



# **Trafford Council**

## **Housing Allocation Policy** **2013**

Trafford Council is required by statute to provide information about the Allocations Policy. Ensuring that a free summary of the Housing Allocation Policy is available to any member of the public that asks for one. This is available at both Trafford Council Town Hall Office and HOSTs main office.

It is also available to download on Trafford Council's website. A full copy of the Policy can be sent to any member of the public who asks for it. A reasonable charge will be levied for this.

A summary of the Allocation Policy is available free of charge. This document is the full version of the Policy and a summary of the Policy and general principles.

## **CONTENTS**

<b>Section</b>	<b>Title</b>	<b>Page</b>
<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>Who will administer the Council's Policy</b>	<b>5</b>
<b>3</b>	<b>Eligibility</b>	<b>6</b>
<b>4</b>	<b>Making an application</b>	<b>7</b>
<b>5</b>	<b>How an application will be assessed under the Policy</b>	<b>9</b>
<b>6</b>	<b>Priority Band Criteria</b>	<b>10</b>
<b>7</b>	<b>Allocating properties</b>	<b>23</b>
<b>8</b>	<b>Reviews of Decisions Made and Complaints</b>	<b>28</b>
<b>9</b>	<b>How applicants will be Cancelled</b>	<b>29</b>
<b>Appendix 1</b>	<b>Data Protection and Service Standards</b>	<b>30</b>
<b>Appendix 2</b>	<b>Local Lettings Policies</b>	<b>31</b>
<b>Appendix 3</b>	<b>Priority Bands summary</b>	<b>32</b>
<b>Appendix 4</b>	<b>Bedroom Standard and Type of Property to be Offered Criteria</b>	<b>36</b>
<b>Appendix 5</b>	<b>The Reasonable Preference Statutory Categories</b>	<b>38</b>
<b>Appendix 6</b>	<b>Officer roles and responsibilities</b>	<b>39</b>
<b>Appendix 7</b>	<b>Exceptional Circumstances Panel</b>	<b>41</b>
<b>Appendix 8</b>	<b>Glossary of Terms</b>	<b>43</b>

# TRAFFORD COUNCIL ALLOCATION POLICY

## 1. Introduction:

- 1.1. This is a revised Allocations Policy for Trafford Council. It was revised in August 2013 following consultation with Registered Providers – RPs (commonly known as Housing Associations), and stakeholders. This Allocation Policy sets out how Trafford Council will nominate households to all Registered Providers in the Borough.
- 1.2. All references in the Policy to ‘the Council’ with regard to the assessment and administration of the Policy means HOST (Housing Options Service Trafford) who are contracted to administer the Policy on behalf of Trafford Council. Trafford Council retains full responsibility for the Policy itself, including any amendments to it, and for consulting on any proposed changes to the Policy.
- 1.3. The Policy is based on the reasonable preference categories which are set by Law i.e. those applicants who must be given a ‘head start’ under Trafford Council’s Allocation Policy. The principle is that social housing properties should be let on the basis of an applicant’s housing needs.
- 1.4. Reasonable preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). A full description of each of these categories and how they are applied is given in Section 6 of this Policy. For the statutory reasonable preference and additional reasonable preference categories see Appendix 5.
- 1.5. In addition Trafford Council will grant priority to reflect the needs of other applicants the Council believes have urgent housing needs. It is important to note that even if an applicant is assessed as coming under one of the statutory reasonable preference categories, they may still be awarded a lesser priority or no priority compared to others in that category as a result of their circumstances or actions.
- 1.6. The table below summarises the Banding system used by Trafford Council to allocate properties under this Policy (see Section 6 for full details of each band).

<b>Trafford Priority Bands</b>
<b>Band 1:</b> Urgent need band due to additional preference being granted to certain groups who are owed reasonable preference.
<b>Band 2:</b> Need to move – reasonable preference
<b>Band 3 :</b> Applicants who do not meet the criteria for Band 1 and 2 but fall into the statutory reasonable preference categories.
<b>Band 4:</b> Applicants not assessed as being owed reasonable preference, but who meet the Trafford Positive Community Criteria (working/volunteering in the Borough or have a local connection).
<b>Band 5:</b> Applicants owed reasonable preference but who have been awarded reduced preference, no recognisable Housing Need – Nil Priority

## 1.7. Aims of the Allocations Policy

Trafford Council no longer owns its own housing stock but will ensure through its nomination rights to social housing owned by Registered Providers that homes are allocated to those households with the greatest need for long-term, settled accommodation, as defined by this Policy.

- 1.8. The amount of choice that Trafford Council is able to offer is limited by the acute housing pressures it faces and the responsibilities it has to some groups in housing need, such as those found to be statutory homeless.
- 1.9. **The aims of the Trafford Allocation Policy are:**
  - To make best use of the limited affordable housing provision in the Borough
  - To ensure that applicants in need are given the opportunity to access affordable housing.
  - To meet the legal requirements set by housing legislation.
  - To create sustainable communities where people want to live and feel safe.
  - To provide choice to applicants, balanced against the shortage of social housing.
  - To ensure that no group or individual is discriminated against as a result of this Policy and to promote equal opportunities.
- 1.10. **Legal Requirements**

The 1996 Housing Act, as amended by the 2002 Homelessness Act and the 2011 Localism Act (the Act) requires local authorities to make all allocations and nominations in accordance with a published Allocation Policy. The Law covers all nominations made by Trafford Council by which a person becomes an assured or an assured shorthold tenant of housing accommodation held by a Registered Provider.
- 1.11. A summary of the Allocation Policy must be made available free of charge to any person who asks for a copy. This document is the full version of the scheme. A summary of the Policy and the reviews and complaints procedure is available through HOST's office at Waterside House, Sale Waterside, Sale, M33 7ZF, through contacting Trafford Council and online.
- 1.12. The Act requires local authorities to give "reasonable preference" in their allocations policies to people with high levels of assessed housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing, and those who would face hardship unless they moved to a particular locality within the local authority's area.
- 1.13. The Act also requires local authorities to state within the Policy what its position is on offering applicants a choice of housing accommodation, or the opportunity to express preference about the housing accommodation to be allocated to them.
- 1.14. This Policy complies with the requirements of the Act, and takes into account the Code of Guidance on the Allocation of Accommodation issued in 2002. The Policy has also been amended to fully take into account the implications for local authorities of the House of Lords Decision in the *London Borough of Newham V Ahmed* which sets out how Councils should balance choice and meeting housing need.
- 1.15. The Localism Act gives Trafford Council the flexibility to determine which other groups (other than the Statutory Reasonable Preference Groups) may be awarded reasonable preference or additional reasonable preference (see Appendix 5).
- 1.16. **Advice and Assistance**

Applicants that have any difficulty reading or understanding this Allocation Policy will be offered the following services:

An interpretation service if their first language is not English.

Signing if speech or hearing is impaired.

Provision of documents in large print if an applicant is visually impaired.

#### 1.17. **Equality and Diversity**

Our aim is to implement and maintain services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age, or sexual orientation, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by Law. Allocations will only be made to those persons who are eligible and have been placed on the Housing Register.

#### 1.18. **Confidentiality**

The fact that a person is an applicant on the Housing Register will not be disclosed (without their consent) to any other member of the public or other organisation (see Appendix 1 on Data Protection).

## **2. Who Will Administer Trafford's Allocations Policy?**

2.1. Although the Council transferred all of its housing stock in 2005 it retains a number of statutory housing obligations. One of these is the requirement for Trafford Council to formulate, adopt and amend an Allocation Policy. Whilst there is no statutory requirement to maintain a Housing Register, there are significant practical reasons to do so.

2.2. Trafford Council's Housing Register is a single Housing Register that contains details of all those persons who are in need of housing. Allocations of, and nominations for, Registered Providers' accommodation will only be made to those persons who have applied to be placed on the Housing Register and qualify under the Policy.

2.3. Trafford Council has contracted HOST to administer its Housing Register and all allocations made under this Policy on its behalf.

2.4. The administrative functions that Trafford Council has transferred to HOST when administering the Housing Register are:

The receipt of housing applications in accordance with Trafford Councils Customer Service Standards (see Appendix 1)

All assessment matters and decisions regarding eligibility under the Policy

Carrying out any statutory review of a decision made

Making arrangements to secure that advice and information on allocations and Trafford Council's Scheme are available in the Borough

2.5. To apply to be considered for accommodation, applicants must complete a Housing Register form available online or by telephoning HOST. The application will be used to assess an individual's housing need and those needs will be reflected through the application of a Banding priority system (see Section 6).

2.6. The Council has 50% nomination rights to all Registered Providers in its Borough, except Trafford Housing Trust where the Council has 75% nomination rights. These rights are set out in Nomination Agreements with each Registered Provider, except Trafford Housing Trust, where rights are set in the stock transfer contract. Nomination agreements will be reviewed as required.

2.7. The allocation of properties due to Trafford Council under its nomination rights with all Registered Providers in Trafford, will be undertaken by HOST strictly according to this

Policy. This will include nominating applicants to all Registered Provider properties to which the Council has nomination rights.

- 2.8. HOST will review all applications on the waiting list annually.
- 2.9. Under section 167(1A) of the Act Trafford Council's Allocation Policy must include a statement of the authority's Policy on offering applicants a choice of housing accommodation or the opportunity to express preferences about any accommodation to be allocated to them. Applicants should note that it is only a requirement to be informed of the authority's Policy on choice and expressing preferences, and this should not be confused with a requirement to offer applicants choice or unlimited choice.

### **3. Eligibility For The Housing Register:**

#### **3.1. Who can apply to Trafford Council's Housing Register?**

Any United Kingdom Resident aged 16 years or over can apply for accommodation. However, a Registered Provider will not normally grant a tenancy to anyone under the age of 18 years unless they are able to provide a guarantor to cover rent.

All individuals or households owed a full homelessness duty under sections 193(2) or 195(2) of the Act will automatically be registered on the housing register, with a registration date from when they presented as homeless to Trafford Council.

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

#### **3.2. Applicants who are not eligible to join the Housing Register:**

Section 160A of the Act states that a local housing authority shall only allocate accommodation to people who are eligible to join the Councils Housing Register. The following are not eligible persons to join the Housing Register:

Persons from abroad who are subject to immigration control who are not included by Regulations, and people who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996. Note that this requirement does not apply to tenants of a Registered Provider who hold an existing Secure, Assured or Starter tenancy.

People who are not deemed to be habitually resident in the CTA (Common Travel Area). This may include British citizens.

Any other person as prescribed by the Secretary of State.

#### **3.3. Applicants eligible to join the housing register but who may be suspended**

Where an applicant or a member of the household is considered to be guilty of unacceptable behaviour they may be eligible to register on the waiting list; however, the application would be suspended but kept under review. When applicants can demonstrate a changed pattern of behaviour, suspension(s) may be lifted. It is for Trafford Council to determine whether the changed behaviour claimed makes the applicant eligible under the Policy.

