- Pendle Borough Council
- Rossendale Borough Council

The following B-with-us partners are registered providers of social housing, registered with the Regulator of Social Housing, which take, process and determine applications and maintain the housing register, plus advertising, shortlisting and making offers for their homes (referred to as “Processing Partners”):

- Calico Homes
- Onward Homes
- Together Housing Association

The following B-with-us partners are registered providers of social housing, registered with the Regulator of Social Housing, which advertise, shortlist and make offers for their homes:

- Accent Housing
- Great Places Housing Group
- The Guinness Partnership
- Irwell Valley Housing Association Limited
- Muir Group Housing Association Limited
- Places for People Limited
- Progress Housing Group
- Regenda Group
- Your Housing Group

## 1.3 Purpose

This policy shall demonstrate how B-with-us partners will allocate social housing to new applicants and transfer applicants (applicants living in Pennine Lancashire who are existing tenants of any partner organisation) who are seeking to move to another property.

B-with-us partners intend to let homes in a fair, transparent and effective way that is lawful and makes best use of the homes available.

This policy explains the rules for determining priority between applicants and for the allocation of homes owned by members of the partnership.

This policy has been framed with consideration to the housing requirements of current tenants and future potential tenants.

Applicants will be afforded choice in the allocation offered.

## 1.4 Principles

This policy has been formulated having had regard to the law and regulatory requirements, including:

- Housing Act 1996, Part 6
- Homelessness Reduction Act 2017
- Localism Act 2011
- Asylum and Immigration Act 1996 & 1999
- Data Protection Act 2018
- Equality Act 2010
- The regulatory framework for registered providers of social housing in England, published by the Regulator of Social Housing, in particular the Tenancy Standard, published April 2012

This policy has been formulated having had regard to case law judgements made in the English Courts and statutory guidance published by the UK Government, including:

- Allocation of accommodation: guide for local housing authorities in England, July 2012
- Providing social housing for local people statutory guidance on social housing allocations for local authorities in England, December 2013
- Right to move statutory guidance on social housing allocations for local authorities in England, March 2015
- Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Type of Temporary Accommodation, November 2018

This policy is specific only to the allocation of residential dwellings owned and managed by B-with-us partners.

All B-with-us partners commit to maintaining a joint housing register. B-with-us partners operate a single system for taking applications, determining whether a person is eligible and qualifies to join the housing register and the shortlisting of applicants on the housing register for an offer of an allocation.

Administration of applications and maintenance of the housing register is undertaken by Calico

Homes, Onward Homes and Together Housing Association on behalf of all B-with-us partners. Advertising and shortlisting is carried out by each registered provider for their own stock.

For the purpose of this policy, an allocation is defined as occurring when a B-with-us partner makes an offer of housing accommodation in Pennine Lancashire to a person. This also includes the following situations:

- Where one joint tenant has terminated the tenancy by serving a notice to quit to a registered provider member of B-with-us, and the other former joint tenant remains in the home
- Where a tenant has died and the remaining household member has no succession rights but has lived with the tenant for some time or was the tenant's carer, or needs to live in the property for care for the tenant's dependents
- Where a tenant has moved to a care home and the remaining household member has no right to assignment of the tenancy but has lived with the tenant for some time

Actual entry by the person into the tenancy agreement is a housing management function and is therefore outside the scope of this policy. Each B-with-us partner has separate policies in place to explain how lettings will be agreed between tenant and landlord.

When drafting this policy, B-with-us has consulted with public authorities and voluntary organisations, plus previous, current and future potential tenants. Regard was also had to:

- Blackburn with Darwen Homelessness and Rough Sleeper Strategy 2019-2022
- Blackburn with Darwen Tenancy Strategy 2012
- Burnley Homelessness Strategy 2013-2018
- Burnley Tenancy Strategy 2012
- Hyndburn Homelessness Strategy 2014-2019
- Hyndburn Tenancy Strategy 2012
- Pendle Homelessness Strategy 2012-2017
- Pendle Tenancy Strategy 2013
- Rossendale Prevention of Homelessness Strategy 2018-2021
- Rossendale Tenancy Strategy 2013

If any alterations are made to this policy, B-with-us will take any steps which it considers reasonable, within a reasonable period of time, to bring the alterations to the attention of those likely to be affected by them. This includes any alterations that may affect the relative priority of a large number of applicants or which may affect any B-with-us procedures.

Beyond the scope of this policy, in accordance with Housing Act 1996, part 6, section 170, registered provider members of B-with-us will cooperate with any requests from local authority B-with-us members to offer accommodation to rent, to such extent as is reasonable.

This policy satisfies the functions detailed below, which relate to the administration of statutory responsibilities for the allocation of housing accommodation, which the local authority members are bound to:

- Devising a housing allocations scheme
- Allocating dwellings in accordance with the chosen scheme policy
- Ensuring the local allocations policy is available for anyone to view

Elected members of local housing authority B-with-us partners are prohibited from taking part in any decision of an individual allocation relating to a person who is, or wishes to be, resident in their constituency ward area. Elected officers can seek to obtain general information and participate in making decisions about the overall content of this policy and the allocation of housing accommodation.

Officers of B-with-us partners who are related to or are a close friend of a housing register applicant shall not make a decision on the allocation of a property to this applicant without following their partner organisations' appropriate procedures.

Applicants who are either not eligible for social housing or who meet the disqualification criteria as set out in this policy will be excluded from the register. For further information see section 3.

Applicants will be prioritised for an allocation of housing accommodation by 1) banding status (e.g. housing need), 2) their effective date (the date they were awarded that band status), 3) their registration date (the date they submitted their application), and 4) the date and time they placed their bid. For further information, see section 4.

Applicants will be afforded choice in the homes available to let through B-with-us. This will be subject to certain limitations as set out in section 5.

B-with-us partners have chosen to apply the Public Sector Equality Duty under the Equality Act 2010. This has been duly considered when formulating this policy and any associated procedures and protocols.

A separate Equality Impact Assessment has been completed and copies can be downloaded from the B-with-us website or requested from any B-with-us partner.

To ensure compliance with public sector equality duties, reasonable adjustments will be considered for each individual applicant and property, including:

- Accessible advertising
- A property's accessible features being advertised
- A mechanism to identify the requirements of disabled applicants
- A mechanism to allow extra time for disabled applicants if they need it
- A mechanism for providing support in making applications

Lettings made by nomination from any local authority to a registered provider (regardless of whether they are a member of B-with-us) are set out in legally binding contractual arrangements between the local authority and registered provider and are therefore outside the scope of this policy.

The B-with-us policy will not override the local authority partner organisations statutory obligations for re-housing, though there will be occasions where exceptions are made following discussions between senior members of staff at registered provider partners and local authority partners.

## **1.5 Adopting this policy**

This policy has been subject to an impact assessment required under equalities legislation and by each B-with-us partner's own statements of equality. Public authorities, voluntary organisations and other persons were afforded a reasonable opportunity to comment on a draft version of this policy. Prior to adopting this policy, views were gathered of former, current and future potential tenants. Consultation also took place with tenants, residents and communities throughout the five local authority areas to which this policy applies.

The B-with-us partners will review this policy at least every five years; however amendments will be made as required to reflect any significant change in legislation and/or regulations. Any major change to this policy will be subject to further consultation.

An annual report will be published about the allocations made as a result of this policy. The report will consider matters such as the quantity of allocations made (by registered provider, by local authority area, by property type, by bedroom number, etc), the number of applicants newly registered and those who did not re-register or who were determined to be not eligible or disqualified, the number of allocations refusing a final offer, the number of successful bids made, along with other matters determined to be relevant.

This report will inform whether this policy is achieving the intentions of the purposes and principles set out in section 1.

All employees involved in the operation of this policy will receive training on how to administer the policy and this training will be revisited at least annually.

