

Housing Allocations and Choice Based Lettings Scheme

Last amended October 2017



NORTHAMPTON
BOROUGH COUNCIL

On 13 September 2017, the Cabinet approved a number of temporary changes to the Housing Allocations and Choice Based Lettings Scheme:

www.northamptonboroughcouncil.com/councillors/documents/s53983/Cabinet%20Report%20Temporary%20Changes%20to%20Northamptons%20Housing%20Allocations%20Scheme%2013%20September%202017%20v3.pdf

These changes – which are reflected in this version of the Housing Allocations and Choice Based Lettings Scheme – will last for a fixed period of 9 months (from 1 October 2017 until 30 June 2018).

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SECTION ONE

1.1 Introduction

1.1.1 This is Northampton Borough Council's Housing Allocations and Choice Based Lettings Scheme. Under section 166A of the Housing Act 1996 and Part VI Housing Act 1996 (as amended by the Homelessness Act 2002), and the Localism Act 2011, all Local Authorities need to have a scheme which can determine the allocation of its dwellings, and must give a reasonable preference to certain categories of people.

1.1.2 The scheme has been framed to give additional preference to particular descriptions of people (being descriptions of people with urgent housing needs), as in accordance with section 166A of the 1996 Housing Act, and to Armed Service personnel under regulations introduced during 2012.

1.1.3 Northampton Borough Council have decided that needs should be reflected cumulatively in the manner set out below.

1.1.4 Section 166A (14) means that the authority may not allocate housing accommodation except in accordance with its allocation scheme. The scheme includes a statement of the authority's policy on offering people who are to be offered housing accommodation:

- a) A choice of housing accommodation; or
- b) The opportunity to express preference about the housing accommodation to be allocated to them.

1.1.5 Social Registered Providers have a duty under section 170 of the 1996 Housing Act to cooperate with housing authorities to such an extent as is reasonable in the circumstances in offering accommodation to people with priority under the housing authority's allocation scheme.

1.1.6 Similarly section 213 of the 1996 Housing Act provides that, where a Private Registered Provider has been requested by Northampton Borough Council to assist in the discharge of our homelessness function under Part 7 of the 1996 Housing Act, it must also cooperate to the same extent.

1.1.7 This Allocation Scheme document sets out in detail the Council's general policies relating to the allocation of social housing and the procedures and processes used by officers to implement those policies.

1.1.8 To ensure fairness, the policies described in the document are applied consistently.

- 1.1.9 The individual circumstances of each applicant are considered in every case using the information provided by the applicant on their Housing Registration Form and subsequently upon any requests for additional information that may result from the answers that the applicant gives.
- 1.1.10 Any provision in this scheme may be waived in exceptional circumstances and at the discretion of the appropriate senior officer with delegated authority (as stated in the Department's Scheme of Delegations). This would normally require a full report of the circumstances of the individual case to be prepared by the Housing Solutions Manager for the consideration of the delegated officer (currently the Head of Strategic Housing Services).
- 1.1.11 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.
- 1.1.12 For this purpose "procedure" includes all aspects of the allocation process, including all the persons or descriptions of persons by whom decisions are to be taken.
- 1.1.13 The Localism Act 2011 introduces significant amendments to Part 6 of the Housing Act. The main policy objectives behind these amendments are to:
- a) Enable housing authorities to better manage their housing registers by giving them power to determine which applicants do or do not qualify for an allocation of social housing. Authorities will be able to operate a more focussed list which better reflects local circumstances and can be understood more readily by local people. It will be easier for authorities to manage unrealistic expectations by excluding people who have little or no prospect of being allocated accommodation. Northampton Borough Council will now operate a managed approach to the Choice Based Lettings scheme and the Housing Allocations scheme.
 - b) The Localism Act also gave local housing authorities the power to discharge the main homelessness duty with an offer of private rented accommodation, and Northampton Borough Council will operate this power through this Housing Allocations Scheme. This power came in to force on the 9th November 2012, through Statutory Instrument 2012/2599, and Northampton Borough Council will implement this in accordance with sections 148 and 149 of the Localism Act. It should be understood, however, that such provision does not involve an allocation within the provisions of Part 6 of the Housing Act 1996.

1.2. Scope

- 1.2.1 The definition of an allocation for the purposes of Pt. VI Housing Act 1996 is given below, so far as generally relevant to this Allocation Scheme:
- a) Selecting a person to be a secure or introductory tenant of housing accommodation (i.e. in practice accommodation held by the Council).

- b) Nominating a person to be a secure or introductory tenant of housing accommodation (i.e. in practice accommodation held by another housing authority).
- c) Nominating a person to be an assured tenant of housing accommodation held by a Private Registered Provider.

The term “assured tenant” includes a person with an assured short hold tenancy, including of an Affordable Rent property. Secure tenant includes a person with a flexible (i.e. fixed term) tenancy granted under section 107A of the Housing Act 1985.

1.2.2 The statutory framework under Part VI Housing Act 1996 applies to the allocation of accommodation to existing secure or introductory tenants of Northampton Borough Council and existing assured tenants of Private Registered Providers only in the following circumstances:

- a) the allocation involves a transfer,
- b) the application for the transfer is made by the tenant, and
- c) the housing authority is satisfied that the tenant is to be given reasonable preference under the statutory framework..

1.2.3 Existing secure, introductory and assured tenants seeking a transfer who are not considered to be entitled to such a reasonable preference are now accordingly outside the scope of the statutory framework, but this Allocation Scheme nonetheless also applies to the following:

- a) an existing tenant occupying an adapted property who no longer requires those adaptations but Northampton Borough Council requires the property for an applicant who does need them
- b) an existing tenant under occupying his/her accommodation

1.2.4 The following are not allocations as covered by Part 6 of the Housing Act, and are not covered by this scheme:

- a) mutual exchanges between secure tenants
- b) mutual exchanges between secure and assured tenants, and those with flexible/fixed term tenancies
- c) assignments
- d) renewals/extensions of fixed term/flexible tenancies
- e) transfers to existing tenants where the Authority is satisfied that the tenant does not have reasonable preference
- f) transfers to existing tenants that the Authority initiates for management purposes, including temporary decants
- g) conversion of an introductory tenancy to a secure tenancy
- h) succession under S89 of the Housing Act 1985
- i) allocation to a person who lawfully occupies accommodation let on a family intervention tenancy
- j) provision of non secure temporary accommodation in discharge of any homelessness duty or power

- k) transfer of tenancy by a court order under family law or under the provision of the Civil Partnership Act 2004
- l) Re-housing due to being displaced from previous accommodation by the Authority or being re-housed by the Council pursuant to the Land Compensation Act 1973.
- m) Temporary decant to allow repairs to a property to be carried out

1.2.5 The Council's aim in producing this scheme is to empower people to make decisions and choices over where they live and exercise choice; to help create sustainable communities and encourage the effective use of the available affordable housing, giving customers as much opportunity as possible for their views to be taken into account when they are seeking a new home. This will include creating new freedoms and flexibilities for the communities and individuals that will ensure that through Localism a greater number of decisions are made about housing at a local level. Northampton Borough Council will support applicants to choose the Housing Option which is best for them, including: promoting a wide range of options, such as low cost home ownership, mutual exchanges, and the private rented sector. By providing information and free advice about staying put options such as aids and adaptations, and mobility schemes we can ensure that we promote independent living for all clients wishing to be re housed.

1.2.6 The demand for secure affordable housing in Northampton far outweighs the supply. In the last three years Northampton Borough Council has let on average 1,100 properties each year. In order to maximise the supply of affordable housing the Council works closely with a number of PRPs (also known as Housing Associations). PRP landlords provide the Council with nomination rights for a percentage of their homes.

1.2.7 Northampton Borough Council is committed to offering choice to all applicants seeking housing. This will be achieved by operating the Choice Based Lettings Scheme. This Housing Allocation Scheme will also make it as easy as possible for applicants to move between local authority, housing association and privately rented accommodation by encouraging the extension of Choice Based Lettings scheme to cover low cost home ownership options and properties for rent from private landlords as well as affordable housing.

1.3 Objectives

1.3.1 In allocating its vacant properties the Council seeks to:

- a) Discharge the Council's statutory duties as contained in Part VI and VII of the Housing Act 1996, as amended by the Homelessness Act 2002, and the Localism Act 2011.
- b) Offer customers information and free advice to enable them to make informed choices about their housing options
- c) Offer as much choice as possible to customers
- d) Create an easy to understand, fair and transparent system
- e) House those in priority need as determined by the law
- f) Help prevent homelessness

- g) Make the most effective use of the local housing stock
- h) Support the principles of social inclusion, community cohesion and aim to meet customer expectations
- i) Respond to the circumstances of vulnerable individuals which includes joint working with other agencies
- j) Ensure and promote equality of opportunity in accessing the Housing Register based on reasonable preference
- k) Promote sustainable tenancies and communities by acknowledging the support needs where appropriate
- l) Promote low cost home ownership schemes to customers on the Housing Register
- m) Promote Private Rented accommodation to customers on the Housing Register
- n) Encourage residents to access employment and training
- o) Recognise residents who make a contribution to the local community

1.3.2 We are committed to providing a fair and transparent service to all persons eligible for registering for housing under the Council's Housing Allocations scheme and to allocate accommodation, in the majority of cases, to those households with the greatest need.

1.3.3 We are also committed to ensuring that as far as is possible the allocation of homes is done in such a way as to promote social cohesion and balanced sustainable communities.

1.4. Advice and Assistance

1.4.1 Section 166 - Applications for housing accommodation

1.4.2 A local housing authority shall secure that:

- a) advice and information is available free of charge to persons in their district about the right to make an application for an allocation of housing accommodation; and
- b) any necessary assistance in making such an application is available free of charge to persons in their district who are likely to have difficulty in doing so without assistance.

1.4.3 A local housing authority shall secure that an applicant for an allocation of housing accommodation is informed that he has rights mentioned in section 166A(9) (see paragraph 2.1.4).

1.4.4 Every application made to a local housing authority for an allocation of housing accommodation shall (if made in accordance with the procedural requirements of the authority's allocation scheme) be considered by the authority.

1.4.5 The fact that a person is an applicant for an allocation of housing accommodation shall not be divulged (without consent) to any other member of the public.

1.4.6 The Council acknowledges that (except in certain circumstances) this Allocations Scheme requires the active participation of housing applicants and to reflect this, the Council aims to provide free advice and assistance to ensure that no person is disadvantaged by the way the Housing Allocations Scheme operates.

