



TRAFFORD  
COUNCIL

# TRAFFORD COUNCIL

## Housing Allocations

# Policy 2025



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Trafford Council is required by law to provide information about the Allocations Policy and ensure that a free summary of the Housing Allocation Policy is available to any member of the public.

The full version of the Policy and summary are available at both Trafford Town Hall, Talbot Road, Stretford. M32 0TH) and Sale Waterside, Sale. M33 7ZF

It is also available to download on Trafford Council's website <http://www.trafford.gov.uk/residents/housing/housing-advice/Housing-allocations-scheme-summary.aspx>.

## **PART 1: OVERVIEW**

### **1.1 Introduction**

All local authorities are required to have a housing allocation policy which sets out the priorities and defines the procedures to be followed in allocating social housing in accordance with the requirements of The Housing Act 1996 (Part VI) as amended. The Council operates a choice based letting scheme where applicants are able to bid for advertised vacant properties. Trafford is a non-stockholding authority, and all properties made available for allocation are done so by our partner Registered Providers for nomination via the Housing Register.

Each of the Registered Providers have agreed under a nominations agreement to advertise their available vacant properties via Trafford Home Choice and in accordance with this policy. In certain circumstances a participating Registered Provider may apply their own rules for when a property can be allocated outside of this policy.

This is the Council's published allocation policy and can be viewed online at along with links to the working operational processes that are used to implement the policy.

This policy covers the rules, criteria and procedure that determine how the Council will nominate households to all Registered Provider properties in the borough.

This revised housing allocation scheme will take effect in respect of all allocations of housing on or after 1<sup>st</sup> July 2025 and the assessment of need and qualifying criteria set out in this Policy will be applied to new and existing applicants from this date.

Housing Options Service Trafford (HOST) provides homelessness and housing advice on behalf of the Council are contracted to administer this Allocations Policy. Trafford Council retains full responsibility for the Policy including any amendments.

### **1.2 Aims of the Allocations Policy**

Trafford Council will ensure that this stock, owned by Registered Providers, is allocated to those households with the greatest need for long term, settled accommodation as defined by this Policy.

The aims of the Allocations Policy are:

- To make best use of the limited affordable housing provision in the borough.
- To ensure that Applicants in need are given the opportunity to access affordable housing.
- To meet the legal requirements set by housing legislation.
- To create sustainable communities where people want to live and feel safe.
- To provide choice to Applicants balanced against the shortage of social housing.
- To ensure that no group or individual is discriminated against as a result of this Policy and to promote equal opportunities.

### **1.3 Legal Context**

In framing this allocations scheme, the Council have had due regard for the relevant legislation, including, but not exclusively: the Housing Act 1996, the Homelessness Act 2002, the Data Protection Act 2018, the Human Rights Act 1998, the Equality Act 2010, and the Localism Act 2011. The legal framework and context is contained in appendix 1.

We also take due account of case law, best practice, government regulations and the relevant statutory codes of guidance.

In preparing this allocation scheme we have had regard to the current homelessness strategies and current tenancy strategy, and it is considered that the scheme is compatible with local and sub-regional housing, homelessness, corporate equality and poverty strategies.

The allocation scheme is subject to periodic review to ensure that the allocation of social housing continues to be fair and objective, whilst meeting statutory requirements and addressing local need and priorities.

### **1.4 Statement on Choice**

In framing this policy, the Council will ensure that reasonable preference is given to those people in most urgent housing need in accordance with s.166A(3) Housing Act 1996. The scheme will also provide applicants the opportunity to express their choice on the type and location of their preferred accommodation.

Applicants will be considered for all social housing vacancies. Advice and assistance will be given to applicants to allow them to make informed and realistic choices about the type of accommodation that best meets their housing needs and aspirations.

### **1.5 Equality & Diversity**

In producing and operating this policy, we aim to ensure that Council housing is accessible to all sections of the community and provides for a diverse range of housing needs. In developing this policy consideration has been given the Council's Corporate Equality Strategy 2021 – 2025.

The scheme will be accessible and sensitive to the diverse needs of individuals and will take measures to ensure that people with disabilities have equal access to housing opportunities.

The scheme is committed to ensuring equal access in its allocation of housing. No one will be treated any less favourably than anyone else because of age, disability, gender reassignment, marital status and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

## **1.6 Data Protection and Information Sharing**

All information received relating to an applicant's housing application will be treated as confidential in accordance with the Data Protection Act 2018 and held securely. Information will only be shared when consent has been given as part of the application process, however consent will not be required where there is a public safety interest, or for the purpose of the prevention or detection of crime and fraud.

By making an application, the applicant agrees to information sharing with other statutory and voluntary agencies. This may include other housing providers, health professionals, support providers, police, probation, Social Services, and private landlords, as deemed necessary, in order to assess the application and/or to provide the applicant with advice and assistance regarding their rehousing.

The applicant's data will only be shared in circumstances where it is lawful under UK data protection law, and this will be determined on a case-by case basis. Applicants have a right to see the information held about them and receive a copy of information held on a computer, or on a paper file. This is called a "Subject Access Request". Personal information will be handled in accordance with the Data Protection Act 2018 and will be subject to the appropriate confidentiality.

The Council's Primary Privacy Notice can be found on our website. [Primary Privacy Notice \(trafford.gov.uk\)](https://trafford.gov.uk/primary-privacy-notice)

## **1.7 Service standards**

### **Our Customer Commitment**

HOST will consider every application received and:

- ✓ Make sure legal obligations in nominating people to accommodation owned by all Registered Providers are met.
- ✓ Provide free advice and information about the right to apply for accommodation.
- ✓ Provide free assistance to applicants who may have difficulty when making an application.
- ✓ Make sure any information HOST provide is easy to understand and is readily accessible.
- ✓ Outline how HOST offer choice and the ability for applicants to express preference.
- ✓ Provide information to all applicants of what types of accommodation are available throughout the borough.
- ✓ Provide information about how long an applicant is likely to have to wait before being nominated to accommodation.

- ✓ Provide a full copy or a summary of this Policy to all households who make a request.
- ✓ Treat each applicant equally in accordance with their need, regardless of race, religion or creed, ethnic or national origin, disability, gender, sexual orientation or marital status.
- ✓ Regularly monitor ethnic origin and disability of applicants who apply for accommodation.
- ✓ Nominate to all vacant Registered Providers homes that are ready to let as quickly as possible.
- ✓ Ensure that all information provided by applicants will be treated in strictest confidence. HOST will comply fully with the Data Protection Act in relation to all information it holds about applicants.

## **PART 2: ELIGIBILITY, QUALIFYING PERSONS AND LOCAL CONNECTION**

### **2.1 Eligibility**

Section 160ZA (2), (4) (6) and (7) of the Housing Act 1996 sets out that a local housing authority shall only allocate accommodation to those who are eligible and qualifying persons. To join the Council's Housing Register all persons must meet this rule. The following persons are not eligible to join the Housing Register:

- Applicants who come under a government rule which means they cannot lawfully access social housing as they are not eligible to do so
- Applicants who do not live habitually in the 'Common Travel Area' (United Kingdom, The Channel Islands, The Isle of Man or The Republic of Ireland), or
- Applicants who do not have the right to live in the UK, or
- Applicants who fall under other categories of people who the Government may in the future decide are not eligible for housing assistance.

Most persons from abroad, who are not subject to immigration control (including British Citizens) must also be habitually resident in the Common Travel Area (CTA) and/or have the right to reside in the CTA in order to be eligible to join the Scheme. This is known as the 'habitual residence test'.

The key relevant regulations that apply to eligibility are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020 (SI 2020/667) implemented from the 24 August 2020.

The above list is not exhaustive, and any changes to the regulations and/or legislation regarding eligibility and qualification for the purpose of housing allocations will apply.

If the Council decides that an applicant is ineligible, HOST will notify the applicant of the decision and the grounds. The notice will be provided in writing. A copy of the decision will be available at the HOST Office for a reasonable period of time as well as posted directly to the applicant or emailed if required.

## 2.2 Local Connection Requirements

Applicants are able to apply for social housing within the Trafford borough from anywhere within the United Kingdom. However, in order to ensure that the Council meets the needs of the local community, applicants without a local connection will not qualify to join the Housing Register.

Applicants will be assessed under the definition of local connection contained in Section 199 Housing Act 1996. Applicants without a local connection will not be entitled to join the Register. Once a local connection is established, an applicant will be able to reapply to the Register.

The following factors will be taken into account in determining whether or not an applicant has a local connection with Trafford. These include, but are not solely limited to, whether an applicant or a member of their household included in their application:

- has lived in Trafford by choice for a certain time (six months out of the last 12).
- has close family living in Trafford, who have lived in the borough for at least the previous five years; (normally defined as parent/s or children).
- has settled employment in the Trafford area.
- has special circumstances that give rise to a local connection.

For the purposes of determining local connection, living in the Trafford area means living in permanent accommodation and will not include either:

- occupation of a mobile home, caravan or motor caravan which is not placed on a residential site.
- occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday.

### Local Connection Exemption

Applicants who do not have a local connection and meet one of the below criteria will be exempt from local connection rules. The exemption criteria are as follows:

- The applicant requires Sheltered Housing (aged 55 and over)



- The applicant is a former or current member of the Armed Forces
- The applicant has been determined as being owed the full homelessness duty under section 193(2) by the Council
- Reasons of safety, for example when an applicant is fleeing domestic abuse or hate crime from another area.
- The applicant has expressed their right to move under the Right to Move qualification regulations who have a need to move for work-related reasons to avoid hardship. To qualify the applicant must:
  - ✓ Be a social housing tenant living in England.
  - ✓ Wish to join the housing register in Trafford due to work-related reasons to avoid hardship and can provide evidence of their hardship that is acceptable to the Council.
  - ✓ Satisfy the Council that they need, rather than wish, to move for work related reasons and that if they were unable to do so, this would result in hardship.

## **PART 3: ASSESSING HOUSING NEED, TYPE, SIZE AND QUALIFICATION CRITERIA**

### **3.1 Housing Need based on Reasonable Preference**

In order to determine an applicant's place on the Housing Register, HOST uses a banding system in line with Government guidance as detailed in Part 5 of this Policy. The Bands are awarded to reflect housing need and reasonable preference. Applications for an allocation of social housing will be placed in one of three Bands. Applicants' who are adequately housed will be ineligible to join the Register.

The table below summarises the Banding system used by HOST to allocate properties under this Policy (see Part 5 for full details of each band).

