

Report to : EXECUTIVE CABINET
Date : 29 June 2016
**Executive Member/
Reporting Officer:** Cllr Gerald P. Cooney, Executive Member (Healthy and Working)
Emma Varnam, Head of Stronger – Stronger Communities

Subject : HOUSING ALLOCATION SCHEME

Report Summary : Since the introduction of the Council's current Housing Allocation Scheme in August 2013 the Government has issued new statutory guidance on housing allocations. In addition recent case law and operational issues indicate that the Council should update its Housing Allocation Scheme to ensure that it remains lawful and relevant.

Recommendations : That Executive Cabinet approves the changes to the Allocation Scheme being proposed.

**Links to Sustainable
Community Strategy :** The Allocation Scheme supports the aims of the Sustainable Community Strategy under the theme of Safe Tameside and Supportive Tameside.

Policy Implications : The Allocation Scheme supports the vision and objectives on the Homelessness Prevention Strategy

Financial Implications : Operational expenditure associated with the update to the scheme as referenced within the report will be financed from the existing Stronger Communities service revenue budget within the People Directorate.

Executive Members should note that expenditure related to refugee households who are being resettled in Tameside as part of the UK Government's Gateway Protection Programme will be financed from the funding received for that programme

Legal Implications : The Council has a statutory duty under section 166A of the Housing Act 1996 to have an allocation scheme for determining priorities, and as to the procedure to be followed, in allocating housing accommodation
**(Authorised by the Borough
Solicitor)**

Risk Management : Set out in section 7 of the report

Access to Information : The background papers relating to this report can be inspected by contacting the report author, Colm O'Brien, Senior Housing Strategy Officer:



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1. BACKGROUND

- 1.1 The Council is required by the Housing Act 1996 to have an allocation scheme that sets out how it intends to allocate social housing within the borough.
- 1.2 Although the Council no longer owns its own housing stock there is an expectation that local authorities secure access to a range of social housing through nomination agreements with local Registered Providers.
- 1.3 The current Allocation Scheme (Tameside Housing Register) was agreed by Cabinet on 21st August 2013.
- 1.4 There is a need to review the council's allocation scheme to ensure we reflect changes made to the statutory guidance by the government since August 2013 outlining how they would like local authorities to manage their social housing allocation schemes.
- 1.5 Firstly the Secretary of State recommended that a minimum period of 2 years would be a reasonable time on which to base a local connection to an area before applicants should be allocated social housing. This is different from the local connections criteria the council currently applies. (Scheme reference: 3.11)
- 1.6 The second set of guidance was called "The Right to Move" and proposed that current social housing tenants who need to move for reasons related to employment should be allowed to join council schemes and given a reasonable amount of preference to enable them to secure housing in the place where they have got a job. (Scheme reference: 3.14 – 3.16)
- 1.7 In addition to the reasons linked to the statutory guidance we have also taken the opportunity to consult with our key partners to ensure that the new scheme wherever possible reflects their needs and the needs of their future customers.

2. CURRENT SERVICE DELIVERY

- 2.1 New Charter Housing Trust manage the Housing Register on behalf of the council to deliver the allocation scheme. The service is delivered from Tameside Housing Advice and is overseen by a manager whose role encompasses both projects.
- 2.2 The initial access point for the scheme is via an online enquiry form which applicants are required to complete to allow an assessment to take place on whether they satisfy the qualification criteria.
- 2.3 Access to the scheme is restricted to those applicants who have a proven housing need. Up to the end of December 2015 there have been 751 applications to join the scheme and 343 households have been accepted. A total of 148 applicants have been successfully allocated social housing over this period and there were 192 applicants remaining on the register at the end of 2015.
- 2.4 Households who are accepted onto the register are re-housed by being nominated to a social housing provider operating in the borough. Nomination agreements are in place with all the key social housing providers that entitles the council to 30% of their lets every year. In the case of New Charter this has been set at 20% due to their quantity of re-lets being far greater than the other social housing providers in the borough.
- 2.5 The council's policy on choice is to allow applicants to express a preference over what area they would like to live in. This is based on 5 broad areas of the borough. It is made clear to applicants that this is a limited choice and that they may be offered properties in areas that are not their first preference. (Scheme reference: 2.8 – 2.13 and Appendix 4)

3. LEGAL FRAMEWORK

- 3.1 The Council is legally required to have an allocation scheme that fully explains how social housing will be allocated in the borough. In addition to having a full written scheme all local authorities should have a summary version of the scheme available to members of the public upon request.
- 3.2 Government statutory guidance published in 2009 began to give local authorities more flexibility over how they framed their allocation schemes. This culminated in the changes to allocation legislation introduced by the Localism Act 2011.
- 3.3 The key change introduced by the Localism Act is the freedom given to local authorities to set their own qualifying criteria and to decide over whether they want to run an “open” or a “closed” register.
- 3.4 All local authority allocation schemes have to adhere to the statutory guidance concerning eligibility criteria. This is mainly concerned with “persons from abroad” who cannot be allocated a property by an allocation unless they are a member of one of the prescribed groups as defined in the Eligibility Regulations.
- 3.5 When framing their allocation schemes local authorities must give “reasonable preference” to certain categories of people. These are fully defined within the scheme and include:
- people who are owed a homelessness duty,
 - people living in overcrowded or insanitary conditions,
 - people who need to move on medical or welfare grounds and
 - people who need to move for reasons of hardship
- 3.6 As outlined under point 2.5 the Allocation Scheme needs to make a statement regarding its policy on choice.
- 3.7 Further statutory guidance issued specifically to address social housing allocations include the following:
- Allocation of Housing (Qualification criteria for Armed Forces) (England) Regulations 2012 (S12015/967)
 - Allocation of accommodation: guidance for local housing authorities in England 2012.
 - Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England. December 2013 (see 1.6 above)
 - Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967), which came into force on the 20 April 2015 (see 1.7 above)
- 3.8 The scheme must comply with the Council’s equality duties including the duty to eliminate unlawful discrimination and the Public sector equality duty within the Equality Act 2010.

4. CONSULTATION ON THE PROPOSED ALLOCATION SCHEME

- 4.1 The proposed new scheme has been developed in consultation with a range of partners and stakeholders. This has included extensive consultation with New Charter Homes as deliverers of the current service The Council’s legal service have provided input to ensure the scheme is compliant with the legislation and relevant caselaw. See **Appendix 1** “Tameside Housing Allocation Scheme”.
- 4.2 The formal consultation phase through the Big Conversation took place between 1 – 26 February 2016 when the public were invited to comment on a range of proposals and issues being considered for the new proposed scheme.
- 4.3 Prior to the Big Conversation consultation took place with the following Registered Providers:

- Accent Homes
- Ashton Pioneer Homes
- Contour Homes
- Guinness Northern Counties
- New Charter Homes
- Peak Valley Housing Association
- Regenda Housing Group
- Sanctuary Housing Association
- Your Housing Group

4.4 Discussions also took place with Tameside Hospital, Tameside Housing Advice, the Leaving Care Team and with Adult Services. These discussions alongside the consultation with the Registered Providers informed the questions we then asked a wider audience through the Big Conversation. A copy of the Big Conversation “Housing Allocation Scheme Consultation can be found at Appendix 2.

5. OUTCOMES OF THE CONSULTATION

5.1 In total 45 people took part in the Big Conversation by either completing an online survey themselves or with the assistance of a council member of staff whilst they promoted the consultation at various points in the borough. People taking part in the survey were asked to provide some background data on themselves and further detail on this can be found at Appendix 3 of this report.

5.2 Participants in the consultation process were asked to address the following 5 key issues in their responses:

- Local Connection
- Policy on Choice
- The Qualifying Criteria
- Unacceptable behaviour criteria
- Affordability

Local Connection

5.3 It was explained to participants that under the government statutory guidance local authorities were expected to ensure that their social housing allocation schemes should have some form of residency requirement upon applicants before they are allowed to join. The government recommended that this should be for at least 2 years.

5.4 Participants were asked how long people should have been living in Tameside before they were allowed to join the scheme and were given 4 options ranging from 2 years to 5 years and more. Out of all the people who responded to this question 68% (30) felt that a 2 year residency requirement would be the right length of time to establish a local connection in Tameside.

Policy on choice

5.5 In the supporting information accompanying the Big Conversation survey it was explained that applicants are allowed to express a preference on the broad area that they would like to live in but had limited choice over their allocation to individual properties.

5.6 Participants in the survey were asked whether they thought the current policy should be retained in the new scheme with 79% (35) responding by saying they were supportive of the existing policy.

The Qualifying Criteria

- 5.7 Participants answering this question were informed that the council intended to retain its policy of operating a “closed” register and only allowing certain groups of people who had a housing need to join the scheme.
- 5.8 Participants were informed that the council intended to add the following 2 groups to people who should qualify for the new scheme and were then asked if they agreed with this overall policy:
- Households who are under occupying a social housing property and have gone into rent arrears as a result of the removal of the spare room subsidy.
 - Existing social housing tenants who have lived in social housing for at least two years, and need to move for work related reasons, where failure to do so would cause hardship.
- 5.9 All 45 participants responded to this question with 42% (19) strongly agreeing and 49% agreeing with the proposal to retain qualifying criteria and to extend to the groups proposed.
- 5.10 Following further consultation regarding the issue of under-occupation a further extension to the qualifying criteria has been considered and inserted under point 3.6 of the scheme. This will allow more applicants to join the councils Housing Register in return for downsizing to a smaller property suitable for their needs. Registered Providers have been consulted on this proposal and have given their support.
- 5.11 The 45 respondents who took part in the original survey were contacted again and consulted on this specific point alongside any other member of the wider public who wished to comment through the Big Conversation. A total of 9 people responded to this question with 75% of those who responded supporting the proposal to extend the qualifying criteria to include all households who wished to downsize to a smaller property. Two people (2) strongly disagreed with the proposal but provided no further explanation as to why.

Unacceptable Behaviour Criteria

- 5.12 Two questions relating to unacceptable behaviour were included in the Big Conversation survey. The first question asked people to what extent they agreed or disagreed with the current unacceptable behaviour criteria. A total of 43 people responded to this question with 25% (11) strongly agreeing and 46% (20) agreeing that the current criteria in relation to unacceptable behaviour were correct.
- 5.13 The supplementary question asked people whether they agreed with a proposed change to the specific criteria in relation to former rent arrears. People were asked whether they agreed with the proposal to remove the £1000 threshold and replace it with a policy of allowing applicants to join the register if they kept to a regular repayment plan.
- 5.14 A total of 45 people responded to this question with 55% (25) strongly agreeing and 35% agreeing with the proposed change.

Affordability

- 5.15 Participants in the survey were asked whether they thought the council should introduce a policy whereby more stringent checks were made on people’s income level when they applied to join the scheme. It was explained that many Registered Providers wanted such a policy to be introduced as a means of mitigating the greater financial risks they were facing.
- 5.16 A total of 45 people responded to this question with 73% (33) either agreeing or strongly agreeing with the proposal to introduce such a policy and 26% (12) disagreeing or strongly disagreeing.

6. KEY PROPOSED CHANGES TO THE NEW SCHEME

Local Connection Residency requirement

- 6.1 In the statutory guidance issued in December 2012 the government stated their view that local authorities should ensure that applicants with a local connection to an area receive priority when it came to the allocation of social housing. The government recommended that local authorities should have a residency requirement within their allocation schemes of at least 2 years before applicants should be allowed to join.
- 6.2 Following consultation on this specific issue the Council is proposing to introduce a 2 year residency requirement for new applicants. Certain groups with the greatest housing need will be exempt from this requirement. (Scheme reference: 3.11)

Qualifying Criteria

- 6.3 The proposed scheme remains a “closed” scheme reserved for those applicants who can demonstrate that they have a housing need. In addition to the existing groups identified as being in housing need, the Council is proposing to extend the qualifying criteria to include the following type of applicant:
- Households who are under occupying a social housing property and have gone into rent arrears as a result of the removal of the spare room subsidy.
 - Other households who are under occupying a social housing property where a benefit can be recognised in making accommodation available for a family in housing need.
 - Existing social housing tenants who have lived in social housing for at least two years, and need to move for work related reasons, where failure to do so would cause hardship.