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

- a) Information about the procedures for applying to go onto the scheme and for applying for advertised vacancies
- b) Information about how applicants are prioritised under this scheme
- c) How successful applicants will be selected
- d) Rules on how properties will be advertised including bidding cycles and restrictive labelling for example, certain properties will only be allocated to customers who meet the mobility requirements of the property
- e) Information about how you can request a review of those procedures
- f) Information about the Registered Providers that have vacancies advertised through the Choice Based Lettings scheme as nominations
- g) Applicants will also be provided with information regarding their own application which will include:
 - (i) What band they are awarded under this scheme
 - (ii) What properties they are entitled to bid for
 - (iii) What their chances are of bidding successfully on the property types and areas in which they are interested and, if they are homeless and living in temporary accommodation, what may happen in terms of 'direct offers' and 'proxy bidding' if they have been in the Emergency Band for at least six weeks and have not yet made a successful bid for accommodation
 - (iv) What information they need to supply in regard to verification and references and when this information will need to be provided
 - (v) What is the average time to wait for each property type for each priority housing needs group
 - (vi) Information will be provided in writing, on DVD, on the web site and via verbal information
 - (vii) If they are awarded reduced priority or are found to be ineligible what they need to do to rectify this.

1.4.8 Properties are advertised through the Choice Based Lettings scheme. Information provided in the advertisements will endeavour to be as comprehensive and clear as possible. The Choice Based Lettings scheme promotes informed choices and expects to guide applicants to bid only for properties they can realistically expect to secure.

1.4.9 Advertisements will include as many of the following as possible:

- a) Location
- b) Property type, size and floor level
- c) Type of tenancy to be offered

- d) Amount of rent and other charges payable
- e) Energy Performance Certificate
- f) What type of heating it has and whether it has a heating charge payable that is not covered by housing benefit
- g) Whether such things as a garden or parking are available with the property
- h) Photos of the property and links to guides about the local area
- i) Display information on adaptations that have been provided to the property to aid mobility within the home.

1.4.10 Applicants who have any difficulty reading or understanding this Allocations Scheme will be offered the following services:

- a) An interpretation service if their first language is not English
- b) Signing if speech or hearing is impaired
- c) A DVD with translations in to the relevant community languages
- d) Provision of documents in large print or braille if an applicant is visually impaired
- e) An interview to explain the content of this document and information about where independent advice can be obtained about the Council's scheme.

1.4.11 As there are likely to be many more applicants than properties available, the Council will also provide information about other housing options. This will include:

- a) Advice on Registered Providers, many of which will advertise their vacancies through the choice based lettings scheme
- b) Advice and help on renting in the private rented sector if there are few homes available in the areas where they wish to live
- c) Advice on available low cost home ownership options
- d) Advice on Mutual Exchanges.

SECTION TWO

2.1 The legal framework

2.1.1 As a result of the Homelessness Act 2002 and the Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012, Northampton Borough Council will continue to provide a Housing Register and allocations will principally be made through the Choice Based Lettings scheme.

2.1.2 Applications on the housing register have been assessed as being eligible for accommodation and prioritised as set out within this document (The Council's "Allocation Scheme"). The Housing Allocations Scheme is a Common Housing Allocations scheme between all Housing Associations, Accredited Private Landlords and Northampton Borough Council. The priority for nominations under paragraph 7.15 proceeds on the same basis as for the granting of a tenancy by Northampton Borough Council.

2.1.3 In determining the rules within this Allocation Scheme, the Council have had regard to The Housing Act 1996, as amended by The Homelessness Act 2002, the Localism Act 2011, the published Tenancy Strategy, the Homelessness Strategy, the 2012 Code of Guidance and the Regulatory Framework. Additionally, the Council will have regard to case law, relevant legislation (including any amendments) relevant codes of practice and local policies. See appendix D

2.1.4 When anyone applies to join the Housing Register, the customer must be informed by Northampton Borough Council of their relevant statutory rights as follows (see Housing Act 1996 sections 166(1A) and 166A(9)):

- a) The right to request such general information as will enable the applicant to assess how their application is likely to be treated under the allocations scheme to include whether the customer is likely to fall within any of the groups entitled to a reasonable preference;
- b) The right to request such general information as will enable the customer to assess whether accommodation appropriate to the customer's needs is likely to be made available and if so how long it is likely to be before an offer is made;
- c) The right to ask Northampton Borough Council to inform the customer of any decision about the facts of the customer's case which has been, or is likely to be, taken into account when considering whether to allocate accommodation (including any decision that the customer is ineligible or not qualifying or not to be given any reasonable preference);
- d) The right to request a review of any decision in c) above and the right to be informed of the review decision and the grounds of it.

2.2 Equality and Diversity

2.2.1 Northampton Borough Council is subject to the provisions of the Equality Act 2010. Northampton Borough Council has a duty to eliminate unlawful discrimination. Northampton Borough Council is under a duty to advance equality of opportunity, and to foster good relations between persons who share a relevant protected characteristic and those who do not. The protected characteristics are age, race, disability, sex, pregnancy, and maternity, sexual orientation, religion or belief, and gender reassignment.

2.3 Data protection and freedom of information

2.3.1 The information that applicants provide may be personal and sensitive as defined under the Data Protection Act 1998. Data will only be shared with third parties with the applicant's permission and then only for the purposes of assisting with their re-housing. Applicants will be asked to sign a consent form on the housing application to enable the authority to share this information. Personal data will also be treated in accordance with the Electronic Communications Act 2000. Applicants have the right to see the information held regarding their application for housing.

2.3.2 The Freedom of Information Act 2000 gives applicants a right to see information on how decisions were arrived at on the scheme.

2.3.3 Customers' rights to see what information is held on them on non-computerised records is governed by the Data Protection Act 1998.

2.3.4 Under the Freedom of Information Act 2000 such requests must be made in writing, must state the applicants name and address for a response and must describe the information requested.

2.4 Information on the Housing Register

2.4.1 Under section 166(1) of the Housing Act 1996 a person on the Housing Register of a local authority is entitled to free advice and information about the right to make an application for housing and accommodation. This will include the ability to request any necessary assistance when completing an application, specifically for those who would normally have difficulty in doing so without assistance.

2.4.2 A customer is also entitled to be given such general information as will enable him/her to assess how long it is likely to be before housing accommodation appropriate to his/her needs becomes available for allocation (see 2.1.4 above). This will be provided on the Choice Based Lettings website and vacant property advertisements www.homechoice-link.gov.uk. Information will be provided to each applicant on request at no charge.

2.5 False statements

2.5.1 Section 171(1) of the Housing Act 1996 makes it an offence for anyone, in connection with the exercise by a local housing authority of their functions under Part VI of the Housing Act 1996 (and therefore in seeking an allocation of accommodation) to:

- a) Knowingly or recklessly make a materially false statement or
- b) Knowingly withhold information which the authority has reasonably required him/her to give in connection with the exercise of those functions.

2.5.2 A person guilty of this offence is liable on summary conviction to a fine at the date of this scheme document of up to £5,000.

2.5.3 The circumstances in which an offence is committed could include:

- a) Any false information given on an application form for alternative housing/accommodation
- b) Any false information given in response to subsequent review letters
- c) Any false information given or submitted by customers during the proceedings of a review

2.5.4 Ground 5 in schedule 2 of the Housing Act 1985 (as amended by section 146 of the 1996 Housing Act) enables Northampton Borough Council to seek possession of a tenancy granted as a result of a false statement by the customer or a person acting as the customer's instigation.

SECTION THREE

3.1 Choice Based Lettings

3.1.1 The Council have adopted a Choice Based Lettings Scheme called Homechoice-link.org.uk. We also have a partnership scheme with Daventry District Council. This allows customers on the Housing Register to express their property and area preferences and also provides information about a range of other housing options.

3.1.2 Anyone who applies for social housing in Northampton has the opportunity to join a common housing register, called the Northampton Housing Register. This is a common register shared by all of the major social housing providers and accredited private sector rented landlords in Northampton in order to make access to all social housing and affordable housing in Northampton as easy as possible. It provides for access through one joint application form and register that can be used by partners and the Council to determine allocations.

3.1.3 The amount of choice that the Council is able to offer is limited by the acute housing pressures it faces and legal responsibilities it has to some groups in housing need such as those found to be statutorily homeless.

3.1.4 The Council believes that any applicant considered to be eligible under this Scheme should be able to express a preference/choice over the type of property and the area in which they would like to live. However applicants should be aware that the Council's ability to satisfy their expressed preference/choice may be severely limited.

3.2 Direct offers

3.2.1 Whilst the majority of applicants will be housed through the Choice Based Lettings system, the Council may in certain circumstances make direct offers to applicants in the following circumstances, provided applicants qualify and are assessed in accordance with this policy and as being in urgent housing need:

- a) situations where urgent rehousing is required due to the applicant spending an excessive amount of time in temporary accommodation provided by Northampton Borough Council, or an existing property being uninhabitable, or where there are serious health and safety or personal protection issues to be addressed to discharge a statutory homelessness duty

- b) other urgent housing need situations where in the circumstances it would not be reasonable to wait for the Choice Based Lettings process to take place, this would include Landlord Transfer requests.
- c) cases where the tenant has died and there is no right of succession where the Authority has agreed to rehouse the applicant in an alternative property
- d) threat to life in the area in which the applicant currently resides
- e) emergency cases whose homes are damaged by fire, flood or other disaster may be provided with other accommodation if it is not possible to repair the existing home
- f) households who, on police advice, must be moved immediately due to serious threats to one or more residents of the household
- g) to facilitate a three way (or greater) mutual exchange. Mutual exchanges are not an allocation, but where the Authority is satisfied that to do so would make best use of its housing stock and support the needs of the tenants involved, rather than a direct swap (assignment) taking place, the Council may make available a property for three-way exchange
- h) All direct offers of accommodation will be authorised by Team Leaders within Housing Solutions and Landlord Services, following detailed reports being received and produced detailing the extenuating circumstances.

3.2.2 Between 1 October 2017 and 30 June 2018, an average of up to five 'direct offers' per fortnight may be made to homeless households living in temporary accommodation as part of the action the Council is taking to reduce the amount of time homeless households spend in temporary accommodation.

3.3 Who is qualified to join Northampton's housing register?

An applicant must qualify under each of the requirements in section 3.3 below and not be disqualified under any of the relevant provisions in section 3.5 below.

Age

3.3.1 Anyone who is 16 years of age or over can apply under this Allocation Scheme, subject to the provisions below. However, this does not guarantee housing under this scheme, and each applicant will be assessed on their individual circumstances, and must satisfy the eligibility and qualification criteria. The customer's relevant statutory rights will be determined under the Housing Act 1996.

3.3.2 Any applicant who is under 18 cannot by law be granted a tenancy but the legal estate can be held on trust until they reach the age of 18. A trustee will be appointed by the minor and will be required to sign the tenancy agreement on their behalf. Any action taken regarding breach of tenancy will be taken against the tenant and not the trustee.

Local connection

3.3.3 With the exception of Armed Forces personnel falling under section 3.3.5 below, any applicant will be required to meet the local connection criteria in order to qualify to join the Housing Register for an allocation. A local connection will be established if:

- a) you have lived in Northampton for the last 3 years continuously
- b) you work in the area and have done so continuously for 9 months (there is no need for a 3 year working period but must comply with section 5.14 and demonstrate a housing need in accordance with the Housing Allocations scheme)
- c) you want to live near to a close relative who has lived in Northampton for more than 5 years and receive or provide support/care that you cannot receive in your local area
- d) A Close relative is as defined in Homelessness legislation as father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson, granddaughter, brother, sister, uncle, aunt, niece or nephew (whether of full blood, half blood or by affinity) of that person or of that person's spouse or former spouse.
- e) Consideration will also be given to another person if there is no other living relative that can provide support. This decision is made at the discretion of the Team Leader.