#### **3.4. Unacceptable behaviour is defined as behaviour which would, if an applicant or member of their household was a secure or assured tenant, entitle a landlord to possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985. Unacceptable behaviour includes:**

Owing serious rent arrears.

Failing to comply with a current or past tenancy agreement with a Council, Registered Provider or private landlord.

Conviction for illegal or immoral purpose.

Causing nuisance and annoyance to neighbours or visitors.

Committing certain criminal offences in or near the home and still posing a threat to neighbours or the community

Being violent towards a partner or members of the family.

Allowing the condition of the property to deteriorate.

Allowing any furniture provided by the landlord to deteriorate due to ill treatment.

Obtaining a tenancy by deception, for example, by giving untrue information.

Paying money to illegally obtain a tenancy.

Having lost accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.

- 3.5. If an applicant is suspended, they will be advised in writing of the decision and the reasons for the decision. Under section 167(4) of the Act an applicant has a right to request a review of any such decision.
- 3.6. Where an applicant is ineligible or suspended under Trafford Council's Policy, they will be entitled to re-apply if they consider that the local authority should no longer treat them as ineligible/suspended. Where, for example, an applicant has been suspended due to serious current or former rent arrears they may ask for the suspension to be lifted when they have cleared the arrears in full, or kept to a repayment arrangement for at least 6 months. At that point they may be awarded any preference owed to them, and their effective date within their new Band will be the date of their original registration under the Policy.
- 3.7. Applicant checks will be carried out at the time of application on all members of the household applying to be re-housed.  
These checks will be made to confirm:  
Identity e.g. passport, Identity Card (issued to certain Foreign Nationals), photo-driving licence, birth certificate, or written confirmation from a professional person or support agency;  
Public Sector landlord references (where the applicant has previously held a public sector tenancy – this will be done at offer stage);  
Police checks where applicants have indicated an “unspent” conviction (at offer stage – if appropriate will link in to the Offenders Protocol).

## **4. Making An Application:**

- 4.1. An online application form with guidance notes will be made available to every applicant who makes a request to join the Housing Register.
- 4.2. Applicants are encouraged to complete the form themselves. However, if completed at the HOST offices, staff will go through the form with the applicant to ensure that the required information is collected. Staff will give support in completing the form if requested by telephone.
- 4.3. Once an application for accommodation has been submitted to HOST they will:  
Electronically confirm receipt of the application for accommodation immediately;  
Immediately allocate a Banding to completed applications or, if a homeless applicant, once a decision has been reached on a person's homelessness application. N.B.: where there is a need to visit an applicant or make further enquiries to confirm an applicant's circumstances, any Band awarded will be provisional pending that visit or confirmation of circumstances;  
If there is a need to visit an applicant or an interview arranged to clarify details contained on the form, arrangements will be made within 10 days of receipt of the application;  
Any final Banding will be confirmed within 28 days once the application has been completed, following any such interview, visit, or the completion of further enquiries.

- 4.4. Each time an application is updated online, the system will determine whether the applicant's circumstances have changed and will update the application/band accordingly. An application may be suspended pending receipt of evidence from the applicant.
- 4.5. Trafford Council also requests that the applicant states those areas where they believe they cannot live, due to a fear of violence, harassment or domestic abuse. This is to assist Trafford Council in making more informed decisions where direct nominations may need to be made to Registered Providers, or where those fears are sufficient for Trafford Council to accept, as reasonable, not allocating accommodation in certain areas. The final decision will rest with Trafford Council.
- 4.6. Generally, Trafford Council will take into account an applicant's preference for an area, but cannot be bound by it when considering whether an applicant has been reasonable in refusing a property they have bid for, unless Trafford Council considers that the reason for expressing a particular preference is essential.
- 4.7. **Change of Circumstances**  
Applicants should notify HOST of any change in their circumstances which may affect their priority for housing, by updating their online application.  
Examples of a change in circumstances are:  
A change of address, for themselves or any other person on their application;  
Any additions to the family or any other person they would wish to join the application (N.B. it is for the Council to decide whether they will allow a person/s to join the application);  
Any member of the family or any other person on the application who has left the current accommodation;  
Any change in income or savings.
- 4.8. Applicants who have had a change of circumstances and have not informed HOST may have their application suspended whilst an investigation takes place.
- 4.9. **Disclosures (Conflict of interest - Members and Staff)**  
In order to ensure that Trafford Council treats all applicants fairly, any application for housing from the following applicants must be disclosed on the application form:  
Members of Trafford Council or their immediate families;  
Employees, or their immediate families, of Trafford Council or HOST or any Registered Providers operating in the Trafford area;
- 4.10. These applications will be assessed in the normal way but registration, eligibility, the assessment of housing need, and any nomination to accommodation will require special approval by a Senior Manager of HOST on behalf of Trafford Council.
- 4.11. **False or withheld information**  
Under Section 171 of the Act, it is a criminal offence for an applicant to knowingly give false information or to withhold information relevant to their application at any point. An offence is also committed if the applicant allows a third party to provide false information on his or her behalf, or at his or her instigation. This would apply whether the false information was provided at the time of application or at renewal stage when the annual review of circumstances letter has been sent.
- 4.12. Where there is suspicion, or an allegation has been made that a person has either provided false information, or has withheld information, the application will be suspended pending the outcome of the investigation.



4.13. If the outcome of any investigation reveals that they did not provide false information, or the withholding of information was found to be inadvertent, then the application will be reinstated from the date of registration. However, where the investigation shows that false information was provided on the application form, or was deliberately withheld, then the application may be removed from the register and there will be no right to re-register for a period of 12 months.

4.14. **Deliberately altering circumstances**

Applicants must not deliberately worsen their circumstances to gain greater priority under the scheme. Where Trafford Council believe this to be the case an applicant may be given reduced preference under the Allocations Policy.

## **5. How Will An Application Be Assessed Under The Policy:**

5.1. In order to determine an applicant's place on the Housing Register, the Council uses a Banding Policy based on relative housing need, detailed in Section 6 and summarised in Appendix 3 of this Policy. The Bands are awarded to reflect housing need and reasonable preference, whereby the needs reflected in the highest Band indicates the greatest need for housing.

5.2. Once an application has been fully completed, the application will be acknowledged immediately. The applicant will receive a letter (electronically) detailing whether they are eligible, the Band they have been awarded according to their housing needs, the type of property for which they may bid and the documents required to lift the necessary suspensions (see Trafford Council's procedure on information required from applicants).

5.3. An applicant will be able to see his/her entry on the Housing Register online. HOST, acting on behalf of the Trafford Council, will also, on request from the applicant, provide such information that is practicable and reasonable to supply, to explain his/her position and priority on the Housing Register. An applicant has the right to be informed of any decision about the facts of their case which is likely to be taken into account when considering whether to allocate housing to them.

5.4. Applicants are encouraged to bid for properties over a wide area of choice, and 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.

5.5. Following the House of Lords Newham V Ahmed 2009 decision Trafford Council is not required to apply cumulative preference to determine relative need within the reasonable preference groups or to applicants that fall within a particular reasonable preference band. Trafford Council believes that it is important to ensure that its Allocation Policy is simple and transparent to members of the public. As such, with some exceptions that are set out in Section 6.16 below, waiting time will be used as the criteria to prioritise applicants that fall into each band having been assessed as being owed additional preference on top of reasonable preference, or those who have not been assessed as being owed reasonable preference.

5.6. In assessing housing need, Trafford Council will give reasonable preference to those applicants who fall into one or more of the following categories (in line with the Homelessness Act 2002):

Homeless people owed a full duty under part VII of the Housing Act 1996

Homeless individuals (not owed a full duty under the above act).

Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.

Applicants who need to move on medical or welfare grounds or grounds of disability.

Those who need to move to a particular locality in the district where failure to meet that need would cause hardship (to themselves or others).

5.7. **Reasonable Preference and Reduced Reasonable Preference:**

Trafford Council's Allocation Policy has been devised to ensure that it meets its legal obligations in respect of reasonable preference. Trafford Council will therefore allocate the housing available within a framework which reflects this duty and which ensures that offers of accommodation are made to those with the greatest need. The detail of who qualifies for reasonable preference under the Trafford Policy is set out at Section 6.

## 6. Priority Band Criteria:

- 6.1. The Council has developed a banding system to determine who will be prioritised for housing in the Borough taking in to account statutory reasonable preference categories set out in Section 167(2) of the Housing Act 1996 (see Appendix 5). All categories within the band carry equal priority and applicants are placed in the band from the date the band was awarded.
- 6.2. The assessment of housing need will be carried out electronically by HOST on behalf of Trafford Council and where the applicant has made changes on their application form, with regards to their housing circumstances, the system will automatically recalculate their band. In determining priority, application will be assessed on individual circumstances.
- 6.3. Applicants who meet the reasonable preference criteria will be in either Band 1, 2 or 3 depending on their housing needs. Where the case involves a medical, welfare or disability assessment the Special Housing Services Manager will award any priority after recommendations have been made by the Special Needs Assessment Panel (a full list of decisions and which description of Officer will make them are set out in Appendix 6)
- 6.4. The protection provided by the statutory reasonable preference is maintained by changes in the Localism Act, and will continue to ensure that priority for social housing goes to those in greatest need.
- 6.5. The Council must, in its Allocation Policy give 'additional preference' to:  
Former or current members of the Armed Forces, bereaved spouses and civil partners of members of the Armed Forces and serving or former members of the Armed or Reserve Services (*For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006(a).*) who fall within any of the statutory reasonable preference categories and are considered to be in urgent housing need (The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012).

**Note:** From this point forward The Policy refers to this category of applicants as **Former or current members of the Armed Forces**.

Also Former or Current members of the Armed Forces who need to move due to a serious injury, medical condition, or disability sustained as a result of service will also be given the same reasonable preference.

- 6.6. Other groups that Trafford Council will award reasonable preference to are:  
Foster carers and adopters,  
Working households.
- 6.7. The circumstances under which someone would qualify for each band under Trafford Councils Allocations Policy are detailed below (see Appendix 3 for summary of Bands).

## 6.8. **Band 1:**

The following applicants who meet the reasonable preference criteria and are granted additional preference (being people with a very urgent need to move), will be awarded Band 1:

Emergency medical, disability or welfare

Exceptional need to move

Release adapted property

Statutory overcrowded

Under occupying (by two bedrooms or more)

Private sector properties unsanitary or unfit.