(Scheme reference: 3.6, for all the above extensions to the qualifying criteria)

Unacceptable behaviour

- 6.4 Under the current scheme applicants can only register under the scheme if their former rent arrears are under the set amount of £1000. A recent decision taken by the local government ombudsman indicates that councils need to take a more flexible approach when dealing with applicants with former arrears.
- 6.5 Under the proposed scheme the issue of former rent arrears has been widened to include all housing related debt but with a more flexible approach in how it is dealt with. Instead of operating a set debt threshold which applicants have to be below, the revised scheme proposes that everybody in housing need can be registered onto the scheme and will be invited to enter into a repayment plan based on how much they can afford to pay over a set period. (Scheme reference: 3.17 - 3.21)

Households in temporary accommodation

- 6.6 The new scheme includes an amendment to the banding criteria in relation to households who have been placed in temporary accommodation under a full housing duty. Once households with a full housing duty have been in temporary accommodation for over 28 days they will be placed in band 1 and will be dealt with as a priority. (Scheme reference: 4.7)

Young People leaving care

- 6.7 The new scheme proposes that young people leaving care can apply to the scheme but they will continue to need the support of their Personal Adviser to be considered for a property allocation. Under new partnership arrangements it is being proposed that young people are allowed to register on the scheme from their 16th birthday and thereby accrue waiting time whilst pre-tenancy preparatory work is undertaken to ensure they are ready for independent living. (Scheme reference: 4.18 - 4.23)

Affordability

- 6.8 In the light of the ongoing reforms to welfare benefits the new scheme proposes that affordability checks are introduced prior to applicants being nominated to a property with a view to promoting tenancy sustainability. (Scheme reference: 5.4)
- 6.9 The new scheme makes specific reference to the policy that some Registered Providers have in place whereby applicants are expected to pay rent in advance prior to starting a tenancy. Registered Providers will in the first instance be asked to waive this payment in cases of nominations from the scheme. If that is not possible the council are expecting Registered Providers to allow the tenancy to commence in return for a small instalment of the amount due with an arrangement to pay the remainder in stages at a later date. (Scheme reference: 3.31)

7 RISKS

- 7.1 There is a risk of legal challenge if the current policy is not updated in the light of the most recent statutory guidance and decisions made by the government ombudsman.
- 7.2 Further risks in relation to equalities issues are considered in the Equalities Impact Assessment. See **Appendix 4** of this report.

8. RECOMMENDATIONS

- 8.1 As set out on the front of the report.



TAMESIDE HOUSING ALLOCATION SCHEME

Author: Colm O'Brien

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1. CONTEXT AND POLICY AIMS

Introduction

- 1.1 Tameside Metropolitan Borough Council (“the Council”) is the local housing authority for the Borough of Tameside. The Council is required by the Housing Act 1996 (“the Act”) to have an allocation scheme (“the scheme”) setting out how it allocates within the borough.
- 1.2 This scheme has been developed in partnership with Registered Providers who own housing stock within the borough. Whilst the Council does not in many cases have legal nomination rights, Registered Providers have agreed to assist the Council by considering nominations from the Council to households who meet the criteria of this scheme to suitable properties from their housing stock.
- 1.3 In preparing ‘the scheme’ the Council has had regard to its current Homelessness Strategy and Strategic Tenancy Policy in accordance with section 166A(12) of the Housing Act 1996 as amended by section 147 of the Localism Act 2011.

Policy Statement

- 1.4 The Council will deliver the scheme as part of a housing options framework that will identify those people in greatest housing need and provide advice on a range of pathways to access suitable housing. The pathway used will be dependent upon individual circumstances, level of need and the choices people express with regard to receiving support from the Council and other agencies.
- 1.5 In addition the scheme will support a range of other strategic initiatives being pursued by Tameside Council through the Tameside Sustainable Community Strategy 2012-22.

The scheme will contribute towards the following key objectives:

- To provide advice and assistance to those in greatest housing need.
 - To make a contribution to the relief of poverty and help those on a low income access accommodation and other sources of support
 - To help meet local housing needs, prevent homelessness and create sustainable communities
 - To provide a transparent and easy to understand scheme
 - To support people to make realistic and informed choices about where they live
 - To make the best use of the housing stock and reduce the number of empty homes
 - To promote equality of opportunity to access social housing
 - To ensure the availability of free advice and information to those seeking a new home
- 1.6 The Council will retain full responsibility for the scheme and will be responsible for amendments and consultation processes with Registered Providers, other stakeholders, service users and tenant groups.

- 1.7 The Council acknowledge that there will properties available on the scheme that are part of local letting plans being employed by the Registered Providers in the borough. The Council's approach to local letting plans is outlined in Appendix 2 of this document.

2. LEGAL FRAMEWORK

- 2.1 The Act requires local authorities to make all allocations and nominations in accordance with a published allocations scheme. This document is the full scheme. A summary of this scheme is also available free of charge to anyone who asks for a copy.
- 2.2 The Act provides the framework for allocating social housing and defines categories of people who must be given reasonable preference in the allocation scheme. These categories are called "reasonable preference categories" (see 2.7 below).
- 2.3 The Act also requires local authorities to outline its position with regard to giving applicants choice on the housing offer or to allow households to make a statement of preference on the area in which they wish to live.
- 2.4 The Localism Act 2011 gave local authorities more discretion on how they manage housing waiting lists in their areas including setting their local qualifying criteria on who should be allowed join their allocation schemes.
- 2.5 Statutory guidance issued specifically to address social housing allocations includes the following:
- Allocation of accommodation: guidance for local housing authorities in England 2012
 - Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967), which came into force on the 20 April 2015
 - Allocation of Housing (Qualification criteria for Armed Forces) (England) Regulations 2012 (S12015/967)
- 2.6 The scheme must comply with the Council's equality duties including the duty to eliminate unlawful discrimination and the Public sector equality duty within the Equality Act 2010.

Reasonable Preference Criteria

- 2.7 Part 6 of the Housing Act 1996 (as amended) defines the following applicants as being in the greatest housing need and who therefore should be given "reasonable preference" in the allocation of social housing:
- i) people who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need);
 - ii) People who are owed a duty under the homelessness legislation (specifically sections 190(2), 193(2) or 195(2) of the Act) or who are occupying accommodation secured by any Housing authority under section 192(3).
 - iii) People occupying unsanitary, overcrowded or otherwise unsatisfactory housing;

- iv) People who need to move on medical or welfare grounds (including grounds relating to a disability);
- v) People who need to move to a particular locality within the district to avoid hardship to themselves or others. Some examples of this are:
 - A need to access medical treatment
 - To give or receive care
 - To take up an employment or training opportunity (see 3.8 “The Right to Move”)

Policy on Choice

- 2.8 This scheme recognises the importance of allowing people the right to express a preference regarding the type of property they would like to live in and in what area. However, the scheme also recognises that housing is a scarce resource and that it will not be possible to offer applicants unlimited choice and the authority’s ability to meet expressed preferences will in some situations be curtailed.
- 2.9 Section 167A of the Act requires the allocations scheme to **describe** the Council’s policy about offering applicants choice over where to live. The Act requires local authorities to **inform** interested parties on what the policy is. This should not be confused with applicants having a right to choose or express preferences on where to live for which there is no legal requirement.
- 2.10 The scheme asks applicants to state their expressed preference over where they would like to live based upon 5 broad geographical areas of the borough (as set out in appendix 4). The scheme encourages applicants to include as many areas as possible in their expressed preferences and to provide justification if there are areas in the borough they would wish not to be considered for when properties become available. Only issues related to safety and/or welfare will be accepted as valid reasons for agreeing to areas being excluded from consideration.
- 2.11 When nominating an applicant for a property that become available, the scheme will have due regard to a range of other considerations relevant to creating a sustainable tenancy. These considerations will include:
- the proximity to schools if primary school age children form part of the household.
 - Individual’s within the household with health conditions that require them to have treatment and/or support in specific location within the borough.
 - The cultural and religious needs of the household and the implications that may have upon their wellbeing if re-housed in a specific area.
 - whether any member of the applicant’s household either receives care or provides care to a vulnerable person.
 - The specific support needs of an applicant by reason of their age, gender, ethnicity, sexuality and/or disability.

- 2.12 The scheme expects applicants to accept any reasonable offers of accommodation considered suitable for their households needs. Where applicants have refused a reasonable offer of accommodation without an explanation they will automatically be given reduced preference and placed in a lower band. Applicants who refuse two reasonable offers of accommodation will be removed from the scheme. In cases where an applicant has put forward reasons for refusing an offer of accommodation officers will consult with the Housing Advice Manager before a decision is made on which band they should be placed.
- 2.13 Applicants who are placed in band 3 of this scheme will have less priority than the higher bands for re-housing and will be advised to also register with the individual Registered Providers in the borough. In many cases applicants in band 3 may find that they can be re-housed sooner by pursuing alternative housing options.

3. WHO CAN APPLY FOR ACCOMMODATION UNDER THE ALLOCATION SCHEME?

- 3.1 This section outlines the processes that determine whether or not a person can apply to be allocated accommodation under the Allocation Scheme. Some people have a statutory right to apply and others are excluded by law from being allocated accommodation. Those people are said to be ineligible.
- 3.2 Once eligibility has been established the council will apply the statutory guidance and its own local qualifying criteria to establish whether the person is in housing need and therefore qualifies for assistance under the terms of the scheme.
- 3.3 When people apply for accommodation the Council will ensure that they are given advice about all housing options. This will help those in housing need consider all the potential solutions available to them. Depending upon a person's circumstances this may include homelessness prevention measures, private renting and/or home ownership.

Eligibility Criteria

- 3.4 Under section 160(1)(a), (3) and (5) of the Act (as amended) the local authority can only allocate accommodation to people who are eligible to join the Scheme under the terms of the legislation and who qualify under the locally agreed criteria .
- 3.5 Under the Act the following type of households are **not eligible** persons to join the Allocation Scheme:
- Persons from abroad who are subject to immigration control are excluded unless they fall into one of the categories of people who set out in regulations who are allowed to apply; People who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996. **Note:** this requirement does not apply to tenants of a Registered Provider who hold an existing Secure, Assured or Introductory tenancy.
 - Other classes of people from abroad whom the Secretary of State has prescribed as being ineligible for the allocation of housing accommodation by local housing authorities in England.

Qualification Criteria

3.6 Under the Localism Act 2011 Local Authorities have been given powers to set their own qualifying criteria on who can join their schemes. In Tameside it has been decided to use our own qualifying criteria and to restrict the scheme to the following households who have a proven housing need:

- Reasonable preference groups as outlined under 2.7
- Serving and Former Armed Forces and other service personnel in urgent housing need, in line with the Secretary of State's regulations (see 4.13 for definition of "Serving and former armed forces")
- Households fleeing abuse and to who the Council owe a duty to because they are homeless
- Persons who are not currently resident in Tameside but have a need to be near a close relative in order to provide or receive care and/or support.
- People who live in supported housing schemes funded by the Council.
- Care Leavers
- People who need to move due to the council undertaking a compulsory purchase order on their home.
- People who need to move home to allow them to undertake foster parent duties requested by the council.
- Households who are under occupying a social housing property and where a risk of homelessness has been identified due to rent arrears as a result of the removal of the spare room subsidy.
- Other households under occupying a social housing property who wish to downsize to a smaller property where a benefit can be recognised in making accommodation available for a family in housing need. There is an expectation that in the first instance these applicants who wish to downsize should already be on their landlords transfer list where their needs would normally be met. These households won't be put forward for nomination if they have existing rent arrears and have not complied with their existing landlord's debt recovery policy.
- Existing social housing tenants who have lived in social housing for at least two years, and need to move for work related reasons, where failure to do so would cause hardship (see 3.14 definition for Right to Move).