3.3.4 Through the Military Covenant, the Government has made clear its responsibility to support our Armed Forces in return for the important contribution they make to the country. Therefore, in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, the local connection criteria do not apply to the following applicants:

(a) anyone serving in the regular forces or who has served in the regular forces within five years of the date of their application;

(b) anyone who 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) Special consideration is appropriate in some cases as per the Armed Forces Covenant which states that special consideration will be appropriate in cases for those who have given the most such as the injured and the bereaved.

(d) Those that served in the Armed Forces and have been dishonourably discharged will be reviewed on a case by case basis by the Housing Choice and Resettlement Team Leader.

Priority Bands

3.3.5 Any applicant must fall within the provisions for one or more of the priority Bands under section 6.2 below.

3.4 Interpretation / translation & other facilities

3.4.1 Where a language need is identified, from whatever source, and the applicant has no other means, all written material given to an applicant must be translated into the relevant language. This will be given together with a copy of the English version. The Housing Applications Officer should enter any translation requirements on the applicant's CAPITA computer records.

3.4.2 An interpreter must be arranged for any subsequent interviews with the applicant. In addition, where it becomes apparent during the course of an interview that an applicant has language difficulties, the Applications Officer must ask them if they want an interpreter to be present and if they have a family or friend who can assist them. A record is made on the file note of the applicant's request. The Applications Officer will ensure that the appropriate arrangement is in place. Whenever an interpreter is present, a note of their name and relationship to the applicant should be noted on the interview notes.

3.4.3 Similar arrangements will be made for applicants with other needs such as Braille or enlarged script.

3.5 Those applicants who are eligible and are not disqualified

3.5.1 The Council shall only allocate housing accommodation to people who are eligible and meet the qualification criteria.

3.5.2 A person may not be allocated accommodation under Part 6 of the Housing Act 1996 if he or she is a person from abroad who is ineligible for an allocation of accommodation under section 160ZA of the 1996 Housing Act. Northampton Borough Council will ensure compliance with the statutory provisions for eligibility as amended from time to time. Current information as to eligibility may be obtained by reference to the 2012 Code of Guidance or by enquiry to the Authority.

3.5.3 A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is ineligible for an allocation of housing accommodation by a local housing authority unless he/she is of a class prescribed by regulations made by the Secretary of State.

3.5.4 The Secretary of State may by regulations prescribe other classes of persons from abroad who are ineligible for an allocation of housing accommodation, either in relation to local housing authorities generally or any particular local housing authority.

3.5.5 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation of accommodation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No. 1294) and (SI 2012/2588).

3.5.6 The Allocations policy will at all times, have due regard for relevant case law that may impact the decision process and outcome.

3.5.7 The effect of the Eligibility Amendment Regulations is to maintain the Government's policy that non EEA nationals who are normally subject to immigration control should only have access to social housing or homelessness assistance if it accords with the Government's immigration and asylum policy, which broadly means only if they have been granted leave to enter or remain in the UK and this leave is not conditional on the person having no recourse to public funds.

3.5.8 The Localism Act 2011, allowed Local Authorities to establish their own qualification criteria for customers wishing to be included onto the Housing Register. The following criterion has been set by Northampton Borough Council with specific reference to non-qualifying persons who do not have a reasonable preference under s166A (3) Housing Act 1996:

- (a) an applicant unsuitable to be a tenant of Northampton Borough Council by reason of unacceptable behaviour;
- (b) an applicant whose financial resources are above the levels set by the Council;
- (c) an applicant who has deliberately worsened their circumstances in order to qualify to join the housing register.

3.5.9 An applicant's eligibility or qualification to join the Allocations Scheme will be kept under review during the application process. Applicants who cease to be eligible and/or qualifying may be removed from the Register at any time.

3.5.10 Each application will be assessed on its own merits. Any applicant rejected as ineligible or non-qualifying will be provided with a written explanation. The notification must give clear grounds for the decision, which must be based firmly on the relevant facts. This letter will be issued by the Housing Applications Officer. The applicant will have the right to request a review.

Unacceptable behaviour

3.5.11 Except for a customer to whom Northampton Borough Council decide a reasonable preference is to be given under s166A(3) Housing Act 1996), an applicant is not qualified to join the Housing Register for an allocation if he/she or a member of his/her household has been guilty of unacceptable behaviour serious enough to make the applicant unsuitable to be a tenant of the authority.

Unacceptable behaviour includes the following:

- a) Owing significant housing related debt to a Council, Registered Landlord or Private Landlord. Significant housing debt is the equivalent to 2 weeks and above chargeable rent for your tenancy. A repayment plan will also be required to have been approved and you are making regular payments.
- b) Failing to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt
- c) Being subject to a court order (including an interim order) for breach of tenancy conditions
- d) Conviction for illegal or immoral use of your home
- e) Causing nuisance and annoyance to neighbours or visitors
- f) Committing criminal offences in or near the home and still posing a threat to neighbours or the community
- g) Being violent towards a partner or members of the family
- h) Allowing the condition of the property to deteriorate
- i) Obtaining a tenancy by deception, for example giving untrue information
- j) Paying money illegally to obtain a tenancy for example a corrupt payment
- k) Applicants that have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974.
- l) Being a perpetrator of domestic abuse as this is a ground for possession (Grounds 2A as amended)
- m) Acts of violence and aggression to employees will not be tolerated by the Council and any applicant who threatens or uses violence towards any Council employee or contractor will be removed from the housing register immediately.

3.5.12 Applicants who have not been accepted due to unacceptable behaviour as determined by the Head of Landlord Services can make an application for housing in the future, but they will have to demonstrate a change of behaviour. The council will determine if this change makes them qualify under the Scheme.

3.5.13 Checks will normally be carried out at the visit stage but can be carried out at any time. The Housing Applications Officer will ask the applicant directly if there are any court orders outstanding against them, in relation to current or previous housing related debts and record any details given.

3.5.14 The Housing Applications Officer will refer the case to the Housing Choice and Resettlement Team Leader who will then judge whether it is reasonable to cancel the application.

3.5.15 the applicant will be informed of the outcome in writing and a copy of the letter will be kept on the applicant's file.

Financial resources

3.5.16 The Council considers £30,000 per annum for a single person household and £40,000 per annum for family household income to be sufficient financial resource to buy a home or pay market rent in Northampton. Except for a

customer to whom Northampton Borough Council decide a reasonable preference is to be given under s166A(3) Housing Act 1996, single applicants who earn £30,000, and joint applicants with a joint income of £50,000 a year, or who have assets or savings of £16,000 for a single applicant £32,000 for joint applicants or more are not qualified to join the housing register for an allocation.

3.5.17 The applicant must be informed in writing. A copy of the letter is kept on the applicant's file.

Deliberately Worsening Housing Circumstances

3.5.18 Except for a customer to whom Northampton Borough Council decide a reasonable preference is to be given under s166A (3) Housing Act 1996, where there is clear evidence and a conclusion can properly be drawn that an applicant has deliberately worsened their circumstances in order to qualify to join the housing register, then the applicant will not qualify to join the housing register. The Head of Strategic Housing Services will make this decision. Examples of this include:

- a) Selling a property that is affordable and suitable for the applicant's needs.
- b) Moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation.
- c) Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- d) Deliberately overcrowding a property by moving in friends and/or other family members who have never lived together with you previously, and who then request rehousing to larger accommodation.

3.6 How to apply

3.6.1 Applications must be made in writing on the 'HomeChoice @Northampton' housing application form, issued by the council. Forms are available at The Guildhall, St Giles Square, Northampton, NN1 1DE, or can be downloaded via www.northampton.gov.uk

3.6.2 Housing Applications can also be completed online by accessing www.homechoice-link.org.uk and finding the relevant link.

3.6.3 Any person who requests housing assistance from the Council has to make an application on line.

3.6.4 The applicant will also be requested to submit a passport size photograph of themselves and any partner included on their application. The photograph has to comply with current British passport standards.

3.6.5 Upon receipt of the application the Housing Application Officer checks that:

- a) the applicant is at least 16 years of age.
- b) the applicant does not have an existing application

- c) Where a current application already exists the new registration form is linked-up with the previous application
- d) any change in circumstances, e.g. family composition, is updated on the full details of the household are available, including the sex, dates of birth and relationship of any household members listed
- e) full accommodation/tenancy details are available
- f) where the applicant states that a member of their household has a tenancy elsewhere, the Applications Team will request full details, which are retained on file
- g) where the applicant is a Northampton Borough Council tenant, the Housing Applications Officer will confirm with the relevant Housing Officer if the applicant is a joint tenant and that all members of the tenancy are included in the application.

Completed forms must have all the correct and relevant supporting documentation.

3.6.6 If the information is not supplied, the application for housing will normally not progress any further and applicants will be expected to apply at a later stage when they are able to provide all of the relevant supporting documentation. However, where the applicant has made a homelessness application to Northampton Borough Council, the application for housing will continue to be processed and will only be cancelled if the Council subsequently decides that it does not owe the applicant a housing duty under the homelessness legislation and the applicant fails to provide all of the relevant supporting documentation.

3.7 Fraud Investigations

3.7.1 If the Housing Applications Officer has concerns regarding information that has been provided, these should be discussed with the Housing Choice and Resettlement Team Leader who will decide if they:

- a) are satisfied that there is insufficient evidence to cancel the applicant on these grounds;
- b) want more information to be gathered locally before a decision can be made;
- c) Feel that there is insufficient evidence at the moment but want a formal fraud investigation; have a suspicion of fraud and require a fraud investigation to establish the facts relating to the application the matter will be referred for investigation detailing the suspicion
- d) Are satisfied that the applicant has provided fraudulent information.
- e) There is sufficient evidence to warrant a verification visit by a visiting officer from the Northampton Borough Council

3.7.2 The Housing Choice and Resettlement Team Leader may seek advice from the Fraud Team Leader, and should notify the Housing Solutions Manager in all cases where fraud is suspected.

3.7.3 If an applicant has given incorrect information at the time of the application or visit that subsequently comes to light such as deliberate concealment of a debt, or an eviction, or a deliberate worsening of their circumstances, the application will either be cancelled or the applicant will be placed into a reduced priority banding. With any decision that is made, the applicant will receive the reasons for any action in writing.

3.7.4 In other cases the putative fraud may be reasonably obvious, for example, the applicant may admit that they have tried to claim a priority they are not entitled to or have included a household member who does not exist. The self-correcting principle should be applied in the first instance, and a warning letter should be sent, by the Housing Application Officers and the application if still eligible to be on the Housing Register would receive a reduced priority banding.

3.7.5 In other cases the applicant may not admit it, but it is still obvious e.g. they have failed to demonstrate that they live where they are supposed to. In these cases, the applicant will be treated as a non-qualifying person, and be cancelled from the register. If they cannot prove the household membership claimed they will be registered only on the basis of the family members we are willing to accept.