Those living in Supported Housing who have been assessed as ready to move on to independent living

Children Leaving Care

Award from the Exceptional Circumstances Panel

Foster Carers and Adopters

Former or current members of the Armed Forces (additional preference to assessed band)

## 6.9. **Emergency medical, disability or welfare:**

Applicants with a local connection who have a medical need will be asked to complete a medical form on line. Completed forms will be assessed by the Special Needs Assessment Panel appointed by HOST on Trafford Council's behalf. Where appropriate, any additional information will be requested by the Panel, from the GP, hospital, or consultant etc.

6.10. The assessment is not based on the seriousness of an applicant's condition, but is solely based on the impact of their current housing (or in exceptional circumstances the location of their accommodation), on that condition and whether this would improve significantly through a move to alternative housing.

6.11. Applicants will only be offered additional priority if their medical condition or that of a member of their household is significantly affected by remaining in the accommodation that they occupy, and there is as a result, a need to move elsewhere. This will normally relate to the physical conditions of the property but can occasionally be caused by the location of the property itself. Based on recommendations from the panel, Trafford Council will assess whether the applicant's needs, or that of a member of their household, would be better served by providing aids and adaptations to their current accommodation thereby allowing them to remain.

6.12. Only in exceptional cases will the detrimental effect on health or welfare be caused by the location of the accommodation itself rather than the physical condition or nature of the accommodation occupied. Such exceptional cases will be considered by Trafford Councils Exceptional Circumstances Panel.

6.13. Following the Panel's assessment, either, Band 1, Band 2 or no priority will be awarded.

## 6.14. **Welfare Issues**

Applicants who need to move on welfare grounds due to infirmity caused by old age will have their welfare needs recognised and reasonable preference awarded.

6.15. An assessment of an applicant's need to move due to infirmity caused by old age will be made by HOST Special Needs Assessment Panel taking into account information provided by one or more of the following:

The applicant's GP or consultant.

Social Services.

Occupational Therapist.

Age Concern or any other voluntary sector organisation representing the applicant.

**6.16. Exceptional need to move**

This category applies to those who need to move to a particular area in the Trafford Borough, where failure to meet that need would cause hardship to themselves or others. The Government's Code of Guidance suggests that people may fall into this category if they need to move in order to give or receive care, to be able to access specialist medical treatment, or to take up particular education, employment, or training opportunities in a particular locality.

6.17. In addition the need to move should be sufficiently great that hardship would be caused if they did not move, affecting health or leading directly to an inability to take up employment or training opportunities. Given the good transport links and compact nature of the Borough it will only be in limited circumstances that an award of reasonable preference will be made.

6.18. Additional priority would not normally be awarded to applicants who claim that they require on-going support from relatives or friends, unless there is severe mental health, medical or welfare issues relating to this person or a member of this person's household and exceptional reasons why this support cannot be made available through a reliance on public transport or the applicant's own transport. Such cases will be submitted to the council's Exceptional circumstances panel.

**6.19. Release Adapted property**

Priority will be awarded on a case by case basis to tenants of Registered Providers who occupy a specially adapted property and where the move will free up this accommodation for a high need disabled household.

**6.20. Statutory Overcrowded**

Applicants that are Statutory overcrowded as defined by the Housing Act 2004.

6.21. Those who are statutory overcrowded as defined by the Housing Act 2004 will not meet the criteria if this is as a result of an applicant voluntarily agreeing to house additional member of their extended family or friends.

**6.22. Private sector properties: (Unsanitary)**

Reasonable preference will be awarded plus an award of additional preference resulting in Band 1 status for: -

An applicant living in a private sector property either owned or rented where a statutory notice has been issued by the Environmental Health Team that an unfit property is to be demolished under the Housing Act 2004;

For those living in a property that is a category 1 hazard and as a result uninhabitable due to, for example, severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period. In exceptional cases where the problem can be rectified within 6 months but the impact on the applicant of remaining would be considerable the Exceptional Circumstances Panel will decide if reasonable preference will be granted.

- 6.23. The assessment of all cases under the above criteria will be carried out by HOST taking advice from Trafford Councils Environmental Health team (or any other Council if the property is outside of the Trafford area).
- 6.24. **Under occupying by 2 bedrooms or more:**  
For applicants who are tenants of Registered Providers in Trafford, who are under-occupying family accommodation by two or more bedrooms, will be awarded Band 1 in line with the Welfare Reform changes.
- 6.25. Applicants who fall in to this category will be awarded Band 1 whether they are in receipt of Housing Benefit or not.
- 6.26. **Supported Housing and Care Leavers:**  
Trafford Council wants to ensure that care leavers and other vulnerable people with support needs are helped to access secure, suitable and affordable long term housing. It is important that applicants are only nominated to move on accommodation when they are assessed as ready to move on, until such time their application will be registered but no additional priority will be awarded.
- 6.27. The following cases in supported accommodation or care will qualify for reasonable preference and additional preference under this category and will be awarded Band 1 when they have been assessed as being ready to move on.
- 6.28. When a person has been assessed as ready to move on to long term settled accommodation, they will be placed in Band 1 as one of the two categories.
- 6.29. **Move on from Supported Housing Projects**  
Applicants will be awarded this category for certain listed projects (agreed by Trafford Council's Social Services or Housing Services Teams) in accordance with protocols agreed between Trafford Council and the voluntary sector body.
- 6.30. The criteria for an award of reasonable preference will be:  
An applicant is ready to move to independent settled housing,  
The applicant is in need of short term on-going support (e.g. tenancy related support, drug and alcohol, mental health or any other relevant support required by the applicant to sustain a tenancy)
- Note:** Short term support is defined as up to 6 months. However, applicants who have on-going support needs for more than 6 months e.g. mental health related will still be awarded Band 1.
- 6.31. **Move on from care (including move on by young people aged 16-21 years)**  
Applicants are awarded this category in accordance with protocols between Trafford Council's Housing and Children services. Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002. As with the need to move on from supported accommodation not all care leavers will qualify for reasonable preference.
- 6.32. Applicants must have a vulnerability and an urgent housing need, that is best met by the provision of long term settled housing. All other cases will not be owed reasonable preference under this category and will be expected to be assisted by the Children's Services with support from HOST to move on to private rented sector or other suitable accommodation.
- 6.33. The criteria for an award of reasonable preference will be:  
A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.

They possess the life skills to manage a tenancy including managing a rent account. The care leaver is in need of either a long term or medium term tenancy support. That support package has been assessed and is in place. Their needs are such that accommodation in the private rented sector would through its short term nature have a detrimental effect on their transition to independent living.

**6.34. Priority award for Exceptional Circumstances**

With the exception of elderly infirm applicants and those leaving care or who are ready to move on from specific supported housing schemes that need a stable base from which to build a secure life, the award of reasonable preference priority on welfare grounds will be made by Trafford Council's Exceptional Circumstances Panel. A full list of cases that will be considered by the panel are set out at Appendix 7.

**6.35. Foster Carers and Adopters:**

When considering housing applications from prospective foster carers or adopters who would require an extra bedroom to accommodate a foster or adoptive child, the Council will weigh up the risk that the application to foster or adopt may be unsuccessful (leading to the property being under-occupied), against the wider benefits to Trafford which would be realised if the placement was successful.

6.36. Foster children are not taken into account when determining the size of the household for the purpose of the under-occupation measure in the Welfare Reform Act. However, any current and future foster carers affected by the measure may be eligible to apply for a Discretionary Housing Payment (DHP).

6.37. Applicants who have applied to become foster carers or adopters will be awarded additional priority once they have been approved by an Association of Greater Manchester Authority (AGMA) Local Authority.

6.38. Applicants who have already been approved and are looking to foster/adopt more children will be put in to Band 1 following evidence from the approving Local Authority. Increased bedroom numbers will be done manually by HOST for applicants who are able to pay the extra rent and for applicants for whom Housing Benefit have agreed to pay DHP to cover the additional rent.

**6.39. Former or current members of the Armed Forces:**

Housing regulations state that Trafford Council must not disqualify members of the Armed Forces on residency grounds. This extends to applications from former service personnel.

6.40. This will also apply to bereaved spouses and civil partners of members of the Armed Forces leaving Military accommodation following the death of their spouse or partner, and to serving or former members of the Armed or Reserve Forces who need to move due to a serious injury, medical condition, or disability sustained as a result of service (death or injury 'which is attributable (**wholly or partly**) to the person's service.').

6.41. These provisions recognise the special position of members of the Armed Forces (and their families) whose employment requires them to be mobile, and who are likely therefore to be particularly disadvantaged by residency (local connection) requirements, as well as reservists injured and who need to move to another local authority area to receive treatment, care or support.

- 6.42. **How Trafford will apply this:**  
Where applicants fall in to any of the above categories, they will complete the online housing application form. Their application will be assessed on their current housing need and their band will be electronically calculated. However, in order to award members of the Armed Forces (including applicants from the full list in section 6.5.) additional preference, applicants will be awarded a band higher than what they would be awarded based on their housing need. E.g. where an applicant has been awarded Band 4 they will be awarded Band 3 as their final band.
- 6.43. **Band 2:**  
Applicants who have been awarded Band 2 will have an urgent need to move and will be owed a statutory reasonable preference. Applicants who will be awarded Band 2:  
Homeless Households owed a full homeless duty under section 193(2) or 195(2)  
Homeless Prevention after 6 months of a prevention option being chosen.  
Overcrowded by the Bedroom Standard for overcrowding  
Applicants living in unsatisfactory Housing that lack basic facilities  
Under occupying  
Medical grounds  
Award from the Exceptional Circumstances Panel  
Former or current members of the Armed Forces (additional preference to assessed band)
- 6.44. **Homeless Households:**  
Applicants will receive Band 2 to reflect their reasonable preference if they are homeless, in priority need and owed any duty under sections 193(2), 195(2) or 190(2) of the Housing Act 1996 as amended. However, if applicants are found to be intentionally homeless they will be allocated Band 3.
- 6.45. People who would fall into this category are:  
A person who is in priority need and unintentionally threatened with homelessness and Trafford Council has accepted that it owes an applicant a full duty under section 195(2) as being threatened with homelessness in the next 28 days.  
A person who has been accepted as being owed the full homeless duty under section 193(2).  
Applicants who are owed a full homeless duty by any other Council will receive a reduced preference for not having a local connection to Trafford unless subject to a s213 referral or fleeing violence.
- 6.46. **Homeless prevention After 6 months:**  
See paragraph below on Homeless Prevention Option.
- 6.47. **Overcrowded by bedroom standard:**  
Those overcrowded by two bedrooms or more but are not statutory overcrowded will be granted reasonable preference but not granted additional preference, applicants will be placed into Band 2.
- 6.48. For applicants were their housing conditions or level of overcrowding means that it is not reasonable for them to continue to occupy their overcrowded accommodation and as a result they are owed a Statutory homeless duty under section 193(2) of the Housing Act 1996, applicants will be awarded Band 2 for homelessness.
- 6.49. **Under occupying by one bedroom:**  
Applicants who are under-occupying social rented accommodation in Trafford by one bedroom will be awarded band 2. The move will free up this accommodation for a severely overcrowded household.