3.7 The Council have decided to restrict access to the scheme in this way so that the scheme operates as efficiently as possible and to reduce unrealistic expectations amongst potential applicants who are not in housing need about getting re-housed when in reality they would have little or no priority conferred upon them.

- 3.8 In addition to households who wish to downsize to a smaller property applicants who are seeking a transfer, are assessed as being in one of the reasonable preference categories and where a move from their existing accommodation has been identified as a welfare need will be allowed to join the scheme.
- 3.9 People who do not meet the eligibility and/or qualifying criteria will still be entitled to advice and assistance regarding their future housing options.
- 3.10 In addition to being in housing need the council have decided that criteria relating to unacceptable behaviour and levels of existing savings and/or equity in a property will also need to be satisfied before people are allowed onto the scheme. How these criteria will be applied is further explained below.

Local Connection

- 3.11 To comply with the requirements of the “Allocation of accommodation: guidance for local housing authorities in England 2012” new applicants will be required to have two years continuous residency in the borough before they are allowed to join the scheme. Applicants who have lived in Tameside in accommodation provided under post custody arrangements under criminal justice system will not be included within this definition.
- 3.12 To comply with housing legislation, in recognition of partnership arrangements and to avoid excessive hardship all groups identified under 3.6 to 3.11 will be exempt from the two year local connection rule.

The Right to Move

- 3.13 The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967), which came into force on the 20 April 2015, provides that Local Authorities must not disqualify certain persons on the grounds that they do not have a local connection with the authority’s district. In particular local connection may not be applied to existing social tenants seeking to transfer from another local authority in England for work related reasons. As a result of this, the council is required to:
- ensure local connection is not applied to applicants who qualify under the Right to Move
 - expand the definition of the ‘hardship’ reasonable preference category
- 3.14 The applicant must demonstrate that they need, rather than wish to move to Tameside to take up employment. In this regard the following factors will be taken into account:
- the distance/time taken to travel between work and home
 - the availability and affordability of transport, taking in to account the level of earnings
 - other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
 - the length of the work contract

- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

3.15 The Right to Move qualification only applies if the work is not short term or marginal and the applicant can provide the evidence to satisfy the following requirements:

- That the applicant is in paid permanent employment and has a contract that stipulates at the outset that they will be employed for at least 12 months or more.
- The applicant is employed for a minimum of 16 hours per week
- Where the work takes place in different locations that the applicant's main work occurs in Tameside and there is a requirement for them to be in the borough at certain times of the week.

Housing Related Debt

3.16 All applicants owing housing related debt and assessed as being in housing need according to this policy will be registered for rehousing. In all cases of housing related debt, account will be taken, when considering the applicant for nomination, of all relevant factors including record of repayment and willingness by the applicant to clear and reduce outstanding debt, improve behaviour and provide assurances about future performance.

3.17 All applicants who are accepted onto the Council's scheme and owe housing related debts will be assessed against their track record of keeping to a repayment plan. Applicants who have not been reducing their housing related debt will be advised to take the necessary steps to put a repayment plan in place. Where required applicants will be given the support and advice they need to establish a repayment plan.

3.18 Applicants who are accepted onto the scheme but owe housing related debts will be assessed according to a set of criteria that accompanies this scheme. The criteria will include

- the amount of arrears
- how and when the arrears were accumulated
- how much the applicant has paid towards reducing the arrears
- how often do they make payment towards reducing the arrears
- how long have they been making payments towards reducing the arrears
- Are they paying as much as they can afford (this will vary according to each person's income, how much is needed to cover essential expenditure, and what other priority debts they have to pay)

3.19 Applicants will only be put forward for a nominated property once they have maintained their repayments over the period as agreed in their plan.

3.20 Applicants who have not maintained an agreed repayment plan within the first 12 months of joining the scheme will be removed from the scheme unless there are mitigating circumstances that need to be considered

Unacceptable Behaviour

3.21 The following instances would provide evidence of non-satisfactory conduct that could lead to people being disqualified from the scheme on the basis that they or a member of their household were guilty of unacceptable behaviour:

- Serious nuisance/annoyance to neighbours where there is evidence that a member of the household have committed serious anti-social behaviour and are the subject of an Anti-Social Behaviour Order (ASBO), a Criminal Behaviour Order (CBO), a housing related civil junction or other legal proceedings due to breach of tenancy conditions or ASBO/CBO.
- Having unspent criminal convictions which the Council considers makes the person or a member of their household unsuitable to be a tenant due to the threat they would pose to neighbours and/or the community.
- Being convicted of using current or former accommodation (or allowing it to be used) for immoral and/or illegal purposes such as drug dealing;
- Serious neglect, damage or abandonment of a previous property;
- Allowing furniture, fittings and other installations provided by the landlord to deteriorate due to ill treatment.
- Abusive or threatening behaviour towards members of staff at the Council or other partner agencies providing accommodation for this scheme.
- Obtaining a tenancy by deception; e.g. by giving untrue information and/or paying money to illegally obtain a tenancy.
- Having lost previous accommodation provided in connection with employment due to misconduct that meant they could no longer live there.
- Providing false or misleading information or omitting relevant information at the point of application.

3.22 When assessing whether a person's behaviour should lead to their disqualification from the scheme the Council will apply the following 3 tests before making their decision:

- a) Has the applicant or a member of their household behaved in such an unacceptable manner that they are considered to be unsuitable to be a tenant of the Council or a Registered Provider?
- b) At the time of the application is the applicant still considered to be unsuitable to be a tenant by reason of their behaviour or the behaviour of a member of their household?
- c) Was the unacceptable behaviour serious enough to entitle a landlord to commence legal proceedings or to pose a serious threat to their local community?

3.23 Applicants who are disqualified on the grounds of unacceptable behaviour have the right to have the decision in writing upon request and will always be informed of their right to have a review of the decision. This is fully explained under 6.3 of this policy.

Financial Resources

3.24 When people make their initial online enquiries (see 4.1) they will have to provide details on the level of equity they may have in property and their level of income and savings and other capital.

3.25 People who are owner occupiers or who have equity in a property will not qualify for the scheme unless they need new accommodation on the grounds of a disability or a pressing health need. In these circumstances the Council's Adult Services will ensure that the applicant's current accommodation is inspected by an Occupational Therapist who will make recommendations on whether adaptations are appropriate.

3.26 Applicants who have sufficient income or savings to be able to buy or rent a home on their own we will not be able to join the scheme. Applications will be assessed against the local housing allowance rate with a threshold set at 25% of an applicant's gross income. Table 1 below illustrates how this calculation will be made based on the local housing allowance rate for the property required. Tameside comprises four different rental areas with varying rates of local housing allowance. The rate used for the scheme will be based on the South Greater Manchester area which is the highest local allowance rate in the borough. Table 1 data is dated from March 2016 and may be subject to change in future.

TABLE 1

Housing Type	LHA RATE Weekly (£)	Income Threshold (£)
Shared Room	57.84	231.36
One Bedroom	102.25	409.00
Two Bedrooms	128.19	512.76
Three Bedrooms	151.78	607.12
Four Bedrooms	200.09	800.36

3.27 Gross income will be defined as income from all sources including most benefits, and 25% of non-dependents (for example adult children) income living within a household. The following benefits will be disregarded in the calculation of gross income:

- Disability Living Allowance
- Personal Independence Payment
- Attendance Allowance

- Armed Forces Independence Payment
- Maintenance payments
- Income from fostering
- Child Benefit

- 3.28 If the applicant or a member of his/her family has savings or other capital with a value which would make them ineligible for local housing allowance or universal credit then they will not qualify to be allocated housing under this scheme.
- 3.29 Some the key objectives of this scheme include tackling poverty, preventing homelessness and ensuring households on low income have access to housing and other resources they may need. In the interests of maximising the level of accommodation available to those in housing need the Council will work with Registered Providers to ensure that low income is not a barrier to applicants accessing properties that they need.
- 3.30 Registered Providers who have policies in place whereby new tenants are expected to pay rent in advance will in the first instance be asked if this requirement can be waived for Council nominations. If this is not possible the Council will seek to agree alternative arrangements whereby the nominated applicant is allowed to access the property in return for an initial rent in advance instalment and an agreement to pay the remaining amount in stages at a later date.

Homelessness Duties

- 3.31 Situations may arise where an applicant does not qualify for the scheme for one of the reasons outlined above but where they are still owed some form of housing duty as required under homelessness legislation. In this instance the council will ensure that the applicant is provided with accommodation in accordance with any applicable statutory duty and that advice and assistance is provided again in accordance with any duty that applies to the Council.

4. HOW APPLICATIONS ARE ASSESSED

- 4.1 The Council will advise people who enquire about applying for the scheme that they should first complete an online enquiry form providing details on their household and their housing circumstances. The applicant will be responsible for providing their full details on the enquiry form and advised that incomplete enquiries cannot be assessed and moved onto the next stage. Once the enquiry has been completed the applicant will receive feedback informing them whether or not they have met the eligibility and qualifying criteria for the scheme.
- 4.2 The Council will advise people on the next steps they could take to further their wish to be re-housed. Where people are likely to qualify for the scheme they will be advised on the next steps they should take to have their housing need fully assessed.
- 4.3 Depending upon the circumstances this assessment can be carried out in various ways and by different partner agencies. How the assessments will be carried out for the different reasonable preference groups has been described below between 4.5 – 4.42.
- 4.4 Where an assessment has been made that a person is not in housing need they will be informed that they do not qualify for the scheme and therefore advised not to apply. In this

situation the person would have full access to the schemes appeals process to review the decision that they are not in housing need. See section 6.3 for the schemes review procedure.

Homeless Applicants

- 4.5 Households who are threatened with homelessness will be required to attend a housing options interview. The priority for the housing advisor during the interview will be to explore the potential for preventing homelessness in the first instance.
- 4.6 Households who are threatened with homelessness and to whom the council owe a duty under Section 195(2) of the 1996 Housing Act and who choose to take up a prevention option will be placed in band 2. These households are those where Tameside Housing Advice believe would be owed a housing duty had a full homelessness assessment been completed.
- 4.7 Where households make a homelessness application and are given a housing duty under section 193(2) of the 1996 Housing Act they will be placed in band 2. Applicants who have been placed in temporary accommodation and have a full housing duty under section 193(2) will be moved into band 1 if they have not been rehoused within 28 days.
- 4.8 Households who have been given a housing duty will be assisted to find a suitable property and once offered accommodation this will be a final offer under Part 7 in accordance with Section 193(7) of the 1996 Act. Households who have refused to accept what is considered to be a reasonable offer of accommodation will be given a reduced preference and moved into band 3.
- 4.9 The Council will advise the household of their right to request a review of the suitability of the accommodation that has been offered regardless of whether or not they accept the offer and move into the property.
- 4.10 Households who make a homelessness application and where the assessment has determined that they are homeless and in priority need but that they made themselves homeless intentionally will be given a reduced preference and placed in band 3.
- 4.11 Where an assessment has determined that a household are facing life threatening circumstances and need to move urgently they will be placed in band 1. Such circumstances include but are not limited to:
- Domestic abuse
 - Hate crime
 - Serious racial harassment
 - Subject to physical threats and intimidation
- 4.12 There will be situations where at a manager's discretion a household will be identified as needing to move urgently on social and/or welfare grounds. These households will be placed in band 1. An example of a situation that would give rise to such an assessment being made would be in order to make a planned move for a household with dependent children who may otherwise placed in temporary accommodation under a housing duty.

Serving and Former Armed Services Personnel

- 4.13 The requirement to have a local connection to Tameside will not be applied to applications received where the following applies to someone living within the household:

- (a) is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;
- (b) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where:
 - (i) the spouse or civil partner has served in the regular forces; and
 - (ii) their death was attributable (wholly or partly) to that service;or
- (c) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

4.14 For the avoidance of doubt, additional preference will be given to categories of Armed Forces as defined under 4.12, in line with statutory regulations and guidance, who fall within on or more of the reasonable preference categories and have urgent housing needs.