3.7.6 If there is a second offence, or the Housing Choice and Resettlement Team Leader considers that the fraud to be deliberate and serious, and adequately proved, they may reject the application on grounds of fraud. However, this should be done in consultation with the Housing Solutions Manager, and the Head of Strategic Housing Services who may also decide on further action that should be taken including criminal proceedings. This is a permanent exclusion and will apply to any subsequent applications from another address. The applicant must be advised that this has been done and given the reasons why. In these cases, the applicant's computer records are updated with a text note "Fraudulent Information Provided". There is no provision for lifting this sanction other than through an exceptional circumstance report.

3.7.7 If information is requested from the applicant and is not received by the Housing Choice and Resettlement Team Leader within 28 days the Housing Applications team will not register the application. The applicant will be notified in writing, all original documents will be returned by registered post and the application form and photocopies of documents destroyed.

3.7.8 Where applications are found to be fraudulent Northampton Borough Council can:

- a) Cancel your housing application
- b) Take action to repossess any tenancy it has provided for you
- c) Take criminal proceedings against you

3.8 Forms of proof for supporting documents

3.8.1 The Council will accept as proof photocopied documents, which should be provided in person if possible or by placing in an envelope and sending to the

Guildhall, St Giles Square, Northampton, NN1 1DE. All documents will be returned by recorded delivery.

3.8.2 If an applicant is subject to immigration control, a national of European Economic Area (EEA) or an Accession State National, additional documents will be required.

3.8.3 Full details of what the Council will accept as proof, is available in Appendix C.

3.9 Changes of circumstances.

3.9.1 Where re-assessments due to a change of circumstances lead to an applicant being awarded a different priority status the Housing Applications Officer Will update the applicants' records and inform applicants in writing. If the supporting documentation is not supplied, the application will be suspended.

3.10 Who gets visited

3.10.1 All Housing Register applicants are subject to a verification visit and/or other appropriate investigations as to their eligibility for housing, by a Housing Applications Officer prior to receiving an offer. The applicant will be requested a maximum of three times to meet with a visiting officer to verify details that have been provided, after the third attempt if the verification visit has not been completed, the application will receive a reduced priority banding until such time as all details can be confirmed.

3.10.2 The primary purpose of a visit is to check that all information relating to the applicant's housing application is properly recorded, that their housing need has been correctly assessed, and that they are a "Qualifying Person" and otherwise eligible for an offer. All assessments are provisional until verified at a visit. The applicant will be notified in writing of any change in their status or entitlement following the visit.

3.11 The home visit

3.11.1 The Visiting Officer completes the Visiting Form after carrying out the following checks: proof of identity and date of birth for all people on the application, and proof of residency for each household member over 16 included on the application.

3.11.2 The Visiting Officer will

- a) check that the rooms, facilities, and tenure claimed are correct and that the rent is actually being paid at the level required. The applicant will be asked to show details of rent books/agreements/payments etc. If they are in rent arrears the reason will need to be checked
- b) ask the relevant questions to satisfy themselves that the information being provided supports the application.
- c) Require access to all areas within the property in order to verify the details that have been provided by the applicant

3.12 After the home visit

3.12.1 The information gathered at the home visit including the documentation is used to confirm the applicant for an offer and the visit report and the documents are scanned on the applicant's file.

3.12.2 Although an applicant may have been cleared for an offer, the Council reserves the right to reinvestigate the application if any information comes to light that questions the applicant's entitlement to an offer. This can be at any stage prior to the applicant signing the tenancy.

3.12.3 If after the applicant has signed up for a tenancy and information comes to light that indicates that the property was obtained through deception, the Council will take legal action to secure an eviction.

3.12.4 If the applicant is not cleared for an offer the Housing Application Officer will write to the applicant and inform them of the position (see section 7.8.1). It may be that more information is required before a final decision can be made.

3.12.5 Where a decision is made for an applicant to be excluded from the Housing Register or placed in the Reduced Priority Band, the Housing Applications Officer must inform the applicant of their decision in writing, with details of the reason for the decision. The applicant must also be informed of their statutory right of review.

3.13 Review of Register

3.13.1 Applicants are not required to annually re-register their housing applications after first applying. They are however required to inform the Council of any changes in their circumstances, which affect their housing application.

3.13.2 However, Northampton Borough Council will monitor the bidding patterns of applicants and will be able to identify applicants who fail to bid. The Council will contact registered applicants who have failed to bid for more than twelve months and advise the customer that the housing application has been removed from the Housing Register. The letter will also advise the customer that they can request a statutory review of this decision to remove their application from the housing register due to no bids being submitted for the previous 12 month period.

3.13.3 Northampton Borough Council will check periodically whether there has been a change of circumstances of applicants on the Housing Register. This offers Northampton Borough Council an opportunity to discuss broader housing options with those applicants who are unlikely to be allocated accommodation in the near future.

3.13.4 Where the applicant is homeless and living in temporary accommodation provided by Northampton Borough Council, they may be made a 'direct offer' of suitable accommodation or subject to 'proxy bidding' (by Officers of the Council or Northampton Partnership Homes) if they have been in the Emergency Band for at least six weeks and have not made a successful bid for accommodation.

3.14 Annual Lettings Plan

3.14.1 The Council will produce an Annual Lettings Plan; this will set annual targets for property types across priority bands.

3.14.2 Northampton Borough Council operates a robust monitoring mechanism in order to demonstrate that overall reasonable preference is given to those in the reasonable preference categories.

3.14.3

a) The Annual Lettings Plan will be published on an annual basis and all of the lettings that are made within Northampton will be monitored against this. The plan is devised to ensure that the Local Authority meets its statutory duty and obligations, whilst also ensuring that all lettings under Part 1V of the Housing Act contribute to the overall purpose of the Lettings Plan.

b) If whilst monitoring the plan throughout the year, the outcomes appear to differ from the commitment NBC have made to certain bandings and groups with a reasonable preference, the Council will be able to implement strategic tactics to ensure that the Authority are able to meet with their statutory obligations.

c) The Housing Act 1996 requires that each Authority determine and publish an Allocation Scheme setting out how it will prioritise its applications for social housing. The Allocation Scheme must adhere to the acknowledgement and provision of accommodation for those who may fall into a reasonable preference category and will include applicants who are homeless and who are living in overcrowded households.

d) The Annual Lettings plan is an essential tool that will not only identify who will be considered for rehousing by the Authority but it will also allow the Council to illustrate a commitment to rewarding households who are working or who have a community contribution; both with or without Reasonable Preference. This lettings plan will endeavour to make a clear statement that the Council wish to reward those who make a positive contribution to their neighbourhood, and to the economic growth of Northampton town.

e) Northampton Borough Council will also make a commitment to encourage longevity of tenure and sustainable tenancies by making a commitment to provide a mechanism for families who are already tenants, and have maintained their tenancies to a reasonable standard and without arrears the ability to move into larger accommodation as their circumstances change and they require larger accommodation. All of these strategies are designed to meet with the statutory obligations of the Council, as well as to contribute to wider strategic and corporate plans that the Council are required to deliver.

f) It is the aim of the Council to ensure that the Lettings Plan demonstrates a more transparent process that delivers a more effective policy for the allocation of its

accommodation. It will always be governed by its statutory obligations; however, it will encourage fairness for those who wish to be acknowledged for making a positive contribution to Northampton economically and towards sustainable communities. Please see Appendix E for how the Lettings Plan will be implemented.

3.15 Requests for Review

3.15.1 Section 166A (9) of the 1996 Housing Act includes the following rights for applicants in respect of their application:

- a) The right to request the Council to inform him of any decision about the facts of his case which is likely to be or has been taken into account in considering whether to allocation housing or not and
- b) The right to request a review of a decision in relation to (a) above or as to a decision that he is ineligible or not a qualifying person and to be informed of the decision on review and the grounds for it.

3.15.2 Letters notifying an applicant of ineligibility or non-qualification for joining the Housing Register, or about the band that they have been awarded, or about any other decision concerning the facts of the applicant's case, will state that the applicant has a right to request a review of the decision.

If you wish to request a review of the decision that has been made in respect of your application, this should be done so in writing within twenty one days of the letter advising you of the decision. The request for the review should be made to the Housing Solutions Manager, Northampton Borough Council, The Guildhall, St Giles Square, Northampton, NN1 1DE,

3.15.3 The Housing Solutions Manager will undertake a review of any decision that has been requested. This officer will not have been involved in an original decision, and will not sit on the Welfare Panel to review the case.

3.15.4 The Council will determine the review within 56 days of the request or such longer period as may be agreed with the applicant. The Council will notify the applicant of the outcome of the review including the reasons if the original decision is confirmed. The Council's decision on review is final and any challenges to that decision can only be made through judicial review proceedings.

3.15.5 In cases where Northampton Borough Council believes that an applicant may have difficulty in understanding the implications of a decision on ineligibility or disqualification, then Northampton Borough Council will make arrangements for the information to be explained to the customer verbally.

3.16 Review of the Allocation Scheme

3.16.1 The Allocations Scheme is monitored to make sure that allocations made reflect the housing need, and meet with the requirements of legislation. This scheme will be reviewed annually to ensure that its aims and objectives are met.

SECTION FOUR

4.1 Assessment and monitoring

4.1.1 The Banding assessment process, which is explained below, will be applied to all eligible and qualifying applications and the applicant will be informed in writing of the assessment. We aim to assess complete applications within 28 working days.

4.2 Northampton's banding scheme

4.2.1 An applicant's circumstances are assessed and the application placed in either the Emergency Band, Band A, Band B or the Reduced Priority Band as explained in section 6.2 Within each Band, priority is accorded by (1) a priority star system and (2) the date of registration, as explained below. In broad terms, the greatest priority is awarded to those assessed as having the highest housing need.

4.3 Reasonable Preference

4.3.1 Northampton Borough Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important when, as is the case in Northampton, the demand for social housing is greater than the availability of homes.

4.3.2 The law, as it applies to local housing authorities, requires that Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories cover:

- a) All homeless people as defined in Part VII of the Housing Act 1996.
- b) People who are owed a particular statutory duty by any local housing authority under certain provisions of homelessness legislation.
- c) People occupying unsanitary, overcrowded or otherwise unsatisfactory housing
- d) People who need to move on medical or welfare grounds (including grounds relating to a disability).
- e) People who need to move to a particular locality within the district to avoid hardship to themselves or others.

People are to be disregarded for these purposes if they would not have fallen within a) and b) without the local authority having had regard to a restricted person (as defined under s184(7) Housing Act 1996, relating to immigration cases).