6.50. Applicants who fall in this category will be awarded Band 2 whether they are in receipt of Housing Benefit or not.

6.51. **Unsatisfactory Housing:**

An applicant will also be awarded Band 2 status if they lack access to any of the following:

a bath or shower

a toilet

Cooking facilities

Running hot water supplies

Electric/gas needed for essential activities

6.52. The assessment of all cases under the above criteria will be carried out by HOST taking advice from Trafford Councils Environmental Health Team.

6.53. **Band 2 Medical Award:**

Where an applicant's housing is unsuitable for severe medical reasons or due to their disability, but who are not housebound or whose life is not at risk due to their current housing, but whose housing conditions directly contribute to causing serious ill-health. If this is the case they will be awarded reasonable preference and placed into Band 2. This will normally be assessed by HOST's Special Needs Assessment Panel.

6.54. **Exceptional Circumstances:**

An applicant needing to move on hardship grounds – domestic abuse, extreme violence or extreme harassment will be awarded Band 2.

6.55. Applicants who have satisfied Trafford Council that they are fleeing severe harassment or violence from inside or outside of the home but they have not been accepted as being owed a statutory homelessness duty as a result of that violence or harassment.

**Note:** A statutory homeless duty applies if the applicant applies as homeless and a full duty is accepted. Those cases that do not apply as homeless and wish to remain with relatives or friends can be awarded reasonable preference under this group without going through the homelessness route.

6.56. **Band 3:**

Applicants who do not meet the criteria for Band 1 and 2 but fall in to the statutory reasonable preference categories below maybe awarded Band 3.

Applicants who are entitled to reasonable preference as being non priority homeless, intentionally homeless, or homeless within the meaning of Part 7 of the Act.

Homeless Prevention during the first 6 months of a prevention option being chosen.

Housing Need Age

Former or current members of the Armed Forces(additional preference to assessed band)

6.57. Homeless applicants that fall into this reasonable preference category will be awarded Band 3.

6.58. **Applicants who are entitled to reasonable preference within the meaning of Part 7:**

This group comprises of all households who are homeless under the definition of homelessness contained in sections 175 -177 of the Housing Act 1996 Part 7 but are not in priority need or are intentionally homeless.



- 6.59. Under this provision there is no requirement that an applicant should be in 'priority need' for accommodation, or that they have made a statutory homelessness application to the local authority. Were HOST has assessed that the applicant is homeless under this definition they will be awarded the Band 3 priority.
- 6.60. Applicants, who have also been assessed as being in priority need but are intentionally homeless and have been provided with temporary accommodation for a period of time to enable them to secure their own accommodation, will be awarded Band 3 priority in line with their assessed need. HOST will provide applicants with advice and assistance to find alternative accommodation.
- 6.61. **Homeless Prevention Option:**  
Applicants who accept a prevention option from HOST, which means their homeless circumstances are prevented for a minimum of six months, by enabling them to remain in their current accommodation or accepting a Trafford Bond for accommodation in the private rented sector, will be awarded Band 3.
- 6.62. However, after the 6 month period has lapsed, applicants will automatically move up to Band 2, with an effective date from the date they entered the Band 2.
- Note:** Where a statutory homelessness application has been made and the Council owes a full homelessness duty, the applicant will be awarded Band 2 and the homelessness prevention category will not be an option.
- 6.63. **Housing Need Age**  
All applicants who are over the age of 60 years seeking sheltered accommodation will automatically be awarded Band 3 – local connection rules and financial resources will not be taken in to account.
- 6.64. Applicants' who are over the age of 60 years and are not seeking sheltered housing and would like general needs accommodation or are moving with their family, would not be awarded Band 3.
- 6.65. **Band 4:**  
Applicants who have been assessed as not being owed reasonable preference but who meet the Trafford Positive Community Criteria (see procedure for details of how work, voluntary work etc. will be defined).  
Applicants who are former or current members of the Armed Forces, may also be awarded Band 4 (see section 6.40 above).
- 6.66. **The Trafford Positive Community Criteria includes:**  
Applicants who are employed or undertaking training;  
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 Trafford Council. This could be in the health services, social care, transport, etc;  
Applicants in the private rented sector who have a positive tenancy history assessed through references including perfect rent record, maintaining a property in good condition, and no complaints of anti-social behaviour.  
Former or current members of the Armed Forces (additional preference to assessed band)

- 6.67. Where an applicant has a local connection to Trafford through work they will be awarded Band 4.
- 6.68. Applicants will have to provide evidence for all of the above categories (the applicable one) at the initial application stage and to the Registered Providers when they have been offered a property.
- 6.69. Trafford Council will not award additional preference for households in work or seeking work, as applicants who meet the Positive Community Criteria will be awarded Band 4. However, in order to provide accommodation for applicant's who are working or otherwise making a positive contribution to their community the Council, through the Nominations Agreement, will allocate 25% of properties advertised to Band 4 applicants, who are working. However, households earning an income of £50,000 or over will be able to go on to the housing waiting list but will be in the bottom band (5).
- 6.70. Registered Providers will advertise the nominated properties stating "require working households only".

**Note:** Properties advertised for Sheltered Accommodation will be excluded from this.

6.71. **Band 5:**

This band includes applicants who are owed a reasonable preference but who have been awarded reduced preference or have been down banded under the Policy (for rent arrears, behaviour, no local connection, savings, equity or earning etc.).

- 6.72. Also applicants who have no recognisable housing need, and do not meet the Trafford Positive Community Criteria (including out of Borough applicants) will also be awarded Band 5.

6.73. **Additional Preference.**

Under section 167 (2) of the Housing Act 1996, Trafford Council may give additional preference to applicants in urgent housing need owed a reasonable preference. Trafford Council will give additional preference to applicants who demonstrate an urgent housing need. The criteria are fully detailed in the relevant bands above.

- 6.74. The Government has issued new guidance on social housing allocations, reflecting the significant amendments which the Localism Act 2011 makes to Part 6 of the Housing Act 1996. This replaces all existing statutory allocation guidance, and gives local authorities new flexibilities surrounding who allocations are made to and groups which should be given additional preferences (see Appendix 5).

- 6.75. In developing this Policy, due regard has been given to the requirement to give reasonable preference to those categories defined in the Act. The reasonable preference categories are listed in Appendix 5.

- 6.76. Those applicants that are eligible for consideration under the Policy will be assessed to determine if they are owed a reasonable preference. If they are, they will be allocated a Band according to Trafford Council's allocation priority. Beyond giving additional preference for urgent housing needs Trafford Council is also allowed to give reduced preference (down banding) for applicants who fall into one or more of the reasonable preference categories but where certain factors apply to their case.

- 6.77. Therefore were an applicant would have been awarded a specific Band due to their reasonable preference but one or more of the factors listed below apply to their case,

their application will be given a reduced/down banded priority (allocated Band 5) until the issue relevant to their circumstances has been resolved.

**6.78. Reduced or No Priority:**

Reduced or no priority will be awarded to applicants were:

There are current or former rent arrears owed to a social or private sector landlord, and Trafford Council is not satisfied by the actions being taken by the applicant to resolve the arrears;

Cases of current or former unacceptable, or anti-social, behaviour and Trafford Council is not satisfied this behaviour has been fully addressed;

Applicants with access to a certain level of financial resources;

Applicants without a local connection with Trafford Council.

An applicant who has refused 2 offers of accommodation that they have bid for or been offered under a direct offer.

**6.79. The following are the circumstances when reduced preference will be given.**

**The applicant has a social housing tenancy related debt.**

This would include current or former rent arrears (including temporary accommodation arrears), rechargeable repair costs due to damage to a former social housing property or legal costs arising from court action in connection with a current or former tenancy.

6.80. Tenancy related debt will be assessed at the point when the applicant's priority is being calculated, unless new information comes to Trafford Council's attention after their initial assessment.

6.81. In order to assess whether the applicant has a tenancy related debt the following procedure will apply:

HOST will consider whether the applicant still owes arrears, and if they do, the extent of the arrears and whether there are exceptional circumstances, which should lead to their being offered accommodation despite those arrears. If the claimant has taken debt advice, acted on it, and entered into and began to implement any arrangement to clear the arrears their application will not be down banded.

Depending on the circumstances of the case Trafford Council will require the debt to be paid in full or the applicant to have made a repayment agreement with the creditor landlord and adhered to it for at least 6 consecutive months.

Where an arrangement has been made, the final decision to reinstate an applicant's banding will depend on the amount of arrears paid off, any debt outstanding, and the regularity of any payments made.

**6.82. Rent Arrears owed to a private landlord**

If an applicant has been evicted from an Assured Shorthold Tenancy on a rent arrears ground by a private landlord, Trafford Council will consider whether that applicant can demonstrate an ability to maintain a rent account in deciding whether to give reduced preference or, where this has been given, before deciding to reinstate an applicant's full preference.

**6.83. Non-compliance with any current or previous tenancy agreement**

Non-compliance is where an applicant (or a member of their current or prospective household) has failed to maintain any current/previous social rented or private sector rented property within the terms of their tenancy agreement.

6.84. This also includes where the applicant (or member of their household) has committed acts causing or likely to cause nuisance or annoyance to their neighbours or others in the locality of where they live or where they previously have lived.

- 6.85. In such cases of non-compliance with a tenancy agreement and were an applicant is owed reasonable preference, their application will be down banded to Band 5. This down band will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of Trafford Council the necessary ability to modify their conduct.
- 6.86. In some cases this will include co-operating with support agencies. In most cases the down banded status will be reconsidered were there has been no cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of one year. However, were their behaviour or actions are not so serious to entitle the applicants landlord to an outright order for possession which under the Policy would lead to either their suspension from Trafford Council's Allocation Policy or the award of nil preference (Band 5) .
- 6.87. At any time an applicant is entitled to request that Trafford Council reconsiders these circumstances to determine whether the issues resulting in their being allocated a lower priority have been resolved to their satisfaction.
- 6.88. **Financial Resources (Including owner occupiers or applicants with savings or earning over an income threshold set by Trafford Council).**  
Trafford Council will take into account an applicant's financial resources in determining in cases where an applicant would qualify for reasonable preference whether that preference should be reduced (this will not apply to applicants who require sheltered/Older Peoples Accommodation).
- 6.89. Regard will be given to any resources, wherever in the world they are located, taking in to account a households income levels of £50,000, and/or savings of £16,000 or over (in line with the Housing Benefit Criteria) and/or the households' capital assets or equity which exceed the national average used for Mortgage Rescue calculations currently at 40%. These figures will be reviewed annually from the 1<sup>st</sup> April. Applicants will be placed in Band 5 which will mean that they are unlikely to receive sufficient priority for a nomination until all applicants with higher priority have been housed.
- 6.90. For applicants who are former or current members of the Armed Forces, the War Pensions Scheme (WPS) and the Armed Forces Compensation Scheme (AFCS) paid to applicants and regular income will be disregarded.
- 6.91. This restriction does not prevent applicants being considered for any Low Cost Home Ownership/Shared Equity schemes. The rules for acceptance under these schemes are different and are applied on a scheme by scheme basis. HOST will give advice on any of these options where appropriate and applicants may be schemes available from a Registered Provider, developers, Homes and Communities Agency or referred to Private Landlords.
- 6.92. Owner occupiers who are adequately housed or with the resources to secure accommodation locally, would normally not attract sufficient priority under Trafford Council's Policy and would be placed into Band 5 (no recognisable housing need).
- 6.93. **Local Connection**  
Applicants are able to apply for social housing within Trafford from anywhere within the United Kingdom. However, in order to ensure that Trafford Council meets the needs of the local community, reduced priority will be given to those people without a local connection.