<b>Trafford Priority Bands</b>
<b>Band 1:</b> Urgent housing need and owed Reasonable Preference.
<b>Band 2:</b> Need to move and owed Reasonable Preference.
<b>Band 3:</b> Applicants who do not meet the criteria for Band 1 and 2 but fall into the Reasonable Preference Category.

The Policy is based on the Reasonable Preference Categories which are set by law. Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). In assessing housing need, HOST will give reasonable preference to those applicants who fall into one or more of the following categories:

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

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

### **3.2 Additional Preference**

Section 166A(3) Housing Act 1996 allows housing authorities to give additional preference to particular groups of people who fall within the statutory reasonable preference categories and who have urgent housing needs. The criteria are detailed in the below:

- those who need to move urgently because of a life-threatening illness or sudden disability.
- families in severe overcrowding which poses a serious health hazard.
- those who are homeless and require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence.
- Armed and Reserve Forces members and their family.

HOST will give additional preference to applicants who demonstrate an urgent housing need and meet one of the following:

- Former or current members of the regular Armed Forces.

### Armed Forces

The Council in line with legislative requirements and guidance allows access to Social Housing by members of the Armed Forces, veterans, and their families where there is an identifiable housing need.

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

Applications under the armed forces criteria, must have a housing need, and have served for five years preceding their application for an allocation of housing accommodation. This includes those who are leaving the armed forces having received their notice of discharge date; or have left in the last five years, having been medically discharged in the last five years; or served the required minimum level of service. This does not include Discharge as Of Right (DAOR) or dishonourable discharge.

Exemptions for those armed force applications include the local connection requirement, and financial resources where the applicant received a lump sum payment for compensation for an injury or disability sustained on active service.

To be considered British Armed Forces personnel under this policy you must have served in one of the following services:

- Regular service personnel (including Military Provost Guards Service in the Army, Navy, Air Force).
- Clinical staff.
- MoD Police Officers.
- Uniformed staff in the Defence Fire Service.
- Ex regular services personnel (who have served in the Armed Forces for a minimum of 4 years and can produce a Discharge certificate, or similar document).
- Full Time Reserve Service (Full Commitment).

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

Where applicants fall into any of the above categories, they will complete the online housing application form. Their application will be assessed based on their current housing need and a Band will be awarded. However, in order to award members of the Armed Forces (including spouses etc.) additional preference, applicants will be awarded a Band higher than they would be awarded based on their housing need, e.g. where an applicant has been awarded Band 3 they will be awarded Band 2 as their final Band.

## **Domestic Abuse**

Reference to domestic abuse throughout this policy follows the cross-government definition of domestic abuse set out in the Domestic Abuse Act 2021. In writing this policy, due regard has been given to the allocation legislation to ensure that victims of domestic abuse are able to move into social housing from a refuge or other form of temporary accommodation by ensuring that:

- they have appropriate priority under the local authority's allocation scheme, and
- those who have fled to a refuge in another local authority area are not disadvantaged by any residency or local connection requirements.

Therefore, applicants who meet the criteria set out in Band 1: *Applicants at risk of Domestic Abuse*, are not required to meet the local connection requirements or required to make a homelessness application. However, HOST will assess all relevant information to determine the risk of domestic abuse for an award of this criteria.

### 3.3 Joint applicants

The Council will accept joint housing register applications from couples where both are aged 16 years or over and are married or civil partners; or have lived together for at least six months; or have a child of their relationship, provided each applicant is eligible and qualifies to join the register in their own right.

If an applicant is eligible for housing, but their partner is ineligible to join the Register due to their immigration status, the application will be made in the eligible person's name alone. The needs of any ineligible members of the applicant's family will be taken in to account when assessing bedroom size, priority and any other matters, however a joint tenancy cannot be granted by a Register Provider.

Joint tenancies are normally granted by a Registered Provider where applicants have a long-term commitment, for example, married, or unmarried couples, or civil partners. This decision is for the Registered Provider offering accommodation, who will decide whether to allow a joint tenancy depending on the circumstances.

### 3.4 Definition of a Household

Applicants should only include persons on their application who are permanent, established members of their household and who will be occupying the accommodation as their only principal home. Persons entitled to assistance must be members of the applicant's immediate family who normally reside with the applicant.

Any other person or persons will only be considered as part of the household if the council is satisfied that it is reasonable for that person to reside with the applicant. Specifically, a person's housing application can include the following household members:

- Spouses or civil partners where the applicant lives with and/or intends to live with their spouse or civil partner.
- Partners where the applicant is currently cohabiting.
- Children who reside with and are dependent upon the applicant. Children are defined as under 18 for these purposes.
- Permanent, full-time, live-in carers residing with the applicant at the date of application will be considered as part of the household if written confirmation of the applicant's need for a permanent, full time, live in carer is received from the relevant social services department.

Any other household member such as an adult child where it is accepted that:

- They have been part of the applicant's household for a period of 12 months prior to their application to the council; and
- They reside with the applicant as part of their household and
- The applicant will need to demonstrate that this is not a short term or temporary arrangement.

The Council will not generally consider the following as permanent members of a household, and they will not be included when assessing what size and/or type of property the applicant can be allocated:

- Non-dependant adult relatives
- Non-relatives
- Non-resident carers
- Lodgers
- Live-in help
- Children for whom the applicant or their partner has staying arrangements but who are not permanent members of the household
- Family members who do not currently reside in the UK

The Council may also refuse to consider an application for assistance or someone's inclusion on an application if the person concerned (i.e., other than the applicant) has made a separate housing application.

The Council may choose to carry out a visit to the applicant's current residence if their priority is sufficient for an allocation of housing under this Allocation Policy. Visits conducted may include an inspection of the accommodation and facilities.

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

### **Households with access to children/shared residency order or Child Arrangement Orders**

As part of the assessment process the Council will record whether an applicant has children that live with them part of the week and whether this arrangement is set by the court or not.

Where residence of dependent children under 18 has been agreed between the parents, by consent or by a Court Order, and the council is being asked to include them as part of an applicant's household, the council will verify their permanent and/or principal home by applying the test set out in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with and is dependent on the applicant.

Examples of the facts that the Council will consider when applying this test are:

- which parent/guardian receives benefits, such as child benefit; and
- which parent/guardian arranges and pays for any childcare arrangements; and

- the home address and next of kin which the child/ren's school and GP have registered for them. and by checking the identity of the parents/guardian shown on the birth certificate(s), and if necessary, carrying out a home visit.

### Extended families (minors)

In cases where a child is to be included in, or added to, an application but no parental responsibility exists within the household (e.g. grandchildren, nieces, nephews), proof must be provided of legal guardianship or confirmation from Children's Services that this placement is necessary and permanent.

### 3.5 The Bedroom Standard

When deciding the size of property for which applicants will be eligible, the following Bedroom Standard will be used. The rules allow one bedroom for each of the following people:

- every adult couple (married or unmarried).
- any other adult aged 16 or over.
- any two children of the same sex aged under 16.
- any two children aged under 10.
- any other child, (other than a foster child or child whose main home is elsewhere).

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

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

### Deviating from the Bedroom Standard

In certain cases, HOST may exercise discretion in deviating from the Bedroom Standard. All decisions to deviate from the bedroom standard must be made by the HOST Panel. The following sets out the criteria in which HOST may consider additional bedrooms.

- Where applicants require larger accommodation on the basis of medical/welfare needs (ADHD, Autism Spectrum Disorder, sensory processing difficulties and other mental or physical health problems) the HOST Panel will consider this on a case-by-case basis, taking into account the completed medical form.
- Where there is little or no demand for a particular vacancy and it is therefore difficult to let.
- Where no suitable applicants can be identified to make the best use of larger accommodation.
- Where the applicant has been approved as a foster carer and will need a larger property than normally required by the household.
- Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household.

### Carers

A carer is someone who, with or without payment, provides help and support to a partner, relative, friend or neighbour, who would not be able to manage without their help. This could be due to age, physical or mental health, addiction, or disability. In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care and the need to live with them or near them.

Even if a carer is in receipt of carer's allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer in a housing application will be considered if the carer has been assessed by Adult Social Services and it is confirmed that the applicant requires overnight support. In these circumstances the applicant must provide supporting evidence from other agencies, for example social care or a health professional.

### Gender Transitioning

In assessing overcrowding and the size of home to be allocated where a child is over the age of 10 and not yet 18 the Council will consider a child to be overcrowded on the basis of sex overcrowding if the sex they are transitioning to would result in sex

overcrowding if they are receiving specific medical treatment as defined below for gender dysphoria through the NHS Children and Young People's Gender services.

Medical treatment is defined as Hormone therapy from a specialist consultant endocrinologist or Puberty blockers (gonadotrophin-releasing hormone analogues). The Government has decided that puberty blockers will from March 2024 not normally be available to children for gender incongruence or gender dysphoria but will still be available for children who have started such treatments.

When assessing sex overcrowding, a person who has changed their gender from at birth will be considered in law to be of their acquired gender from the date they were granted a Gender Recognition Certificate (GRC) and not their self-identified gender.

### **3.6 Types of Housing**

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

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

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

### **3.7 Local Lettings Policies**

Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation Policy is able to contribute to building sustainable communities. Appendix 2 details the position on Local Lettings Policies.

### **3.8 Exceptional Circumstances & Exercising Discretion**

HOST recognises that there may be exceptional circumstances where the only way an exceptionally urgent housing need can be resolved is through the use of management discretion. HOST will retain the ability, in exceptional circumstances, to exercise its discretion when applying any of the qualification rules listed, or any other rule adopted under this policy. Any person who is not a qualifying person by reason of the above criteria may be deemed to be a qualifying person for exceptional circumstances by the manager of HOST and/or the HOST Panel. In the interests of fairness to all applicants these circumstances are kept to an absolute minimum

Discretion may be exercised in the following exceptional circumstances:

- Emergency cases whose homes are damaged by flood, fire or other disaster may be provided with another tenancy immediately if it is not possible to repair their existing accommodation.
- Households who on advice from the Police or Social Services must be moved immediately as a matter of urgency.



- Households from outside the area where Trafford Council owes another local authority or Registered Provider a nomination to someone on an urgent reciprocal basis, such as where an applicant has had to be re housed outside the area due to domestic abuse.
- An applicant has an exceptional need that is not covered by the Allocation Policy e.g. where child or public protection issues require urgent re-housing.

Such cases, depending on their exceptional circumstances, will either be awarded additional preference and placed in Band 1 or Band 2 and/or may be made a direct offer of accommodation.