4.4 Determining priority between applicants with Reasonable Preference

4.4.1 The Council determines priority between applicants with Reasonable Preference by taking into account various factors including:

- a) The financial resources available to a person to meet their housing costs.
- b) The contribution that an applicant makes to Northampton or their local community, for example through working or volunteering

SECTION FIVE

5.0 Priority Star System

Within each Band, applicants are prioritised, first, by reference to a priority star system. This operates as follows:

One priority star will be awarded for each of the following where applicable

1. People owed a statutory homelessness duty under either s193(2) or s195(2) Housing Act 1996 ,
2. People occupying unsanitary or statutory overcrowded housing (as defined by part 10 of the 1985 Housing Act) or otherwise living in unsatisfactory housing conditions in accordance with hazards identified through the Housing Health Safety Rating Scheme as confirmed by the Northampton Borough Council
3. People who need to move on severe medical or severe welfare grounds
4. People who need to move to a particular locality in their district of the authority where failure to meet their needs would be detrimental to their health and well-being and cause severe hardship
5. A working household as defined in section 5.13, and 5.14 of the Housing Allocations Scheme.
6. Customers who are undertaking a voluntary contribution as defined by sections 5.16, 5.17 and 5.18 of the Housing Allocations scheme

5.1 Registration date

5.1.1 The registration date is the date a fully completed application is received by Northampton Borough Council, except where there is a change to the applicant's Band (see section 5.2.2 below). This date affects priority within each band.

5.1.3 If an applicant's change of circumstances result in a higher or lower priority banding being awarded it will be the date of moving in to the higher / lower banding that will be the priority date and, where Northampton Borough Council accepts a rehousing duty to an applicant whose homelessness application has taken more than 8 weeks to investigate and determine, the household's 'priority date' in the Emergency Band will be adjusted to a date that is 8 weeks after the date that their homelessness application was received.

5.2 Change of circumstances

5.2.1 Where there is any change in an applicant's circumstance, a change of circumstances form must be completed, and supporting documents must be provided. If there is any change to the banding, applicants will be informed in writing within 28 working days. The onus is on applicants to inform Northampton Borough Council when there is a relevant change in their circumstances.

5.2.2 If your circumstances change that result in a higher or lower priority banding being awarded it will be the date of moving in to the higher/lower banding that will be the priority date.

5.3 Financial assessment

5.3.1 When applications are received, they are subject to a financial means test to establish the level of housing need. This will enable Northampton Borough Council to provide informed advice on accommodation that meets with the affordability of applicants

5.4 Local connection criteria

5.4.1 In relation to the local connection criteria, the Council will need to establish whether or not you or a member of your family has a connection to Northampton: see section 3.3.3.

5.4.2 There is an exception to the local connection criteria for the Armed Forces: see section 3.3.4.

5.4.3 If a customer has been placed outside of Northampton by Northamptonshire County Councils Children Services Department, but Northampton is the location they would normally live in, they will be considered to have a local connection.

5.4.4 If a customer resides outside of Northampton in an area not of the customer's own choice, for example the customer has been detained in prison or in hospital under the Mental Health Act, then the customer will still have a local connection and this will not disqualify a person from joining the Choice Based Lettings Housing Register.

5.5 Joint Tenancies

5.5.1 Joint tenancies are normally granted where applicants have a long-term commitment e.g. married and unmarried couples, civil partners.

5.5.2 Under section 160ZA(1)(b) Housing Act 1996, a housing authority must not allocate a joint tenancy to two or more people if they are persons from abroad who are ineligible or if they are not qualifying. However, where two or more people apply and one of them is eligible and qualifying, the authority may allocate a tenancy to the person who is eligible and qualifying. In addition, while ineligible and non-qualifying family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

5.6 Residence and contact with children

5.6.1 Where children are involved in residence and contact cases they will be considered as permanent household members for the partner having the primary residence and control of the child/children. Where an application is made to the Council or PRP from the other partner, it will not always be possible due to the demand on the Council's housing stock to consider the child/children as part of a housing application. In order for your bed need to be increased, we would need documentary evidence such as a court order or solicitor's letter detailing residence and contact arrangements, and proof of who receives the child benefit, to determine the property size that you can be considered for.

5.7 Prospective adopters and foster carers

5.7.1 Northamptonshire County Council have a duty under section 22G of the Children Act 1989 to ensure sufficient accommodation to meet the needs of the looked after children. Northampton Borough Council will work in partnership with Northamptonshire County Council to best meet the needs of prospective and approved foster carers and adopters, to enable Northamptonshire County Council to meet their duties.

5.8 Transfers

5.8.1 This scheme will not apply to existing social tenants except as indicated at section 1.2.2 and 1.2.3.

5.8.2 Existing social tenants who do not meet the necessary criteria above will be referred to the Mutual Exchange programme where they will be encouraged to find a mutual exchange that meets their housing need.

5.8.3 Social housing tenants applying for a transfer and who are considered by Northampton Borough Council to be entitled to a reasonable preference for an allocation will be treated on the same basis as new applicants in accordance with the requirements of section 166A(3), and be allowed to join the Housing Register.

5.8.4 Transfers at a tenant's request, where Northampton Borough Council is satisfied that the tenant is not entitled to a reasonable preference, are not within this Allocation Scheme except as indicated at section 1.2.3.

5.9 Landlord Request Transfers

5.9.1 The Council accepts that there may be exceptional circumstances where the only way an urgent housing need can be resolved is through management discretion. This type of move will be kept to a minimum, and all such landlord request transfers will be authorised by a Team Leader. Examples of these cases include, but are not limited to:

- a) Threat to life.
- b) Households who, on police advice, must be moved immediately due to serious threats to one or more members of the household, or who's continuing occupation would pose a threat to the community.

These cases will be placed into the Emergency Band and if all other housing options have been explored may result in a direct offer of accommodation.

5.10 Under occupation

5.10.1 Northampton Borough Council will run incentive schemes (subject to financial resources being available) aimed at tenants transferring into smaller properties & Mutual Exchanges This will be subject to the qualification criteria. (appendix B).

5.10.2 Customers who are under occupying may have reduced priority where there are small rent arrears; this would however be at the discretion of the Housing Services Manager. This will enable properties to be released to assist families on the housing register waiting for larger properties.

5.10.3 The Under-occupation scheme will be important in light of the measures in the Welfare Reform Act 2012, which will reduce Housing Benefit entitlement for work age social tenants who under-occupy their property (measured in accordance with the Local Housing Allowance size criteria)

5.11 Working households

5.11.1 Northampton Borough Council wants to support the growth of the town, and encourage people to work and raise levels of aspiration and ambition. We will therefore offer increased priority to applicants that are working and making a contribution to Northampton's economy. The increased priority gained by being a Working Household will apply across Northampton Borough's area and is not linked to a specific area.

5.11.2 One priority star is awarded in respect of being a working household. The allocation of any property would be subject to a financial assessment which would support and demonstrate an applicant's ability to afford suitable accommodation.

5.11.3 Customers who are not in the Emergency Band, Band A or B or the Reduced Priority Band but are in employment will not be qualified to join the housing register. The housing priority defines qualification to join the Housing Register, not the employment status.

5.12 Definition of Working Household

5.12.1 The definition of a working household will be where the applicant or joint applicant is in employment. Employment for this scheme is described as having:

- a) A permanent contract.
- b) Working as a temporary member of staff.
- c) Self-employed.

5.12.2 Applicants will have to have been working for 16 hours or more per week for 9 out of the last 12 months. Verification will be sought at the point of application, and at the point of offer. Applicants must provide payslips, P45 and P60, tax returns, bank statements and a verifying letter on headed paper/or contract of employment from their employer in order to qualify.

5.12.3 The proof must be supplied at the time of application and verified at time of offer. If the applicant's employment status changes they may be allowed to retain the priority as long as there is a realistic prospect of re-employment. The decision will take into account their previous employment history, age of the applicant and other relevant factors. However they must satisfy the employment definition at the time of the offer of accommodation.

5.13 Community Contribution

5.13.1 People who play a part in making their neighbourhood strong, stable and healthy – those who help make it a good place to live, work and play – are valuable people. They are the backbone of their community, and they need to be recognised for the good they do.

5.13.2 The Community Contribution Priority Scheme is a Northampton Borough Council scheme which gives an applicant increased priority, in addition to any other Reasonable Preference they are entitled to because of housing need.

5.13.3 One priority star is awarded in respect of being a working household. The allocation of any property would be subject to their eligibility for property size and type.

5.13.4 All applicants are given the opportunity to request a Community Contribution award, regardless of which housing partner they originally registered with.

5.13.5 Customers who do are not in the Emergency Band, Band A or B or the Reduced Priority Band but are actively undertaking community contributions will not

be qualified to join the housing register. The housing priority defines qualification to join the Housing Register, not the community contributions.

5.14 Community Contribution Awards – How they work in practice

5.14.1 It's important to keep in mind that a Community Contribution award is additional to the applicant's Reasonable Preference status. If an applicant requests a Community Contribution but turns out not to qualify, it won't disadvantage their application or cause it to be ineligible or non-qualifying. It's also important to make clear that only the criteria below can be used to assess whether someone can have a Community Contribution award.

5.15 Definition of Community Contribution

Both of the following criteria need to be satisfied:

5.15.1 Criterion 1 - If an applicant, over the age of 16 has lived in Northampton for three years continuously, now or in the past and can pass our 'current positive local residence history' test (no anti-social behaviour, hate crime or convicted criminal activity) they may apply for the Community Contribution award.

5.15.2 Criterion 2 – If an applicant volunteers, a Community Contribution award will be applied. Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application, and the same at point of offer. Volunteering must be for a not-for profit organisation or a charity and must be for a minimum of 10 hours per month. N.B. Tenants and Residents Associations, which are constituted, are classified as not-for-profit organisation. They must be registered with Northampton Borough Council, or a Registered Provider to qualify.

5.16 Evidence required for Voluntary Work

5.16.1 A letter from a Manager responsible for Volunteers confirming applicant's involvement in a minimum of 10 hours per month of voluntary work in the requested area for over 6 months. This person must not be related to the applicant in any way.

5.17 Employment Mobility

5.17.1 Applicants not entitled to a reasonable preference under s166A(3) Housing Act 1996 who live outside the borough of Northampton but work in Northampton and whose financial resources exceed the levels in section 3.5.21, and who accordingly do not qualify to join the Housing Register, will be provided with housing advice to encourage access to affordable private rented and low cost accommodation.

5.18 Medical, Welfare and Disability grounds

5.18.1 The Housing Act 1996 states that reasonable preference on the housing register should be given to applicants who have a need to move on medical or welfare grounds.

5.18.2 This category includes an applicant, or member of that applicant's household, whose health is being affected by their current property, and where a move to another more suitable property would alleviate their condition or make it easier to manage.

5.18.3 Where it appears that there is a need to make enquiries into an applicant's medical condition, the Council will refer the case to an independent medical advisor. The applicant can provide their own medical evidence if appropriate along with a medical/welfare assessment form, which will be sent to the independent advisor.

5.18.4 If the Independent Medical Advisor advises Northampton Borough Council that reasonable preference should be awarded then the following awards will be considered:

- a) Severe medical award where it can be demonstrated that, due to an illness or disability, it is unacceptable for the applicant to remain in their current dwelling, or
- b) Moderate medical award when it can be demonstrated that due to an illness or disability the applicant finds living in their current dwelling difficult and it is clear that remaining in that dwelling will contribute to deterioration in their health. Or it would be beneficial for the applicant to move to alternative accommodation but, at present, the applicant can manage in their present dwelling, or
- c) Where appropriate, the medical advisor will also recommend the type of property most appropriate to the medical needs.

