

Northampton Borough Council

Housing Allocations and Choice Based Lettings Scheme

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**NORTHAMPTON
BOROUGH COUNCIL**

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Introduction

This is Northampton Borough Council's Choice Based Lettings and Housing Allocation Scheme as required under section 167 of the Housing Act 1996. It meets the requirements, which are set out in Part VI Housing Act 1996 (as amended by the Homelessness Act 2002) to have a scheme (their "allocation policy") for determining priorities and procedures to be followed in allocating accommodation giving reasonable preference to the following categories of people:

- People who are homeless (within the meaning of Part 7 of Housing Act 1996);
- People who are owed a duty by any local authority under section 190(2), 193(2), or 195(2) (Or under section 65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any such authority under section 192(3);
- People occupying in sanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds; including grounds relating to a disability; and
- People who need to move to a particular locality in their district of the authority where failure to meet that need would cause hardship (to themselves or others).

The scheme may also be framed so as to give additional preference to particular descriptions of people within the subsection (being descriptions of people with urgent housing needs), as in accordance with section 167(2) of the 1996 Housing Act.

The categories of reasonable preference are additional to each other, so if an applicant's needs mean that he or she falls into more than one category, the allocation scheme must ensure that all of those needs are reflected in the applicants relative priority on the housing register.

Section 167 (8) provides that the authority may not allocate housing accommodation except in accordance with its allocation scheme. The scheme shall include a statement of the authority's policy on offering people who are to be offered housing accommodation:

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

The Council's aim in producing this scheme is to empower people to make decisions over where they live and exercise choice; to help create sustainable communities and encourage the effective use of the available affordable housing, giving customers as much opportunity as possible for their views to be taken into account when they are seeking a new home. Northampton Borough Council will also support prospective applicants to choose the

Housing Option which is best for them, including: promoting a wide range of options, including low cost home ownership, mutual exchanges, the private rented sector. Also providing information and advice about staying put options such as aids and adaptations, mobility schemes.

The demand for secure affordable housing in Northampton far outweighs the supply. In order to maximise the supply of affordable housing the Council work closely with a number of Registered Social Landlords or RSLs, (also known as Housing Associations). Registered Social Landlords provide the Council with nomination rights for a percentage of their homes.

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

Objectives

In allocating its vacant properties the Council seeks to:

- Discharge the Council's statutory duties as contained in Part VI and VII of the Housing Act 1996, as amended by the Homelessness Act 2002
- Offer as much choice as possible to customers
- Offer customers information and advice to enable them to make informed choices about their housing options
- Create an easy to understand, fair and transparent system.
- House those in priority need as determined by the law
- Help prevent homelessness
- Make the most effective use of the local housing stock
- Support the principles of social inclusion, community cohesion and aim to meet customer expectations
- Respond to the circumstances of vulnerable individuals by joint working with other agencies
- Ensure equality of opportunity in accessing the housing register and in the allocation of properties
- Promote sustainable tenancies and communities by acknowledging the support needs where appropriate
- Promote low cost home ownership schemes to customers on the housing register.

The legal framework

As a result of the introduction of the Homelessness Act 2002 and the Code of Guidance 2002 and 2006, and the Allocation of accommodation: choice based lettings code of guidance for local authorities published August 2008, local housing authorities are no longer required to maintain a housing register

and accordingly sections 161 to 165 of the Housing Act (the Housing Register) cease to have effect.

The Council has however, determined to maintain a housing register of applicants who have applied for accommodation, or a transfer from existing accommodation from either within its own stock or that of a participating Registered Social Landlord. Applications on the housing register have been assessed as being eligible for accommodation and prioritised as set out within this document (The Council's "Allocation Scheme")

In determining the rules within this Allocation Scheme, the Council has to comply with The Housing Act 1996, as amended by The Homelessness Act 2002. Additionally, the Council will have regard to case law, relevant legislation (including any amendments) relevant codes of practice and local policies.