Throughout the Policy, where exceptional circumstances are referenced, the responsibility of assessing exceptional circumstances will be determined by the HOST Panel. The HOST Panel is made up of Senior Officers of the Council who will be responsible for jointly making decisions in relation to such requests.

Appendix 3: HOST Panel details the terms of reference, roles and responsibilities of the HOST Panel.

In deciding whether an applicant's circumstances are exceptional the council will fully consider the Equality Act 2010 and Children Act 2004 where children are part of the applicant's household. With regard to the Equality Act, the council will specifically consider:

- whether the person, or a member of their household, meets the definition for one or more of the nine protected characteristics listed in the Equality Act 2010
- if we agree that the applicant or a member of their household comes under the definition for a protected characteristic, the council will fully comply with Section 149 of 2010 Equality Act and ensure it has obtained all relevant information relating to the applicant's protected characteristic and will consider that if they were not able to qualify for the Policy, whether this would have an exceptionally detrimental impact on the person with that protected characteristic: and
- ensure any decision that the applicant's circumstances are not exceptional will be a decision that is a proportionate means of achieving the legitimate objectives for the policy.

It is the responsibility of HOST and the Council to make evidence-based assessments of exceptional circumstances, and to record these fully to ensure a fair and transparent process so that cases can be fully scrutinised by Elected Members of the Council.

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

### **3.9 Applicants eligible to join the housing register but who do not qualify**

Under Section 160ZA (7) of the Housing Act 1996 Part 6, a Council is allowed to set criteria for classes of persons who are, or are not, qualifying persons. The rules adopted by the Council mean that the following classes of person will not normally

qualify to join the Housing Register unless the Council accepts there are exceptional circumstances.

Whilst an applicant may be eligible and meet the local connection criteria under this policy, if the applicant does not have a housing need, they will automatically not qualify to join the register, unless there are exceptional circumstances or a specified exemption applies.

The exclusion criteria include the circumstances under which an applicant will not be allowed to qualify for the Register and the circumstances under which an applicant can be suspended and/or removed from the Register and their application cancelled.

Whilst an applicant may be eligible, meet the local connection criteria and have a reasonable preference under this policy, if the applicant is identified as meeting one of the exclusion criteria, they will be ineligible to join the Register. If exceptional circumstances or specific exemption applies an applicant may be eligible at the discretion of the Council.

References to applicant throughout this Policy are to be taken to mean the applicant and any member of the applicant's household unless specifically stated.

### **3.10 Exclusion Criteria**

#### **Applicants without a local connection to the borough**

Once registered, an applicant must continue to meet the local connection qualification rule. If the applicant no longer meets this rule, they will be removed from the Housing Register as they will no longer qualify for inclusion.

#### **Current or Former Unacceptable or Anti-Social behaviour**

The non-qualification rule for unacceptable behaviour will apply where an applicant, or any member of their household, has demonstrated serious unacceptable behaviour that, in the view of the council, makes them at the time of their application, or since their application, unsuitable to be a tenant.

The unacceptable behaviour disqualification rule will also apply to applicants currently on the Housing Register. An applicant's eligibility to remain on the Housing Register will be kept under review and an applicant may be rendered ineligible should the council be satisfied that the rule relating to unacceptable behaviour should be applied to their case.

Examples of unacceptable behaviour that may result in a decision that an applicant will not qualify to join the housing register include:

- a) They or a member of their household has committed anti-social behaviour in or around the vicinity of their home that has resulted in an ABC, injunction or other legal deterrent being issued within the past five years.
- b) They or a member of their household have a conviction for using their accommodation, or allowing it to be used, for illegal or immoral purposes such as drug dealing, within the past five years.

- c) They have been evicted from a tenancy by a social or private landlord for a breach of tenancy conditions, including non-payment of rent, within the past five years.
- d) Failing to maintain any previous social rented or private rented property within the terms of their tenancy agreement or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the area where they live or have previously lived.
- e) Conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy. It may include the circumstances where an applicant, or a member of their current or prospective household, is the subject of actions being taken by any council (or some other recognised body) on grounds of alleged antisocial behaviour (ASB).
- f) Circumstances where the applicant, or any member of their household, has assaulted a member of the council's staff, whether or not an injunction is being sought, or has been obtained.
- g) Being subject to a court order (including an interim order) for breach of tenancy conditions.
- h) Conviction for illegal or immoral use of their current or former home.
- i) Causing nuisance and annoyance to neighbours or visitors.
- j) Committing criminal offences that still pose a threat to neighbours or the community such as drug dealing.
- k) Perpetrators of Domestic Abuse/Honour/Hate Crime.
- l) Allowing the condition of the property to deteriorate in avoidable circumstances.
- m) Paying money illegally to obtain a tenancy.
- n) Unlawfully subletting their tenancy.
- o) Applicants who have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974.
- p) Having unspent convictions where an assessment by the Council concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities.
- q) An applicant or any member of their household has been responsible for any racial harassment or other hate crime. 'Racial harassment' and 'hate crimes' are defined as racist, religiously aggravated, faith, gender, age, disability, and transphobic or homophobic or gender re-assignment harassment or hate crime. A hate crime or racist incident is defined as any incident which is perceived to be racist or hate crime related by the complainant or any other person.
- r) Having lost accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.

It is the applicant's responsibility to notify the council when they have, in their view, resolved the issue and they will need to present evidence to back up their view as part of any new application.

## Applicants with housing related debts

Housing related debt will be assessed at the point when the applicant's priority is being calculated, unless new information comes to the Council's attention after their initial assessment. If an applicant accrues housing related debt after their assessment, this will be classed as a change of circumstances and HOST must be notified of this. Debts included in a Debt Relief Order or Bankruptcy and have been discharged will not be taken into consideration.

Housing related debts apply to both the applicant and any joint applicant on the application. Housing related debt includes but is not limited to:

- s) Any current or former tenant rent arrears or charges for use and occupation owed to any local authority, registered provider or private sector landlord.
- t) Unpaid sundry debts owing to any local authority, registered provider or private sector landlord, including rechargeable debts or court costs.
- u) Any unpaid Right to Buy discounts from previously owned property.
- v) Any tenancy deposit or rent in advance loans provided by the council that remain unpaid; or tenancy deposit guarantees that have been honoured by the council and remain unpaid.
- w) Outstanding council tax debts.
- x) Outstanding re-chargeable repairs.
- y) Current and former housing related service charge arrears.
- z) Temporary accommodation charge arrears for a licence or a tenancy where that temporary accommodation was provided by the Council.
- aa) Any court costs incurred by the Council or a Housing Association associated with any of the above debts.

## Non-compliance with any current or previous tenancy agreement

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

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

In such cases of non-compliance with a tenancy agreement and where an applicant is owed reasonable preference, they will not qualify to join the Register. This will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of HOST, the necessary ability to modify their conduct which could include co-operating with support agencies. In most cases an application will be reconsidered where there has been no cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of one year.

### Applicants with access to a certain level of financial resources (including homeowners or applicants with savings or earning over an income threshold set by the Council)

S.167 (2A) of the Housing Act 1996 states that a local authority is entitled to take into account the financial resources available to the applicant when assessing the ability of the applicant to meet their own housing need.

HOST will take into account an applicant's financial resources in determining cases where an applicant would qualify for Reasonable Preference. Regard will be given to any resources, wherever they are located, taking into account (*These figures are to be reviewed annually.*):

- Households earning an income of £60,000.
- Households having capital assets or equity of 40%.
- Households having savings of £16,000.

If an applicant has sold a property within the last 3 years, and the funds received from that sale would have allowed the applicant to meet their long-term housing needs, but they have disposed of these funds, HOST reserves the right to assess whether the applicant qualifies for inclusion on the register.

If the applicant has transferred the ownership of their home to a family member within the last 5 years and the proceeds of sale could have met the applicants long-term housing needs, HOST reserves the right to assess whether the applicant qualifies for inclusion on the register.

### Homeowners

Homeowners who are adequately housed or who have sufficient assets or equity/investments to meet their housing need locally will not be permitted to join the Register unless there is an exceptional need.

Where a homeowner is in accommodation determined as unsuitable for the household due to medical needs but resources are available (either privately or through a Disabled Facilities Grant) to provide necessary adaptations, the applicant will not be permitted to join the Register.

#### **Financial Resources Exemptions**

Applicants meet one of the below criteria will be exempt from the financial resource criteria. The exemption criteria are as follows:

- The applicant requires Sheltered Housing (aged 55 and over).
- The applicant received a lump sum payment as a member of the Armed Forces for compensation for an injury or disability sustained on active service.
- Requests for rehousing where the application is for Certain Low Cost Home Ownership/Shared Equity schemes at the discretion of HOST.

### Financial Resources Exemptions

- The HOST Panel may award an applicant exceptional circumstances to be exempt where:
  - Applicants who are unable to safely access their property, assets or finances, for example because they are fleeing domestic abuse, and who are taking legal action in order to recover their funds/share of the funds.
  - Applicants who own a residential property with conditions that have been classified as being unsafe or posing an imminent risk of significant harm where the issues cannot be remedied by the applicant due to genuine financial hardship (and where capital assets or equity would fall below 40% or £16,000)

### Applicants who refuse one suitable offer

The Council operates a strict one offer rule. All offers of accommodation made in accordance with this policy that are subsequently refused by the applicant, without accepted justification, will be treated as a reasonable offer. This includes:

- a) Where a 'final part 6 offer' is made to an applicant owed any of the statutory homelessness duties under the Housing Act 1996 as amended. The homelessness duty owed to them will be brought to an end.
- b) An offer made as a result of the applicant bidding for the property advertised and where a refusal of the property offered is not accepted by the Council based on the applicant's safety.
- c) An offer made as a result of a direct offer and where a refusal of the property offered is not accepted by the Council based on the applicant's safety.
- d) Any circumstances where an applicant has refused to view a property offered.

Once an application is cancelled for any of the above reasons the applicant will not be allowed to re-join the Housing Register for 12 months.

Any decision to waive this rule because there is an identified exceptional circumstance and an immediate need to be housed will be made by the HOST Panel responsible for assessing exceptional circumstances.

Where a 'final part 6 offer' is subject to a review under Section 202 of the Housing Act 1996, the final decision will be determined by the outcome of the review, decided by a Senior Officer.

Where a review is overturned or an application reinstated, the priority date will be backdated to the original priority date awarded.