## **1.6 Avoiding discrimination and enhancing equality of opportunity**

B-with-us partners have chosen to apply an equality duty by adhering to the Equality Act 2010, section 149. Regard has been made to the public sector equality duty when formulating this policy. Furthermore it will inform decision-making on individual cases. Allocations will be monitored to determine whether equal opportunities obligations are being met.

This policy intends to ensure that at all times non-discriminatory decisions will be made about the allocation of homes.

When formulating this policy, equality impact assessments were undertaken to avoid discrimination and to be able to demonstrate compliance with the public sector equality duty.

Any subsequent variation to this policy will also be subject to an equality impact assessment. For further information, please see *Equality Impact Assessment* published on the B-with-us website.

B-with-us partners will provide regular, accurate and generalised information on how homes owned and/or managed by B-with-us partners are let and how waiting lists are managed to actively dispel any myths and misconceptions arising about allocations of housing accommodation and migration.

## **1.7 Discretion**

Discretion will be exercised in circumstances which fall outside the remit of this policy, and following consultation between a B-with-us local authority partner and a registered provider partner.

## **1.8 Challenges about this policy**

Applicants can challenge the policy via the processing partner administering their applications. If a challenge cannot be resolved at this level, it will be escalated to the B-with-us Steering Group for further clarity.

If the response from the Steering Group is not satisfactory, applicants may seek the help of the Local Government Ombudsman and/or the Housing Ombudsman Service.

Applicants will also be informed of their right to pursue judicial review challenges about this policy.

# Section 2: Information, Applications, Suspensions and Decision Making

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## 2.1 Information

A copy of this policy will be provided free to anyone who requests it. The policy is also available on the B-with-us website, and there is a link to the B-with-us website from the website of each B-with-us partner.

Additionally, information will also be provided about:

- The procedures associated with initial consideration of an application and the treatment of any bid made by an applicant for specific accommodation
- Potential stock availability
- Eligibility, qualification and disqualification criteria for joining the B-with-us housing register and being offered an allocation of housing accommodation

General information will be provided profiling the housing stock of each B-with-us partner. For any given dwelling, the following information will be provided:

- Type (e.g. house, flat, bungalow, etc)
- Size (e.g. one bedroom, two bedrooms, etc)
- Bathroom facilities (e.g. shower, bath, etc)
- Location (e.g. by electoral ward or town/village, etc)
- Whether it is accessible or has been adapted
- Whether there is access to a shared or private garden

Every person will be provided with information and advice about their rights to make an application for an allocation of housing accommodation. Furthermore, assistance or signposting to relevant agencies will be provided to any person who is likely to have difficulty in making an application.

Information will be provided in translation and alternative formats as required, and/or upon request. The needs of specific groups (e.g. the housebound, prisoners, Gypsies, Travellers, etc) will be taken into account when making arrangements for access to information.

Information will be made available in a variety of formats, including online, hard copy and via the telephone.

Every applicant will be informed that a copy of this policy is available on the B-with-us website. Applicants will also be provided with the following information:

- How their application is likely to be treated
- Whether or not they have been accepted as eligible
- Whether or not they qualify
- The number of bedrooms they are likely to be allocated
- The method that will be used in assessing their needs

- Their position on the shortlist at point of bid and afterwards
- An indication of the likely time that an applicant will have to wait to receive an offer or to make a successful bid will be available on the B-with-us website, by reference to average waiting time or the number of allocations of similar properties in the previous year and/or quarter
- Any facts taken into account when making a decision as to whether to make an allocation of housing accommodation
- Their right to request a review of any decision informing them that they are not eligible and/or do not qualify to join the housing register, or for an offer of an allocation of housing accommodation
- The review decision, along with the grounds for that review decision in a written acknowledgement
- The right to seek an appeal in court on any point of law in this policy (or the administration of it) that is irrational, illegal, or fails to follow public law procedural requirements

All B-with-us partners are subject to the information disclosure requirements of the Data Protection Act 2018. The administration of this policy will ensure compliance with this legislation. For further information, please reference each partner's data protection policy.

Applicants will be advised of their right to make a complaint to the Information Commissioner if they believe any B-with-us partner has failed to fulfil its obligations and responsibilities as set out in the Data Protection Act 2018.

All persons making an application to join the B-with-us housing register have the right to confidentiality. An application will not be divulged to any other party without the applicants' consent, except where there is a legal imperative or permission to do so (such as safeguarding, national security, prevention or detection of crime, protection of vital interests, fair processing in furtherance of legitimate interests, etc.), or in order to process the application itself. Consent to share information may be sought from the applicant for B-with-us partners to discuss the application with those who can provide evidence which can help determine an application (e.g. doctors, social workers, police, etc). For further information, see the B-with-us partners Information Sharing Agreement contained within the Memorandum of Understanding, which is available on the B-with-us website.

## 2.2 Applications

All applications must be made using the prescribed online application form. Applications may be made by a sole individual or by two joint applicants. Anyone who might usually reside with the applicant can feature as part of the application as a household member.

A usual housing member is a person who primarily (for the majority of the time), or exclusively lives with the applicant, or they usually live with the applicant but are temporarily absent due to circumstances beyond their control.

Separate guidance to aid the completion of an application is available on the B-with-us website.

In addition to the application, documents must be submitted as evidence to verify the information provided by the main applicant and for any household member on the application aged 18+. Documents could include:

- Birth certificate
- National insurance number
- Passport or other current immigration document to confirm right to enter and remain in the UK
- A utility or council tax bill from the past three months to prove address history
- Bank or building society financial statements for the past three months to verify income and expenditure

B-with-us will receive applications from any person, regardless of the location in which they presently reside, including those of no fixed abode.

All applicants will be required to renew their application annually, on the anniversary of the date that they were accepted onto the housing register. Applicants will be notified in writing that their application is due for renewal and will be given 28 days to complete their renewal. Failure to renew their application will result in the applicant being removed from the register.

Every applicant will be provided with a warning about offences in relation to the application process prior to them making an application. Applicants will be disqualified and may be prosecuted for fraud if they deliberately withhold information, provide misleading information or do not notify B-with-us of any change in circumstances (e.g. change of income, change in household information, etc).

Every applicant will be provided with information and advice about their rights to make an application, 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 physical or mental impairment, special circumstances, etc). This assistance will also be provided to those who might require help placing a bid on an available B-with-us property.

Applications from current tenants of one of the B-with-us partners living in Pennine Lancashire will be classed as Transfer Applicants (whether this is as an assured, assured shorthold or other type of tenancy). Transfer applicants have the right to:

- Make applications
- Have their applications considered
- Be notified of their rights to information and review

Transfer applicants who have no housing need will be disqualified from joining the B-with-us housing register. Only those who would be entitled to a reasonable or additional preference will qualify.

Transfers will be dealt with through the provisions of this policy and will be dealt with on the same basis as a new applicant, but in addition to general eligibility checks, transfer applicants can expect a visit as part of their verification checks to determine if they qualify to join the register.

Transfer applicants are required to obtain a reference from their current landlord prior to making an application.

Transfer applicants will be prioritised in the same way as new applicants (by banding status, then

effective date, then by registration date, then by date and time that their bid was placed). Tenants will not be able to transfer in the first twelve months of their tenancy, except in exceptional circumstances.

Transfer offers at B-with-us partners own initiative (e.g. as part of a decant programme) will not count as triggering the provisions of this policy.

Processing applications will involve a preliminary assessment. First consideration will be given to whether the applicant is eligible for social housing under the terms of the statute and this policy. The matter of qualification will then be decided.

For further information on eligibility and qualification criteria, see section 3.

Any application which gives rise to a reason to believe a person may be homeless or threatened with homelessness will result in the applicant being signposted to the relevant Local Authority for assistance under the Homelessness Reduction Act 2017.