4.15 Former members of the armed forces who satisfy one of the criteria outlined above will be placed in band 1 of the scheme.

Relief of Hardship

4.16 Applicants where a member of the household needs to move to another locality and in doing so relieve hardship for either themselves, or for someone they will be providing care for will be placed in band 2. The Council in this scenario reserve the right to carry out appropriate checks with other support services to ensure the veracity of the information that is provided. In some instances the Manager may use their discretion and place the applicant in band 1 if the need to move is identified as being urgent.

4.17 To qualify for the scheme under relief of hardship the applicant must indicate how a move to a new home would relieve hardship for either themselves or someone they are caring for. An illustration of where this would include the following (non-exhaustive) examples:

- To move closer to provide support to a family member who is suffering harassment and/or financial abuse and is in danger of losing their home.
- Where an applicant has a need to be in a specific area of the borough to access support or treatment for a medical condition that cannot be reasonably accessed where they are currently living.
- An exceptional housing need which is not adequately addressed by 'the scheme'.

Young People, Care leavers and Foster Carers

4.18 Young people under the age of 18 in housing need who approach the council will in the first instance be assessed under the Children Act 1989 under the terms of the joint protocol. If the young person's housing needs cannot be resolved under this legislation their case will be transferred over to the council's homelessness service and dealt with under the Housing Act 1996.

4.19 Under the Law of Property Act 1925 a young person under the age of 18 cannot be a tenant in their own right. It will therefore be a condition of joining of the scheme that the

young person has a third party who will be a trustee of the tenancy until the young person attains majority.

- 4.20 Unless the young person can satisfy the Council, for example by proof of earnings that they can afford to pay their rent an adult guarantor will be required. The guarantee must cover the rent and any other expenses for which a tenant would be responsible. It must be submitted in writing and be in place until the young person reaches the age of 18.
- 4.21 Applications from Care Leavers can be accepted from their 16th birthday onwards but will not be made "live" until their 18th birthday. Care Leavers can make their own applications to the scheme but will need to have the support of their Personal Advisors who will provide evidence that a support package is in place and that the young person has acquired a level of lifeskills to enable Registered Providers to be reassured that a tenancy is sustainable.
- 4.22 Unless there are circumstances that give rise to a care leaver being given additional (or reduced) preference they will be placed in band 2 of the scheme.
- 4.23 Applicants who are registered Foster Carers approved by the Council and who require an extra bedroom to provide care for an additional foster child will be placed in band 2.

Overcrowding, Under-occupation and Unsanitary Housing

- 4.24 The Council will use the bedroom standard in the Housing Act 1985 to assess whether or not a household is currently living in overcrowded conditions. Households living in overcrowded conditions will be allocated to an appropriate band according to the severity of their overcrowding. Households will not qualify for the scheme where it is deemed by the Housing Advisor that a household has contrived an overcrowding situation with a view to gaining preferential access to housing.
- 4.25 The following bedroom standard for assessing housing need will apply unless other special circumstances apply:
- Married or co-habiting couples will be assessed as requiring 1 bedroom;
 - Any single person aged 16 years or over will be assessed as requiring 1 bedroom;
 - Families with 1 child will be assessed as requiring 2 bedrooms;
 - 2 children of the same sex will be assessed as requiring 1 bedroom; when the eldest of the children reaches the age of 16 they will be assessed as requiring 2 bedrooms;
 - 2 children of the opposite sex both aged under 10 years, will be assessed as requiring 1 bedroom; when the eldest child reaches the age of 10 they will be assessed as requiring 2 bedrooms.
 - Larger families with 3 or more children will be assessed in accordance with the age and sex of the children.
- 4.26 Where a household is in overcrowded accommodation, the local authority expects them to discuss their situation with their existing landlord and other services to explore other potential solutions before making an application for the allocation scheme. Existing tenants of a registered provider may be able to benefit from transfer schemes and mutual swap arrangements that their landlord may be able to provide for them.
- 4.27 Tenants who think that their accommodation is overcrowded, unsanitary and/or in disrepair should in the first instance make contact with their landlord. If the tenant remains dissatisfied they should contact the council's Environmental Services department who will advise the tenant and if necessary the landlord, on potential courses of action to resolve any identified problems. If considered necessary Housing Standards officers from the

department will undertake an inspection of the property and then liaise with the landlord to ensure work is carried out to bring the property up to the standard required by legislation. The Environmental Services department may choose to use an Improvement Notice or a Prohibition Order to facilitate this process.

- 4.28 If the council cannot achieve a satisfactory resolution for the tenant following the course of actions outlined above, they may choose to carry the work out in default, and/or prosecute the landlord. If the property is uninhabitable an emergency prohibition order would be served on the landlord preventing the property from being rented out. In this instance the Housing Standards Officer will make a referral with advice on the urgency of the situation.
- 4.29 Upon receiving a referral from the Housing Standards team a housing advisor will undertake an options interview with the householder. One of the options considered with the householder will be whether making an application the allocation scheme offered the best chance of meeting the household's future accommodation needs.
- 4.30 Private sector tenants who occupy a property in serious disrepair and where the Council's Environmental Services department have issued an emergency prohibition order on the landlord will be placed in band 2. This will apply where steps have been taken to remedy the situation with the landlord and the Council are satisfied that the risk cannot be resolved within 6 months and thereby causing a threat to the health of the household.
- 4.31 Households who are assessed as being overcrowded and 2 bedrooms short for their households needs will be placed in band 2.
- 4.32 Applicants who are assessed as overcrowded and 1 bedroom short for their household's needs will be placed in band 3.
- 4.33 Existing tenants of a Registered Provider within Tameside who are under-occupying a property and where a risk of homelessness has been identified due to rent arrears will be placed in band 2.
- 4.34 Existing tenants of a Registered Provider who wish to downsize to free up a property for a family and who are accepted onto the scheme will be placed in band 2.
- 4.35 At all times the Council will have due regard to its duties under the homelessness legislation in making these assessments.

Medical and Disability

- 4.36 People who wish to be re-housed on the grounds of a medical condition or a disability and who do not already have a formal care package will need to have an initial assessment undertaken by the council's Integrated Urgent Care Team who will then refer onto the appropriate specialist team.
- 4.37 People will then need to have their applications supported by a medical professional (Occupational Therapist, Psychiatrist, Hospital Consultant, GP) or a Social Worker. In some cases it will be recommended that people firstly undergo a period of reablement provided by a specialist team from within the Council's Adult Services department prior to a referral being made.
- 4.38 The purpose of the period of reablement will be to carry out a full assessment to establish what would be required to help the individual maintain or promote their levels of independence in their home. A part of this process may include an environmental assessment to decide whether there is equipment or adaptations that can be introduced to the home to promote independence.

- 4.39 In some instances it may not be possible to adapt the property to the standard required and the best means of enabling the individual to maintain their independence will be to help them get re-housed. In this instance the medical professional or a Social Worker will support a referral being made to the scheme.
- 4.40 Where an applicant's current housing is significantly impairing their quality of life due to a medical condition or a disability and where considerable benefit would be derived from being re-housed to a property more suitable to their needs they will be placed in band 2.
- 4.41 Where people's current living situation is causing a serious medical condition to deteriorate further and where the council is likely to owe them a full housing duty, they will be assessed as needing to be re-housed urgently and placed in band 1. This will include people who need to leave hospital and require a home to ensure safe discharge.

Supported Housing

- 4.42 All Council funded supported housing projects are accessed through the Single Point of Access managed by the Council's contractor at Tameside Housing Advice. Once an applicant has been accepted by a supported housing project the housing advisor will make a deferred application onto the scheme. The decision to make the referral 'live' will be taken at a later date after liaison between supported housing officers and staff administering the scheme. Applicants will be placed in band 2 of the scheme unless they have an urgent need to move.
- 4.43 It will be a condition of living in a supported housing project for tenants to fully engage with the service on offer and to take steps identified in the support planning process that would assist in a successful move-on to an independent tenancy.

Compulsory Purchase

- 4.44 Households to whom the council have a duty to find re-house due to their home being subject to a compulsory purchase order or is due to be demolished will be placed in band 1 of the scheme.

5. HOW THE HOUSING REGISTER WILL WORK

Definition of Allocation

- 5.1 Under the terms of Part 6 of the Housing Act 1996 the allocation of housing accommodation by housing authorities is defined in section 159 as:
- (i) Selecting a person to be a secure or introductory tenant of housing accommodation held by a local authority;
 - (ii) Nominating a person to be a secure or introductory tenant of housing accommodation held by another person (i.e. one of the authorities or bodies fulfilling the landlord condition mentioned in section 80 of the Housing Act 1985); or
 - (iii) Nominating a person to be an assured tenant (including of an assured shorthold) of housing accommodation held by a Registered Provider.

What level of priority will an Applicant be awarded?

- 5.2 When an applicants has been accepted onto the scheme they will be place on the register within a band based upon the level of their assessed housing need. See Appendix 1 for further details.
- 5.3 Applicants who are given band 1 & 2 status will be put forward as a priority nomination to the Registered Provider assisting the Council's allocation scheme. Details of the banding are shown in Appendix 1.

How will the size of property be assessed?

- 5.4 In the interests of making the best possible use of the available stock, applicants will be matched with a property that meets the needs of their household. In the interests of promoting tenancy sustainability, checks on household income levels will be made prior to applicants being nominated for a property and advice given if affordability has been recognised as an issue.
- 5.5 Due to the high demand for family accommodation applicants will only be nominated to properties that offer a sufficient number of bedrooms to meet the needs of their household. How the size of property is determined in relation to household needs is outlined in the table below.

Size of Household	No. of bedrooms
Single person	Bedsit/1 bedroom
Couple without children	1 bedroom
A couple expecting a child or with one child living with them	2 bedrooms
Two adults who do not live as couple	2 bedrooms
Single person or couple with two children	2 bedrooms
Single person or couple with two children of the opposite sex, at least one of whom is over the age of 10	3 bedrooms
Single person or couple with a child and one dependent relative.	3 bedrooms
Single person or couple with 3 children	3 bedrooms
Single person or couple with more than 3 children	3 bedrooms or more depending upon the age of the children
Single person or couple with 3 children and one dependent relative	3 bedrooms or more depending upon the age of the children

- 5.6 The following rules will also be applied when determining the size and type of property required:
- Single parents will be considered equivalent to a couple and an unborn child is counted as a child.
 - Two children of the opposite sex under the age of 10 will be expected to share a bedroom.
 - Single people without children will (whenever possible) be offered a bedsit or a 1 bedroom flat; if single people are offered a shared option it will be on the basis of one bedroom per person.
 - Properties that have been adapted for wheelchair use or for people with severe mobility problems will only be allocated to applicants who have been assessed as needing that type of property.
 - The scheme will rarely have access to 4 bedroom properties and these tend to be located in very specific parts of the borough. Applicants with large families will be advised to explore a wider range of options to resolve their housing need.
 - Where applicants have shared care arrangements with ex-partners over children, they will only be allocated an extra bedroom if they are the recipient of child benefit for that child unless there are extenuating circumstances.
 - Extra bedrooms for carers can be allocated where a person requires regular and ongoing care that cannot be provided by another member of the household. Evidence will usually be required from support professionals to confirm these needs and the arrangements made.
 - Where a landlord has rules about allocating properties we will not make an allocation which would contravene that rule, unless the rules contradict law or statutory guidance.
 - Where a property is objectively defined as unsuitable for someone (eg a second floor flat with no lift access is not suitable for a wheelchair user) then they will not be offered that property.