### Current Registered Provider tenants who apply within 1 year of the commencement of their current tenancy

Any applicant who is a Registered Provider tenant will not normally be allowed to join the Housing Register for a period of 1 year (from the start date of their current tenancy), however in some circumstances exceptions may apply.

A change in their circumstances which would mean that they should be awarded a Band 1-3 under this policy such as the property is no longer suitable for tenants (or a member of their household) due to a disability, or the property/location is severely impacting on their health and wellbeing.

### **Checks into any court cases or unspent criminal convictions**

In the interests of assessing an applicant's eligibility to join the register all applicants and members of their prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

The Council may use any information disclosed, or any other information obtained during the assessment or following registration, to ascertain whether the applicant should be disqualified from joining, or remaining, on the register due to serious unacceptable behaviour and/or because, depending on the facts, they may pose a serious risk to a community where they might be housed. Where a criminal conviction is spent the Council will not consider that an applicant had received a criminal conviction in assessing that person's eligibility to join the register.

The assessment will reflect whether there is evidence of any current serious unacceptable behaviour regardless of whether a person has been convicted in the past for that behaviour.

### **Applicants who have deliberately worsened their housing circumstances**

Where there is evidence that a customer has deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their needs will be based on the circumstances before their situation changed through their deliberate worsening of their circumstances.

### **Applicants who fail to bid**

This is a disqualification rule that will be applied to applicants who are already included on the Housing Register.

Any applicant who has failed to bid for more than eighteen months on suitable and available properties will be removed from the Housing Register to reduce the administrative burden of maintaining the register.

This assumes that an applicant who has not bid for accommodation in 18 months is unlikely to continue to be in housing need. Any applicant removed from the register can reapply if they have a housing need with a new start date.

The Council will monitor the bidding patterns to identify applicants who fail to bid and identify any applicants where their failure to bid could be the result of a vulnerability and not being able to understand the bidding system. In these circumstances the rule will not be applied.

### **Applicants who do not complete their Annual Renewal**

This is a disqualification rule that will be applied to applicants who are already included on the Housing Register.

Any applicant who fails to follow the annual renewals process will have their application cancelled and will be removed from the Housing Register.

### **Applicants who give false information**

Under Section 171 of the 1996 Housing Act it is a criminal offence for anyone applying for housing from a housing authority to knowingly give false information or to withhold information relevant to their application. An offence is also committed if a person allows a third party to provide false information on their behalf.

Applicants who are found to have withheld or given false information may be removed from the register and will not be able to reapply for a period of 12 months.

Decisions to remove the person from the register will be made based on the seriousness of the false information given and an assessment of why the information was withheld.

### **3.11 Applicants who will be cancelled**

Applicants will be notified in writing that their application has been cancelled and the reason for the cancellation. If an application is cancelled, this does not prevent the applicant making a subsequent application at a later date in certain circumstances, although in such cases the applicant's effective date of registration would not be backdated to the date of the earlier application. An application will be cancelled from the Housing Register in the following circumstances:

- The applicant is housed through the Allocations Policy.
- The applicant completes a mutual exchange.
- The applicant is found following an investigation to have made false or deliberately misleading statements in connection with their application.
- The applicant unreasonably refuses one offer of suitable accommodation.
- The applicant becomes ineligible for an allocation.
- The applicant ceases to be a qualifying person for an allocation.
- An applicant fails to respond to a request for further information within a reasonable time frame.
- Where the applicant buys a property either through the Right to Buy or Right to Acquire or through the open market or inherits a property.

Appendix 4 contains the time limit on applicants that have had their applications cancelled, and when they may be able to reapply to join the register. Applicants will have the right to request a review of the decision to cancel their application.



## **PART 4: Administration of the Register**

### **4.1 The Registration Process**

People wishing to join the register must apply through the Trafford Home Choice website: <https://www.traffordhomechoice.co.uk/choice> .

If they meet the eligibility and qualification rules, they will be registered and can show their interest by bidding on advertised social homes in the area.

Applicants are encouraged to complete the form themselves. However, if assistance is needed HOST staff will provide support in completing the application form over the telephone if requested. Once an application is submitted, HOST will electronically confirm receipt of the application.

### **4.2 Verifying the application**

Applications will need to be supported by providing evidence for HOST to verify the applicant. Applicants are encouraged to utilise the document upload feature on their account to provide the requested evidence.

If there is a need for additional information, HOST will request this. Any application forms that are not fully completed or, where verification evidence required has not been provided, an applicant will not be able to access the housing register until the information is fully completed and assessed. After a specified amount of time applications will be removed where information is not provided.

The Council will make enquiries it considers necessary in order to verify and assess an application for housing. This may involve contacting previous landlords, health or medical advisors, police etc.

Applications will be processed within a reasonable period of time (relative to the particular facts given in the application) after all documentation has been received. In most cases HOST will provide a final banding decision within 28 days of receiving the application. In some cases, an application may not be able to be made live whilst:

- The applicant is awaiting a decision relating to the duty owed has been made (i.e. Prevention, Relief or Main Duty) or
- Where there is a requirement to visit an applicant or
- Where the applicant has requested rehousing on the basis of medical/welfare/exceptional circumstances and
- No other housing need is identified.

The applicant will be notified of any decisions made in relation to their application and will receive a letter or email detailing whether they are eligible, the Band they have been placed into according to their housing needs, the type of property for which they may bid for and documents required to lift the necessary suspensions. Details will be provided where they are entitled to request a review of the Council's decision.

### 4.3 Registration & Priority Dates

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

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

Within the Band, priority is determined by the date in which the application was placed and awarded a Band, with the person who has been waiting the longest having the highest priority.

If circumstances change which results in an applicant moving to a higher or lower priority Band, the Band date applies from the date the application is given the new priority, not the original date of the application.

A household will be placed in the highest Band that any member of that household qualifies for. There is no additional recognition of multiple needs within a household.

### 4.4 Change of Circumstances

It is the responsibility of the applicant to inform HOST of any change of circumstances and, where requested, provide proof of that change. Registered applicants should complete a change of circumstances form online and, if requested, submit evidence. Examples of a change in circumstances include but are not limited to:

- A change of address or contact details, for either themselves or members of their prospective household.
- A change in their medical condition or disability (either existing or newly acquired).
- Additional family members or other people they wish to add to their application; (it will be for the HOST Panel to decide whether they will allow additional people to join the application).
- Any family member or any other person on the application who has left the accommodation.
- Any significant changes in income, savings or assets, which may require a reassessment under the financial resources' rules.

Each time an application is updated online, the system will determine whether the applicant's circumstances have changed and will update the application and/or Band accordingly. Applicants who have failed to notify HOST of a change of circumstances may have their application suspended whilst an investigation takes place.

An applicant will be given 8 weeks to provide any requested update or evidence in relation to their change of circumstances. Applicants who fail to provide this

information will be removed from the Register. Once an applicant is removed from the Register their application will not be reinstated and any priority date and time spent on the register will be lost.

#### **4.5 Renewal of applications**

In order to keep the Register to ensure the applicants information is kept up to date and to efficiently manage the administration of the register, applicants will be required to renew their application, this will normally be on the anniversary of their application.

Applicants will be prompted to renew their application when they log on to the Trafford Home Choice website. They will also be sent an email to the email address supplied on their application or a letter to the address registered on the application.

Applicants will be given 4 weeks to complete the renewal of their application from the date of their notification letter. Applicants who do not complete the renewal after 4 weeks has passed, the renewal will be considered incomplete and therefore the application will be removed from the Register. Once an applicant is removed from the Register their application will not be reinstated and any priority date and time spent on the register will be lost. Any request for rehousing will require a new application. In exceptional circumstances the Council may exercise discretion to reinstate an application removed under this rule.

#### **4.6 Disclosures (Conflict of interest - Members and Staff)**

In order to ensure that HOST treats all applicants fairly, any application for housing from the following applicants must be disclosed on the application form:

- Members/Councillors/MPs of Trafford Council or their immediate families.
- Employees, or their immediate families, of Trafford Council or HOST or any Registered Providers operating in the Trafford area.

These applications will be assessed in line with the Policy. However, the registration, eligibility, assessment of housing need and any nomination to accommodation will require special approval by a Senior Manager of HOST on behalf of Trafford Council.

#### **4.7 False or withheld information**

Under Section 171 of the Housing Act 1996, it is a criminal offence for an applicant to knowingly give false information or to withhold information relevant to their application at any point. The circumstances in which an offence is committed could include:

- any false information given on an application form for social housing.
- any false information given during an interview.
- any false information given in response to subsequent review letters or other updating mechanisms.
- any false information given or submitted by applicants during the proceedings of a review.

- if the applicant allows a third party to provide false information on his or her behalf, or at his or her instigation. This would apply whether the false information was provided at the time of application or at renewal stage when the annual review of circumstances letter has been sent.

A person found guilty of any offence under this section is liable to a fine not exceeding level 5 on the standard scale (which is currently £5,000) via the magistrate's court.

Schedule 2 of the 1985 Housing Act (as amended by the 1996 Act s.146) enables a landlord to seek possession of a tenancy where a tenancy was granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

Where there is suspicion, or an allegation that a person has either provided false information, or has withheld information; the application will be suspended pending the outcome of the investigation.

## **PART 5: The Banding Scheme**

The Housing Act 1996 (as amended) states when determining priorities under the Allocation Policy, the Council must give reasonable preference to certain categories of people. This currently includes those:

- who are homeless.
- who the local authority has a duty to accommodate.
- occupying insanitary, overcrowded or unsatisfactory housing conditions.
- who need to move on medical or welfare grounds.
- who need to move to a particular locality to reduce hardship.
- To ensure that the Council fulfils its statutory duties, this Policy is structured to ensure that households in certain specific types of housing need have a degree of priority over others. This is achieved by operating a Banding system based on the level of urgency of their respective housing need.

To be awarded any of the bands an applicant must qualify to be included on the Housing Register. This means they must meet the local connection rule and not be disqualified under any of the other adopted rules, unless the council has agreed that discretion should be applied to waive such rules due to exceptional circumstances. A summary of the bands can be found in appendix 4.

### **5.1 Banding Scheme Criteria**

#### **BAND 1: Urgent Need Band and owed Reasonable Preference**

The following applicants will be awarded Band 1:

1. Statutory homeless applicants who have been assessed and meet the legislative requirements under the Housing Act 1996 as amended.
2. Emergency Welfare
3. Emergency Medical or Disability
4. Exceptional Circumstances

5. Release adapted property.
6. Statutory overcrowded.
7. Move on from approved supported accommodation.
8. Care Leavers.
9. Foster Carers and Adopters.
10. Insanitary or unfit property.
11. Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces (see section above).