- 6.94. Applicants will be assessed under the definition of local connection contained in Section 199 Housing Act 1996. Applicants without a local connection will have their priority reduced to Band 5 until they acquire a local connection with Trafford. Once a local connection with Trafford is established an applicant will be accorded appropriate priority in the same way as a local resident.
- 6.95. Applicants who do not have a local connection with Trafford but have been determined as being owed the full Homelessness duty under section 193(2) by Trafford Council will not be subject to any reduction in their priority as Trafford Council is under a statutory duty to provide long term settled housing regardless of local connection.
- 6.96. Applicants' who require sheltered housing will be exempt from local connection rules.
- 6.97. Local connection requirements will not apply to the following:
- 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.
- 6.98. Where the applicant is a bereaved spouse or civil partners of a member of the Armed Forces, Trafford will only apply the local connection rule **12 months after** the bereaved spouse or civil partner **are leaving or have left the Ministry of Defence accommodation**.
- 6.99. The following factors will be taken into account in determining whether or not an applicant has a local connection with Trafford. These include, but are not solely limited to, whether an applicant or a member of their household included in their application:
- has lived in Trafford by choice for a certain time (usually for six months out of the last 12 months or for three years out of the last five years);
  - has close family living in Trafford, who have lived in the Borough for at least the previous five years; (normally defined as parent/s or children);
  - has settled employment in the Trafford area; or
  - has special circumstances that give rise to a local connection.
- 6.100. For the purposes of determining local connection, living in the Trafford area means living in permanent accommodation and will not include either:
- occupation of a mobile home, caravan or motor caravan which is not placed on a residential site; or
  - occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday.
- 6.101. **No Permanent Address in the UK**  
Applicants that are not currently living permanently in the UK but are eligible for housing will be placed in Band 5.
- 6.102. **Refusal of an offer**  
Where an applicant has refused two reasonable offers within the past three months, the application will be down banded to Band 5, for a period of 12 months.

- 6.103. In these circumstances the down banded penalty will end 12 months after the last suitable offer had been refused and the applicants will re-enter the Band appropriate to their current circumstances. If this is the same Band they held before the down banding, they will retain their original registration date for that Band.
- 6.104. This Policy will apply to all such cases unless, during the time of their down banding status their circumstances change and Trafford Council determines that the change in circumstances is sufficient to allow the suspension to be lifted and the Band appropriate to the reasonable preference owed to be awarded.
- 6.105. **When will reducing reasonable preference apply?**  
The following Policy will apply to applicants either:  
At the point where their housing needs are assessed; or  
Where applicants have been assessed but their circumstances change; or  
Where new information is obtained; or  
Where they take a certain action, for example, by refusing two offers of accommodation that are suitable for their needs.
- 6.106. After considering the above procedure HOST, acting on behalf of Trafford Council will reduce the applicant's priority to the reduced preference Band 5 if they had been assessed as being owed reasonable preference. This will mean that they are unlikely to successfully bid for accommodation. HOST will inform the applicant of the reasons for the reduced preference award and the actions they must take to address this issue to the satisfaction of Trafford Council, which will then lead to their reasonable preference being re-instated.
- 6.107. HOST will review the case at the request of the applicant, and once satisfied that appropriate action has been taken by the applicant to address the behaviour which led to the suspension, for example, rent arrears, or where there has been a change in circumstances, may lift the suspension and consider the applicant for the priority Band relevant to their housing need.
- 6.108. **Notification of down banding of any reasonable preference groups (applicants who have been awarded Band 1 to Band 3).**  
Any applicant whose priority is reduced will be provided with written notification of the decision that will contain the following information:  
The reasons for the decision to remove reasonable preference;  
The Band that their housing circumstances would have warranted and the Band that they have been placed in as a result of Trafford Council's decision (this will normally be Band 5);  
The applicant's right to appeal against the decision;  
What they have to do before they can be considered again for any higher Band dependant on their housing needs;  
That any appeal against the decision must be made in writing within 21 days of written notification of the decision;  
That any appeal will be dealt with by a Senior Officer not involved in the original decision.  
All appeals will be dealt with within 28 days, and the applicant advised of the outcome;  
That an applicant may request that their application be removed from the reduced priority Band at any time. The request for removal of the reduced priority must be made in writing, and must set out how and why the applicant believes that the removal of the reduced priority is now justified by the actions the applicant has taken since the reduced priority was awarded.
- 6.109. HOST will consider any request for the removal of the reduced priority classification within 28 days of receipt of the request. This consideration does not come under the

criteria for a formal review. A letter will be sent to the applicant giving Trafford Council's decision and will set out Trafford Council's reasons for either granting or not granting the request. There is no further right of appeal, on top of the original right of appeal, to such decisions (see Section 8).

#### **6.110. Waiting Time**

When an applicant has been placed into a Band their position within their allocated Band will be determined by the time they were registered for that Band with the exceptions listed above in the Policy.

**Note:** If an applicant is moved into a different Band due to a change in circumstances, their priority date will be considered as effective from the date that they were moved into the new Band, when moving up in priority. If moving down a Band they will retain the original registration date.

6.111. The exception to this is for applicants who have been given reduced priority. Where an applicant, owed reasonable preference, has had that preference reduced but takes action that resolves the issue to the satisfaction of Trafford Council so that the reduced preference is removed, they will re-enter the Band appropriate to their current circumstances, and if this is the same Band they held before their preference was reduced, will retain their original effective date for that Band.

## **7. Allocating A Property:**

### **7.1. What is an Allocation under this Policy?**

Given that Trafford Council no longer owns Council housing an allocation under this Policy is defined as:

The nomination of a person to be an Assured Tenant of a Registered Provider (Housing Association). This includes, (where a Registered Provider chooses to operate such a scheme), the nomination to be a 'Starter Tenant' of a Registered Provider whereby the Registered Provider will provide an Assured Shorthold Tenancy for a set period. Following this period if the tenant has proved themselves to be a suitable tenant the Registered Provider will then normally grant an Assured Tenancy.

Existing tenants of any Registered Provider in the Trafford area who wish to transfer to another Registered Provider property are able to register under this scheme, although if they are seeking a transfer to another property owned by their own landlord, that landlord may have its own transfer scheme and its own transfer rules. Advice can be given on these circumstances by HOST or the Registered Provider concerned.

### **7.2. Allocations Not Covered by this Policy**

The following are examples of allocations not covered by this Policy:

Conversion of a Starter Tenancy into an Assured Tenancy (that is a matter for the tenant's Registered Provider).

Nominations to a Registered Provider by Trafford Council for a property which is to be used as temporary accommodation to house homeless households owed a duty under the Homelessness legislation.

Assignments and Successions (these are matters for the tenant's Housing Association).

Mutual exchanges of Registered Provider tenancies (again this is for the relevant Housing Association to decide and administer).

Nominations not under Part 6 for offers of assured tenancies, assured shorthold tenancies, or other tenancies or licences, from private landlords or Housing Charities who are not Registered Providers.

### **7.3. Joint Tenancies**

It is for the Registered Provider to which Trafford Council makes a nomination to decide whether to allow a joint tenancy depending on the circumstances of the case.

#### 7.4. **Making bids and allocating properties**

HOST will receive nomination requests on behalf of Trafford Council from Registered Providers across the Borough and will allocate to those nominations via this Policy. However, applicants need to be aware that each Registered Provider may operate their own separate policies and eligibility criteria, which they will apply. It is therefore possible that the Registered Providers may reject a nomination where the applicant fails to meet their Policy or criteria.

- 7.5. The Council lets all of its nominated properties through a Choice Based Lettings Policy. Empty homes are advertised weekly and an applicant can bid for a property on the website, by text, at a Library, at the HOST office or by calling HOST. When a bid is placed the applicant will be advised of their position in the bidding list at that time.
- 7.6. For all advertised properties, the eligibility of bids must be checked against the criteria used in the advertisement. Any ineligible bids will be discarded.
- 7.7. The allocation of a property will be based on the priority of bids received, with Band 1 applicants having the highest priority and Band 5 applicants having the lowest priority. Where a property may occasionally be advertised as available for letting to a specific band or group only, the letting will be made to the bidder with the earliest registration date in that group.
- 7.8. If more than one bid is received from applicants with the same priority, then the person who has been in the band the longest will be offered the property. If two or more applicants have the same priority and date in band, the system will decide, taking into account date of registration.
- 7.9. The applicant to be offered the property will be contacted by the Registered Provider and checks will be made to ensure that the housing circumstances remain as they were when the application was submitted. As long as the circumstances are the same, an offer of the property will be made and a viewing arranged. Any offer will normally last for 3 days.
- 7.10. If the applicant refuses the property, then the property will be offered to the applicant with the next highest priority.
- 7.11. Where a property is adapted for use by a disabled person, the property will be offered to the applicant with the highest priority whose needs best match the facilities of the particular property. In some circumstances, this may mean not offering the property to the bidder with highest priority. Where a particular property has been specially adapted, Trafford Council may make a direct offer or bid specifically on behalf of applicants whose needs can be best met by the property in question.
- 7.12. Where a property is deemed to be suitable by Trafford Council, and the applicant has refused it, this will count as one of the two offers an applicant is entitled to receive. If the applicant has been accepted as being owed a statutory homeless duty by Trafford Council this duty, subject to a right of review, will have ceased if the property is refused. In such circumstances an applicant will no longer be entitled to any homelessness duty and will have to leave any temporary accommodation provided and make their own accommodation arrangements.