How properties will be allocated under the scheme

- 5.7 Applicants will be placed on a housing register and provided with an assisted home search service. Once accepted onto the scheme all properties allocated to applicants will adhere to the terms outlined in the scheme.
- 5.8 The general principle that will apply under the scheme is that properties will first be allocated to the applicant who is in the highest band, who has been waiting the longest and for whom the property is suitable in terms of size and location. This means that properties will be allocated in the following way:
- 5.8.1 When properties are made available to the scheme, suitable applicants will be looked for in band 1. The applicant who has been on the register the longest and in band 1 will have priority over other applicants.
- 5.8.2 The only exception to the above is when the property has been substantially adapted for a disabled person or is particularly suitable for adaptation and is needed to meet the needs of a disabled person. In this scenario the disabled person from

either band 1 or 2 will be put forward as a nomination prior to an applicant who may have been on the register longer.

- 5.8.3 If there is no person in band 1 for whom the house is suitable then allocation will be made in the same way to an applicant to someone in band 2.
- 5.8.4 If there is no person in band 2 then allocation will be made in the same way to an applicant from band 3.
- 5.8.5 People in supported housing will not be nominated for a property made available to the scheme until their application has been 'made live' in accordance with paragraph 4.32.
- 5.9 In exceptional cases the council reserves the right to use its discretion to allocate properties outside the usual rules of the scheme. Use of discretion will be subject to senior management approval on an individual case by case basis.
- 5.10 The Council will seek to maintain service level agreements with the key Registered Providers to allow an agreed quota of properties to be nominated onto the scheme. Service level agreements will be kept under regular review to ensure that sufficient properties are being nominated to allow the Council to meet the needs of vulnerably housed people in the borough.
- 5.11 When registering with the scheme applicants will be given an opportunity to express a preference on where they would like to live. This will be based upon a division of the borough into 5 broad geographical areas. To maximise the effectiveness of the scheme in getting people re-housed, applicants will be encouraged to choose as many areas as possible where they would agree to be nominated for a property.
- 5.12 Applicants who express a desire NOT to live in any particular area will need to provide reasons why this is the case. A good reason might include the fact that they have been a victim of violence in that area or that they need to be closer proximity to their children's school.
- 5.13 If the Council feel that the reasons for excluding an area are not justifiable the applicant will be informed of the possibility that they may be offered properties in that area and that such an offer would be considered reasonable.
- 5.14 Applicants who have been placed in bands 3 will be informed that they will only be put forward for nomination if there are no suitable applicants in bands 1-2 and that registering with Registered Providers independently might provide them with the best chance of getting re-housed.
- 5.15 Applicants who are nominated for a property will also be interviewed by the housing provider to assess their suitability for the accommodation on offer. Applicants who have made a homelessness application and have been given a housing duty will have their duty discharged if they reject a suitable offer of accommodation and will be removed from the register. Other applicants who reject a suitable offer of accommodation will be given reduced preference and then placed in band 3. They will have a right to review either of these decisions as explained in the scheme.
- 5.16 A suitable offer for the purpose of this scheme is a property that is:
- Fit and available to live in
 - Suitable in relation to its affordability
 - Meets any specific needs of the household in relation to medical needs or disability

- Of adequate size without causing statutory overcrowding
- Not located in an area that has been previously excluded on safety or welfare grounds

5.17 Applicants will be notified in writing on the decisions made regarding the priority band they have been placed in and the size of the property they are eligible to be nominated for. The letter will also contain the notification of their right to request a review on these decisions.

Community Contribution

5.18 The Housing Advice manager has the discretion to apply a community contribution award where a suitable property has become available and there is more than one applicant within band 2 or 3 with equal priority.

5.19 Applicants given a community contribution award will have additional preference over other households and will be nominated for a property before people who have been waiting the same length of time and who need a similar type of property.

5.20 In assessing whether an applicant should qualify for a community contribution award the Housing Advice manager will use the following criteria:

- a) Employment – applicants where there is at least one member of the household in permanent employment, either part or full time. The employment must have been obtained at least 3 months prior to the period in question.
- b) Volunteering – Applicants will have been volunteering for a minimum of 25 hours per month for a registered charity, a recognised community group or a not for profit organisation. The applicant must have been engaged in volunteering for at least 3 months prior to the period in question.
- c) Training – Applicants who have completed or who are undertaking approved job related training. People in supported housing who have completed an accredited pre-tenancy training can also receive a community contribution award.
- d) Carers – Applicants who are in receipt of Carers Allowance
- e) Foster Carers - Applicants who are registered Foster Carers approved by the Council and who require an extra bedroom to provide care for an additional foster child.

5.21 To ensure that disabled, frail or older people are treated equally, if a single applicant or both partners in a couple are unable to work or volunteer, then applicant/s who are in receipt of the high rate of Disability Living Allowance or equivalent, or applicant/s in receipt of Attendance Allowance (or equivalent) will be eligible for Community Contribution award.

Monitoring

5.22 The Council will receive quarterly reports from each Registered Provider detailing the percentage of lets that have been allocated to applicants from the allocation scheme.

5.23 The Council will review its nominations agreement with Registered Providers on a biannual basis. Further details on monitoring arrangements can be found in Appendix 3.

6. ADMINISTRATION OF THE SCHEME

- 6.1 The Council will appoint a management contractor who will provide the day to day management of the scheme and allocate properties to applicants strictly adhering to the terms outlined here. The Council intends to have nomination agreements in place with all the Registered Providers in the borough. The nomination agreements will be reviewed annually to ensure that they are still relevant and able to deliver on the agreed objectives.
- 6.2 The management contractor will be responsible for the following tasks:
- Maintaining partnership arrangements with Registered Providers to ensure supply of nominated properties and positive referral arrangements.
 - Ensuring that advice and information on the Council's Allocation Scheme is available in Tameside and applicants who require it are offered support to make an application.
 - Ensuring that an online process is in place to allow people to make applications to the scheme including advice on the level of information that needs to be provided to allow applications to be validated and accepted for re-housing.
 - Developing, implementing and reviewing procedures to deliver the register.
 - Making the final decision on any applications with regard to eligibility and qualification criteria.
 - Ensuring that all applicants receive written confirmation when accepted onto the scheme including information on the band they have been placed in and any expressed preferences they have made regarding area.
 - Make nominations to Registered Providers of suitable applicants and to liaise between parties to maximise successful allocations.
 - Ensuring that Registered Providers receive personal information when nominations are made to assist in their assessment processes.
 - Making the actual allocation decision under the scheme and arranging for the sign up of any tenancy.
 - Ensuring that people using the service are made aware that a review can be requested on any decision made relating to themselves and the allocation scheme.

Asking for a decision to be reviewed

- 6.3 Applicants have rights under the Act to ask for a review of certain decisions on the following grounds:
- a) Their application to join the scheme has been refused on the grounds that they are not eligible.
 - b) The applicant does not meet the qualifying criteria to join the scheme

- c) The applicant is removed from the scheme on the grounds that they are no longer eligible.
- d) The applicant has been given reduced priority or no priority on the grounds of serious unacceptable behaviour.
- e) Any decision about the facts of a particular application which have been taken into account to assess where an applicant should be placed on the banding system, the size of the property they should be allocated or whether an allocation should be made.
- f) The applicant has refused a direct allocation of accommodation which the Council consider to be a reasonable offer. In cases where the council have discharged the housing duty after the applicant has refused a reasonable offer, any requests for a review will follow the statutory homelessness review procedures provided by Part 7, Housing Act 1996.

6.4 Applicants should request a review within 21 days of being notified of a decision.

6.5 Reviews will be carried out on behalf of the Council by someone who was not involved in the original decision.

6.6 Applicants who submit a review will be contacted within 5 working days and either invited in for an interview or invited to submit further information in support of their review request. The reviewing officer will complete the review investigations and reach a final decision within 56 days of the review being submitted.

6.7 Once decisions have been made the Applicant has a right to be informed of the decision and the grounds used for making it in writing.

Complaints

6.8 An applicant who is not satisfied with the service that they receive may in the first instance register a complaint with the Housing Advice Manager as the contractor responsible for delivering the service on behalf of the Council.

6.9 Applicants who are not satisfied with the outcome of their complaint as dealt with by the contractor then have an option of taking the issue up to 2 stages further by approaching the Council directly.

6.9.1 Stage One

Complaints will be allocated to the Head of Customer Care and Advocacy and then delegated to an appropriate officer within the Council. The delegated officer will investigate the complaint and respond to the applicant within 20 working days. An acknowledgement of the complaint being received should be made within 5 working days and in instances where the investigation is taking longer than the prescribed 20 days the applicant should be updated at regular intervals.

6.9.2 Stage Two

If the applicant remains dissatisfied with how they have been treated and feel they are a victim of an injustice or maladministration of the scheme they can take their complaint a stage further. To do this the applicant must complain to the Corporate Complaints Officer who will then allocate the complaint to the Assistant Executive Director for Community Services. The applicant should receive a reply within 20 working days outlining the outcome of their complaint. If it is not possible to respond to within the prescribed 20 days

the Council will be responsible for ensuring the applicant receives an explanation of why delays have occurred and information of when they can expect a full reply.

6.9.3 A complaint to the Council can be made by using the on-line complaints system at - <http://www.tameside.gov.uk/complaints> or by email to complaints@tameside.gov.uk

6.9.4 Alternatively applicants can chose to submit their complaint by post addressed to:

Corporate Complaints Officer,
Tameside MBC,
FREEPOST,
Council Offices,
Wellington Rd,
Ashton under Lyne, OL6 6DL

6.9.5 Applicants who would prefer to present their complaint in person can do so at any of the council offices, at their local councillor surgeries or by telephone by ringing 0161 342 2836.

6.10 If the applicant has progressed their complaint through the Corporate Complaint system and is still not satisfied they have the right to contact the Local Government Ombudsman who is not part of Tameside MBC.

6.11 For advice on making a complaint, or to make a complaint over the telephone, please call the LGO Advice Team on 0300 061 0614 or 0845 602 1983 or write to:

The Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH
Fax: 024 7682 0001

Review of Applications

6.12 Each application for housing will be reviewed at least annually, on the anniversary of their admission on to the scheme. The review will determine if the applicant still wishes to remain registered under the scheme and whether their circumstances have changed.

6.13 If an applicant initially fails to reply to their annual review, they will be sent a reminder. Failure to respond to this reminder will result in the applicant being removed from the scheme. If good reason can be shown why they failed to respond to the review the application may be reinstated.

Communication

6.14 Any person who completes an online enquiry form or who has been placed within a band on the scheme is entitled to a written explanation of how decisions were made and under what criteria

6.15 An applicant will at their request be shown and be given a copy of their entry on the register. The Council will also on request from the applicant, provide such information that is practicable and reasonable to supply, to explain their position and level of priority on the register in relation to when an offer of suitable accommodation might be made.

6.16 An applicant has the right to be informed of any facts contained in their file which are likely to be taken into account when making any decisions relevant to allocation of housing to them.

Change of Circumstance

6.17 All applicants are required to notify the Council by telephone or by completing an online form immediately of any change to their circumstances which may affect their priority for housing. Applicants who have had a change of circumstance and have not informed the Council or its management contractor may have their application suspended whilst an investigation takes place.

Cancellation of Applications

6.18 Applications will be cancelled if:

- An applicant requests cancellation;
- An applicant's circumstances change and they are no longer eligible;
- An applicant fails to return a review form within a reasonable time;
- An applicant who is owed a full housing duty refuses what is deemed to be a reasonable offer of accommodation;
- New information comes to light which reveals that the applicant does not meet the eligibility and/or qualifying criteria and they should not have been allowed to join in the first place;
- An applicant is found following an investigation to have made false or deliberately misleading statements in connection with their application (in such cases the applicant may be suspended for up to 12 months depending on the seriousness of the false or misleading statement).
- An applicant has been housed in a starter tenancy, a secure tenancy or an assured tenancy by another local authority or Housing Association in or outside of the Tameside area.