Separate procedures have been published for the administering of the following matters:

- Assessing a new application or amending an existing one
- Processing shortlists for allocations
- Exercising discretion when making allocations decisions
- Reviewing allocation decisions

Decisions about whether an applicant is eligible and qualifies to join the B-with-us housing register will be made by any one of the three processing partners, and will be done in strict accordance with this policy and associated procedures.

Applications will be processed within a reasonable period of time – for specific time scales, please refer to the B-with-us website. If progress is considered to be unduly slow, applicants will be entitled to make a complaint using the complaint procedure of the B-with-us partner who is administering the application. Please see the separate complaint procedures of each B-with-us partner for further information.

If this proves unsatisfactory, applicants may seek the help of the Local Government Ombudsman or Housing Ombudsman Service.

Complaints may be made by contacting:

- Local Government Ombudsman
- Housing Ombudsman

Detailed scrutiny will take place when an applicant has successfully expressed an interest for a particular property. This will determine whether:

- The applicant is still eligible
- The applicant is still a qualifying person
- The applicant meets any specific criteria for the property
- The applicant's household size matches any size criteria for the property
- The applicant can afford to pay the costs of the property

## 2.3 Reviews

Reviews in respect of suitability of an offer of accommodation will be undertaken by the relevant registered provider partner administering the application.

The B-with-us local authority partners will assist as appropriate.

Reviews will be carried out in strict accordance with this policy and any associated procedures.

The power to award discretion to an applicant is limited to senior employees at each of the three processing partners, following a discussion with a senior member of staff at the relevant local authority.

Consideration of an application will be based on the information provided on the application form and any evidence supplied by the applicant or any information gained from other relevant persons (such as doctors or support workers, for example).

Unsuccessful applicants who have been declared not eligible or disqualified may make a further application whenever they feel there has been a change to their circumstances.

Applicants will be removed from the housing register in the following circumstances:

- At the applicants' request
- If an applicant becomes ineligible or is unable to demonstrate continued eligibility for an allocation of social housing
- If an applicant fails to provide information requested by a B-with-us partner by any deadline given
- When they fail to renew their application on the anniversary of their acceptance onto the B-with-us housing register
- When they fail to supply evidence of their eligibility and that they qualify by any given deadlines
- When an applicant has successfully been allocated housing and has signed the tenancy agreement

Confirmation of an applicants' removal from the housing register will be provided to the applicant.

Applicants will be informed of their right to request an internal review of any of the decisions below:

- The applicant is not eligible for an allocation of housing accommodation
- They do not qualify for an allocation of housing accommodation
- The type of property they are eligible to bid for
- The number of bedrooms they are entitled to
- Decisions made in relation to an applicant's financial resources, behaviour, tenancy history and local connection
- Suitability of an offer of accommodation

An internal review will be a re-consideration of all relevant facts, law and/or regulations at the time. The review will be carried out by an employee of the registered provider B-with-us partner that administered or shortlisted the application. A separate document exists detailing the procedure for internal reviews.

Notification of the outcome of an internal review will be in writing.

Applicants will be informed of their right to pursue an appeal to the court, where they believe evidence exists that a decision is irrational, illegal or fails to follow public law procedural requirements. This includes a refusal to take an application, plus any internal review decision. If applicants are dissatisfied with how their application has been handled they will be informed of their right to seek the help of the Local Government Ombudsman or the Housing Ombudsman Service.

## **2.4 Suspensions**

In some situations it will be necessary for B-with-us to suspend applications for a specified amount of time.

For example, if an incomplete application is submitted, or further information is required to confirm an applicant's eligibility, qualification or banding, the application will be suspended (usually for 28 days) to allow the applicant time to update their application or provide the relevant further information.

If the required updates are not made or the further information is not provided before the suspension review date, the application will be closed.

Applicants will be made aware of the reason their application is suspended, when their suspension review date is, and what they need to do for the suspension to be removed.

While an application is suspended, the applicant will be able to login and update their application but will not be able to place any bids or receive any offers of accommodation.

## **2.5 Decision Making**

Applicants will be notified in writing of the decision on their application, either by letter or email (depending on their indicated preference).

The primary decisions that will arise for a new application are:

- Eligible and qualify – application activated
- Eligible but disqualified – application closed
- Not eligible – application closed

Where the application has been activated, the applicant will be informed that they may begin placing bids on any available property for which they are eligible.

# Section 3: Eligibility and Qualification

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## 3.1 Eligibility

The following applicants will be eligible to join the B-with-us housing register:

- British citizens (England, Scotland, Wales, Northern Island, Isle of Man and Channel Islands)
- Commonwealth citizens with a right of abode in the UK immediately before 1<sup>st</sup> January 1983 (excluding citizens from Pakistan and South Africa, but inclusive of citizens from Gambia and Zimbabwe)
- Irish Citizens
- EEA nationals who under the EU Settlement Scheme have been granted limited leave to enter or remain (also referred to as “pre-settled status”), will be eligible for the time indicated on their EU Settlement Scheme card
- EEA nationals who under the EU Settlement Scheme have been granted indefinite leave to enter or remain (also referred to as “settled status”)
- Persons exempt from immigration control (e.g. diplomats and their family members based in the UK, some military personnel, etc)
- Persons granted refugee status by the UK Government
- Persons granted exceptional leave to enter or remain in the UK with condition that they and any dependents may have recourse to public funds (e.g. humanitarian or compassionate circumstances)
- Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in 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)
- Persons who have humanitarian protection granted under the Immigration Rules (e.g. a person whose asylum application has failed but they face real risks of harm if they returned to their state of origin)
- Persons who are relevant Afghan citizens with limited leave to enter or remain in the United Kingdom, who are habitually resident in the Common Travel Area

The following applicants will not be eligible to join the B-with-us housing register:

- Persons not habitually resident in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man, Channel Islands
- Persons from abroad where they have the right to reside in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Mann, Channel Islands as follows:
  - As a job seeker or a family member of a job seeker; or
  - An initial right to reside in the first three months of residence; or
  - A derivative right to reside on the basis of being a non-EEA national who is the primary carer of a British citizen child or dependent adult, where such child or dependent adult would be unable to live in the UK or another EEA state if their carer left the UK (a “Zambrano carer”)

- EEA nationals who have no leave to remain, either limited or indefinite, under the EU Settlement Scheme
- Persons whose only right to reside in the UK is an initial right for no more than three months, including those who would become an unreasonable burden on the social assistance system of the UK

A joint tenancy cannot be granted to two people if any one of them is not eligible. If one person is eligible, a tenancy may be granted to the eligible person.

Current tenants of a B-with-us registered provider have already had their eligibility determined and are therefore eligible for a further allocation regardless of their immigration or habitual residence status.

Only applicants who are habitually resident will be eligible for an allocation of housing accommodation. The following tests will be carried out to confirm if an applicant is habitually resident:

- The degree of permanence in the persons residence in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man, Channel Islands
- The association between a person and the place of residence
- Whether a person has accumulated an appreciable period of continuous residence prior to making an application
- Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded
- Exemptions from the habitual residence test include EEA national 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

Confirmation of immigration status of an applicant from abroad will be obtained from the Home Office by emailing [evidenceandenquiry@homeoffice.gsi.gov.uk](mailto:evidenceandenquiry@homeoffice.gsi.gov.uk).

The eligibility of an applicant will be considered at the time their application is initially processed and again at the point of offer of an allocation. If an applicant is eligible initially but becomes ineligible, they will be removed from the B-with-us housing register and notified.

## 3.2 Qualification

The following rules apply to new and transfer applicants applying to join the B-with-us housing register.