**Note:** If an applicant has been assessed as needing support to sustain a tenancy and such support is not in place, has been declined or cannot be arranged before the proposed tenancy commencement date, the bid will be rejected until such support is in place. This will not count



against the applicant as an unsuitable bid and the applicant will be entitled to receive another offer.

#### 7.13. **Sheltered housing**

Applicants for sheltered housing must be aged 55 or over (unless stated otherwise by the Registered Providers) or have a need for sheltered accommodation due to vulnerability or disability. It is a condition of all tenancies in sheltered housing schemes that tenants agree to take any Warden Service if applicable. Sheltered Housing properties will be specifically marked when a property is advertised.

#### 7.14. **Management Discretion – Exceptions Policy**

Where possible, Trafford Council will use the Banding system and waiting time within the band to allocate accommodation. However Trafford Council recognises that there may be exceptional circumstances where the only way an exceptionally urgent housing need can be resolved is through the use of Management Discretion.

7.15. There is discretion for the Senior Officer for HOST with the agreement of the Senior Housing Officer for Trafford Council to exercise discretion in the following exceptional circumstances. In the interests of fairness to all applicants these circumstances are kept to an absolute minimum:

Emergency cases whose homes are damaged by flood, fire or other disaster may be provided with another tenancy immediately if it is not possible to repair their existing accommodation.

Households who on Police or Social Services advice must be moved immediately as a matter of urgency.

Households from outside the area where Trafford Council owes another local authority or Registered Provider a nomination to someone on an urgent, reciprocal basis, such as where an applicant has had to be re-housed outside the area due to domestic abuse.

An applicant has an exceptional need that is not covered by the Allocation Policy. For example, where child or public protection issues require urgent re-housing.

7.16. Such cases, depending on their exceptional circumstances, will either be awarded additional preference and placed in Band 1 or Band 2 and may be made a direct offer of accommodation. It is the responsibility of HOST and the Council to make evidence-based assessments of exceptional circumstances, and to record these fully to ensure a fair and transparent process, so that cases can be fully scrutinized by members of Trafford Council to ensure that they fully met the exceptional circumstances criteria.

7.17. HOST will be responsible for monitoring and recording the reasons why exceptional circumstances cases have been put forward to the Panel. Information will be fed back to the Council quarterly.

#### 7.18. **Serious Offenders**

It is sometimes necessary to provide housing which will minimise the risk to the community and where supervision of the individual can be maintained. This may also apply to individuals currently living in the community who are considered to pose a risk to themselves and/or others, although they have not been convicted of an offence.

7.19. Trafford Council will work with the Police and Probation Services to assess and manage risk and will apply special arrangements where cases are referred through the Multi-Agency Public Protection Panel (MAPPA), Integrated Offender Management (IOM) cases or any protocol with Probation Services. Officers will attend case conferences with the Police, Probation, Adult Social Care and Health professionals and a planned and managed relocation pathway will be agreed. This should include a full discussion of a

range of housing options which are most appropriate to the customer's circumstances and supervision needs.

- 7.20. This may result in restrictions being placed on the choice of property or area that is open to an applicant, or may result in a direct offer of suitable accommodation being made to an applicant whenever they have sufficient priority under the Policy to receive such an offer.
- 7.21. **When an allocation may be made outside of the Band by waiting time method.**  
Exceptional circumstances cases set out in Section 7.15 above can, depending on the assessed seriousness of their case, be allocated outside this procedure.
- 7.22. In addition vacant properties which are adapted, or which are suitable for adaptation, or which are otherwise potentially suitable for applicants with a substantial disability or other special reasons may be allocated outside any strict date order. This may be through a direct offer or by bypassing cases who have bid, but where the nature of the property or its current adaptations match the specific needs of an applicant on the Policy who requires such an adapted property. Specially adapted properties will be labelled so that only applicants who meet specific criteria may successfully bid.
- 7.23. The policy of allowing allocations outside of the date order for Band criteria may also apply were, depending on the characteristics of the property, a ground floor flat is available and an applicant with very high priority requires such accommodation in a specific area. Rather than select an applicant with general needs to the property, Trafford Council reserves the right to allocate to a high priority applicant in need of such accommodation.
- 7.24. Allocations may be made outside of waiting time, where information is available which would compromise the safety of the applicant or others. For example where a high risk offender is not allowed to live in a certain area or where a person previously guilty of harassment or domestic abuse should not be placed in the same area where a victim of that harassment or abuse currently lives.
- 7.25. **When might a direct offer be made rather than allowing an applicant to bid for accommodation?**  
Such cases include:  
Direct lets in circumstances where either there is an urgent and immediate need to move due to a risk to the applicant or where there would be a risk to the applicant by being required to take part in the bidding process;  
MAPPA, IOM cases or other high risk offenders;  
Applicants who are statutory homeless and owed a full housing duty where they have not successfully bid for accommodation within the limited period time;  
Homes that have been significantly adapted for a disabled person;  
New build wheelchair accessible homes;  
Homes that are suitable for adaptation for an identified customer with a disability and it has not been possible to identify an existing suitably adapted property;  
Extra Care Housing;  
Succession of tenancy, mutual exchanges and transfers of interest made under a Court Order;  
Where applicants in hospital cannot return home and discharge is delayed.
- 7.26. **Offers to Homeless Applicants, Exceptional Circumstances, Children Leaving care and Move on from Supported Housing Projects:**  
Where a homeless applicant bids for accommodation and is successful, the offer will be the applicant's final offer and will end Trafford Council's homelessness duty if the offer is

refused. It should be noted that in such cases an applicant will have a right of review under the homelessness legislation of the suitability of any accommodation offered.

- 7.27. For cases for whom Trafford Council has accepted a full homeless duty under sections 193(2) or 195(2), or where applicants have been awarded Band 1 or 2 by the Exceptional Circumstances Panel, or have been awarded Band 1 as Children Leaving Care or Move on from Supported Housing, applicants can only exercise choice for a limited period of 4 weeks. After which time regardless of whether suitable properties have become available, Trafford Council is entitled to make a direct offer in either the social or private rented sector, which will fully end its Part 7 Homelessness duty.
- 7.28. However, during the 4 week period, applicants will also have to choose a **minimum** of 3 areas in line with the Trafford Homesearch search criteria. HOST can place bids on behalf of the applicant in their choice of areas only during the limited period.
- 7.29. After the 4 week period has ended, Trafford Council is entitled to make a direct offer. A direct offer must be suitable and can be made in either the social rented sector or the private rented sector. For homeless applicants the offer will fully end the Council's Part 7 Homelessness duty.
- 7.30. Whether or not a homeless applicant accepts an offer of accommodation made under the Policy, they have the right to request a review of the suitability of the accommodation they have been offered. Homeless applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a review of its suitability.
- 7.31. For Exceptional Circumstances applicants, Children Leaving Care and applicants who are moving on from Supported Housing, where they have bid for a property and are successful, this will be their final offer. Applicants who refuse the offer will be down banded to the original band they were in prior to the exceptional circumstances priority being awarded.
- 7.32. **Trafford Council's Policy where a property has been refused**  
Where an applicant has successfully bid for but refused two suitable offers of accommodation within a three month period, their priority for re-housing may (depending on the circumstances) be down banded to Band 5. Any applicant will remain in this lower band for a 12 month period after which, if their current housing circumstances at the time are the same, they will be returned to their original Band with their original registration date for that Band. The exception to this Policy is where a Homeless applicant owed a full homelessness duty under section 193(2) or 195(2) of the Housing Act 1996 refuses any property bid for, or where a direct offer has been made to a homeless applicant owed such a duty and it is refused (see above).

## **8. Review Of Decisions Made And Complaints:**

### **8.1. Review of Decisions**

Any applicant has the right to request a review of any of the following decisions:

That they are not eligible under the Allocation Policy. This includes decisions where Trafford Council has deemed an applicant ineligible due to unacceptable behaviour.

The applicant is removed from the housing register on the grounds they are no longer eligible.

The categorisation of an application as a reduced priority case or where reduced priority has been given due to behaviour, current or former rent arrears, local connection, or an applicant's financial resources.

About the facts of an applicant's case which have been, or is likely to be taken into account in considering whether to make an allocation to him.

The band that has been awarded.

- 8.2. Any applicant wishing to request a review of a decision must do so by contacting HOST directly in writing within 21 days of being notified of a decision. This will be treated as a first stage and will be dealt with by a Senior Officer of HOST, who is acting on behalf of Trafford Council, within 21 days of the request. All decisions following reviews will be notified to the applicant in writing giving the reasons for the decision.
- 8.3. If the applicant is still dissatisfied with the stage 1 decision, they can request a stage 2 review within 21 days from receiving the stage 1 decision. The Council will notify the applicant of the decision made within 21 days giving the reasons of the decisions. There is no further right of appeal, on top of the original right of appeal, to such decisions.
- 8.4. **Complaints**  
An applicant who is not satisfied with the housing register and allocations service or administration of this Policy may register a complaint with HOST's Complaint procedure by telephone, e-mail or in person at the HOST office in Sale. All complaints will be acknowledged and investigated.
- 8.5. An applicant who has a complaint about the Allocations Policy may register a complaint with Trafford Council's Complaint procedure by telephone, e-mail or in person at Trafford Town Hall or any other Council office in the Borough.
- 8.6. If the applicant remains dissatisfied following the outcome of their complaint, having followed their complaint through all stages of the relevant complaints procedure, they may also make a complaint to the Local Government Ombudsman if he/she believes that mal-administration has taken place.

## **9. How And When Applicants Will Be Cancelled:**

Applications will be cancelled for one or more of the following reasons:

An applicant requests cancellation;

An applicant's circumstances change and they are no longer eligible;

An applicant fails to complete a review of their application;

An applicant is found, following investigation, to have made a false or deliberately misleading statement in connection with their application (in such cases the applicant may be reinstated but will be suspended for 12 months depending on the seriousness of the false or misleading statement).

An applicant has been housed in a secure or assured tenancy by another Local Authority or a Registered Provider in or outside of the Trafford area.

# Appendix 1 – DPA and Service Standards:

## DATA PROTECTION AND INFORMATION SHARING

### Data Protection

1. All information held is subject to the Data Protection Act 1998. Trafford Council will seek the express consent of applicants joining their housing register to share personal information about the applicant, and any member of their household.

### Information sharing without consent

2. Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances which will include:
  - a) In accordance with the provisions of the Crime and Disorder Act 1998 (Section 115).
  - b) For the purposes of the prevention or detection of crime and fraud.
  - c) Where there is a serious threat to the applicant or a third party including staff or contractors.
  - d) Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff.

## Service Standards relevant to Trafford Council's Allocation Policy.

### Our Customer Commitment:

Trafford Council will consider every application received and:

Make sure Trafford Council meets its legal obligations in nominating people to accommodation owned by all housing associations.

Provide free advice and information about the right to apply for accommodation.