APPENDIX 1

Tameside Allocation Scheme 2016

Tameside Allocation Scheme – Banding Structure

The information in the table below is for guidance only. Please refer to section 4 in the policy for a full explanation of the banding structure

Management Discretion

The Council reserves the right to use its discretion in awarding additional preference and placing households into band 1 in cases of exceptional circumstances. Such decisions will be kept to a minimum and will be made by the Housing Advice manager. Examples of the type of circumstances where this discretion may be used include:

- Households who are due to made homeless and where an allocation would avoid a temporary accommodation placement having to be made, where such a placement would cause undue hardship.
- An applicant assisted to move on quickly from a supported housing project to enable another household at risk of homelessness and in need of that service to benefit.

Management discretion can also be used to make a community contribution award where a suitable property has become available and there is more than one applicant within band 2 or 3 with equal priority.

Ref	BAND 1
4.40	Applicants who need to be urgently re-housed on the grounds of a serious medical condition where their current living situation is causing their health to deteriorate and where the council is likely to owe them a full housing duty. This will include applicants who need to leave hospital and require a home to ensure safe discharge.
4.16	Applicants where a member of the household need to move to another locality to relieve hardship either for themselves or for someone they will be providing care for and a Senior Manager has identified that a move is required urgently.
4.11	Applicants who are in life threatening circumstances and at serious risk of harm by remaining in their current accommodation.
4.15	<p>Serving and former members of the armed forces who are in urgent housing need.</p> <p>Additional preference will be given to the following categories of Armed Forces, in line with statutory regulations and guidance, who fall within on or more of the reasonable preference categories and have urgent housing needs:</p> <ul style="list-style-type: none"> • Former members of the Armed Forces • Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service • Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner

	<ul style="list-style-type: none"> Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
4.7	Applicants who are owed a full housing duty under section 193(2) of the Housing Act 1996 and who have been in temporary accommodation for over 28 days.
4.43	Households where the council has a duty to them a new home due to their home being subject to a compulsory purchase order or is due to be demolished
	BAND 2
4.6	Households who are threatened with homelessness and to whom the council owe a duty under Section 195(2) of the 1996 Housing Act and who choose to take up a prevention option will be placed in band 2.
4.7	Households who are accepted as homeless and given a housing duty under section 193(2) or 195(2) of the 1996 Housing Act will be placed in band 2. They will be assisted to find a suitable property and once offered accommodation this will be a final offer under Part 7 in accordance with Section 193(7) of the 1996 Act.
4.31	<p>Households who are assessed as being overcrowded and 2 bedrooms short for their households needs.</p> <p>These households will not qualify for the scheme where it is deemed by the Housing Advisor that they had contrived an overcrowding situation with a view to gaining preferential access to housing.</p>
4.30	<p>Private sector tenants who occupy a property in serious disrepair and where the Council's Environmental Services team have issued an emergency prohibition order on the landlord.</p> <p>This will apply where steps have been taken to remedy the situation with the landlord and the Council are satisfied that the risk cannot be resolved within 6 months and thereby causing a threat to the health of the household.</p>
4.33	Existing tenants of a Registered Provider within Tameside who are under-occupying a property and where a risk of homelessness has been identified due to rent arrears.
4.34	Existing tenants of a Registered Provider who wish to downsize to free up a property for a family and who are accepted onto the scheme will be placed in band 2.
4.39	Applicants whose current housing is significantly impairing their quality of life due to a medical condition or a disability and where considerable benefit would be derived from being re-housed to a property more suitable to their needs.

4.22	<p>Care leavers unless there are circumstances where the young person has been given either additional or reduced preference under the terms of the scheme.</p> <p>These young people will have been assessed by the council's Leaving Care Team as being ready to move into an independent tenancy and who have a support package in place to assist their transition.</p>
4.23	<p>Applicants who are registered Foster Carers approved by the Council and who require an extra bedroom to provide care for an additional foster child.</p>
4.41	<p>Applicants accepted by a supported housing project based in Tameside.</p> <p>Initially this will be a deferred application onto the scheme until the decision to make the referral "live" has been taken at a later date. This will be done after liaison between supported housing officers and staff administering the scheme.</p>
4.14	<p>Applicants where a member of the household needs to move to another locality and in doing so relieve hardship for either themselves, or for someone they will be providing care for.</p>
	<p>BAND 3</p>
4.32	<p>Applicants who are assessed as living in overcrowded conditions and are 1 bedroom short for their households needs. This category will not be available to any applicants whose overcrowding is reasonably believed by the council to have been brought about intentionally to gain an advantage in terms of re-housing.</p>
4.10	<p>Households who make a homelessness application and where the assessment has determined that they are homeless and in priority need but that they have made themselves homeless intentionally.</p>
5.15	<p>Applicants who have been given reduced priority after refusing a reasonable offer of accommodation under the terms of this Allocation Scheme.</p>

(APPENDIX 2 -Tameside Allocation Scheme 2016)

Local Lettings Plans

New Charter Housing Trust and other participating registered providers, in agreement with the council may develop local lettings plans for specific areas, estates, or blocks in order to develop and promote balanced and sustainable communities. Local lettings policies may include incentives to encourage more employed tenants to live in a certain area and reward schemes to people who have made a community contribution with a view to promoting the sustainability of an area. The above are examples only.

Any decision to implement a local lettings policy will always take into account the implications for equal opportunities and the need for the Council's scheme to meet the allocation needs of those owed a reasonable preference.

The following are examples of local letting policies that could be employed in Tameside covering an area, estate, or block:

- Age Circumstances
- Preference to accept bids from those employed or undertaking training.
- Transfer applicants with a positive Tenancy history re rent arrears and behaviour
- Applicants that can demonstrate a contribution to the local community such as voluntary work. This could be specific to the area where a local letting policy is deployed or could be voluntary work regardless of which community benefits.
- Applicants with a strong family connection to certain areas
- Applicants who are key workers as defined by the Council. This could be in the health services, social care, transport, etc.
- Second generation applicants whose parents have a positive tenancy history regardless of sector housed.
- Applicants in private rented sector who have a positive tenancy history assessed through reference including perfect rent record, maintaining a property in good condition, no complaints of anti-social behaviour.

Local 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.

(Appendix 3 -Tameside Allocation Scheme 2016)

Monitoring Arrangements

As a separate process the council will undertake quarterly monitoring of how the scheme operates against a range of performance criteria. This will include an analysis of how long applicants in each band are likely to have to wait for a nomination taking account their areas of choice. This will then enable the Council to provide applicants with prospects advice informing people on how long they are likely to wait for certain properties and in certain areas. However, this information is only a snapshot and cannot take into account changes to the register and the number and type of future vacancies.

This information will be used to encourage applicants to consider a wide area of choice and to consider properties in areas where they have a greater likelihood of being successful. Applicants will also be asked to consider properties in the private rented sector if they require a specific area where demand is high or they have not been assessed as coming under one of the higher bands.

The council will also use this information to review the profile of the properties that are being nominated by the Registered Providers. An analysis will be carried out based on the type, size and geographical distribution of the properties that have been made available set against the proportion of successful nominations for each criteria.

(Appendix 4 -Tameside Allocation Scheme 2016)

Tameside Housing Register – Expressed Preference by Area

Due to the high demand for housing there is no guarantee that applicants will be allocated a property in their area of preference. Applicants need to clearly state if there are areas they want to exclude and to provide reasons for doing so.

The only reasons accepted for excluding an area are on safety and welfare grounds.

Zone	Areas	Preference Rank areas from 1 to 5 in terms of preference with 1 being the most preferred	Reason for excluding a zone (this must be documented)
Central (Guide Bridge to the White Bridge)	Ashton Dukinfield Guide Bridge West End		
South West	Audenshaw Denton Haughton Green		
West (of M60)	Droylsden Fairfield Littlemoss		
South East	Gee Cross Hattersley Hyde Mottram		
North East (boundary between Ashton & Stalybridge on the eastern side of the General Hospital)	Carrbrook Millbrook Micklehurst Mossley Stalybridge		

APPENDIX 2



HOUSING ALLOCATION SCHEME CONSULTATION

1. We want to hear your views. This information will only be used as part of the consultation and will not be used or processed for any other purpose. Thank you for joining in our Big Conversation.

Name:

Address 1:

Address 2:

Town:

Postcode:

Email

QUESTIONS

2. The government have expressed a view that people should have lived in an area for at least 2 years before they can be allocated social housing. The Council are proposing that the residency requirement would not apply in certain cases where there is a welfare need. This would include people to whom the Council owe a homelessness duty, people fleeing domestic abuse and young people who are leaving care.

How long do you think people should have lived in Tameside before they can qualify for the scheme? (Please tick one box only)

- 2 years
 3 years
 4 years
 5 years or more

3. We are proposing to retain our current policy of restricting those who are allowed to join the scheme to the following people:
- People who have been assessed as being in housing need.
 - People who need to move due to the Council undertaking a compulsory purchase order on their home.

- People who need to move home to allow them to undertake foster parent duties requested by the council.
- People who live in supported housing schemes funded by the Council under 'supporting people'.

We are proposing to add to this list the following group:

- People who are under-occupying a social housing property and have more bedrooms than they need for the number of people in the household and as a consequence have gone into rent arrears due to the removal of the spare room subsidy (bedroom tax).

To what extent do you agree that the groups listed above (including the group we are proposing to add to the list) are the correct ones to qualify for the Council's allocation scheme? (Please tick one box only)

- Strongly agree (Go to Q5)
- Agree (Go to Q5)
- Disagree (Go to Q4)
- Strongly disagree (Go to Q4)

4. Please explain why you disagree that the groups listed at Q3 are the correct ones to qualify for the Council's allocation scheme? (Please state below)

5. The current Housing Allocation Scheme recognises the importance of allowing people to express a preference about the type of property they would like to live in and in which area. This is known as 'Policy on Choice' (section 2.8 to 2.13 of the scheme). How strongly do you agree or disagree that the 'Policy on Choice' should be retained within the scheme? (Please tick one box only).

- Strongly agree
- Agree
- Disagree
- Strongly disagree

6. How strongly do you agree or disagree that the current unacceptable behaviour criteria within policy is correct (section 3.15 of the scheme)?

- Strongly agree

- Agree
- Disagree
- Strongly disagree

7. Under the current scheme anyone who has former rent arrears of over £1000 does not qualify to join. We are proposing to remove this criteria and allow people to join provided they have made regular payments to reduce their debt.

How strongly do you agree or disagree with this proposed change in the policy?

- Strongly agree
- Agree
- Disagree
- Strongly disagree

8. Under the current scheme the Council does not have a policy of checking people's income levels to assess whether they can afford to start a tenancy and live independently. However some social housing providers would like to see the Council introduce such a policy before people are allocated a property under the scheme.

How strongly do you agree or disagree that the Council should check an applicant's income levels prior to them starting a tenancy?

- Strongly agree
- Agree
- Disagree
- Strongly disagree

9. Do you have any other comments you wish to make on Tameside's Housing Allocation Scheme? (Please state below)

10. Please tick the box that best describes your interest in this issue? (Please tick one box only)

- A member of the public (Go to Q11)
- A community or voluntary group (Go to Q12)
- A partner organisation (Go to Q12)
- A business / private organisation (Go to Q12)
- A TMBC staff member (Go to Q12)
- An employee of a Tameside social housing provider (Go to Q12)
- Other (please specify below) (Go to Q12)

11. How would you best describe your current housing status? (Please tick one box only)
- I own my house (outright or with a mortgage)
 - I rent from a private landlord
 - I rent from a Registered Social Landlord e.g. New Charter, Regenda, Peak Valley
 - I live rent free e.g. with parents or friends
 - I live in supported housing
 - Other (please state)

12. Are you.....?

- Male
- Female

13. What is your Age? (Please state)

14. Which ethnic group do you consider yourself to belong to? (Please tick one box only)

- White - English / Welsh / Scottish / Northern Irish / British
- White - Irish
- White - Gypsy or Irish Traveler
- Other White background (please specify in the box below)

- White & Black Caribbean
- White & Black African
- White & Asian
- Other Mixed background (please specify in the box below)

- Black/Black British – African
- Black/Black British – Caribbean
- Other Black / African / Caribbean background (please specify in the box below)

- Asian/Asian British - Indian
- Asian/Asian British - Pakistani
- Asian/Asian British - Bangladeshi
- Asian/Asian British - Chinese
- Other Asian background (please specify in the box below)

- Arab
- Any other ethnic group (please specify in the box below)

15. Are your day-to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? Include problems related to old age. (Please tick one box only)

- Yes, limited a lot
- Yes, limited a little
- No

16. Do you look after, or give any help or support to family members, friends, neighbours or others because of either: (Please tick one box only)

- Long term physical or mental ill-health / disability?
- Problems due to old age?