## Criteria for each category

### **1. Statutory Homeless Applicants**

Statutory homeless applicants who have been assessed and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002 and Homelessness Reduction Act 2017, fall into this Band.

Applicants will receive Band 1 to reflect their reasonable preference if they are homeless, in priority need and owed a duty under section 193(2) of the Housing Act 1996 as amended. However, if applicants are found to be intentionally homeless, they will be allocated Band 3.

Applicants who are owed a full homeless duty by any other Council who do not have a local connection will not be entitled to this band, unless subject to a social services referral or are fleeing violence.

### **2. Emergency Welfare**

Whether the award would be granted is for the Council's assessing officer, or Team Leader to determine, or, in unclear cases may be decided by the HOST Panel.

#### *Applicants at risk of Domestic Abuse*

Applicants suffering from domestic abuse that have been assessed as needing to move urgently for the safety and security of themselves and or any dependent children and are assessed as being in immediate danger. HOST will require confirmation from supporting agencies, including: the police, victim support, domestic abuse charities/services, solicitors and evidence of multi-agency approaches.

Any offer of accommodation from this criterion will have restrictions attached in terms of eligible areas to minimise any risk as far as is reasonably practical.

#### *Applicants at risk of extreme violence*

Applicants who are suffering extreme violence, harassment or discrimination, whether a hate crime or otherwise, and that there is a significant risk for them to remain in their present home/locality. HOST will require written confirmation and support from police and will accept information from local anti-social behaviour team, supporting agencies including victim support, social services and solicitors.

Any offer of accommodation from this criterion will have restrictions attached in terms of eligible areas to minimise any risk as far as is reasonably practical.

### **3. Emergency Medical or Disability**

A Band 1 award is for applicants who are suffering sudden or severe progressive life-threatening medical conditions or disability and need an immediate move (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and poses an immediate and serious danger to the individual.

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

Applicants with a medical need will be asked to complete a medical form and provide supporting evidence.

Completed forms will be assessed by a HOST Officer. Where appropriate, any additional information will be requested by the Officer, to the applicant. In some cases, HOST may request further information from the applicants GP, hospital, or consultant. Appendix 5 sets out examples of cases where Band 1 may be accepted.

### **4. Exceptional Circumstances**

This category applies to those who raise an exceptional need to move that is not covered by the other criteria set out in the Allocations Policy. This includes welfare cases that need to be assessed to determine if they are owed reasonable preference and do not fall within the routine welfare groups listed in the Policy.

All exceptional circumstances will be assessed, and a review of the Band will be undertaken by the HOST Panel. Band 1 for exceptional circumstances or need to move will be applicable for up to 12 months only, with one offer of accommodation.

### **5. Release Adapted Property**

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

### **6. Statutory Overcrowded**

Those applicants who are statutory overcrowded as defined by the Housing Act 2004. If an applicant voluntarily agrees to house additional members of their extended family or friends they will not meet the criteria.

### **7. Private sector properties: Insanitary or Unfit**

Band 1 will be awarded when:

- An applicant living in a private sector property, either owned or rented, has been issued with a statutory notice by the Environmental Health Team that the property is unfit and to be demolished under the Housing Act 2004.
- Those applicants living in a property that is a category 1 hazard and as a result uninhabitable due to: severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period. In exceptional cases where the problem can be rectified within 6 months but the impact on the applicant of remaining would be considerable the HOST Panel will decide if reasonable preference will be granted.

The assessment of all cases under the above criteria will be carried out by HOST taking advice from the Council's Environmental Health Team (or any other Council if the property is outside of the Trafford area).

## **8. Move on from approved supported housing projects**

Applicants will be awarded this category for certain listed projects (agreed by Trafford Council's Social Services and HOST) in accordance with protocols agreed between Trafford Council and the voluntary sector body.

The criteria for an award of reasonable preference will be:

- The applicant is ready to move to independent settled housing.
- The applicant is in need of short-term on-going support (e.g. tenancy related support, drug and alcohol, mental health or any other relevant support required by the applicant to sustain a tenancy)

Note: Short term support is defined as up to 6 months, however applicants who have on-going support needs for more than 6 months e.g. mental health, will still be awarded Band 1.

The Council wants to ensure that care leavers and vulnerable people with support needs are helped to access secure, suitable and affordable long-term housing. It is important that applicants are only nominated to move on accommodation when they are assessed as ready to move on.

## **9. Care Leavers (including move on by young people aged 16-21 years)**

Applicants are awarded this category in accordance with protocols between Trafford Council's Children, Families & Wellbeing (CFW) Service and HOST. Applicants must be a former 'Relevant Child' as defined by the Children Leaving Care Act 2002. Applicants from outside of the Borough will not normally be considered under this criteria.

Applicants must have an urgent housing need that is best met by the provision of long term settled housing. All other cases will not be owed reasonable preference under

this category and will be expected to be assisted by the CFW with support from HOST to move on to private rented sector or other suitable accommodation.

The criteria for an award of reasonable preference will be:

- A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.
- They possess the life skills to manage a tenancy including managing a rent account.
- An up to date comprehensive pathway plan and risk assessment in place.
- The care leaver is in need of either a long term or medium term tenancy support.
- That support package has been assessed and is in place.
- Their needs mean accommodation in the private rented sector would have a detrimental effect on their transition to independent living.
- Evidence of the applicants current and up to date Pathway Plan.
- Evidence of the applicants current and up to date Risk Assessment.
- Proof of housing options explored to meet the needs of the Care Experienced person prior to the requirement of the housing register.

## **10. Foster Carers and Adopters**

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

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

Applicants who have applied to become foster carers or adopters will be awarded additional priority once they have been approved.

Applicants who have already been approved and are looking to foster or adopt more children will be put in to Band 1 following evidence.

## **11. Armed Forces**

For an award of Band 1, Applicants must have an urgent housing need and have access to no other accommodation and who:



- Are serving (and will soon leave) the regular forces and are suffering from serious injury, illness, mental ill health, or disability which is attributable to the person's service
- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the MOD following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service or
- Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

## **BAND 2: Need to move and owed Reasonable Preference**

The following applicants will be awarded Band 2:

1. Applicants who are owed the Relief Duty.
2. Applicants overcrowded by the Bedroom Standard.
3. Applicants under occupying by 2 bedrooms or more.
4. Applicants needing to move for Medical/Health Grounds
5. Applicants needing to move for Welfare reasons
6. Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces (see section above).

### **Criteria for each category**

#### **1. Applicants who are owed the Relief Duty**

Applicants who are owed the Relief Duty and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002, and The Homelessness Reduction Act 2017. Should the Relief Duty end and the applicant not be owed a Main Homelessness Duty they will be placed into Band 3.

#### **2. Applicants overcrowded by the Bedroom Standard**

Those overcrowded by two bedrooms or more but are not statutory overcrowded will be placed into Band 2.

For applicants where their housing conditions or level of overcrowding means that it is not reasonable for them to continue to occupy their overcrowded accommodation; and as a result they are owed a statutory homeless duty under section 193(2) of the Housing Act 1996, applicants will be awarded Band 1 for homelessness.

#### **3. Applicants under occupying by 2 bedrooms or more**

Applicants who are under-occupying family accommodation by two or more bedrooms will be awarded Band 2. Applicants who fall into this category will be awarded Band 2 whether they are in receipt of Universal Credit or not.

#### **4. Applicants needing to move for Medical/Health Grounds**

Where an applicant (or a member of their household) is living in accommodation with a severe, long term, medical conditions (chronic or progressive) or severe disability that means they urgently need to move because their home is assessed as being highly unsuitable and is directly detrimental to the applicants' physical or mental health.

Where an applicant's (or a member of their household) housing is unsuitable because of severe medical reasons or because of their disability. The applicant (or member of their household) is not housebound, but their current housing is exacerbating their health conditions.

If this is the case, they will be awarded reasonable preference and placed into Band 2. Whether the award would be granted is for the Council's assessing officer, or Team Leader to determine, or, in unclear cases may be decided by the HOST Panel.

#### **5. Applicants needing to move for Welfare Reasons**

Whether the award would be granted is for the Council's assessing officer, or Team Leader to determine, or, in unclear cases may be decided by the HOST Panel.

Applicants with an urgent need to move due to domestic abuse, abuse and/or harassment but who can remain in the home temporarily without significant risk and do not meet the threshold for an award of Band 1 will be placed into this Band. Any offer of accommodation from this criterion will have restrictions attached in terms of eligible areas to minimise any risk as far as is reasonably practical.

##### *Applicants who need to give or receive care*

The applicant or a member of their household needs to give or receive essential care and support that is substantial and ongoing and that cannot be provided from or in their current accommodation. Applicants must either be in receipt of Carers Allowance or have a carer who is in receipt of Carers Allowance or have had an assessment by social services or similar support agency, so it can be established that care and/or support is substantial / essential.

##### *Infirmity*

Applicants who need to move on welfare grounds due to infirmity caused by old age will have their welfare needs assessed by the HOST Panel. An applicant on this basis must be supported by one or more of the following professionals:

- The applicant's GP or consultant.
- Social Services.
- Occupational Therapist.
- Age Concern or any other voluntary sector organisation representing the applicant.

## **BAND 3: Applicants who do not meet the criteria for Band 1 and 2 but are owed Reasonable Preference**

The following applicants will be awarded Band 3:

1. Applicants who are entitled to Reasonable Preference as being nonpriority homeless, intentionally homeless, or homeless within the meaning of Part 7 of the Housing Act 1996.
2. Applicants who are owed the Homeless Prevention Duty.
3. Applicants aged over 55.
4. Applicants under occupying by one bedroom.

### **Criteria for each category**

#### **1. Applicants who are entitled to Reasonable Preference within the meaning of Part 7 of the Housing Act 1996**

This group comprises all households who are homeless under the definition of homelessness contained in the Housing Act 1996 Part 7 whether or not they were assessed as a result of a formal homelessness application. This does not include those applicants that have made a formal homeless application which has determined that they are owed a full homelessness duty under section 193 or 195 of the Housing Act 1996 and those owed a welfare duty under Bands 1 and 2.

This definition includes a person who does not have accommodation which is legally and physically available or has accommodation that is not reasonable to continue to occupy.