The following arrangements explain those applicants who will be disqualified from the joining the B-with-us housing register:

- **Persons incapable of holding a tenancy agreement:**
  - Persons defined as a child in UK law (persons aged 0-17 years), unless the person meets one of the following criteria;
    - Has been assessed by a local authority partner under homelessness legislation and who is owed a full statutory duty under section 193(2) of the

Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) – see appendix two

- Meets the criteria for being awarded Band One under the Homeless Prevention Scheme – see appendix two
- Is a teenage parent
- Those whom the children services authority has determined are ready to leave the care of the local authority

*If a child age 16/17 is made an allocation, s/he must have an appropriate adult aged 18 or over to hold the tenancy in trust until the child reaches 18. This will be done in the form of an “equitable agreement” where the trustee will hold the legal estate, but where it is expected that the rent will be paid in the first instance by social security benefits or the child him/herself. The child may also be expected to have the skills to sustain a tenancy and / or be willing to be referred for support to assist with tenancy sustainment.*

- **Unacceptable behaviour:**

- Persons (the applicant or anyone who usually lives or might be expected to live with the applicant) who are guilty of unacceptable behaviour which makes them unsuitable to be a tenant will be disqualified from joining the B-with-us housing register. This is behaviour which, if they were a tenant, would result in their landlord being able to secure an outright possession order.  
The meaning of unacceptable behaviour for the purpose of this policy will encompass a past action or activity on the part of an applicant but will also include an omission, failure to act, passivity or inactivity. This extends to any person who usually lives or might be expected to live with the applicant. B-with-us partners will only consider an applicant to be unsuitable to be a tenant if there has been no improvement in behaviour since the unsuitable behaviour occurred.
- Examples of unacceptable behaviour may include (but are not limited to):
  - Persons who have been given an order made in a civil court that is linked to a residential property or the locality of a residential property under anti-social behaviour or other similar legislation
  - Perpetrators of domestic abuse or hate crime who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order
  - Persons who have an unspent criminal conviction
  - Persons who have committed an act of fraud or withheld, falsified or misrepresented any information pertaining to public funds and/or services
  - Persons who have displayed threatening, violent or otherwise abusive behaviour towards a council or partner registered provider employee or person employed to undertake work on their behalf

- **Housing Related Debt:**

- Persons (the applicant or anyone who usually lives or might be expected to live with the applicant) who have housing related debt of £500 or more will be disqualified from joining the B-with-us housing register

- Persons (the applicant or anyone who usually lives or might be expected to live with the applicant) who have housing related debt of below £500 will qualify to join the B-with-us housing register but will not be made an offer of accommodation until the debt has been cleared in full
- Statute Barred Debts will not be taken into consideration when determining eligibility and qualification
- Applicants living in socially rented accommodation whose arrears are the result of under-occupation may be exempt – these will be reviewed on a case-by-case basis
- For the purpose of this policy, Housing Related Debt will encompass rechargeable repairs, current rent arrears and former rent arrears owed to any social landlord
- **Breach of tenancy conditions:**
  - Persons who have been evicted for any breach of tenancy conditions within the last six years, regardless of tenure, will be disqualified from joining the B-with-us housing register
  - Example of this may include (but are not limited to):
    - Sub-letting some or all of their property without permission
    - Failing to report repairs
    - Failing to allow contractors to enter their property to carry out maintenance
    - Running a business from their property without permission
    - Allowing their property to be used for illegal or immoral purposes
- **Local connection:**
  - Persons who do not have a local connection to any of the local authority areas within the partnership (as described in section 3.3 on local connection) will be disqualified from joining the B-with-us housing register
- **Homeowners:**
  - Persons who have an ownership stake in a property will be disqualified from joining the B-with-us housing register, unless they qualify for a priority band (bands 1, 2 or 3)
    - Applicants with an ownership stake in a property will be expected to actively market the property for sale once they are offered a tenancy through B-with-us, with an expectation that the owned property would be sold within 12 months of accepting the tenancy

Applicants assessed by a local authority partner under homelessness legislation and who is owed a full statutory duty under section 193(2) of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) will automatically qualify to join the B-with-us housing register.

### 3.3 Local Connection

Applicants will have a local connection if they:

- Have been continuously resident in Pennine Lancashire for six of the last twelve months, or
- Have been resident in Pennine Lancashire for three of the last five years, or
- Have a family member who is resident in Pennine Lancashire and has been for a minimum of five years – family members include parents, siblings, children, adult children, grandparents,

other special persons (the applicant must have an ongoing relationship and be in contact with the person providing the local connection), or

- Have been employed in Pennine Lancashire for the last six months and the work is not seasonal or temporary and the applicant must be working at the point an offer of a tenancy is made

See appendix one for more information. Evidence of the local connection will be required.

### **3.4 Exemptions to Local Connection**

The following applicants will be exempt from requiring a local connection (evidence will be required):

- Statutory homeless applicants
- Applicants who are victims of domestic abuse, threats of domestic abuse or those escaping domestic abuse
- Applicants who are in a reasonable preference category under section 166A of the Housing Act 1996, and a prevention or relief duty is owed by one of the local authority partners
- Applicants who need to move to take up an offer of permanent employment in any of the five local authority areas - proof of the offer of employment will be required and applicants will need to demonstrate that they are unable to accept the offer of employment without moving into one of the five local authority areas (see appendix one for more information)
- Applicants who have a continuing care responsibility for someone who is resident in the five local authority areas
- Applicants who have or are due to undertake training or higher education in any of the five local authority areas with a duration of at least six months
- Applicants who are looked after, accommodated, or fostered by Lancashire or Blackburn children service authorities in any of the five local authority areas
- Applicants who were looked after, accommodated, or fostered by any other children service authority in any of the five local authority areas, providing they were resident in any of the Lancashire County Council district plus Blackburn with Darwen for a continuous period of 16 weeks or more
- Applicants who were accommodated under Section 95 of the Immigration and Asylum Act 1999 and granted leave to remain in any of the five Local Authority areas/Pennine Lancashire
- Applicants who are serving members of the UK Armed Forces or the Reserve UK Armed Forces
- Applicants who are former members of the UK Armed Forces or the Reserve UK Armed Forces who have served within the last five years
- Applicants who are a bereaved spouse or civil partner of a serving member of the UK Armed Forces who is leaving military accommodation, where the death of their spouse can be partially or wholly attributed to the Armed Forces
- Applicants who are divorced or separated spouses of members of the UK Armed Forces or the Reserve Armed Forces, where their lack of local connection can be attributed to the Armed Forces

His Majesty's Armed Forces can be defined as any of the military services which are tasked with the defence of the United Kingdom and its overseas territories and the Crown dependencies. His Majesty's Armed Forces consist of the Royal Navy, the Royal Marines, the British Army, and the Royal Air Force.

### **3.5 Transfer Applicants**

All applicants are subject to the eligibility and qualification criteria set out in this policy (section 3). Additionally, transfer applicants must:

- Have been in their current tenancy for at least 12 months (except in exceptional circumstances)
- Be assessed as having a housing need, these being the criteria laid out in section 4.2 (Band 1, 2, 3 or 4)
- Have a satisfactory reference from their current landlord (which may include a property inspection)

Transfer applicants will be made an offer which ensures they do not inadvertently lose accrued right.

### **3.6 Determining eligibility and qualification**

Whether or not an applicant is eligible and qualifies will be considered at the time their application is initially processed and again at the point of offer of an allocation. If an applicant qualifies initially but later becomes disqualified, they will be removed from the housing register and notified with the reasons why they no longer qualify. Applicants will have the right to a review – see section 2.3.

### **3.7 Subsequent applications**

Applicants may at any time make a subsequent application to join the B-with-us housing register. Applicants should exercise this right if they believe their circumstances or behaviour has changed and as such they would no longer be treated as not eligible or disqualified.

There is no limit on the number or frequency of subsequent applications a person may make. No person will be excluded from making an application or be excluded indefinitely from the housing register.