Provide free assistance to applicants who may have difficulty when making an application.

Make sure any information the Council provide is easy to understand and is readily accessible.

Outline how the Council offers choice and the ability for applicants to express preference.

Provide information to all applicants of what types of accommodation are available throughout the district.

Provide information about how long an applicant is likely to have to wait before being nominated to accommodation.

Provide a full copy or a summary of this Allocation Policy to all households who request them and will always provide a summary of the Policy to all who are accepted as being owed a full duty as statutory homeless.

Treat each applicant equally in accordance with their need, regardless of race, religion or creed, ethnic or national origin, disability, gender, sexual orientation or marital status.

Regularly monitor ethnic origin and disability of applicants who apply for accommodation.

Nominate to all vacant Registered Providers homes that are ready to let as quickly as possible.

Ensure that all information provided by applicants will be treated in strictest confidence.

Trafford Council will comply fully with the Data Protection Act in relation to all information it holds about applicants.

## **Appendix 2 - Local Lettings Policies**

### **Local Lettings Policies**

Trafford Council may, in agreement with HOST and participating Registered Providers, 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 age restrictions, a desire to encourage more employed tenants to live in a certain area, or to promote key workers living locally.

The above are examples only. The decision to implement a local lettings plan will be approved by the Senior Officer responsible for Housing in Trafford Council and agreed by the Chief Executive of the relevant Registered Providers (or other officer or body of the provider) for whom Trafford Council has nomination rights.

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

Local Lettings Policies 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 – Summary of the Bands

### Priority Bands

Note the descriptions used below are a summary of the criteria for qualification under each Band. This is not a substitute for the full detailed Policy on when priority will be awarded which is contained in the relevant section of the Policy itself.

<b>Band 1: Urgent Need Band due to additional preference being granted to certain groups who are owed reasonable preference.</b>	
Emergency Medical, disability or welfare	Emergency medical banding is granted only in exceptional circumstances. This includes when the applicant or a member of the applicant's household has a life threatening condition, which is seriously affected by their current housing, or their home cannot be accessed due to ill health or disability. A full list of circumstances where an award of emergency medical priority is given in the Policy.
Exceptional need to move	Agreed in exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling in the social or private rented sector and there is high risk to the tenant or their family's safety if they remain in the dwelling/area. For social housing tenants transfers will be to properties of the same size and type where required, but locations or areas are likely to change. A full list of the cases that would qualify is detailed in the Policy.  Emergency need to move determined by the Exceptional Circumstances Panel
Release adapted property	Where a tenant does not require a specially adapted property for disabled use, and there is a demand for its use from a disabled applicant in high housing need.
Statutory Overcrowded	Those that are Statutory overcrowded as defined by the Housing Act 2004.
Under-occupying	Tenants of Registered Providers in Trafford who are under-occupying family accommodation by two or more bedrooms.
Private sector properties unsanitary or unfit	A private sector property either owned or rented where a statutory notice has been issued by the Environmental Health Department that an unfit property is to be demolished under the Housing Act 2004;  Applicants are a private sector tenant and Trafford Council's Public Protection Team has decided that the property poses a category 1 hazard under the Health and safety fitness rating and Trafford Council is satisfied that the problem cannot be resolved by the landlord within 6 months.
Those living in Supported Housing who have been assessed as ready	Applicants will be awarded this category for certain specified projects in accordance with protocols agreed between

to move on to independent living	Trafford Council, service providers and the voluntary sector body. Not all applicants who occupy named supported housing projects will qualify for reasonable preference.
Award from the Exceptional Circumstances Panel	When the Exceptional Circumstances Panel have made a Band 1 award due to the exceptional circumstances or extreme welfare need.  The criteria for awarding Band 1 priority is set out in the main Policy.
Leaving care	Applicants are awarded this category in accordance with protocols between Trafford Council's Housing and Children services. Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002. They must have vulnerability and urgent housing need that is best met by the provision of long-term settled affordable housing.
Foster Carers and Adopters	Approved Foster Carers/Adopters with need to move to larger accommodation – however this would require a letter of support from CYPS (or the approving Local Authority) prior to qualification.
Former or current members of the Armed Forces, bereaved spouses and civil partners of members of the Armed Forces and Reserve Services who need to move to another local authority area to receive treatment, care or support	All ex-Armed Forces applicants in housing need will be assessed and awarded additional priority as appropriate (the next band up).
<b>Band 2: Need to move – Reasonable Preference</b>	
Homeless Households owed a full homeless duty under section 193(2) or 195(2)	Accepted statutory homeless cases owed a full homelessness duty by Trafford Council (note for cases owed a full homeless duty by any other Council they will receive a reduced preference for not having a local connection to Trafford unless subject to a s213 referral or fleeing violence).
Overcrowded by the Bedroom standard for overcrowding	Applicants overcrowded by 2 bedrooms or more.
Applicants living in unsatisfactory Housing that lack basic facilities	Applicants without access to any of the following: 1. a bath or shower 2. a toilet 3. Cooking facilities 4. Running hot water supplies 5. Electric/gas needed for essential activities
Under-occupying	Tenants of Registered Provider accommodation in Trafford who are under-occupying family accommodation by one bedroom.
Homeless Prevention after 6 months of a prevention option being chosen	Applicants who have accepted a prevention option from HOST which will mean that their homelessness is prevented for a minimum of 6 months



	After that 6 month period they will be awarded Band 2 priority rather than their Band 3 priority with an effective date from the date they were awarded Band 2.
Medical grounds	Applicants who have an urgent need to move on medical grounds because their current home is having a severe adverse effect on the health of a member of the household, but who do not qualify for Band 1 urgent medical priority (see the main Policy for details of how Band 1 and Band 2 Medical priority will be assessed).
Award from the Exceptional Circumstances Panel	Where the Exceptional Circumstances Panel have made a Band 2 award due to the exceptional circumstances or extreme welfare need. The criteria for awarding Band 2 priority is set out in the main Policy.
Former or current members of the Armed Forces, bereaved spouses and civil partners of members of the Armed Forces and Reserve Services who need to move to another local authority area to receive treatment, care or support	All ex-Armed Forces applicants in housing need will be assessed and awarded additional priority as appropriate (the next band up).
<b>Band 3 :</b>	
<b>Applicants who do not meet the criteria for Band 1 and 2 but fall in to the statutory reasonable preference categories.</b>	
Applicants who are entitled to reasonable preference as being non-priority homeless or intentionally homeless, or  Statutory homeless within the meaning of Part 7 but a Homeless Prevention option during the first 6 months has been chosen.	Applicants who are entitled to reasonable preference as being non priority homeless, intentionally homeless or,  Trafford Council consider they will be physically homeless within 28 days and that the applicant has accepted a prevention option from HOST which will mean that their homelessness is prevented for a minimum of 6 months
Housing Need - Age	Applicants 60+ seeking sheltered accommodation
Former or current members of the Armed Forces, bereaved spouses and civil partners of members of the Armed Forces and Reserve Services who need to move to another local authority area to receive treatment, care or support	All ex-Armed Forces applicants in housing need will be assessed and awarded additional priority as appropriate (the next band up).
<b>Band 4:</b>	
<b>Applicants not assessed as being owed reasonable preference but who meet the Trafford positive community criteria.</b>	
Trafford Positive Community Criteria	Those employed or undertaking training. 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

	<p>deployed or could be voluntary work regardless of which community benefits.</p> <p>Applicants with a strong family connection to certain areas</p> <p>Applicants who are key workers as defined by Trafford Council. This could be in the health services, social care, transport, etc.</p> <p>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.</p>
<p>Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces and Reserve Services who need to move to another local authority area to receive treatment, care or support</p>	<p>All ex-Armed Forces applicants in housing need will be assessed and awarded additional priority as appropriate (the next band up).</p>
<p><b>Band 5:</b></p> <p><b>Applicants owed Reasonable preference but who have been awarded reduced preference, no recognisable Housing Need – Nil Priority</b></p>	
<p>Applicants who would have been owed reasonable preference but whose priority has been down banded according to the Policy for rent arrears, behaviour, no local connection, savings, equity or earning.</p> <p>Applicants who have no recognisable housing need and do not meet the Trafford Positive Community Criteria.</p>	<p>Applicants who are owed a reasonable preference but have been awarded reduced preference under the Policy.</p> <p>Applicants whose household income levels, households' capital or savings exceed the national average</p> <p>Applicants with no recognisable housing need who do not meet the Trafford Positive Community Criteria</p> <p>See Policy for full details.</p>

## Appendix 4 – Bedroom Standard

### Bedroom Standard and Type of Accommodation

When deciding the size of property for which applicants will be eligible, the following Bedroom Standard will be used.

The rules allow one bedroom for each of the following people:

- every adult couple (married or unmarried)
- any other adult aged 16 or over
- any two children of the same sex aged under 16
- any two children aged under 10
- any other child, (other than a foster child or child whose main home is elsewhere)
- a carer (or team of carers) who do not live with you but provide you or your partner with overnight care

Bedroom Standard				
Household Size	Number of bedrooms			
	1	2	3	4
Single Person				
Couple wishing to live together				
28+ weeks pregnant woman with or without partner and no other children				
In exceptional cases e.g. where there are care needs or adult siblings wishing to live together				
Parent(s) with one child				
Parent(s) with two children				
Parents with three or more children regardless of age or sex				

When deciding whether an applicant and his or her household is under-occupying accommodation, or lacks two or more bedrooms to assess eligibility for Priority Band 1, the lower number of bedrooms shown against each size of household will be used as the “standard” number of bedrooms required for the household concerned. For example a parent with two children who is living with parents and has the use of one bedroom will be deemed to lack one bedroom.

#### Type of accommodation

Sheltered housing will normally be available only for applicants over 55 unless the age has been specified by the Registered Provider.

Accommodation that is designated as supported housing will be available only for applicants who are eligible for that particular accommodation. For example, some supported housing is provided exclusively for people with learning difficulties, or for young people leaving care.

Where accommodation is available only for applicants who satisfy such special criteria, this will be clearly recorded in the notes page of the nomination.

## **Size and type of property for which applicants are eligible**

In order to make the best use of the available housing stock, it is essential to let properties to those who need that size and type of property. Examples include houses with two or more bedrooms to be let to families with young children, sheltered housing flats for older people and properties that have been built or adapted for a person with a physical or sensory disability.

When deciding the size and type of property for which applicants are eligible, the Bedroom Standard in Appendix 2 will normally be used.