Under this provision there is no requirement that an applicant should be in priority need for accommodation, or that they have made a statutory homelessness application to the local authority under Part 7 of the Housing Act 1996. Were HOST has assessed that the applicant is homeless under this definition they will be awarded the Band 3 priority.

Applicants who come under Section 190 (2) of the Housing Act 1996 (as amended) who have been assessed as being in priority need but are intentionally homeless. HOST will provide applicants with advice and assistance to find alternative accommodation.

#### **2. Applicants owed the Homeless Prevention Duty**

Applicants who are owed the Prevention Duty and meet the legislative requirements under the Housing Act 1996 (as amended).

#### **3. Applicants aged 55 years and over**

All applicants who are over the age of 55 years seeking age related properties for over 55 will automatically be awarded Band 3, local connection rules and financial resources will not be taken into account.

Applicants who are over the age of 55 and are not seeking sheltered housing and would like general needs accommodation or are moving with their family would not be awarded Band 3. Applicants awarded Band 3 for age related preference will not be allowed to bid on general needs properties.

#### **4. Applicants under occupying by one bedroom**

Applicants who are under-occupying in Trafford by one bedroom will be awarded Band 3. The move will free up this accommodation for severely overcrowded households.

Applicants who fall in this category will be awarded Band 3 whether they are in receipt of Universal Credit or not.

## **PART 6: Allocating a Property**

### **6.1 What is an Allocation under this Policy?**

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

- The nomination of a person to be an Assured Tenant of a Registered Provider (Housing Association). This includes, (where a Registered Provider chooses to operate such a scheme), the nomination to be a 'Starter Tenant' of a Registered Provider whereby the Registered Provider will provide an Assured Short Hold Tenancy for a set period. Following this period if the tenant has proved themselves to be a suitable tenant the Registered Provider will then normally grant an Assured Tenancy.
- Existing tenants of any Registered Provider in the Trafford area who wish to transfer to another Registered Provider property are able to register under this scheme, although if they are seeking a transfer to another property owned by their own landlord, that landlord may have its own transfer scheme and its own transfer rules. Advice can be given on these circumstances by HOST or the Registered Provider concerned.

### **6.2 Allocations Not Covered by this Policy**

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

- Conversion of a Starter Tenancy into an Assured Tenancy (that is a matter for the tenants Registered Provider).
- Nominations to a Registered Provider by Trafford Council for a property which is to be used as temporary accommodation to house homeless households owed a duty under the homelessness legislation.
- Assignments and Successions (these are matters for the tenant's Registered Provider/Housing Association).
- Mutual exchanges of Registered Provider tenancies (This is for the relevant Registered Provider to decide and administer).
- Nominations not under Part 6 for offers of assured tenancies, assured short-hold tenancies, or other tenancies or licences, from private landlords or housing charities who are not Registered Providers.

### **6.3 Joint Tenancies**

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

### **6.4 Making bids and allocating properties**

HOST will receive nomination requests on behalf of the Council from Registered Providers across the borough and will allocate to those nominations via this Policy. However, applicants need to be aware that each Registered Provider may operate

their own separate policies and eligibility criteria, which they will apply. It is therefore possible that the Registered Providers may reject a nomination where the applicant fails to meet their Policy or criteria.

The Council advertises of nominated properties through a Choice Based Lettings (CBL) scheme. Vacant homes are advertised weekly, and an applicant can bid for a property on the website, by text, at a Library, at the HOST office or by calling HOST. When a bid is placed the applicant will be advised of their position in the bidding list at that time.

For all advertised properties, the eligibility of bids must be checked against the criteria used in the advertisement. Any ineligible bids will be discarded.

The allocation of a property will be based on the priority of bids received, with Band 1 applicants having the highest priority and Band 3 applicants having the lowest priority. Where a property is advertised as available for letting to a specific band or group only, the letting will be made to the bidder with the earliest registration date in that group.

If more than one bid is received from applicants with the same priority, then the person who has been in the Band for the longest period of time will be offered the property. If two or more applicants have the same priority and length of time in the Band, the CBL system will decide who would be the first choice by taking into account the date of registration.

The applicant to be offered the property will be contacted by the Registered Provider and checks will be made to ensure that the housing circumstances remain as they were when the application was submitted. As long as the circumstances are the same, an offer of the property will be made and a viewing arranged. Any offer will normally last for 3 days.

If the applicant refuses the property, then the property will be offered to the applicant with the next highest priority.

Where a property is adapted for use by a disabled person, the property will be offered to the applicant with the highest priority whose needs best match the facilities of the particular property. In some circumstances, this means not offering the property to the bidder with highest priority. Where a particular property has been specially adapted HOST may make a direct offer or bid specifically on behalf of applicants whose needs can be best met by the property in question.

Where a property is deemed to be suitable by HOST and the applicant has refused it, and the applicant has been accepted as being owed a statutory homeless duty by HOST, this duty subject to a right of review will have ceased if the property is refused. In such circumstances an applicant will no longer be entitled to any homelessness duty and will have to leave any temporary accommodation provided and make their own accommodation arrangements.

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

This will not count against the applicant as an unsuitable bid and the applicant will be entitled to receive another offer.

### **6.5 One Suitable Offer**

There is a high demand for social housing and applicants should think carefully about the type and location of properties that they wish to be considered for before placing a bid, and applicants should only place bids on properties that they intend to move to.

If an applicant refuses one offer of accommodation made in writing within a 12-month period, their application will be cancelled, and they will not qualify to join the Housing Register for a minimum period of 12 months from the date of cancellation.

Applicants should be mindful where they have requested auto bid functions to place bids on their behalf, that offers made under an auto bid are considered in the same way a normal bid is.

Applicants will have a right of review. Applicants can make a fresh application at the end of the 12-month period. Their application will be assessed on the current information provided and will be from the date that the new application is made.

### **6.6 Specialist and adapted accommodation**

Some homes have been specially adapted to meet people's needs or have the potential to be adapted to meet people's needs. This includes homes for the disabled and for older people.

To ensure the Council match people to suitable homes and make the best use of the accommodation, properties may be flagged up as being currently adapted or suitable for adaptation and the Council reserves the right to allocate such a property outside of the band and date order system in order to best match that property to an applicant who requires an adapted property and is in an urgent band need.

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

### **6.7 Serious Offenders**

It is sometimes necessary to provide housing which will minimise the risk to the community and where supervision of the individual can be maintained. This may also apply to individuals currently living in the community who are considered to pose a risk to themselves and/or others.

The Council will work with the Police, Probation Services and One Trafford to assess and manage risk and will apply special arrangements where cases are referred through the Multi-Agency Public Protection Panel (MAPPA), Integrated Offender

Management (IOM) cases or any protocol with Probation Services. Officers will attend case conferences with the Police, Probation, Adult Social Care and Health professionals and a planned and managed relocation pathway will be agreed. This should include a full discussion of a range of housing options which are most appropriate to the customer's circumstances and supervision needs.

This may result in restrictions being placed on the choice of property or area that is open to an applicant, or may result in a direct offer of suitable accommodation being made to an applicant whenever they have sufficient priority under the Policy to receive such an offer.

## 6.8 Direct Offers

There may be cases whereby HOST will need to make a direct allocation to a property rather than allowing the applicant to bid. Such cases include:

- Direct lets in circumstances where either there is an urgent and immediate need to move due to a risk to the applicant or where there would be a risk to the applicant by being required to take part in the bidding process.
- Direct lets in circumstances where there is a need to move households from Temporary Accommodation.
- Multi Agency Public Protection Arrangements (MAPPA), Integrated Offender Management (IOM) cases or other high risk offenders.
- Applicants who are statutory homeless and owed a full housing duty where they have not successfully bid for accommodation within the limited period time.
- To fulfil duties in line with the Homelessness Reduction Act 2017.
- Homes that have been significantly adapted for a disabled person.
- New build wheelchair accessible homes.
- Homes that are suitable for adaptation for an identified customer with a disability and it has not been possible to identify an existing suitably adapted property.
- Extra Care Housing.
- Succession of tenancy, mutual exchanges and transfers of interest made under a court order.
- Where applicants in hospital cannot return home and discharge is delayed.

The Policy of allowing allocations outside of the Policy via a direct allocation date order may apply where a ground floor flat is available and an applicant with very high priority requires such accommodation in a specific area. Rather than select an applicant with general needs to the property, HOST reserves the right to allocate to a high priority applicant in need of such accommodation.

In addition, vacant properties which are adapted, or which are suitable for adaptation, or can meet the needs of an applicant with a disability or other special reasons may be allocated. This may be through a direct offer or by bypassing cases who have bid, but where the nature of the property or its current adaptations match the specific needs of



that applicant requiring an adapted property. Specially adapted properties will be labelled so that only applicants who meet specific criteria may successfully bid.

Direct allocations may be made where information is available which would compromise the safety of the applicant or others e.g. where a high risk offender is not allowed to live in a certain area or where a person previously guilty of harassment or domestic abuse should not be placed in the same area where a victim of that harassment or abuse currently lives.

### **6.9 Offers to Homeless Applicants**

Where a homeless applicant bids for accommodation and is successful, the offer will be the applicant's final offer and will end the Council's homelessness duty. In such cases an applicant will have a right of review under the homelessness legislation to the suitability of any accommodation offered.

Where the Council has accepted a full homeless duty under sections 193(2) or 195(2) and applicants who have been awarded Band 1 or 2 by the HOST Panel, applicants can only exercise choice for a limited period of 4 weeks after which time, regardless of whether suitable properties have become available, HOST is entitled to make a direct offer in either the social or private rented sector, which will fully end its Part 7 Homelessness Duty. During the 4-week period, applicants will also have to choose a minimum of 3 areas.

HOST can place bids on behalf of the applicant in their choice of areas only during the limited period. After the 4-week period has ended, HOST is entitled to make a direct offer. A direct offer must be suitable and can be made in either the social rented sector or the private rented sector. For homeless applicants the offer will end the Council's Part 7 Homelessness duty.

Whether or not a homeless applicant accepts an offer of accommodation made under this Policy, they have the right to request a review of the suitability of the accommodation they have been offered. Homeless applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a review of its suitability.

## **PART 7: Review of Decisions Made & Complaints**

### **1.1 Review of Decisions**

Under the housing legislation an applicant has a legal right to request a review of any of the following decisions reached by the council:

- A decision that an applicant is ineligible, or not a qualifying person to join the Housing Register.
- A decision regarding which band an applicant has been awarded.
- The priority date granted for the band awarded.
- To remove an applicant from the Housing Register.
- Any decision about the facts of the case that has been used to assess their application including the decision the council has made regarding who can be included in the application
- Where an applicant considers that a decision has been reached based on incorrect information.