### **3.8 Deliberate worsening of circumstances**

Applicants whom B-with-us partner(s) determine have worsened their own circumstances may be given reduced priority on the B-with-us housing register, by being placed in the band that they would have been given had they not worsened their circumstances.

Examples of what may be considered as deliberate worsening of circumstances include (but are not limited to):

- Applicants who have sold a property that was affordable and suitable for their needs
- Applicants who have moved into insecure / overcrowded accommodation where there was no good reason to do so

- Applicants who have transferred or gifted a property to someone else within the last five years (including social housing tenants who have assigned their tenancy to someone else)
- Where an applicant has moved additional family / friends into the property which has resulted in them becoming overcrowded, where there was no good reason to do so

# Section 4: Allocations

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## 4.1 Determining priority for an allocation

Applicants will be prioritised for an allocation of housing based on their band, then by their effective date (the date they were awarded their highest band), then by their registration date and then by the date and time their bid was placed.

## 4.2 Prioritising Applicants

### **Band One:**

- Applicants assessed by a local authority partner under homelessness legislation and who is owed a full statutory duty under section 193(2) of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) – see appendix two
- Applicants assessed by a local authority partner under the Homeless Prevention Scheme – see appendix two
- Applicants who urgently need to move on medical or welfare grounds, including:
  - Applicants with an immediate life threatening or progressive condition that is affected by their current home or impairs their ability to live in their current home
  - Applicants with a severe disability or terminal illness resulting in them being unable to use facilities in the home (such as bathroom or WC)
  - Applicants waiting to be discharged from hospital or residential rehabilitative unit and who cannot reasonably return to their present home
- Applicants living in unsatisfactory housing conditions due to their landlord being in receipt of a closing order / prohibition notice by a participating local authority
- Applicants in owner occupied or privately rented homes within a scheme that will be displaced by renewal area or regeneration schemes
- Existing tenants of registered provider partners who are required to leave their property to allow for major improvement work, disposal or demolition
- Applicants whom the local authority partner and Children’s Services have determined are ready to live independently at the conclusion of their placement under Section 20 of the Children’s Act 2004
- Partner Organisation Management Transfer
  - In some exceptional circumstances Band One priority may be awarded to transfer applicants who have been assessed by a senior member of staff as having an urgent need to move

Band One applicants will be ringfenced to the awarding local authority area, except high medical and care leavers.

### **Band Two:**

- Applicants assessed by a local authority partner as being owed a duty to help prevent their homelessness – a section 195(2) duty of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) – see appendix two

- Applicants assessed by a local authority partner as being owed a duty to help relieve their homelessness – a section 189B(2) duty of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) – see appendix two
- Applicants who are occupying insanitary housing and the local authority has served an Improvement Notice
- A member of the household seeking accommodation is disabled and has been assessed by an occupational therapist to require significant adaptations that cannot be fitted in the existing home or it is not considered reasonable to do so
- Applicants needing to move away from a particular locality, where they would be at risk of harm if they didn't, including:
  - Applicants subject to domestic abuse or threats of domestic abuse
  - Applicants subject to any form of hate crime
  - Applicants residing in a refuge or safehouse
  - Applicants subject to targeted harassment

**Band Three:**

- Applicants who are homeless within the meaning of Part VII Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) but who are not owed a duty under section 195(2), section 189B(2) or section 193(2) of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) – see appendix two
- Applicants needing to move to a particular locality, where hardship would be caused if they didn't, including:
  - Applicants who need to move to commence employment and/or specialist education
  - Applicants who need to move to give or receive support
- Applicants who need to move on medical or welfare grounds, including:
  - Applicants with a diagnosed medical condition that is affected by their current home
  - Applicants whose disability impairs their ability to live in their current home
- Applicants who are occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions:
  - Applicants that lack one or more bedrooms
  - Applicants occupying a home that is subject to a Category One Hazard under the Housing Health and Safety Rating System which is unlikely to be remedied within six months
  - Licensee's
  - Applicants sharing facilities with non-household members (including living room, kitchen, bathroom, WC)
  - Applicants living in B-with-us approved supported accommodation in Pennine Lancashire, where they and their support provider are in agreement they are ready to move on (additional priority will also be awarded to applicants in supported accommodation who are ready to move on – see section 4.6)

**Band Four:**

- Partner Organisation Transfer applicants under-occupying by one or more bedrooms

**Band Five:**

- All other applicants who do not qualify for any of the criteria above

### 4.3 Bedroom allocation

No more than two people will be expected to share a bedroom. Bedrooms will be allocated to:

- Each couple living together
- A parent in a single parent family
- Each single person aged 21 or over
- Pairs of children aged 0-21 years of the same sex
- Pairs of children aged under 10 years regardless of sex

Each person over the age of 21 (unless co-habiting as a couple) will require a bedroom. However, when a person who is sharing a bedroom reaches the age of 16, the household will be given an additional bedroom need (though they will not be classed as overcrowded). For example, a couple and two sons aged 14 and 16 will be given a two to three bedroom need. When the eldest son turns 21, they will be given a three to three bedroom need and would be classed as overcrowded.

An additional bedroom may be allowed in the following circumstances:

- Medical reasons
- To accommodate a carer
- Pregnancy (if they would be overcrowded once the baby is born)
- Child access arrangements
  - One additional bedroom may be awarded for child access, regardless of the number or gender of the child(ren) the applicant has access to
  - An additional bedroom will only be given if there is no space in other bedrooms for child access – i.e. if the applicant has one resident child and one access child, no additional bedroom would be awarded
  - Where parents have 50/50 access arrangements, the parent who receives child benefit will be awarded the bedroom entitlement as if the child were fully resident. The parent not in receipt of child benefit may be entitled to an additional bedroom for access in line with the above criteria

Evidence will be required for all of the above before the additional bedroom will be awarded. Some partner organisations may not grant a tenancy if the additional bedroom would lead to an under occupation charge.

Applicants will not be offered a property which would result in them being statutorily overcrowded.

### 4.4 Changes in circumstance

Applicants whose circumstances change once they have been accepted onto the B-with-us register must login and update their details without delay.

Failure to update their application could result in them becoming disqualified and facing prosecution for fraud.

If, as a result of a change in circumstances, an applicant gains a higher banding, their effective date will be automatically updated to reflect the date that this band was awarded.

If an applicant updates their application with a change in circumstances but there is no change to their band, their effective date will remain the same.

If an applicant updates their application with a change in circumstances and they are awarded a lower band, their effective date will change to the date they were previously in that band, or to their original effective date if they have never been in the lower band (i.e. the original date the application was accepted onto the B-with-us housing register).

If an applicant updates their application and they are assessed as being no longer eligible or no longer qualifying, their application will be closed.

## 4.5 Local Lettings Plans

In some circumstances, the registered provider partner organisations may decide to let properties with additional criteria, in the interests of building strong and sustainable communities or to deal with particular local issues. These additional criteria will be laid out in a Local Lettings Plan. Upon completion of any local lettings plans, the relevant local authority will be informed of the details of the plan.

Local lettings plans will set out the following:

- A clear definition of the objective(s) to be achieved, backed up by supporting evidence
- A method which is likely to achieve the objective(s)
- A potential equality impact assessment
- How the scheme will be monitored and who will be involved
- Mechanisms of reporting and reviewing the scheme
- How views of local communities have shaped the scheme
- A clear exit strategy

Local lettings plans will be used to achieve a wide variety of housing management and policy objectives, including:

- Creating more mixed and/or sustainable communities
- Dealing with a concentration of deprivation
- Ensuring properties that are particularly suited to being made accessible (e.g. ground floor flats) are prioritised for those with access needs
- Relocating essential workers such as teachers, nurses, police officers, etc within a reasonable travelling distance from their work
- Supporting people in work/volunteering or people who are seeking work or seeking volunteering opportunities
- Dealing sensitively with lettings in rural areas to sustain communities by giving priority to those with a local connection of more than two years
- Take into account the needs of mobile workers such as those in armed forces

- Where a child to adult ratio could be lowered on an estate where there is a high child density, or conversely, young single people could be integrated into an estate where there is a high older person ratio
- Where there are reasons to positively discriminate due to age, for example accommodation that is only suitable for applicants under the age of 35 years or over the age of state pension entitlement

These plans should be reviewed on an annual basis.