In exceptional circumstances HOST's Senior Officer/Manager may exercise discretion in deviating from the Bedroom Standard. Examples are:

- a) For those applicants who are separated or divorced and sometimes care for their children, HOST's Senior Officer/Manager will consider how often and for how long the children stay with them and whether there is a court order in place. If appropriate, that officer may exercise discretion and award additional bedrooms for the children in accordance with national guidance.
- b) Where applicants require larger accommodation on health grounds. HOST's Special Needs Assessment Panel will consider this on a case by case basis, taking into account the completed medical form.
- c) Where there is little or no demand for a particular vacancy, and it is therefore difficult to let.
- d) Where no suitable applicants can be identified to make the best use of larger accommodation.
- e) Where the applicant has been approved as a foster carer by Children's Services, and so will need a larger property than normally required by the household.
- f) Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household.

## **Appendix 5 – Reasonable Preference Categories**

**The reasonable preference categories in section 167(2) of the Housing Act 1996 are:**

- I. People who are homeless (within the meaning of Part 7 of the Act);
- II. People who are homeless and in priority need but homeless intentionally;
- III. People who are homeless and in priority need and not intentionally homeless;
- IV. People threatened with homelessness and in priority need and not intentionally homeless;
- V. People who are not intentionally homeless but not in priority need;
- VI. People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- VII. People who need to move on medical or welfare grounds (including grounds relating to disability).
- VIII. People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

### **Additional reasonable preference groups**

1. Former or current members of the Armed Forces (see section 6.5 of the Policy for full list).
2. Prospective adopters and foster carers.

3. Working households.

## Appendix 6 - Officer Roles and Responsibilities

The power to operate the Allocation Policy in Trafford is a power delegated by full Council in accordance with Trafford Council’s Policy of delegation.

Under Section 167 Housing act 1996 as amended by 2002 Homelessness Act.

*“Every local Housing authority shall have a scheme (their allocation scheme) for determining priorities and as to the procedure to be followed, in allocating housing accommodation. For this purpose ‘procedure’ includes all aspects of the allocations process, including the persons or descriptions of persons by whom decisions are to be taken.”*

To meet this legal requirement the following table sets out which officers (in terms of post and level of responsibility) will take decisions under Trafford Council’s Allocation Policy.

<b>Officer Designation</b>	<b>Role and Responsibilities</b>
<b>Housing Registration Team (HOST)</b>	<ol style="list-style-type: none"> <li>1. Provision of advice and assistance including telephone advice and interviewing</li> <li>2. Inputting data relating to individual applications where the applicant is unable to access the online system.</li> <li>3. Answering general queries by telephone, in writing, and in person</li> <li>4. Verification of documents and applicant circumstances</li> <li>5. Assessment of incoming applications against Trafford Council’s Policy, including decisions on eligibility in respect of immigration or serious behaviour.</li> <li>6. Assessment of nil or reduced preference and when any reduced preference restriction can be lifted according to the criteria.</li> <li>7. Homelessness assessments</li> </ol>
<b>HOST Operational Manager responsible for Allocations</b>	<ol style="list-style-type: none"> <li>1. Undertaking Statutory Reviews for Allocations</li> <li>2. Checking 10% paperwork on all allocation decisions made by HOST</li> <li>3. Monitoring allocations and nominations</li> <li>4. Deciding on complicated cases that require referral up from HOST</li> <li>5. Deciding which exceptional cases or welfare cases need to be considered by the Housing Exceptional Circumstances Panel.</li> <li>6. Awarding priority for emergency cases whose homes are damaged by flood, fire or other disaster, may be provided with another tenancy if it is not possible to repair their existing accommodation.</li> <li>7. Awarding priority for households who, on Police or Social Services advice, must be moved immediately as a matter of urgency.</li> <li>8. Awarding priority for households from outside the area where Trafford Council owes another local authority or Housing Association a nomination to someone on an urgent reciprocal basis, such as where an applicant has had to be re-housed outside the area due to domestic abuse.</li> </ol>
<b>Exceptional</b>	

<b>Circumstances Panel</b>	See Appendix 7 below for details of how the panel will operate
<b>Special Needs Assessment Panel (Senior Officer from Specialist Housing Service, Occupational Therapist &amp; Social Worker)</b>	Awarding priority for medical cases where applicants have an urgent medical need for re-housing.
<b>Housing Services - (Trafford Council)</b>	<ol style="list-style-type: none"> <li>1. Undertaking Statutory Reviews for Homelessness decisions, intentionally homeless, and suitability of accommodation.</li> <li>2. Allocations Reviews once HOST have dealt with the initial review.</li> <li>3. Review and interpreting Allocations Policy</li> </ol>

## Appendix 7: Exceptional Circumstances Panel

### Terms of Reference

The panel will consider cases where:

1. An applicant has an exceptional need that is not covered by the Allocation Policy.
2. Welfare cases that need to be assessed to determine if they are owed reasonable preference and do not fall within the routine welfare groups listed in the Policy such as those in supported housing who are ready to move on and are in need of long term settled accommodation.

The panel will consist of appropriate officers responsible for Allocations from both Trafford Council and HOST.

Cases considered by the panel will be, depending on their circumstances, awarded either reasonable preference or additional preference. An applicant will be placed in Band 1 or Band 2 depending on their circumstances. Where appropriate a direct offer of accommodation may be made.

It is the responsibility of the Senior Officer for HOST to make evidence based assessments of exceptional circumstances. Cases must be recorded fully to ensure a fair and transparent process has been followed and that cases can be fully scrutinized by members of Trafford Council to ensure that they fully meet the exceptional circumstances criteria.

The Panel will consider housing need having regard to the needs of an applicant and the members of his/her household. The Panel will consider the following types of cases listed below. However, this list is not exhaustive. Representations can be received from an applicant and their representative and/or professional body:

- Applicants with medical problems that are not sufficient on their own to confer priority, but where there are other relevant social factors.
- Needing more settled accommodation in order to deal with child protection issues arising under the Children Act.
- The household seeking accommodation has welfare needs so severe that the protection of vulnerable adults or children is only possible if the household were to move to a new home and where the present circumstances could deteriorate to such an extent as to place household members at risk, or in need of residential care unless re-housing is offered.
- Families with a child with behavioural difficulties, which may require an additional bedroom or particular type of accommodation.
- Requiring additional space such as for a carer or to foster.
- The risk level of a potentially vulnerable person continuing to live at his/her current address.
- The need for re-housing due to irreconcilable neighbour difficulties.
- Requests to agree exceptions to established policies e.g. reduced preference due to former or current rent arrears, where to adhere to the Policy would cause special hardships.

- Requests to agree an applicant for any type of special housing provision, for example, floating support, supported housing because of a learning difficulty, mental health problems, alcohol or drug misuse, sensory difficulties, a need for low-rise or low density accommodation or accommodation in specific areas of the Borough to give or receive support etc.
- Requests to transfer following harassment including verbal abuse, insults, intimidation, damage to property or possessions, threatening or abusive behaviour, racist, homophobic or other abusive graffiti, unprovoked assaults including common assault, actual bodily harm and grievous bodily harm, use of dogs, arson and attempted arson, threatening letters, witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.
- Requests for a transfer or re-housing where there has been a bereavement or personal tragedy in the property or area.



## **Appendix 8 – Glossary of Terms**

This glossary is in alphabetical order and contains definitions of the terms used in the Housing Allocations Policy document. If any of the definitions here are unclear, you may contact HOST for advice.

### **Adaptations**

Adaptations are changes to a home, usually funded by the Council or a Registered Provider, that make it accessible or suitable for a tenant with physical challenges or disabilities. These may be very specific to the needs of person currently living there, but the Council will always seek to re-use such facilities where possible.

### **Anti-Social Behaviour**

This is behaviour which causes nuisance, alarm or distress to one or more persons not of the same household as the perpetrator.

### **Assured Shorthold Tenancy (AST)**

Created under Section 20 of Housing Act 1988, an Assured Shorthold Tenancy is granted for a fixed term between 6 months and 5 years. Upon expiry of a valid Notice of Seeking Possession the Court has no discretion to allow the tenant to remain.

### **Banding**

Banding is the method we use to award priority to applicants. There are four main bands and these reflect the comparative urgency of applicants' need to move. Band E is reserved for those over the age of 60 and registered for sheltered accommodation without a recognised housing need and/or local connection.

### **Bidding**

This is the process by which applicants register their wish to be considered for a particular property, for which they are eligible. No money changes hands in this process.

### **Choice Based Lettings (CBL)**

A system of letting properties by which vacant properties are advertised and applicants choose those they wish to bid for or otherwise express an interest.

### **Code of Guidance**

Issued by Communities and Local Government. Gives guidance on how a local housing authority should register applicants and allocate accommodation (under Part VI) and carry out its statutory duties and responsibilities towards the homeless (under Part VII) of the Housing Act 1996.

### **Current or Former Rent Arrears**

Arrears accrued as a result of non-payment of rent whilst living in the current or a previous property

### **Homeless**

As defined in sub-paragraphs (a) and (b) of section 167(2) of the Housing Act 1996.

### **Housing Act 1996 - Part VII**

Homelessness legislation governing the discharge of a local authority's duties and responsibilities following receipt of an application for housing assistance from a homeless person

**MAPPA**

Multi Agency Public Protection Arrangement. It provides the statutory framework for inter-agency co-operation in assessing and managing violent and sex offenders in England and Wales.

**Mutual Exchange**

A scheme which enables two social housing tenants to swap their homes.

**Nominations Agreement**

An agreement under which the Council can place those in housing need into Registered Provider homes as they become available.

**Offenders' Protocol**

A multi-agency protocol developed to assist service providers to assist offenders to secure suitable accommodation.

**Over-Crowding**

A tenant is considered to be over-crowding their home when they have less bedrooms than they need, in accordance with the Council's bedroom standard.

**Priority Need**

The groups defined as being in priority need by Section 189(1) of the Housing Act 1996.

**Priority Re-housing Group**

The Council has identified a number of groups of applicants who should receive priority consideration for re-housing because of their housing need (e.g. medical grounds).

**Registered Provider (RP)**

Registered Providers (Housing Associations) registered with the Homes and Communities Agency, who own housing stock in the Borough.

**Reserve Services**

The reserve services means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

**S193 Accommodation**

Accommodation provided to homeless applicants to whom the Council owes a duty to secure the temporary accommodation under s193 of the Housing Act 1996.

**Suitable Offer**

A suitable offer is an offer of accommodation with a Registered Provider or a private landlord (that has been approved by the Council). If the offer is accepted, the Council will discharge its housing and/or homelessness duty to the applicant.

**Temporary Accommodation**

Interim accommodation provided to persons applying for housing assistance as homeless pursuant to Sections 188, 190, 200, or 204 of the Housing Act 1996.

**Under-Occupying**

A tenant is considered to be under-occupying their home when they have more bedrooms than they need, in accordance with the Council's bedroom standard.

**Vulnerable**

A priority need category under Section 189(1), Part VII, Housing Act 1996 (see Priority Need).