- No
- Yes, 1-19 hours a week
- Yes, 20-49 hours a week
- Yes, 50 or more a week

APPENDIX 3

Background data on Big Conversation participants

Current Housing Status

I own my own house (outright or with a mortgage)	18.8%	6
I rent from a private landlord	9.09%	3
I rent from a Registered Social Landlord	30.30%	10
I live rent free	6.06%	2
I live in supported housing	27.27%	9
Other	9.09%	3

Gender

Male	47.73%	21
Female	52.27%	23

Ethnicity

White	86.05%	37
Other white background	2.33%	1
Black/Black British	4.65%	2
Arab	4.65%	2
Any Other Ethnic Group	2.33%	1

Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last at least 12 months?

Yes, limited a lot	13.95%	6
Yes, limited a little	30.23%	13
No	55.81%	24

Do you look after, or give any help or support to family members, friends, neighbours or others because of either long term physical or mental ill health/disability or problems due to old age?

No	81.40%	35
Yes 1-19 hours per week	7%	3
Yes 20-49 hours per week	4.5%	2
Yes, 50 hours or more per week	7%	3

Please tick the box that best describes your interest in this issue.

A member of the public	75%	34
A community or voluntary group	4.5%	2
A partner organisation	9%	4
A business / private organisation	2%	1
A TMBC staff member	2%	1
An employee of a Tameside social housing provider	4.5%	2
Other (please specify below)	2%	1

APPENDIX 4

Tameside Equality Impact Assessment

Subject / Title	Social Housing Allocation Scheme
------------------------	----------------------------------

Service Unit	Service Area	Directorate
Customer Care and Advocacy	Stronger Communities	People

Start Date	Completion Date
19 May 2015	13 April 2016

Lead Officer	Colm O'Brien
Service Unit Manager	Mandy Kinder
Assistant Executive Director	Emma Varnam

EIA Group (lead contact first)	Job title	Service
Colm O'Brien	Senior Housing Strategy Officer	Customer Care and Advocacy
Diane Barkley	Poverty and Prevention Manager	Customer Care and Advocacy
Maureen Ashcroft	Housing Advice Manager	Tameside Housing Advice
Jenni Edgar	Allocations Manager	Tameside Housing Advice
Lyn Scaplehorn	Social Worker	Children's Services

PART 1 – INITIAL SCREENING

1a.	What is the project, policy or proposal?	A review of the councils social housing allocation scheme
1b.	What are the main aims of the project, policy or proposal?	To update the council's Allocation Scheme to comply with the latest guidance issued by the government and other regulatory bodies.

1c. Will the project, policy or proposal have either a direct or indirect impact on any groups of people with protected equality characteristics?

Where a direct or indirect impact will occur as a result of the policy, project or proposal, please explain why and how that group of people will be affected.

Protected Characteristic	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Age	✓			31% (59) of people rehoused through the scheme last year were under the age of 24. 7% (12) were over the age of 65 Young care leavers will have a direct positive impact as they will now be allowed to register onto the scheme on their 16 th birthday allowing them to be accommodated more quickly.
Disability		✓		The Allocation Scheme is the main access route for people who need to move for reasons related to a disability.
Ethnicity		✓		Households from within the BME community access social housing through the scheme.
Sex / Gender		✓		Females are one of the groups with a protected equality characteristic and comprised 50% of the households whom the council had a statutory duty to re-house last year.
Religion or Belief			✓	Households who are accommodated through the scheme are not assessed for their religious needs when being offered a property. The council has not received any review requests on these grounds and the evidence suggests that the new scheme will have little or no adverse impact upon applicants with religious beliefs.
Sexual Orientation			✓	There is a limited information on the sexual orientation of people who have applied and/or been accommodated through the scheme.

Gender Reassignment			✓	There is limited information on the housing needs of people who have undergone gender reassignment.
Pregnancy & Maternity		✓		Pregnant women who make a homelessness application have priority need status under Section 193(2) of the Housing Act 1996 and are likely to have their housing needs met through the scheme.
Marriage & Civil Partnership			✓	The marriage status of applicants is not information that is collected under the current scheme and there are no proposals to change that.
Are there any other groups who you feel may be impacted, directly or indirectly, by this project, policy or proposal? (e.g. carers, vulnerable residents, isolated residents)				
Group (please state)	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Households on a low income	✓			The current Allocation Scheme aims to assist people who are in housing need whose income is below a certain threshold. The council are intending to retain this aim in the revised scheme.
Carers	✓			People who need to move to a particular locality in order to provide care for someone will satisfy the proposed qualifying criteria.
Vulnerable residents	✓			Some vulnerable residents are already direct beneficiaries of the allocation scheme and the proposed changes will help more people who have former housing related debt.
Homeless people	✓			Homeless people already qualify for the existing scheme as a group who should be given reasonable preference in the allocation of social housing. Under the changes being introduced homeless households who have been placed in temporary accommodation for more than 28 days under a duty will receive extra priority to be re-housed.

1d.	Does the project, policy or proposal require a full EIA?	Yes	No
		✓	
1e.	What are your reasons for the decision made at 1d?	How the Council delivers its allocation scheme potentially has an indirect impact on the groups identified in table 1c and a direct impact on some other identified groups in the community. Undertaking a full EIA will enable us to fully analyse how the impact of the policy might materialise among these groups.	

PART 2 – FULL EQUALITY IMPACT ASSESSMENT

2a. Summary
<p>Tameside Council are required by legislation to have an Allocation Scheme (Scheme) describing how they allocate social housing within the borough. This duty exists despite the fact that the council does not have housing stock of its own as there is an expectation that agreements are reached with the social housing providers (Registered Providers) who operate in the borough.</p> <p>Working with Registered Providers operating in Tameside and with other key stakeholders and following consultation with the general public the following key revisions have been made to Tameside's Allocation Scheme:</p> <ul style="list-style-type: none"> • the introduction of a key objective in relation to the relief of poverty and an amended financial threshold • New local connection requirements based on two years residency in the borough and thereby complying with the governments statutory guidance • The qualification criteria with regard to former rent arrears has been widened to include all housing related debt but with the removal of the former £1000 threshold. • Existing tenants of a Registered Providers who need to move for employment related reasons will qualify for the scheme in some circumstances. • The definition of in housing need has been expanded to include additional groups

who will now qualify for the scheme.

- Careleavers will be able to register for the scheme from their 16th birthday and will be allowed to accrue waiting time.
- Existing tenants of a Registered Provider who are under-occupying a property and who wish to move either because they are in rent arrears or who would like a smaller property will now qualify for the scheme.

Social housing refers to accommodation provided by Registered Providers at a rent set lower than the market rent in the area.

Overall there is an expectation that the proposed changes to the allocation scheme will have a positive impact particularly with reference to people on a low income, carers and young care leavers.

The potential adverse impacts caused by the changes relate to the introduction of affordability assessments and the two year local connection rule.

We propose to mitigate against the potential adverse consequences by monitoring outcomes over the first 12 months in relation to affordability and local connection. In addition we will continue to monitor through the reviews received on the suitability of offers, how the policy on choice impacts upon different groups in the community.

This EIA examines the impact the revised Housing Allocation Scheme will have upon people from different protected characteristic groups who apply for housing via the scheme. This EIA concentrates on the revised elements of the scheme and their impact as an EIA already exists for the provisions within the original scheme.

2b. Issues to Consider

Context

Since 2013 the Council's scheme allows people who can prove they have a housing need to register for social housing. A housing need might include homelessness, living in overcrowded conditions or needing to move to care for a family member.

Other situations that are classed as being in housing need are people who need to move home to take up foster parent duties and people who are moving out of supported housing.

As well as being classed as in housing need, applicants to the existing scheme also need to show that they have a local connection which means that they need to have lived in Tameside for 6 months out of the last 12, or 3 years out of the last 5.

Applicants to the scheme are also not allowed to register if they have been found guilty of unacceptable behaviour that means they are considered to be unsuitable to be a tenant. Unacceptable behaviour under the criteria used by the scheme includes having former rent

arrears, anti-social behaviour and criminal convictions that would impact upon a tenancy or the local area where they live.

New Statutory Guidelines

Since the introduction of the current scheme in 2013 the government has issued two new sets of guidance on how they would like Councils to manage social housing allocation schemes.

Firstly the Secretary of State recommended that local authorities should set a residency requirement of a minimum of 2 years before they allocated anyone social housing in their area. This is different from the local connection criteria Tameside council currently applies which is derived from the legislation that applies to homeless households.

The second set of guidance from the government was called "The Right to Move". This guidance proposed that current social housing tenants who need to move for reasons related to employment should be allowed to join council schemes and given a reasonable amount of preference to enable them to secure housing in the place where they have got a job.

Over the past 2 years there have been increased economic pressures on both potential applicants to the scheme and the social housing providers who put forward properties for allocations to be made. There have been ongoing discussions between council officers and the social housing providers on how these economic pressures impact upon the scheme.

Consultation

Initial consultation was carried out with the following key Registered Providers with whom the council has nomination agreements with:

- Accent Homes
- Ashton Pioneer Homes
- Contour Homes
- Guinness Northern Counties
- New Charter Homes
- Peak Valley Housing Association
- Regenda Housing Group
- Sanctuary Housing Association
- Your Housing Group

Some of the initial discussions regarding the review of the Allocation Scheme took place through meetings of the Tameside Registered Provider Forum in the latter half of 2015. These discussions led to the establishment of a short life working group comprising representation from the council, Tameside Housing Advice and Registered Providers. This group met in early January prior to the wider consultation and again in March to consider the responses that had been received.

This process identified the following issues where either the current policy needed to be amended or where wider consultation was needed prior to changes being finalised.

a) Charitable Objectives

Some Registered Providers were interested in amending some of the financial thresholds that were being applied to ensure that the scheme was compatible with their own charitable aims and objectives. It was agreed to look at the underpinning key objectives behind the scheme and to look at the threshold being applied to ensure the scheme focussed on the

relief of poverty.

b) Unacceptable Behaviour

There was consultation with the Registered Providers regarding the overall principle of applying unacceptable criteria on people who applied to join the scheme. Overall there was support amongst all the Registered Providers in retaining unacceptable behaviour criteria and being as consistent as possible with their own allocation policies.

The issue of rent arrears being a barrier to accessing housing received particular attention due to a ruling from the local government ombudsman that local authorities needed to frame the wording of the criteria they used, to ensure it allowed a flexible approach and could be adapted based on a person's ability to pay. When this issue was discussed with Registered Providers they understood the need to review the existing policy and were supportive of the need to find a more flexible approach.

c) Young People and Care Leavers

Discussions were organised between the Registered Providers and the councils Children's Services to discuss the development of a young person's pathway into housing with specific reference to care leavers. An agreement was reached in principle to amend the existing scheme and allow care leavers to join the housing register on their 16th birthday and accrue waiting time whilst they underwent training to ensure they acquired the necessary lifeskills to maintain an independent tenancy.

d) Under-occupation

In the light of the removal of the spare room subsidy under the housing benefit regulations along with the cuts in council tax benefits and other aspects of welfare reform there is a recognition that more existing tenants are falling into rent arrears and are at risk of becoming homeless. In the interests of preventing homelessness a proposed change to allow such households to qualify for the scheme was given support. When the proposed changes to the scheme were discussed at Board in April 2016 a proposal was made to extend this qualifying criteria to any household under-occupying a property and who wished to move to somewhere smaller.

e) Affordability

Under the current scheme there are no requirements upon the council to carry out affordability checks prior to nominating an applicant for a property. A number of Registered Providers suggested that this should be introduced in some form in the interests of avoiding nominating applicants to a property they would be unable to afford to maintain due to their low income. There is concern that if applicants are provided with accommodation which increases their potential of going into debt a long term solution to their housing need will not have been found.