## 4.6 Additional Priority

In some cases applicants may be awarded Additional Priority as well as their awarded band. Applicants awarded Additional Priority will appear at the top of their band on shortlists, overriding their effective date.

Applicants will qualify for Additional Priority if:

- They (or a member of their household who is moving with them) are serving or former members of the UK Armed Forces or the Reserve Armed Forces (or their bereaved spouse or civil partner who are leaving military accommodation, where the death of their spouse can be partially or wholly attributed to the Armed Forces)
- They are currently living in B-with-us approved supported accommodation and have been awarded Band Three – Unsatisfactory for living in supported accommodation, and a satisfactory “supported move on form” or reference has been received from the support provider confirming that the applicant is ready to move on from supported accommodation

Verification will be sought from these applicants at the point of offer, to verify that they are or were serving members of the Armed Forces or that they are currently living in supported accommodation and are now ready to move on. If satisfactory evidence is not provided, the additional priority will be removed.

# Section 5: Being Allocated a Property

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## 5.1 Choice based lettings

Available properties will be offered via a choice based system, meaning applicants will be able to express preferences/choice about the property they are allocated through B-with-us via a bidding system.

Available properties will be advertised on the B-with-us website and at some offices of B-with-us partners. Adverts can be added Monday – Friday and will remain live for seven days.

Applicants may place up to five bids per week on any properties for which they are eligible. In some cases, at the discretion of B-with-us partners, applicants may bid for a property which is larger than their required size.

At the end of the seven day advertising cycle, a shortlist will be generated including all applicants who placed a bid on the property. Applicants will be prioritised by banding, then by effective date, then by registration date, then by date and/or time that their bid was placed.

The applicant at the top of the shortlist will be checked to ensure they are still eligible and still qualify, and if they do they will be provisionally offered the property.

If the top applicant declines the provisional offer of an allocation, the next highest bidder will be provisionally offered the property (once checks have been made to confirm they are still eligible and still qualify). This process continues until a successful allocation is made.

B-with-us partners will be able to reject bids made by applicants if they consider them to not be suitable for the property. Examples of what may make an applicant unsuitable for a property may include (but are not limited to):

- The applicant is no longer eligible as defined by the rules of this policy
- The applicant no longer qualifies by the rules of this policy
- The applicants' banding has been incorrectly calculated by B-with-us
- The applicants' banding has changed between the date the bid was made and the date the property is to be provisionally offered
- The applicant doesn't satisfy the criteria for the property
- The B-with-us partner receives advice or information (internally from another source, such as a social landlord or a statutory agency) which indicates that granting a tenancy of that property would place the applicant or others at risk
- The applicant cannot be contacted by the registered provider or the applicant fails to return contact within 24 hours

## 5.2 Refusal of accommodation offers

Applicants who refuse three offers of accommodation within a twelve month period will be unable to bid for six months if the reasons for refusal are deemed to be unreasonable.

Examples of unreasonable refusals include (but are not limited to):

- Area unsuitable
- Failure to respond to provisional offer (at any stage)
- Repeated bids on property type/area that the applicant has previously refused or deemed unsuitable
- Personal circumstances, e.g. applicant says they are not ready to move

This list is not exhaustive and circumstances will be considered on an individual basis.

Applicants may submit an appeal within 28 days of the decision if they feel that the allocation(s) they refused were an unreasonable offer, or that their reason for refusal was reasonable.

### 5.3 Direct Lets

B-with-us partners will ensure that the majority of properties becoming available will be let via B-with-us. There may, however, be situations or exceptional circumstances where a direct letting of a property will be made to an applicant. Examples include:

- Emergency re-housing due to fire or flood
- B-with-us partner tenants vacating an extensively adapted property for a general needs property
- New build wheelchair accessible homes
- Adapted property for a homeless applicant
- Succession of tenancy, mutual exchanges and transfers of interest made under a court order

Direct lets will only be made following approval from a senior member of staff.

### 5.4 Other general points

Any property may be advertised as First Come, First Served after one complete bidding cycle, if there has been no successful allocation of the property to an applicant. First Come, First Served adverts can be added Monday – Friday and have no specific cycle end date. Applicants bidding on First Come, First Served adverts will be prioritised by the date and time that their bid was placed.

Occasionally properties may be advertised as “Open Let”. These will be let on the basis of waiting time only, meaning priority will be given to the applicant with the earliest registration date, and their band will not be a factor.

Provisional offers of accommodation should be made by phone, text message, email, letter or client message, and at least two, preferably three contact methods should be used. Applicants will then be given at least 24 hours to consider whether to accept the offer, and will be informed of their deadline within the provisional offer contact attempts.

The actual letting will be handled by housing management staff.

Properties on the ground floor with an accessible bathroom or additional bathroom or toilet will be prioritised for applicants who have a medical need for such a dwelling.

Applicants may not be offered a property in a locality in which he or she has previously been the perpetrator or victim of anti-social behaviour, hate crime, violence, or domestic abuse.

This policy has been drawn up having had regard to the Tenancy Strategy of each local authority B-with-us partner, plus the Tenancy Policy of each registered provider B-with-us partner. Tenancies will be offered in strict accordance with these documents.

Applicants will be informed of the quality of accommodation and will be provided with an opportunity to view the property prior to accepting the offer. Applicants can expect that properties will be fit for occupation at the date of the letting, or that any repairing obligations imposed on B-with-us registered providers will be met within a reasonable time from the commencement of the tenancy.

Applicants may be required to provide rent in advance prior to entering into a tenancy agreement with any B-with-us registered provider. Rules relating to rent in advance differ between each registered provider partner.

Applicants will not be offered a property where they cannot afford to pay all related potential rental and service charges. Applicants' income, expenditure, debt, loans and savings will be taken into consideration by B-with-us registered provider partners.

Applicants will need to be able to demonstrate (via income or benefits) that they will be able to pay all of the following charges:

- Housing costs (including rent and service charges)
- Council tax
- Water (supply and sewage)
- Electricity
- Heating (gas, electricity, oil or solid fuels)
- Priority debts

Where either (a) an applicant's inability to afford to pay all related potential rental and service charges is because of something arising in consequence of a disability, or (b) this aspect of the policy puts the applicant and others with a shared "protected characteristic" at a particular disadvantage when compared with others who don't share it, then B-with-us partners will be willing to consider whether the applicant's income could be reasonably increased or living costs reasonably reduced so as to make the accommodation affordable.

Offers of accommodation may be revoked if new information comes to light which would affect the allocation.

If applicants in high priority bands are not bidding regularly (and there is no clear reason for their lack of bids, such as waiting for a specific property type that does not become available often or waiting for an adapted property to suit medical needs), the partnership may review and possibly reduce their banding, or may remove the applicant from the register.

# Appendices

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## Appendix One: Local Connection

### Pennine Lancashire

The “Pennine Lancashire” area is defined as the area covered by the five Local Authorities: Blackburn with Darwen, Burnley, Hyndburn, Pendle and Rossendale.

### Permanent employment

Permanent employment for the purposes of obtaining a local connection includes:

- Full or part time work
- Apprenticeships
- Self-employment, providing the work is regular, not intermittent, and this can be evidenced

Evidence of permanent employment can include payslips, employment contract, or a reference from the employer, or if needing to move to commence employment, a letter detailing the employment offer will need to be provided.