Any applicant wishing to request a review of a decision must do so by contacting HOST directly in writing within 21 days of being notified of a decision. The request should be made in writing by letter or email stating the reasons for their request for a review. Reviews can be emailed to [hostreviews@trafford.gov.uk](mailto:hostreviews@trafford.gov.uk)

All reviews will be dealt with by a Senior Officer of Trafford Council within 8 weeks of the request; however, this is a target timescale and may be longer depending on operational pressures.

All decisions following reviews will be notified to the applicant in writing giving the reasons for the decision.

### **1.2 Complaints**

An applicant who is not satisfied with the Housing Register and the administration of the Allocations Policy can register a complaint. Complaints are separate to the circumstances in which an applicant is entitled to seek a review of a decision made on their housing application. Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made under the Council's complaints policy.

Information about how to make a complaint and how the Council will deal with it can be found at <https://www.trafford.gov.uk/about-your-council/complaints/general-council-complaints.aspx>

A request for a review of a decision made on an application should be made under the review procedure and not through the Council's complaints process. Where a complaint relates to how an applicant has been dealt with under this Policy an applicant has the right to continue with their complaint to the Local Government Ombudsman Service if they are unhappy with the response to their complaint. Website: [www.lgo.org.uk](http://www.lgo.org.uk)

## Appendix 1: The Legal Context

In developing this policy, the Council has followed and fully considered the following housing legislation, regulations, statutory guidance, and strategies:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013)
- 5) Improving access to social housing for members of the Armed Forces guidance (June 2020)
- Equality Act 2010
- Data Protection Act 2018
- UK-GDPR (General Data Protection Regulation) 2021.
- Care Act 2014.
- Human Rights Act 1998.
- Domestic Abuse Act 2021; and
- Children and Social Work Act 2017

Plus, the following statutory regulations:

- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861).
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020 (Family members of a person of Northern Ireland and Stateless Leave)
- Allocation of accommodation: Guidance for local authorities in England December 2020

In drafting this policy, considerations have been given to the Council’s Homelessness Strategy, Housing Strategy, Supported Housing Strategy, Corporate Equality Strategy 2021 – 2025 and Poverty Strategy 2023-25.

## Appendix 2 - Local Lettings Policies

### Local Lettings Policies

The Council may, in agreement with HOST and participating Registered Providers, develop local lettings plans for specific areas, estates, or blocks in order to develop and promote balanced and sustainable communities. Local lettings policies (LLPs) may be applied to meet the needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities. They will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development, or may be applied to a village in a rural area).

The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.

- Age restrictions.
- Prioritising applicants who are key workers, as defined by the Council.
- Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
- Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
- Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
- Ensuring that there is a balance of working and non-working households allocated to a scheme.

### New Developments

New developments will normally have local lettings policies (usually only applies to first lettings) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement.

Where a new development is subject to a Section 106 planning agreement the criteria set will be followed. In order to ensure a reasonable mix of household sizes and types, and families with children of different ages, a local lettings policy will normally be used for new developments larger than four properties.

This may set restrictions on the number of lettings which can be made to families with young children, for example, or the number of families who are not working.

### Evidence Requirements

Each local letting policy will be based on a detailed analysis of relevant information gathered from a variety of sources. Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan or the need to provide housing for local people in rural villages. Registered Providers are responsible for collating such evidence to apply to the Council for a local lettings policy and must ensure that an Equality Impact Assessment forms part of the evidence.

### Decisions

The decision to implement a local lettings plan will be approved by the Senior Officer at the Council and agreed by a Senior Manager of the relevant Registered Provider (or other officer or body of the provider) for whom Trafford Council has nomination rights.

Any decision to implement a Local Lettings Policy will always take into account the implications for equal opportunities and the need for the Allocations Policy to meet the needs of those owed a Reasonable Preference.

Local Lettings Policies will be subject to a review agreed by the Council and Registered Provider, for example: as and when changes to an estate, area or block, necessitate such a review.

There must be a clear evidence base for adopting a local lettings policy. Agreement as to whether a local lettings policy is appropriate will be based on the following test:

- That there is a clear definition of the objective to be achieved by that particular local letting policy.
- That there is a clear evidence base to back up the need for a local lettings policy.
- That any potential equality impact has been considered.
- How long the local lettings policy is intended to operate.
- When the local lettings policy should be reviewed.

A written record of each policy adopted or rejected should be kept. All current local lettings policies will be listed as online version so the public can see which policies are in operation at any point in time.

## Appendix 3: HOST Panel

### Terms of Reference

The Panel will consist of appropriate Senior officers responsible for Allocations from both Trafford Council and HOST. The HOST Panel will hear requests in relation to:

- Exceptional circumstances that are not set out in the Policy criteria.
- Medical and Welfare matters that are complex and require the consideration of the Panel.
- Requests to deviate from the Councils Bedroom Standard.

This is to ensure that evidenced based assessments are made and such requests are kept to a minimum in the interest of fairness.

### Administration

All panel requests are required to be made in writing and input into a dedicated form for the purposes of decision making and monitoring outcomes. Cases must be recorded fully to ensure a fair and transparent process has been followed and that cases can be fully scrutinised by members of Trafford Council to ensure that they fully meet the exceptional circumstances criteria.

### Exceptional Matters to be considered by the Panel

The Panel will consider housing need including needs of the applicant and the members of their household. The Panel will consider the following types of cases listed below; however this list is not exhaustive. Representations can be received from an applicant and their representative and or professional body:

- Applicants with medical problems that are not sufficient on their own to confer priority, but where there are other relevant social factors.
- Needing more settled accommodation in order to deal with child protection issues arising under the Children Act.
- The household seeking accommodation has welfare needs so severe that the protection of vulnerable adults or children is only possible if the household were to move to a new home and where the present circumstances could deteriorate to such an extent as to place household members at risk, or in need of residential care unless re-housing is offered.
- Families with a child with behavioural difficulties, which may require an additional bedroom or particular type of accommodation.
- Requiring additional space such as for a carer or to foster.
- The risk level of a potentially vulnerable person continuing to live in their current address.
- The need for re-housing due to irreconcilable neighbour difficulties.
- Requests to agree exceptions to established policies e.g. an applicant meets an exemption criteria but raises extenuating circumstances
- Requests to agree an applicant for any type of special housing provision, e.g. floating support, supported housing because of a learning difficulty, mental health problems, alcohol or drug misuse, sensory difficulties, a need for low-rise or low

density accommodation or accommodation in specific areas of the borough to give or receive support.

- Requests to transfer following harassment including verbal abuse, insults, intimidation, damage to property or possessions, threatening or abusive behaviour, racist, homophobic or other abusive graffiti, unprovoked assaults including common assault, actual bodily harm and grievous bodily harm, use of dogs, arson and attempted arson, threatening letters, witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.
- Requests for a transfer or re-housing where there has been a bereavement or personal tragedy in the property or area.

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

## Appendix 4 – Application Cancellation Time Frames

Criteria for Application Cancellation	Time limit on cancellations
The applicant is housed through the Allocations Policy.	Applicants who are cancelled under these criteria will be required to wait at least 12 months from the date of cancellation to reapply to join the Register, unless there are exceptional circumstances which apply.
The applicant completes a mutual exchange.	
The applicant is found following an investigation to have made false or deliberately misleading statements in connection with their application.	
The applicant unreasonably refuses one offer of suitable accommodation.	
The applicant becomes ineligible for an allocation.	Applicants cancelled under this criteria are not under a time limit, but will only be entitled to reapply to join the register where there is proof of them becoming eligible for an allocation of social housing.
The applicant ceases to be a qualifying person for an allocation.	Unless otherwise specified in the exclusion criteria, applicants are only entitled to reapply to join the register where there is proof that they have become a qualifying person and should no longer be excluded.
An applicant fails to respond to a request for further information within a reasonable time frame.	Applicants cancelled under this criteria are not under a time limit, however they will not have their application reinstated and are required to reregister and provide all information that is requested by HOST. If an application is to be reinstated, this is in agreement of the HOST Panel under exceptional circumstances/discretion.
Where the applicant buys a property either through the Right to Buy or Right to Acquire or through the open market or inherits a property.	An application will be cancelled indefinitely where an applicant becomes adequately housed or has sufficient assets or equity/investments to meet their housing need locally and will not be permitted to join the Register unless there is an exceptional need.



## Appendix 5 – Summary of the Bands

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

<b>BAND 1: Urgent Need Band and those owed Reasonable Preference</b>	
Homeless Households owed a full homeless duty under section 193(2) or 195(2) of The Homelessness Act 2002 as amended by the Homelessness Reduction Act 2012.	Accepted statutory homeless cases owed a full homelessness duty by Trafford Council (note for cases owed a full homeless duty by any other Council they will receive a reduced preference for not having a local connection to Trafford unless subject to a s213 referral or fleeing violence).
Emergency Welfare	This band is awarded for those who are at risk of domestic abuse needing to move urgently for the safety and security of themselves and or any dependent children and are assessed as being in immediate danger or applicants who are suffering extreme violence, harassment or discrimination, whether a hate crime or otherwise, and that there is a significant risk for them to remain in their present home/locality. Without the requirement of a homelessness application.
Emergency Medical or disability	Emergency medical banding is granted only in exceptional circumstances. This includes when the applicant or a member of the applicant's household has a life threatening condition, which is seriously affected by their current housing, or their home cannot be accessed due to ill health or disability. A full list of circumstances where an award of emergency medical priority is given in the Policy.
Exceptional circumstances/need to move.	This category applies to those who raise an exceptional need to move that is not covered by the other criteria set out in the Allocations Policy. This includes welfare cases that need to be assessed to determine if they are owed reasonable preference and do not fall within the routine welfare groups listed in the Policy.  Emergency need to move and exceptional circumstances are determined by the HOST Panel.
Release adapted property.	Where a tenant does not require a specially adapted property for disabled use, and there is a demand for its use from a disabled applicant in high housing need.