The medical award made will determine the Band the applicant is placed in. Where two or more members of a household would qualify for medical priority, only the highest priority will be awarded and (if applicable) only one priority star applied.

Medical and welfare priority will be reviewed by the Re-housing Officer prior to allocation if the assessment was made in excess of twelve months previously to ensure that the award is still appropriate.

Welfare grounds may apply to any member of the household. This list is not exhaustive

- a) Infirmary due to old age
- b) The need to give or receive care
- c) Behavioural difficulties
- d) The need to recover from the effects or threats of violence or physical or emotional abuse
- e) Young people at risk
- f) A mental or physical disorder
- g) A physical or learning disability
- h) Financial hardship.

5.18.5 Where an applicant is likely to need adaptations, an assessment of both current and prospective properties will be completed.

5.18.6 The Council's Independent Medical Adviser does not carry out individual medical examinations. Opinions are based on the information given by the applicant on the Housing Application Form. Where required, the Medical Adviser will request the necessary information from the relevant medical professional.

5.19 Vulnerable people

5.19.1 A key requirement for ensuring the success and fairness in general of the Housing Allocation and Choice Based Lettings Scheme is that all customers can access available homes and that relevant support is provided where appropriate.

5.19.2 The Council will ensure that vulnerable applicants and those disadvantaged by the Choice Based Lettings process will be provided with support and assistance in accordance with the Council's Access Strategy.

5.19.3 A specialised Gateway team within Housing Solutions is available to ensure that Northampton Borough Council adopt community based objectives such as tackling worklessness, reducing poverty, promoting financial inclusion and supporting independence. The Gateway team will work with partnership agencies to enable all vulnerable clients receive the personalised care and support necessary to provide better outcomes for all partners in housing and its clients.

5.19.4 Although a Gateway Assessment will enable applicants to access relevant services for their needs, it will not guarantee access to the housing register or accommodation. This will be determined through the normal application process.

5.20 Independent Living

5.20.1 The term Sheltered Housing applies to a range of accommodation and tenancy related support designed to meet the housing and support needs of applicants over the Pension Credit Age or applicants who are in receipt of Disability Living Allowance or Personal Independent Payments.

5.20.2 Once an application has been assessed and identified as being eligible for Sheltered Accommodation, if the applicants support needs meet the criteria for reasonable preference, the Independent Living Team will complete an assessment to ascertain the level of support that will be required whilst the applicant is living in Sheltered Accommodation. This will ensure sheltered housing can meet the support needs of the applicant and that the appropriate level of service can be provided.

5.20.3 The service is based around each individual's support needs. This service is provided by a team of Independent Living Officers who will ensure the appropriate level of service is maintained to meet the individual's housing support needs.

5.20.4 Sheltered Housing Schemes consist of flats or bungalows, some of which are grouped around a community room where residents are able to enjoy social activities.

5.20.5 A sheltered housing panel allocates Eleanore House accommodation on the basis of the assessed needs of applicants; this is outside of the Choice Based Lettings policy. The Sheltered Housing Panel will consider all factors of the customers housing and support needs when allocating the available accommodation.

5.21 Reduced Priority Band - general

5.21.1 This Band comprises a number of categories of applicant who either

- (a) would not have qualified under this Policy but for the Council having decided they should be given a reasonable preference under s166A(3), or
- (b) would otherwise be placed in the Emergency Band, or Bands A or B

5.22 Housing-related debts

5.22.1 Applicants will have reduced priority if there are housing related debts such as current or former rent arrears (including temporary accommodation arrears), costs of repairing damage to a former social housing property or legal costs arising from court action in connection with a current or former tenancy. The Council will only consider housing related debt accrued within the last 6 years.

5.22.2 Assessment is carried out at the point when the applicant's priority is initially being assessed unless new information comes to the Council's attention subsequently. The following procedure will apply:

- a) Applicants who have any property-related debts (such as rent arrears, repair damage debt, or a housing benefit overpayment) to the Council or private landlord, either relating to their existing home or a former home, are normally given less priority than other applicants when being considered for offers of accommodation, or when being considered for a nomination to a PRP for housing, until such time as they clear all debts owed.
- b) The decision about whether an applicant owes the Council or a previous landlord money will normally be made as part of the visit/investigation process. Prior to the actual visit or investigation-taking place, the Applications Officer will carry out the following checks:
- c) Any council tenant who has breached the terms of a suspended possession order for arrears cannot be made an offer without the express approval of the Head of Landlord Services and this will include cases affected by the Welfare Reform legislation.Services.

5.22.3 If an applicant was previously evicted from accommodation because of rent arrears, or property related debt as described above, but falls into a reasonable

preference group, they will be allowed to register on the Housing Register but will be given less preference by being placed in the Reduced Priority Band. Furthermore, only in exceptional circumstances will the Council consider applicants for an offer of accommodation where outstanding arrears or property related debt as described above exist. This may be where the tenant is for example the victim of domestic violence; racial harassment or other hate crime; or has urgent medical need.

5.22.4 A request for a review of the decision can be made to the Housing Solutions Manager in writing.

Where an applicant has received a reduced priority, Northampton Borough Council will write to the applicant informing them of the decision and how it was reached.

5.23 Deliberately Worsening Housing Circumstances

5.23.1 Where there is clear evidence and a conclusion can properly be drawn that an applicant has deliberately worsened their circumstances in order to achieve higher priority on the register or (in the case of an applicant who has not been disqualified for this reason) to qualify to join the housing register, then reduced priority will be given. The Head of Strategic Housing Services will make this decision. Examples of this include:

- a) Selling a property that is affordable and suitable for the applicant's needs.
- b) Moving from a secure tenancy or settled accommodation to insecure or or less settled or overcrowded accommodation.
- c) Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- d) Deliberately overcrowding property by moving in friends and/or other family members who have never lived together previously and/or have not lived together for a long time, then requesting rehousing to larger accommodation.

The above list is not exhaustive and these cases will be referred for a Fraud Verification visit.

5.24 Reduced priority due to non-compliance with tenancy agreement and unacceptable behaviour

5.24.1 a) This applies where the Council is satisfied, having considered all available evidence, that an applicant (or a member of their current or prospective household) has failed to adhere to the terms of any current or previous social housing or private rented sector tenancy agreement terms and conditions.

b) This includes failing to maintain any previous social rented or private sector rented property within the terms of their tenancy agreement, and will include failing to maintain a tenancy and the property to a reasonable standard.

c) Committing acts which are causing or likely to cause nuisance or annoyance to neighbours or others in the locality of where they live or where they previously have lived.

In such cases, applicants will have their priority reduced, and placed in to the Reduced Priority Band. This will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the Council, that circumstances have changed such that the previous conduct is unlikely to reoccur. In some cases this could include demonstrating co-operation with support agencies leading to a substantial improvement in behaviour.

5.24.2 The status will be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) and where the applicant can demonstrate that they are now in settled housing accommodation.

5.25 Reduced priority due to income or capital above financial threshold

5.25.1 The Council considers £30,000 per annum for a single person household and £40,000 per annum for family household income to be sufficient financial resource to buy a home or pay market rent in Northampton. Single applicants who earn £30,000, and joint applicants with a joint income of £40,000 a year, or who have assets or savings of £16,000 for a single applicant £32,000 for joint applicants or more but entitled to a reasonable preference will be placed in to the Reduced Priority Band

5.26 Reduced priority due to failure of Pre Transfer Inspection (for transfer applicants)

5.26.1 Every Northampton Borough Council home must have a Pre-Transfer Inspection carried out before the customer is allowed to join the Housing Register. A property must meet the standard required so that the property can be re-let within 3 days. The required standard is the void standard that is in operation by Northampton Borough Council.

5.26.2 If you are a new applicant and your property does not meet this standard, you will not be allowed to join the Housing Register.

5.26.3 For existing applicants where a transfer has been accepted, the application will be checked to see when the last Property Transfer Inspection was carried out. If this is more than 6 months ago, then a further Property Transfer Inspection check must be carried out before an offer is made. Should the property on this inspection not pass the Property Transfer Inspection, then no offer will be made and the application will be given reduced priority and placed in to the Reduced Priority Band until any identified issues are rectified. The decision to place the customer in to the Reduced Priority Band will be made by the Head of Landlord Services.

5.26.4 Once a property meets the correct standard the application can be reinstated to the appropriate band.

5.26.5 The following reasons allow an exemption from the existing Pre Transfer Inspection procedures:

- a) Domestic Abuse.
- b) Fear of violence
- c) Where the moving tenant is under-occupying their current home by 2 bedrooms or more and has been given Emergency Band priority, is over the Pension Credit age and has medical or welfare grounds to move which do not enable them to address the outstanding issues identified in the Property Inspection e.g.; decorating. At the discretion of your landlord.

5.27 Reduced Priority for Refusal of 3 Suitable Offers of Accommodation

5.27.1 In circumstances where an applicant has successfully bid, but refused 3 reasonable offers of accommodation within 12 months of the date of the first offer, their priority for rehousing will be placed into the Reduced Priority Band for a 12 month period from the point of third refusal. The exception to these rules is for Homeless applicants owed a full homelessness duty under section 193(2) or 195(2) of the Housing Act 1996 where only one reasonable offer will be made and refusal of that offer will result in the discharge of the Council's homelessness duty.

5.28 Notification of reduced priority

5.28.1 Any applicant whose priority is reduced will be provided with written notification of the decision that will contain the following information:

- a) The reasons for the decision to reduce priority
- b) The band that their housing circumstances would have warranted and the band that they have been placed in as a result of the Council's decision
- c) The applicant's right to request a review against the decision
- d) What they have to do before they can be reconsidered again on the Housing Register.
- e) That any request for review of the decision must be made in writing within 21 days of written notification of the decision.
- f) That any review will be dealt with by a Senior Officer not involved in the original decision. All appeals will be dealt with within 28 days from receipt of the appeal/review, and the applicant advised of the outcome.

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.

5.29 National Witness Mobility Scheme (NWMS)

5.29.1 The Council participate in the government-funded National Witness Mobility Scheme, which gives local authorities, other social landlords and the police services access to a nationally coordinated fast track witness relocation scheme.

5.29.2 Witnesses, who are intending to give evidence in civil and criminal cases such as domestic violence, hate crimes, antisocial behaviour, gun crimes, sexual assault, child abuse and other serious crimes and consider that it is unsafe to remain in their home, will be assessed by their local authority and a designated police officer.

5.29.3 If there is a serious risk to the witness, and it is unsafe for them to pursue normal homelessness routes, they can be offered the opportunity to relocate quickly away from the unsafe area. Referrals are made to/from the NWMS office.

5.29.4 This includes Protected Persons as specified in Section 82 and schedule 5 of the Serious Organised Crime and Police Act 2005.

SECTION SIX

6.1 The Structure of the Priority Banding System

6.1.1 Northampton Borough Council operates a needs based banding system as described below. The order of the bands is arranged to reflect housing priority.