### Residency

The Local Connection criteria which refers to being “resident” in one of the five local authority areas means the persons only or principle home is/was located in one of the five local authority areas for the given time frame.

“Resident” refers to being resident in the area by choice, i.e. people in prison in the area would not count as being resident.

### Right to move

To comply with the “Right to Move – Statutory guidance on social housing allocations for local housing authorities in England 2015”, the following applies to existing social housing tenants.

Existing social housing tenants will not be disqualified on the grounds of no local connection if they:

- Have reasonable preference under s.166a(3)(e) because of a need to move to one of the Pennine Lancashire districts covered by the partnership to avoid hardship, **and**
- They need to move because they currently work in Pennine Lancashire, **or**
- They need to move to take up an offer of employment in Pennine Lancashire, **and**
- Hardship would be caused if they didn’t move

If these criteria are met, the applicant will be awarded band three for “applicants needing to move to a particular locality, where hardship would be caused if they didn’t”.

When determining hardship, each will be considered on a case by case basis, and the following factors will be considered:

- The time taken to travel to employment
- The distance or costs incurred to access the employment
- If failure to move would result in the applicant losing the opportunity to gain a better job or promotion, an apprenticeship, increased hours or pay, or move from unemployment to employment
- If the nature of work is likely to be available closer to the applicants home
- Any relevant personal factors such as existing care responsibilities or medical conditions which could be impacted

A quota of 1% of a partner landlords lets will be prioritised for Right to Move applicants, based on the total of the previous year's lettings by each partner landlord. The number of Right to Move lets will be rounded up to the nearest whole figure, and will be advertised giving preference to applicants falling under the Right to Move criteria.

The rationale behind the 1% quota is that it is expected there will be very few qualifying Right to Move applicants, however the quota will be reviewed in line with the overall policy.

## Appendix Two: Homelessness

If an applicant approaches a local authority partner (Burnley Council, Blackburn with Darwen Council, Hyndburn Council, Pendle Council or Rossendale Council) for assistance as they are homeless, or may be threatened with homelessness, the relevant local authority will make enquiries under the 1996 Housing Act (as amended by the Homelessness Reduction Act 2017).

Whichever legal duty may be owed by the local authority to the applicant will determine which band is awarded to the applicant. The banding will only be awarded for the length of time the relevant duty is owed.

Only the relevant local authority partner may award or remove these bands.

### Band One

**An applicant assessed by a local authority partner under homelessness legislation and who is owed a full statutory duty under S193(2) of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017).**

This is where a relevant local authority partner has a legal duty to secure accommodation for households who are:

- Eligible, and
- In a priority need category, and
- Unintentionally homeless

Where an applicant is awarded this duty, the local authority partner, so far as is reasonably practicable, will discharge its section 193(2) duty to the applicant by securing accommodation within its district. As such, the applicant will only be able to bid as a Band One applicant within the relevant local authority district.

Whilst there is recognition of the applicant's urgent need to secure accommodation, this must also be balanced against the pressures caused by demand on the local housing stock. Some areas and types of property are in extremely high demand and waiting times can be lengthy. Therefore, it may not always be possible to re-house people according to their preferred options. In order to reduce waiting times and to facilitate choice, applicants owed a section 193(2) duty will retain Band One until they receive one suitable offer of accommodation.

If an applicant refuses an offer made, they would have the right to request a review of the suitability of the accommodation made to the relevant local authority partner. However, if the offer is found to be suitable, the local authority may no longer owe the applicant a duty under section 193(2) and this would mean that the applicant loses the Band One which had been awarded. In such circumstances, their application would be re-assessed and awarded the relevant banding according to their needs.

### Proxy bidding

If an applicant chooses not to bid for all properties for which they are eligible, the relevant local authority partner will begin making proxy bids on behalf of that applicant whilst giving due consideration to whether it would be a "suitable offer" if the applicant was to be successful.

If the applicant **is not** being provided with temporary accommodation by the relevant local authority partner, the applicant will be given a minimum two week period to bid wherever they like, from the date of the decision letter confirming that the applicant is owed a section 193(2) duty.

- If the applicant has not been successful after a minimum of two weeks, the relevant local authority will place proxy bids for all properties within the applicants indicated “area of preference”
- If the applicant has not been successful after a minimum of four weeks, the local authority will also place proxy bids in areas outside the applicants indicated “area of preference” to cover more of the local authority district
- If the applicant has not been successful after a minimum of six weeks, the local authority will place proxy bids in all areas of the local authority district

If the applicant **is** being provided with temporary accommodation by the relevant local authority partner, or at the point that the applicant is provided with temporary accommodation, the relevant local authority partner will place proxy bids on the applicants behalf for any properties within their “area of preference” that the applicant has not made.

- If the applicant has not been successful within a minimum of two weeks, the local authority will place proxy bids in areas outside the applicants indicated “area of preference” to cover more of the local authority district
- If the applicant has not been successful by the end of a minimum of four weeks, the local authority will place proxy bids in all areas of the local authority district

Applicants should also be aware that the Localism Act 2011 gives local authorities the power to end their section 193(2) homelessness duty by offering a suitable private rented home with a fixed term tenancy without the applicants consent.

### **Band One**

#### **An applicant assessed by a local authority partner under homelessness prevention scheme.**

The applicant will be awarded Band One where the local authority has:

- Accepted a section 195(2) Prevention Duty or 189B(2) Relief Duty, and
- Considered the applicant to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and
- Provided temporary accommodation to meet a section 188 Interim Accommodation Duty or the applicant is at risk of being placed in temporary accommodation, for example as a result of repossession action through the courts where there is no defence

And where one or more of the following issues apply:

- The local authority partner may be at risk of failing a legal duty under homelessness legislation
- There would be considered to be significant financial implications of placing the applicant and household in interim accommodation

- The applicant requires a specific type and/or size of property that rarely becomes available, such as a three bedroom bungalow or an adapted four bedroom house, or a location where vacancies rarely occur

Under this scheme:

- The banding will only apply whilst the local authority partner owes the applicant a section 195(2) Prevention Duty or 189B (2) Relief duty
- The applicant will be subject to the “one suitable offer” policy and “proxy bidding” as described for applicants assessed by a local authority partner under homelessness legislation and who is owed a full statutory duty under S193(2) of the Housing Act 1996

#### **Band Two**

**An applicant assessed by a local authority partner a being owed a duty to help prevent their homelessness – a section 195(2) duty of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017).**

This banding is awarded where an applicant is assessed by the local authority partner as being at risk of homelessness within 56 days and who is actively engaging with the local authority partner to prevent their homelessness.

#### **Band Two**

**An applicant assessed by a local authority partner a being owed a duty to help relieve their homelessness – a section 189B(2) duty of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017).**

This banding is awarded where an applicant is assessed by the local authority partner as being homeless and who is actively engaging with the local authority partner to relieve their homelessness.

#### **Band Three**

**An applicant who is homeless within the meaning of Part VII Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) who is not owed a duty under section 189B(2) or s193(2) of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017).**

These are applicants who are homeless or at risk of homelessness within the meaning of Part VII Housing Act 1996 but who have not been awarded a duty as described for Band One or Band Two.