The Big Conversation

A public consultation exercise was carried out primarily through the council's Big Conversation consultation and engagement webpage between 1 February and 26 February 2016. In addition to members of the public completing the survey independently through the Big Conversation, council officers also promoted the consultation through dedicated information sessions at the following venues in the borough:

- New Charter Hub, Ashton under Lyne
- Hyde Library

- Adullam Floating Support Project
- Westbrook (supported housing project)
- Wickham House (supported housing project)

A total of 45 people completed the survey answering a range of questions based on both the current scheme and on some of the changes we were proposing to make.

Residency requirement

In the consultation the residency requirement issue was raised and respondents were asked to indicate what length of residency requirement should be introduced with potential responses ranging from two years to five years plus. On this question there was a clear preference to keep the residency requirement as low as possible and 68% (30) of those who answered said it should be no longer than 2 years.

Whilst the council have to adhere to government guidance on the issue of residency, consideration needs to be given on the direct or indirect impact it may have on groups with a protected characteristic.

Choice

In the consultation people were informed that the council intended to retain its current policy with regard to the level of choice the scheme gave people over the areas and properties they would be offered. They were then asked to what extent did they agree or disagree with the current policy. Out of those who responded to this question over 75% (35) said they either agreed or strongly agreed with the current policy. The current policy stipulates that applicants are allowed to express a preference over the area they would like to live in but they cannot refuse to accept a suitable property if offered in another area that may not be their first choice. The consequence of refusing a suitable offer would be to be given reduced preference and therefore less likely to be offered another property in the future.

Consideration needs to be given as whether the policy of not allowing applicants a full choice over where they live has an indirect negative impact upon any group with protected characteristics. People who would like to live in a particular area of the borough for religious reasons would be an example of a group with a protected characteristic who may be indirectly impacted upon if this policy was strictly enforced without the use of discretion.

Qualification Criteria

In the consultation people were asked to what extent did they agree with the council's intention of retaining the current qualification criteria of only accepting households who had a proven housing need. At this stage of the consultation it was proposed that any existing tenant of a Register Provider should also qualify for the scheme if they had fallen into rent arrears due to under-occupation and the loss of the spare room subsidy. Out of those who responded to this question 91% (41) said that they either agreed or strongly agreed with this policy proposal.

After the report was discussed at Board it was agreed that a further question should be placed on the Big Conversation page to gather people's views on a proposal to extend the qualifying criteria to any household occupying social housing who wished to move to a smaller property. Out of those who responded to this question 75% (6) said that they either agreed or strongly agreed with this proposal.

Unacceptable Behaviour

In the consultation there were 2 questions that related to the current qualification criteria in relation to unacceptable behaviour. People were firstly asked whether the current unacceptable behaviour criteria was correct to which 73% (30) either strongly agreed or

agreed that it was.

The second question on this issue was in relation to a change that the council were proposing to make on the criteria that applicant's with former rent arrears of over £1000 should not be allowed to join the scheme. The proposal that this criteria be relaxed and changed to one where people would be assessed against their record of making repayments against their debt received strong support amongst people taking part. A total of 25 people strongly agreed with this proposed change representing over 55% of the total taking part with a further 35% (16) agreeing with the proposed change.

There is no evidence that either the current qualification criteria or the proposed changes would have any direct impact upon any groups with a protected characteristic.

Working households and community contribution

Under the existing scheme applicants who are deemed to qualify for a community contribution award will in some circumstances be given additional preference over other applicants with the same waiting time. To ensure that people with disabilities and older people are treated equally any applicant who are in receipt of high rate Disability Living Allowance or of Attendance Allowance would also be eligible for the Community Contribution Award.

With the introduction of the Right to Move guidance by the government consideration needs to be given on the indirect impact this might have on applicants who are unable to work or who are disadvantaged in the employment market.

2c. Impact

It is anticipated that the main impact from the changes made to the councils allocation scheme will be a positive one with the following groups seeing some benefit:

Young People

Young care leavers will now be allowed to join the scheme from their 16th birthday provided they have the support of their personal advisor. This will be part of a partnership approach between Children Services and the Registered Providers whereby the young person is allowed to accrue waiting time on the register on the condition they engage with tenancy preparation training. The outcome of this approach will be to enable the young care leaver to access a suitable tenancy as soon as they are deemed ready and quicker than they do under the current scheme.

There is the potential that some young people will experience an adverse impact with the introduction of more stringent affordability checks prior to being nominated a property. As young people are more likely to be on a lower than average income there may be a reduction in the level of affordable property available to them.

Young people of school age may be adversely impacted upon by the policy of not allowing applicants to have a choice over the specific area in the borough where they would like to live. If applicants are offered a property that is not in proximity to where their children attend school they may be of the opinion that this is not to their benefit.

The introduction of a two year residency criteria upon applicants before applicants are allowed to join the scheme is a statutory requirement that could have a disproportionate

adverse impact upon young people due to their greater geographical mobility.

People on a low income

A new key objective has been introduced of making a contribution to the alleviation of poverty and other revisions made will help to make the scheme more accessible to people on a low income. The qualification criteria has been expanded to allow people who are subject to the loss of the spare room subsidy due to under-occupation to access the scheme.

The £1000 limit in relation to former rent arrears has been removed and applicants in housing need will be allowed to join the scheme on the basis of entering into a repayment plan.

As a result of requests from Registered Providers the income threshold has been removed on the grounds that it may have excluded people who were in genuine hardship. This has been replaced with an income assessment based on the local housing allowance.

Carers

A specific criteria has been introduced to allow carers who live outside of Tameside access to the scheme to allow them to carry out a carers role for someone living in the borough.

2d. Mitigations

<p>Impact1 Affordability checks and their potential adverse impact upon young people</p>	<p>Through our partnership agreements with Registered Providers we will look to maximising the level of affordable stock suitable to be let to young people.</p> <p>We will look to direct young people towards support that can help them maximise their income levels and to enhance their opportunities to gain higher paid employment.</p> <p>We will encourage young people to consider the widest range of accommodation options including shared tenancies as a means to reducing their costs.</p>
<p>Impact 2 Young people of school age being offered properties not in close proximity to their school</p>	<p>Under the current policy there is a stipulation that when nominating an applicant for a property the scheme must have regard for a range of other issues relevant to promoting a sustainable tenancy. Explicit reference is made to the proximity to schools if young children form part of the household and the need to give this consideration before nominating an application for a property. Under the new scheme this approach will be retained.</p>
<p>Impact 3 The introduction of a two year local connection residency requirement and its impact upon young people</p>	<p>The potential adverse impact of this policy upon young people and other groups of people with a protected characteristic will be mitigated by the exemptions that have been granted to applicants deemed to be in housing need. This list includes people who the council have a housing duty towards, people living in supported housing, people fleeing domestic abuse and young care leavers.</p>

2e. Evidence Sources

- Big Conversation consultation outputs
- Allocation of accommodation: guidance for local housing authorities in England 2012
- Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967), which came into force on the 20 April 2015
- Allocation of Housing (Qualification criteria for Armed Forces) (England) Regulations 2012 (S12015/967)

2f. Monitoring progress

Issue / Action	Lead officer	Timescale
<u>Checks on Affordability</u> Over the first 12 months of the new scheme we will assess how the affordability checks have impacted on applicant's ability to access accommodation based on age.	Colm O'Brien	September 2017
<u>Policy on Choice</u> Based on the number of review requests received in relation to suitability of properties being offered we will continue to monitor how the policy impacts upon all groups with a protected characteristic.	Colm O'Brien	September 2017
<u>Local Connection</u> We will monitor the number of applicants who fail to qualify for the scheme due to not fulfilling the 2 year residency requirement and assess whether this had any specific impact across groups with a protected characteristic based on the data that is available.	Colm O'Brien	September 2017

Signature of Service Unit Manager	Date
Signature of Assistant Executive Director	Date

(Appendix 1 – Equality Impact Assessment)

Additional Comment from Respondents

- IT EXCLUDES THE MOST VULNERABLE. ME
- The scheme currently excludes the most vulnerable. Me
- Its unfair to victimize someone for their past.

- Important to make it easy for people to apply because there could be times when there are awkward questions that are difficult to answer
- The council need to look at peoples wider support issues and open all night cafes/community centres Mental health patients should be given priority to be given shelter and support
- Stricter criteria and fairer allocation for people given properties, i.e. people becoming pregnant to be allocated a property. Include people who are genuinely struggling with their current housing status.
- Get the housing situation sorted out so people can move out of the property when they need to or swap
- Assessing people's income to afford a tenancy shouldn't include their savings.
- I feel a persons income has nothing to do with anyone else. If a person agrees to have their income looked into then fine. If they don't they should still be treated the same.
- I do agree with the list on question 3 but also think that individual circumstances may differ and need to be looked at accordingly. Each criteria should be looked at according to individual circumstances.
- Under occupying a property should be left out as family's grow up in the same house and members leave. Why should the last family member be moved on because of this very unfair system? People can get into arrears for a sanction that could lead to thousands, why would they be included?
- YOU HAVE TO CHECK THE QUALITY OF THE HOUSE YOU OFFER TO THE PEOPLE
- We have to be prepared for any situation such as people who are homeless if they are coming to the council asking for help if they didn't live for 2 years in Tameside we can't help them according to the policy .
- they must Check the quality of house before force people to move
- Could the minimum 2 year local connection be disregarded if the person has a disability, and has carers living in the area that give substantial support to the person?.
- The current scheme bands homeless applicants in band 2, consideration should be given to band applicants who are homeless and have been given a full duty by the council band 1. placing homeless applicants in band 1 will reduce the length of time of time spent in temporary accommodation. This change in the policy would then reduce the number of people having to be placed in emergency accommodation in bed and breakfast due to the temporary being fully occupied. Consideration should be given to amend the policy to ensure that all registered providers who sign up to the nomination agreement accept nominations that are owed a full housing duty once they have been accepted onto the housing register.
- " TGP's policy is to always take a 1st weeks rent in advance with every allocation and we would not deviate from this request. This is not a deposit and is in accordance to their tenancy agreement and what we deem as assisting the customer in the future in light of the constraints and future changes with Welfare Reform. Any issues of affordability are assessed by our financial inclusion team and in the incoming customer would be expected to pay what they can afford and an agreed repayment arrangement would be put in place before sign up. TGP have a small amount of stock - 257 units across Tameside - Fairfield House (23 units) CAT 2, Beck House (12 units) CAT 1, with the remaining general needs, although 44 flats at Pitt Street were CAT 1 and are now for older people but without any support – local lettings policy in place. We would be happy to sign up to an agreement and want to be flexible and work with you offering 30% and 50% adapted properties (TGP do not have many in Tameside) but only if the following considerations are agreed:
 - Agreement to charge first weeks rent in advance
 - We will no longer agree to 2 weeks' notice period between LA, RP partners and TGP if transferring between us
 - Transferring tenants will also be expected to pay first weeks rent in advance "

- We need to have a fair and equal process when allocating properties. There a number of cases where people are excluded where there is a debt that has accumulated through no real fault of their own, cases really need to be assessed when this occurs, damaged caused by a partner when the other has fled domestic violence and where a vulnerable customer has had there property damaged when they cannot protect themselves or the property.