6.1.2 Applicants within bands are ranked by reference to any priority star award and then in date order.

6.2 Bands

Emergency Band

Applicants who have a statutory right of succession and wish to succeed to a Northampton Borough Council or Housing Association property, but that property is not suitable for your household type due to under-occupation, or being designated as sheltered housing and/or having been adapted and you do not qualify for an adapted property.
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Applicants whom the Council have accepted as being eligible as homeless and in priority need (except those found to be intentionally homeless)
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Tenants who have to vacate their homes within six weeks due to a Compulsory Purchase Order or Northampton Borough Council Tenants who have to move, as their home requires major works within six weeks. This will be determined and managed subject to the Council's decant procedure
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Applicants who are under-occupying a Northampton Borough Council or Housing Association partner's property. The Under-occupation scheme will be important in light of the measures in the Welfare Reform Act 2012, which will reduce Housing Benefit entitlement for work age social tenants who under-occupy their property (measured in accordance with the Local Housing

Allowance size criteria)
Applicants who are statutorily overcrowded as defined by Part 10 of the Housing Act 1985
Emergency Landlord Request Transfer as defined by section 5.9 of this Housing Allocations scheme
Hospital discharge customers, who have somewhere to live on leaving hospital but it is unsuitable for their medical needs and cannot be made suitable through adaptations due to cost, structural difficulties, or the property cannot be adapted within a reasonable amount of time, or such customers who have nowhere at all to live when they leave hospital
Applicants who are being discharged from the Armed Forces who have sustained serious injury, illness, medical condition, or disability during service which is attributable (wholly or partly) to the person's service. It will also cover serving former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

Emergency Group (time limited)

6.2.1 Applicants will be placed in the Emergency group for a period of 6 bidding periods or cycles (6 weeks). During this time they will be expected to bid for suitable properties in the area of their choice. If the applicant has not been successful in their bidding, the Council may depending on availability of stock, offer a direct let of suitable accommodation within the Borough. If the offer of accommodation is deemed to be suitable and reasonably meets the needs of the applicants, the right to refuse this offer will be subject to a statutory review. If the statutory review identifies that the property was not suitable for the customer, the customer will receive a further direct offer of suitable alternative accommodation or be allowed to continue to bid for suitable accommodation, and this offer will be made to the customer within 7 days of the outcome of the statutory review. Customers who are under-occupying will have In cases where an applicant is downsizing through the under occupation scheme and they have refused 3 reasonable offers of accommodation within 12 months of the date of the first offer, their priority for rehousing will be placed into the Reduced Priority Band for a 12 month period from the point of third refusal.

Band A – Urgent Need

Applicants who have a severe medical, welfare award or disability (including learning disability) where the current accommodation is unsuitable or it is unreasonable to remain in occupation.
Applicants who have priority on welfare grounds and require moving urgently because of a risk to their well-being or health. This would include a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education or training opportunity.
Applicants who permanently lack one or all of these essential facilities – hot

water, heating, a kitchen, internal toilet and bathroom
Private sector tenants who are required to vacate their home as a result of enforcement action by the Local Authority
Applicants who are in priority need who have been issued with a legal notice that the landlord requires possession, which has less than eight weeks to run.
Applicants who are occupying Partnership Agency accommodation and who have an agreed move on
Applicants who no longer require the adaptations in their current home. Customers who release an adapted property where the tenant does not require their current home and will therefore be releasing an adapted property by moving
Applicants who are part of a multi-agency public protection agreement. (MAPPA)
Serious threat to the well-being of a child and their accommodation is a contributory factor to the risk. These are cases where an emergency move is required to mitigate the risk to the child as confirmed by Northamptonshire County Council's Director of Adult and Children's services
Customers who have an agreed fostering or adoption agreement in place with Northamptonshire County Council, who need to move to a larger home in order to accommodate a looked after child It will also include special guardians, holders of a residence order and family and friend carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care.
Customers who could not be expected to find their own accommodation, such as young adults with learning disabilities who wish to leave the family home so that they can live independently within the community
Applicants who are being discharged from the Armed Forces bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.

Band B – Moderate Need

Applicants who are owed a duty under the Rent (Agriculture) Act 1976 and Northampton Borough Council service tenants who are due to retire or have their contract of employment terminated.
Applicants who are sharing facilities (bathroom, kitchen etc), with a separate family household.
Applicants who require a move for moderate medical or welfare grounds where there is an acknowledgement that alternative accommodation would be beneficial but is not essential.
Applicants who are not in priority need and have received a Notice to Quit, this includes private rented tenants, tied tenants, or lodgers
Customers owed a reasonable preference who qualify to join the housing register and would be classed as an Emergency, Band A or B priority need customer in accordance with this Housing Allocations scheme but who have

been given reduced priority as a result of one of the reasons outlined below:

Rent arrears, or other related housing debt to the Council from any applicant who applies including joint applicants/family members

Deliberately worsening housing circumstances to achieve higher priority

Non-compliance with tenancy agreement or other unacceptable behaviour, including committing or allowing to be committed acts of antisocial behaviour and damage to Council property

Income or capital above the thresholds

Property not meeting the repair void standard required for a transfer applicant, including the state of cleanliness, or decoration

Refusal of 3 reasonable offers within a 12 month period

SECTION SEVEN

Management of the Scheme

7.1 Introduction

7.1.1 Void (empty) properties affect the Council in terms of a loss of rental income, the continuing provision of temporary accommodation for homeless families, the possible deterioration of the property and increased risks of squatting and vandalism, and a poor public image. It is therefore essential that void properties are let quickly and without unnecessary delay.

7.2 Advertising properties

Empty properties that are to be offered through the Choice Based Lettings scheme will be advertised on a weekly cycle. Details of available properties are available for collection at various locations around the borough including at Council offices. Property details are also available on the Internet at www.homechoice-link.org.uk.

7.2.1 Each advert will state the eligibility criteria required for individual properties.

7.2.2 The advert will also specify details of the property; its location and the rent to be charged together with the approximate date the property will be available to view.

7.2.3 Properties that will be registered on the Homechoice-link website will be Northampton Borough Council properties, Registered Social landlord properties, private rented, low cost home ownership and sub-regional properties and Mutual Exchanges

7.3 Exempt Allocations

7.3.1 The following are not “allocations” under this Scheme:

- a) Succession to a tenancy on a tenant’s death pursuant to s89 Housing Act 1985,
- b) Assignment of a tenancy by way of mutual exchange,
- c) Assignment of a tenancy to a person qualified to succeed to the tenancy on the tenants death,
- d) Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004,
- e) An introductory tenancy becoming a secure tenancy,
- f) Council initiated transfers (e.g. decant to alternative accommodation to allow for major works),
- g) Re housing due to being displaced from previous accommodation by the Council or being re housed by the Council pursuant to the Land Compensation Act 1973,
- h) An allocation to a person who lawfully occupies accommodation let on a family intervention tenancy,
- i) Provision of non-secure temporary accommodation in discharge of any homelessness duty or power.

7.4 The Bidding and Nomination Process

7.4.1 Eligible applicants can make bids for properties up until the advertised deadline for that bidding round. Bids can be made by telephone or text bidding, online via the website, or at the Guildhall One Stop Shop. Full details of how to bid are set out in the scheme Bidding Guide, which will be sent out to all newly registered housing applicants. Bids received after the advertised deadline, will not be considered at the discretion of a Team Leader or equivalent Applicants can bid for up to three affordable properties each bidding cycle, and unlimited private rented properties. Bids can be cancelled and reassigned to another property if desired.

7.4.2 All bids for a property are checked by the Housing Choice and Resettlement Team against the eligibility rules. Ineligible bids are excluded from consideration, by the Housing Choice and Resettlement Team Leader. So far as is possible the Council will use the Banding system and waiting time within the band to allocate accommodation in accordance with paragraph 7.4.3 below. At times this could result in restrictive labelling of properties through Choice Based Lettings. This is to ensure that the Council meets its statutory obligations and help to achieve the outcomes of Northampton's Housing Strategy, Homelessness Strategy and Tenancy Strategy and Annual Lettings Plan. This could apply to properties that have adaptations to meet the needs of disabled applicants or the allocation of sheltered housing accommodation.

7.4.3 The highest bidder is awarded priority in descending order between the Emergency Group, Band A, Band B and the Reduced Priority Band. Within bands, priority is awarded according to the existence and number of an

applicant's priority starts and then registration date. However, there may be other reasons why it would be necessary or advisable to reject a bid that would otherwise have been successful: for example where the property would not be suitable for that particular applicant.

7.4.4 On occasions, the Council may choose not to advertise a property through the Choice Based Lettings Scheme due to the serious nature and needs of the applicants or as part of the Council's efforts to reduce the amount of time that homeless households spend in temporary accommodation. In these cases, properties will be direct let and remain confidential to protect the applicant.

7.4.5 Applicants who refuse 3 reasonable offers within a 12 month period will have their application given reduced priority from future bidding for a 12 month period, from the date of the third offer. After this 12 months period the applicant will remain in their previous band, unless their circumstances have changed.

7.4.6 The Council may operate multiple viewings on some properties and expects all partner agencies to follow a multiple viewing framework and more than one applicant may be invited to view the property. All those invited will be required to bring proof of their identity and original documentation for verification.

7.4.7 The applicant with the highest priority will be able to sign for the property immediately. At this stage your photograph and National Insurance number will be taken as further verification.

7.4.8 All customers who have been allocated a Northampton Borough Council tenancy through the Choice Based Lettings scheme will be encouraged to attend a Tenancy and Money Advice workshop.

7.4.9 All Northampton Borough Council properties will be let to the agreed Lettable Standard (a copy of which accompanies all offer letters).

7.5 Checks undertaken before an offer is made

7.5.1 All applicants who are offered accommodation may be subject to appropriate investigative checks which will be carried out to verify their circumstances, determine eligibility and to identify any support needs that may be required in order to allow the tenant to live independently. This is in line with Section 3.6.9 Fraud Investigations.

7.6 Multiple offers

7.6.1 Up to 5 applicants may be invited to view a property at a time.

7.6.2 The purpose of a multiple offer is to reduce the void period, where there have been or are likely to be sequential refusals. The Re-housing Officer having decided

on the number of offers to be made (usually three) selects applicants off the top of the shortlist.

7.6.3 The Re-housing Officer checks each applicant and when satisfied, on the information known, that the applicant is suitable (as defined by policy) creates an offer on the CAPITA IT system using the standard procedure.

7.7 Accompanied viewing

7.7.1 For all Northampton Borough Council properties an accompanied viewing is arranged to take place usually within two days of the offer. However in some cases it may be longer. The Housing Officer for the area carries out the viewings.

7.7.2 The Housing Officer is given the following

- a) list of the applicants and their queue position
- b) details of the special needs of any of the applicants in order for the appropriate arrangements to be organised.
- c) property details as advertised.
- d) family details of each applicant viewing
- e) Any other information necessary.