Such cases include:

- Applicants who have been found to be intentionally homeless from their previous settled address – *section 184 of Part VII Housing Act 1996 (as amended)*
- Applicants who become homeless intentionally from any accommodation made available as a result of the local authority partners exercise of the functions under homelessness legislation – *section 195(8)(d), section 189B(7)(d), section 193C(5)(b) and section 193(6)(b) of Part VII Housing Act 1996 (as amended)*

- Applicants who had refused suitable accommodation that had a reasonable prospect of being available for at least six months – *section 195(8)(d), section 193(5), section 193(7), section 193C(5)(b) and section 193(6)(b) of Part VII Housing Act 1996 (as amended)*
- Applicants notified that they have deliberately and unreasonably refused to cooperate – *section 193B of Part VII Housing Act 1996 (as amended)*
- Applicants found to not be in priority need – *section 184 of Part VII Housing Act 1996 (as amended)*
- Referral to another local authority which is not a partner local authority under *section 198 or section 213 of Part VII Housing Act 1996 (as amended)*
- Applicants who voluntarily ceases to occupy as their only principal home the accommodation made available for their occupation – *section 193C(5)(d) or section 193(6)(d) of Part VII Housing Act 1996 (as amended)*
- 56 days have expired since awarding prevention or relief duty as described in Band Two – *section 195(8)(b) or section 198B(7)(b) of Part VII Housing Act 1996 (as amended)*

## Amendments Log

After initial approval of the Policy it has been deemed necessary to make some minor amendments now that the policy is in use, to provide clarity to meaning and to include things that were missed. These amendments/additions have been included with the discussion and approval of the B-with-us Steering Group.

Summary of changes made to Policy from the August 2020 version to the September 2022 version:

Policy Section	Previous wording	Updated wording	Reason for change	Date of Change
3.4	<ul style="list-style-type: none"> <li>Applicants who are serving or former members of the UK Armed Forces or the Reserve Armed Forces (or their bereaved spouse or civil partners who are leaving military accommodation, where the death of their spouse can be partially or wholly attributed to the armed forces) - evidence of service will be required</li> </ul>	<ul style="list-style-type: none"> <li>Serving members of the UK Armed Forces or the Reserve Armed Forces</li> <li>Former members of the UK Armed Forces or the Reserve Armed Forces who have served within the last five years</li> <li>A bereaved spouse or civil partner who are leaving military accommodation, where the death of their spouse can be partially or wholly attributed to the armed forces</li> </ul>	Applicants who left the armed forces years ago are currently able to apply with no local connection, even though the armed forces is not the reason for their lack of local connection. Armed forces covenant states former members who served within the last five years should be exempt.	Sep-22
3.4	<ul style="list-style-type: none"> <li>Statutory homeless applicants and applicants who are victims of domestic abuse, threats of domestic abuse or those escaping domestic abuse</li> </ul>	<ul style="list-style-type: none"> <li>Statutory homeless applicants</li> <li>Applicants who are victims of domestic abuse, threats of domestic abuse or those escaping domestic abuse</li> </ul>	Split out the two points to match the application questions.	Sep-22
3.4	The following applicants will be exempt from requiring a local connection: **Remove “evidence will be required” from individual exemptions**	The following applicants will be exempt from requiring a local connection (evidence will be required):	Currently only some exemptions ask for evidence, but procedurally we’re asking for evidence for all exemptions – change ensures policy backs up the procedure.	Sep-22
3.4	Her Majesty’s Armed Forces can be defined as any of the military services which are	His Majesty’s Armed Forces can be defined as any of the military services which are tasked with the	Following the death of the Queen, changed “Her	Sep-22

	tasked with the defence of the United Kingdom and its overseas territories and the Crown dependencies. Her Majesty's Armed Forces consist of the Royal Navy, the Royal Marines, the British Army, and the Royal Air Force.	defence of the United Kingdom and its overseas territories and the Crown dependencies. His Majesty's Armed Forces consist of the Royal Navy, the Royal Marines, the British Army, and the Royal Air Force.	Majesty" to "His Majesty".	
3.5	All applicants are subject to the eligibility and qualification criteria set out in this policy. Additionally, transfer applicants must be assessed as having a housing need in order to join the B-with-us Housing Register, these being the criteria laid out in section 4.2 (Band 1, 2, 3, or 4).	All applicants are subject to the eligibility and qualification criteria set out in this policy (section 3). Additionally, transfer applicants must: <ul style="list-style-type: none"> <li>• Have been in their current tenancy for at least 12 months (except in exceptional circumstances)</li> <li>• Be assessed as having a housing need, these being the criteria laid out in section 4.2 (Band 1, 2, 3, or 4)</li> <li>• Have a satisfactory reference from their current landlord (which may include a property inspection)</li> </ul>	The information for transfers is already stated in section 2.2, but section 3.5 is specifically about transfer applicants, so for ease of use and clarity, this additional wording has been included here.	Sep-22
4.2	<ul style="list-style-type: none"> <li>• Applicants needing to move away from a particular locality, where they would be at risk of harm if they didn't, including: <ul style="list-style-type: none"> <li>○ Applicants subject to domestic abuse or threats of domestic abuse</li> <li>○ Applicants subject to any form of hate crime</li> <li>○ Applicants residing in a refuge or safehouse</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Applicants needing to move away from a particular locality, where they would be at risk of harm if they didn't, including: <ul style="list-style-type: none"> <li>○ Applicants subject to domestic abuse or threats of domestic abuse</li> <li>○ Applicants subject to any form of hate crime</li> <li>○ Applicants residing in a refuge or safehouse</li> </ul> </li> </ul>	Addition of "harassment" for clarity and to match system options.	Sep-22

		<ul style="list-style-type: none"> <li>○ Applicants subject to targeted harassment</li> </ul>		
4.3	<p>No more than two people will be expected to share a bedroom. Bedrooms will be allocated to:</p> <ul style="list-style-type: none"> <li>• Each couple living together</li> <li>• A parent in a single parent family</li> <li>• Each single person aged 21 or over</li> <li>• Pairs of resident children aged 0-21 years of the same sex</li> <li>• Pairs of resident children aged under 10 years regardless of sex</li> </ul>	<p>No more than two people will be expected to share a bedroom. Bedrooms will be allocated to:</p> <ul style="list-style-type: none"> <li>• Each couple living together</li> <li>• A parent in a single parent family</li> <li>• Each single person aged 21 or over</li> <li>• Pairs of children aged 0-21 years of the same sex</li> <li>• Pairs of children aged under 10 years regardless of sex</li> </ul>	<p>Clarification of meaning of who is expected to share bedrooms – children don't need to be resident to be able to share a bedroom (such as in cases where parents have access arrangements so children aren't 'resident' but would be expected to share a bedroom with other children (resident or otherwise)), so wording changed to make this meaning clearer.</p>	Sep-22
4.3	<ul style="list-style-type: none"> <li>• Child access arrangements</li> </ul>	<ul style="list-style-type: none"> <li>• Child access arrangements <ul style="list-style-type: none"> <li>○ One additional bedroom may be awarded for child access, regardless of the number or gender of the child(ren) the applicant has access to</li> <li>○ An additional bedroom will only be given if there is no space in other bedrooms for child access – i.e. if the applicant has one resident child and one access child, no additional bedroom would be awarded</li> </ul> </li> </ul>	<p>Only the parent who receives Child Benefit is awarded full bedroom need, plus clarifications included so policy can be applied consistently and fairly.</p>	Sep-22

		<ul style="list-style-type: none"> <li>○ Where parents have 50/50 access arrangements, the parent who receives child benefit will be awarded the bedroom entitlement as if the child were fully resident. The parent not in receipt of child benefit may be entitled to an additional bedroom for access in line with the above criteria</li> </ul>		
5.4	**Nothing existing – new addition**	Occasionally properties may be advertised as “Open Let”. These will be let on the basis of waiting time only, meaning priority will be given to the applicant with the earliest registration date, and their band will not be a factor.	Open Lets were accidentally omitted from the policy, so adding back in so landlords can continue to allocate this way.	Sep-22
Appendix One (Local connection)	**Nothing existing – new addition**	<p><b>Residency</b></p> <p>The local connection criteria which refers to being “resident” in one of the five local authority areas means the persons only or principle home is/was located in one of the five local authority areas for the given timeframe. “Resident” refers to being resident in the area by choice, i.e. people in prison in the area would not count as being resident.</p>	Clarity on what we mean by “resident” – we have already received enquiries asking what we mean by this.	Sep-22