Statutory Overcrowded.	Those that are statutory overcrowded as defined by the Housing Act 2004.
Move on from approved supported accommodation.	Applicants will be awarded this category for certain approved projects in accordance with protocols agreed between Trafford Council, HOST, service providers and the voluntary sector body. Not all applicants who occupy named supported housing projects will qualify for Reasonable Preference.
Care Leaver.	Applicants are awarded this category in accordance with protocols between the Council, HOST and Children's Families and Wellbeing Directorate. Applicants must be a former 'Relevant Child' as defined by the Children Leaving Care Act 2002. They must have vulnerability, and urgent housing need that is best met by the provision of long term settled affordable housing.
Foster Carers and Adopters.	Approved Foster Carers and/or Adopters with a need to move to larger accommodation. However, this would require a letter of support from CYPS (or the approving Local Authority) prior to qualification.
Insanitary or unfit property.	<p>An applicant living in a private sector property, either owned or rented, has been issued with a statutory notice by the Environmental Health Team that the property is unfit and to be demolished under the Housing Act 2004.</p> <p>Those applicants living in a property that is a category 1 hazard and as a result uninhabitable due to: severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6-month time period. In exceptional cases where the problem can be rectified within 6 months but the impact on the applicant of remaining would be considerable the HOST Panel will decide if reasonable preference will be granted.</p>
Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces.	All ex-Armed Forces applicants in housing need will be assessed and awarded addition priority as appropriate (the next band up).
<b>BAND 2:</b> <b>Need to move and are owned Reasonable Preference</b>	

Applicants who are owed the Relief Duty.	Applicants who are owed the Relief Duty and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002, and The Homelessness Reduction Act 2017.
Applicants overcrowded by the Bedroom standard.	Applicants overcrowded by 2 bedrooms or more.
Applicants under occupying by 2 or more bedrooms.	Tenants (private or social) in Trafford who are under-occupying family accommodation by two or more bedrooms.
Applicants needing to move for Medical/Health Grounds	Where an applicant (or a member of their household) is living in accommodation with a severe, long term, medical conditions (chronic or progressive) or severe disability that means they urgently need to move because their home is assessed as being highly unsuitable and is directly detrimental to the applicants' physical or mental health.
Applicants needing to move for Welfare Reasons	Applicants with an urgent need to move due to domestic abuse, abuse and/or harassment but who can remain in the home temporarily without significant risk and do not meet the threshold for an award of Band 1. Applicants who need to give or receive care and those who are infirm caused by old age.
Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces.	All ex-Armed Forces applicants in housing need will be assessed and awarded addition priority as appropriate (the next band up).
<b>BAND 3:</b>	
<b>Applicants who do not meet the criteria for Band 1 and 2 but are owed Reasonable Preference.</b>	
Applicants who are entitled to Reasonable Preference within the meaning of Part 7 of the Housing Act 1996	This group comprises all households who are homeless under the definition of homelessness contained in the Housing Act 1996 Part 7 whether or not they were assessed as a result of a formal homelessness application.
Applicants owed the Homeless Prevention Duty	Applicants who are owed the Prevention Duty, and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002, and the Homelessness Reduction Act 2017.

Applicants aged 55 and over	Applicants 55+ seeking sheltered accommodation
Under occupying by one bedroom.	Tenants (private or social) in Trafford who are under-occupying family accommodation by one bedroom.
Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces.	All ex-Armed Forces applicants in housing need will be assessed and awarded addition priority as appropriate (the next band up).

## Appendix 6 – Medical and Welfare Consideration

### **Medical Awards**

#### ***Who can support a medical needs assessment?***

Occupational Therapist, Specialist medical advisor, Community / mental health nurse, Hospital / discharge liaison

Social Worker, GP, Health visitor, Applicant (self-certify), Carer, Family / Friends, Support Worker

#### ***What type of information can be supplied in support?***

Health professional letter detailed support for rehousing on medical/health grounds, OT recommendation, Housing Needs Assessment

#### ***Proof of medication / treatment***

Proof of diagnosis, Copy of PIP award detailing the assessment and reasons for the award, Community Mental Health Team – supporting letter, Statement from applicant, Proof of Disability Benefit, Signed letter from carer / relative / friend.

### ***General Practitioners***

Whilst GP's provide the most likely source of medical opinion for most housing applicants, it is not uncommon for GP surgeries to refuse a request from a patient or HOST for supporting medical information. This is due to GP surgeries facing increasing demand on their services and GP's time for 'non-clinical' matters. If an applicant is unable to gain supporting information from their GP, it is advisable to try other medical professionals who may be involved. In the absence of any medical professional being able to verify and support an applicant's health needs, HOST will consider all other supporting information available including the applicants own self-assessment of their needs. HOST will not pay for the release of medical information from a GP.

### **Existing Registered Provider Tenants**

If an existing registered provider tenant applies to Trafford Home Choice due to their current property being medically unsuitable for their needs, HOST may request the opinion of their current landlord before a medical banding can be awarded. This is to ensure that the current property could not be adapted to meet the needs of the applicant rather than seek a move to alternative social housing.

### **When medical priority will not normally be awarded**

Medical priority will not normally be awarded in the following circumstances:

- a) where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied
- b) health problems that are not affected by housing or cannot be improved by moving
- c) where a move would only make a marginal improvement to the applicant's condition

- d) medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame
- e) where another reasonable course of action is available to the applicant to resolve their difficulties
- f) time-related medical problems (e.g., pregnancy-related problems or a broken leg)
- g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note: under the Policy an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact)
- h) overcrowding not impacting significantly on the applicant's medical condition. (Note: under the Policy an applicant may receive priority separately for being overcrowded)
- i) if the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.

Medical assessments are not just related to banding. The council will also consider recommendations for future housing, for example regarding the floor level a household may need and whether an extra bedroom is required due to a child having autism.

**Examples of circumstances to help the assessing officer to decide when Band 1 (Emergency) may be awarded on medical or disability grounds.**

The following examples are intended to guide the assessing officer on the threshold set for a Band 1 award. They can also serve to help an applicant understand the threshold for a priority award to be granted. A Band 1 award is for *“Applicants who are suffering sudden or severe progressive life-threatening medical conditions and need an immediate move (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and poses an immediate and serious danger to the individual.”*

- Where an applicant's condition is expected to be terminal within a period of 12 months and rehousing is required to provide a basis for the provision of suitable care
- The condition is life threatening, and the applicant's existing accommodation is a major contributory factor
- The applicant has severe mobility issues, is housebound and is unable to leave their accommodation except with assistance that will result in high risk to themselves or their carer. They have an assessed need to move to accommodation that meets their needs
- The applicant is not ambulant and a wheelchair user who is unable to use their wheelchair within their current accommodation and has an assessed need to move to suitable accommodation
- The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually six months.

- Where overcrowding in the property leaves the applicant at risk of life-threatening infection
- Applicants who have a progressive, chronic or life-threatening medical condition and cannot be discharged from hospital because they do not have any accommodation, or their accommodation is unsuitable for example, because they cannot access toilet and/or bathing facilities in the property. This will include cases that cannot be discharged from hospital because their home is, and will remain, permanently entirely unsuitable or entirely inaccessible to live in
- Where the assessing officer accepts that the evidence from a relevant health professional indicates that there is a significant risk of serious and permanent injury and/or permanent disability
- Applicants who have a progressive, chronic or life-threatening medical condition as diagnosed by a healthcare professional and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user
- A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care
- The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g., applicant has severe mental health problems that are significantly exacerbated by their accommodation and that opinion is fully evidenced by the applicant's consultant or mental health services
- Due to limited mobility a person is unable to access essential parts of the property e.g., bathroom/toilet and no adaptation is possible
- A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home
- Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition

### **Examples of circumstances to help the assessing officer to decide when Band 2 should be awarded on medical or disability grounds**

- A life-threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage
- A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care
- A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities, or have difficulty accessing facilities inside and outside of their accommodation and require housing into suitable accommodation

- An applicant or member of his/her household usually has a chronic condition; examples might include a respiratory condition, severe asthma or emphysema – and that the condition is being made worse by the current accommodation
- Where their current property leaves a person at risk of infection, e.g., where an applicant is suffering from late-stage or advanced AIDs
- People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life, and which puts them at risk of admission to hospital or residential care. Evidence would normally need to be provided from a specialist consultant psychiatrist or a certified paediatric nurse that their current accommodation is having a significant detrimental impact on the mental health of any member of the household
- People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs
- Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability
- Someone with a medical or disability who's housing has rendered them housebound
- Where a move would avoid the need for another service (e.g., Social Services) from having to provide a significant level of support. This might include for example residential care, overnight care provision, or other support with similar resource implications
- Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. This will involve an assessment of the layout of their current accommodation, for example the number and nature of steps, stairs or other hazards that may increase the risk of serious injury
- The applicant or household member requires significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective
- Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service
- Veterans who have actively served in the armed forces and are suffering from severe post-traumatic stress disorder or serious illness directly related to service in the forces
- An occupational therapist has identified that the current accommodation is partially suitable but:
  - the applicant or member of his/her household needs a major adaptation, such as a level access shower; or
  - the applicant or member of his/her household has significant difficulty managing stairs or difficulty accessing the property owing to stairs or slopes leading to doorways and the occupational therapist recommends a lift, ramped access or ground floor living; and
  - Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation
  - Applicants who have significant mobility issues and would benefit from a move to accommodation that has level access showering facilities



- Children with severe conditions and a formal diagnosis such as autism, or cerebral palsy or ADHD where their long-term needs cannot be met without long term settled accommodation
- A person with a severe disability requiring some adaptations to their property that cannot be provided for in their current accommodation
- Where an applicant can access their home but struggles to access normal day-to-day facilities within it (e.g., bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort, confirmed with evidence from a healthcare professional. This would include cases where an adaptation is possible but cannot be undertaken in a reasonable period of time. (Note: any priority would be removed if an adaptation is completed, or work started)

Whether the award would be granted is for the Council's assessing officer, or Team Leader to determine, or, in unclear cases may be decided by the HOST Panel.

## Appendix 7 - Officer Roles and Responsibilities

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

Under Section 167 Housing act 1996 as amended by 2002 Homelessness Act and Homelessness Reduction Act 2017.

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

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

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

Officer Designation	Role and Responsibilities
<b>HOST Panel (Senior Officer from HOST &amp; Trafford Council)</b>	Awarding priority for medical cases where applicants have an urgent medical need for rehousing.
<b>Senior Trafford Council Officer (Housing)</b>	<ol style="list-style-type: none"> <li>1. Undertaking Statutory Reviews for Homelessness decisions, intentionally homeless and suitability of accommodation.</li> <li>2. Allocations Reviews once HOST have dealt with the initial review.</li> <li>3. Review and interpreting Allocations Policy.</li> </ol>