7.8 Withdrawal of offers

7.8.1 A written offer can only be withdrawn from an applicant, prior to the tenancy being signed, where:

- a) the applicant has made a false declaration, or failed to provide up to date information, and this substantially alters their eligibility for the property offered:
- b) the information available at the time of offer about the vacant property was incorrect, and it is subsequently discovered that the size and type is no longer suitable to the applicant's needs
- c) as a result of incorrect information on the applicant's computer records, which means that the applicant's qualification to join the Housing Register and or priority status on the Housing Register is substantially altered.

7.9 Feedback on Let Properties

7.9.1 All properties let will be listed in future advertisements showing the number of bidders for each property and the band, number of stars for multiple need within the band, and date of registration of the successful bidder.

7.10 Local lettings policies

7.10.1 Local Lettings policies or plans are a tool, which can be used to stabilise an area that has specific and particular issues. The Government's Sustainable Communities Plan states the key objectives of providing stable, settled, safe communities. This means that there may be rules around child density or number of lettings to key workers. The Council or other Housing Providers may decide to operate one or more Local Letting policies within areas of the town. The need for

such schemes will be clearly defined and relate to specific areas or types of property that will benefit from this type of proactive initiative.

7.10.2 A Local Lettings policy may be introduced, as part of a multi-agency approach with existing local communities or in partnership with Registered Social Landlord landlords to take account of social factors.

7.10.3 Local Lettings policies will be reviewed on a regular basis and equality impact assessments undertaken with consultation undertaken with customers and communities before a Local Lettings Plan is agreed.

7.10.4 All Local Letting Plans will be published and revised or revoked where they are no longer appropriate or necessary.

7.11 Adapted/adaptable properties

7.11.1 The Housing Solutions team will ensure that when allocating adaptable properties, we always exercise the best use of the property based on the applicant and the household needs and requirements.

7.12.1 Where an applicant or another person on the application has a disability, which causes a mobility problem, then they will be prioritised for accommodation that has been adapted or can be reasonably adapted on the following criteria:

Mobility 1- full wheelchair access. Property will include ramped or level access in and out of the property. Accessible kitchen and level access to the bathroom.

Mobility 2- partial wheelchair access. Property will include ramped or level access. Accessible bathroom facilities.
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Mobility 3- assisted access. Property will include level access or shallow steps with handrail. Accessible bathroom facilities.

7.12.2 Where a disabled applicant applies for accommodation which does not meet his or her needs, Northampton Borough Council will need to take into account whether it is reasonable and practicable to adapt that property when assessing his or her bid (and will do so in accordance with our duties under the Equality Act 2010, and the Housing Grants, Construction and Regeneration Act 1996.)

In its consideration of what is reasonable and practicable the Authority may consider alternative accommodation (including any pre adapted property) that is in its opinion better suited to meeting the applicant's needs. The decision will be based on the Authority's knowledge of any accommodation which is available at that time, and based on the specific needs of the customer.

7.12.3 Customers will be re-housed on a priority needs basis as in accordance with this Housing Allocations scheme.

7.12 Introductory tenancies

7.12.1 All new tenants of the council will be introductory tenants for the first twelve months of their tenancy. Introductory tenancies can be extended for a further six months provided a Notice of Extension has been served no later than eight weeks before the tenancy ordinarily would become secure.

7.12.2 This will not apply to current secure Council tenants transferring, or to new tenants who are already secure tenants of another authority or an assured tenant of a Private Registered Provider.

7.13 Fixed Term/Flexible Tenancies

7.13.1 Where a property is offered to a family (including a single parent family) and a single or two-person household, in general a fixed term flexible tenancy will be offered in accordance with the Council's Tenancy Policy a copy of which can be obtained at www.northampton.gov.uk

7.13.2 Other household groups, including older people and households with a disabled person who meets the qualifying requirements of Mobility 1 or 2 on the Housing Register will be offered on a periodic secure or assured tenancy, at the end of the introductory period.

7.14 Registered Social Landlords (RSL) nominations

7.14.1 PRPs, which are usually known as Housing Associations, are non-profit making organisations providing homes for people in housing need.

7.14.2 Northampton Borough Council has an agreement with PRPs that have properties in the Borough that a negotiated percentage of their lettings will be to people on the Council's Housing Register. Our PRP partners participate in a common housing register and advertise their properties through the Choice Based Lettings scheme, and all nominations to Private Registered Providers are prioritised using this Housing Allocations scheme.

7.14.3 This Housing Allocations Scheme operates in accordance with section 170 of the 1996 Housing Act: Northampton Borough Council having so requested, its Housing Association partners have a duty to co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority under this scheme.

7.15 Property Letting Criteria

7.15.1 The table in Appendix B shows the type of property that you are eligible for, there may be some exceptions for example when an applicant requires an extra bedroom for medical equipment or a live in carer. Some properties will be advertised as only available to certain groups as per the Annual Lettings Plan. You will be advised what type of property you can bid for when you receive your assessment letter.

7.16 Bed size eligibility

7.16.1 The maximum number of bedrooms for which applicants are eligible to bid is determined by the size of their household. Where possible, this will be indicated on the advert for the property. Women who are pregnant will be classed as having a dependant, but will be allocated a 1 Bedroom property as per the Welfare Reform legislative changes.

7.16.2 In making accommodation available to customers who receive support from carers who do not reside with them but may need to stay overnight, then Northampton Borough Council will take into account the customers need for a spare bedroom.

7.16.3 The maximum bedroom size that members can bid for or is allocated is set out in Appendix B.

7.16.4 Northampton Borough Council has taken in to account the provisions in the Welfare Reform Act 2012, which will reduce Housing Benefit to under-occupiers. Social Housing tenants affected by the under-occupation measure may choose to move to more suitable sized accommodation in Council, Housing Association or Private Rented Sector. NBC will also actively promote Mutual Exchanges and will on occasion match suitable applicants together.

7.17 Racial harassment

7.17.1 Where an applicant refuses the property prior to viewing because the previous tenant was re-housed as a result of racial harassment, or there is a known problem of racial harassment in the vicinity of the property, the refusal is considered reasonable.

7.17.2 Where an applicant refuses the offer as a result of racial harassment whilst viewing the property, the refusal is reasonable.

7.18 Fear of violence

Where an applicant is being re-housed as a direct result of harassment, an offer can be reasonably refused where the applicant:

- a) sees a member or friend of the perpetrator's household when viewing the property; or
- b) learns of their existence within the area subsequent to choosing their area of choice; and fears further violence;

Appendix A

Household Makeup	Bedroom Assessment
Single person	Bedsit/studio flat 1 bedroom flat
Couple and applicant who is pregnant	1 bedroom flat
Single pensioner or applicant who requires ground floor accommodation	1 bedroom flat or bungalow
Pensioners above the Pension Credit Age who require ground floor accommodation due to supported and proven medical reasons	1/2 bedroom flat or bungalow
1 child family	2 bedroom flat, maisonette or house
2 child family of same sex or opposite sex if child under 10 years of age	2 bedroom flat, maisonette or house
Family with 2 Children of same sex under 16	2 Bedroom flat, maisonette or house
2 child family with children of opposite sex and over the age of 10	3 bedroom flat, maisonette or house
3 child family	3 bedroom flat, maisonette or house
4 child family depending on family make up	3 bedroom flat, maisonette or house 4 bedroom house
5 child family	4, 5 or 6 bedroom house
6+ child family	4, 5 or 6 bedroom house

8.2.0

When considering applicants bedroom need, a child is someone who is aged 16 and under and therefore will be considered eligible for family accommodation. Applicants with children over this age will only be considered for flats or maisonettes.

8.2.1

Households with children under 16 can place bids for flats on any floor.

8.2.2

The following table confirms that Northampton Borough Council will only allocate accommodation as follows:

Appendix B

8.3 Supporting documents checklist

8.3.1 Proof of identification and eligibility

8.3.2 Please provide one of the following for each of the applicants:

- a) Birth certificate (a secondary form of photo identification will be required if birth certificate is provided)
- b) Passport
- c) EU identification card
- d) National Insurance card
- e) Photograph of the customer and all family members

8.3.3 Please note that if you are subject to immigration control, are a national of the European Economic Area (EEA) or an Accession State National, additional documents will be required.

- a) For applicants accepted as a refugee or granted Indefinite, Exceptional, Discretionary or Limited leave to remain in the UK please provide Home Office documentation
- b) Nationals of the EEA, please provide recent payslips showing that you are currently working (2 months or 6 weekly) to show your eligibility
- c) Accession State Nationals please provide current registration documents and proof of current employment e.g. recent wage slips, contract details, self-employment reference number verification

8.3.4 Proof of residence

8.3.5 Please provide any two of the following for each applicant; documents must be no older than 6 months old:

- a) Household bill
- b) DWP Benefit document
- c) Current driving licence
- d) Bank, credit card or catalogue statement with current address+
- e) Tenancy or Licence Agreement
- f) Rent book or letter from Landlord
- g) Section 21 or Section 8 notice from landlord
- h) Proof of marriage
- i) Proof of name change (if applying in a different name)
- j) Proof of pregnancy
- k) Child benefit award letter or a recent bank statement showing payment of your child benefits
- l) Custody or residency paperwork if access to children applicable
- m) Completion statement if you have previously owned a property

8.3.6 Please note that before when you sign your tenancy agreement for your new home you will be required to produce your National Insurance Card with the number clearly shown. Failure to provide the National Insurance Card at the

signing of your tenancy agreement will result in the offer of the accommodation being withdrawn.

8.3.7 Northampton Borough Council will conduct credit reference checks to verify the information provided on your housing application in an attempt to reduce tenancy fraud. If false information has been provided at any stage of your housing application then the offer of accommodation or removal from the Housing Register will be undertaken.

Appendix C

Adoption of Children Act 2002
Anti-Social Behaviour Act 2003
Asylum and Immigration Act (Treatment of claimants etc) Act 2004
Children Act 1989
Children (leaving care) Act 2000
Civil Partnership Act 2004
Crime and Disorder Act 1998
Code of Practice for Racial Equality in Housing
Code of Guidance Allocation of accommodation: guidance for local housing authorities in England 2012
Data Protection Act 1998
Equality Act 2010
The Equality Act (Sexual Orientation) Regulation 2007
Freedom of Information Act 2000
Gender Recognition Act 2004
Homelessness Act 2002
Homeless Code of Guidance
Housing Act 1996, 1985, 1988 & 2004
Housing and Regeneration Act 2008
Human Rights Act 1998
Immigration and Asylum Act 1999
Immigration (European Economic Area) Regulations 2006
Localism Act 2011
Land Compensation Act 1973
Mental Health Act 1983
National Assistance Act 1948 Section (21)
Northampton Borough Council Domestic violence strategy
Protection of Eviction Act 1977
Rehabilitation of Offenders Act 1974

Appendix D

The Annual Lettings Plan outlines the anticipated supply of lettings over the coming year. For the Northampton Borough Council, the distribution of properties within the Choice Based Lettings Scheme will be as follows:

Band Emergency	45%
Band A	20%
Band B	15%
Working Households	10%
Tenants Reward Scheme	10%

The Emergency Band will be substantially higher than the other bands to take account of the increased under occupation applicants following new Welfare Reform legislation.