For example:

Adoption of Children Act 2002
 Anti-Social Behaviour Act 2003
 Asylum and Immigration Act (Treatment of claimants etc) Act 2004
 Children Act 1989
 Children (leaving care) Act 2000
 Civil Partnership Act 2004
 Crime and Disorder Act 1998
 Code of Practice for Racial Equality in Housing
 Code of Guidance on the Allocations of Accommodation
 Data Protection Act 1998
 Disability Discrimination Act 1995 and 2005
 Equality Act 2006
 The Equality Act (Sexual Orientation) Regulation 2007
 Freedom of Information Act 2000
 Gender Recognition Act 2004
 Homelessness Act 2002
 Homeless Code of Guidance
 Housing Act 1996, 1985, 1988 & 2004
Housing and Regeneration Act 2008
 Human Rights Act 1998
 Immigration and Asylum Act 1999
 Land Compensation Act 1973
 Mental Health Act 1983
 National Assistance Act 1948 Section (21)
 Northampton Borough Council Domestic violence strategy
 Protection of Eviction Act 1977
 Race Relations Act 1976 (as amended by the Race Relations Amendment Act 2000).
 Sex Discrimination Act 1975.

When anyone applies for an allocation of affordable housing or to join the housing register, the customer must be informed by Northampton Borough Council of the customer's relevant statutory rights Housing Act 1996 section 166 (2) as follows:

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

Choice Based Lettings

The Council have adopted a Choice Based Lettings Scheme called *HomeChoice @ Northampton*. This allows customers on the Housing Register to express their property and area preferences and also provides information about a range of other housing options.

Full details about the scheme and how to participate can be found in our *HomeChoice @ Northampton* user guide.

Equality and Diversity

Northampton Borough Council is committed to delivering on the general duty to promote all aspects of equality and has outlined this commitment in its Race Equality Scheme, Disability Equality Scheme and Gender Equality Scheme.

Our Housing Register will be accessible and sensitive to the needs of all taking account of age, disability, gender, race, religion and sexual orientation.

Data protection and freedom of information

The information that applicants provide may be personal and sensitive as defined under the Data Protection Act 1998. Data will only be shared with third parties with the applicant's permission and then only for the purposes of assisting with their re-housing. Applicants will be asked to sign a consent form on the housing application to enable the authority to share this

information. Personal data will also be treated in accordance with the Electronic Communications Act 2000. Applicants have the right to see the information held regarding their application for housing.

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

Information on the Housing Register

Under section 166 of the Housing Act 1996 a person on the Housing Register of a local authority is entitled:

- a) To see the entry to him/herself and to receive a copy free of the entry free of charge, and
- b) To be given such general information as will enable him/her to assess how long it is likely to be before housing accommodation appropriate to his/her needs becomes available for allocation. This will be provided on the Choice Based Lettings website and vacant property advertisements.

Information will be provided to each applicant on request at no charge.

Who can apply to Northampton's housing register?

Anyone aged sixteen years or over can apply to Northampton Borough Council for accommodation.

How to apply

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

Completed forms along with all required supporting documentation (see below) should be returned to this address. Alternatively any local housing office will forward the form to the Guildhall. Applicants will be issued with a receipt and should keep this safe for future reference. Applications, which do not have the necessary supporting documentation, will not be accepted.

Whether an application is accepted and placed on the Housing Register is subject to the eligibility criteria and the provision of all supporting documentation.

If information is requested from the applicant and is not received within 28 days the application will not be registered. The applicant will be notified in writing, all original documents will be returned by registered post and the application form and photocopies of documents destroyed.

Forms of proof for supporting documents

The Council will accept as proof only original documents, which should be provided in person if possible. All documents will be returned by recorded delivery.

Photocopies will not be accepted in any circumstances.

The Council will accept proof from the following list:

Proof of identification (any **one** of the following for each applicant) will not necessarily prove eligibility, as may have more than one of the following:

- Birth Certificate
- Passport
- Proof of Age Identification Card (with photo)
- Employee Identification (with photo)
- HM Forces Identification (with photo)
- EU Identification Card
- Approved Immigration Status Documents.

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

For applicants accepted as a refugee or granted Indefinite, Exceptional, Discretionary or Limited leave to remain in the UK, please provide Home Office Documentation.

Accession State Nationals – please provide registration documents and proof of current employment, i.e. recent wage slips or contract.

Nationals of the European Union – Please provide proof of current employment, i.e. recent wage slips or a contract.

Proof of Residence (any **two** of the following for each applicant – documents provided must be recent):

- Household Bill (gas, electricity, water, Council Tax)
- Tenancy or Licence Agreement
- DWP Benefit Document
- Driving Licence
- Bank Statement, Credit Card Statement, Catalogue Statement or similar document with home address.

Proof of Present Tenancy (any **one** of the following for each applicant):

- Tenancy of Licence Agreement
- Rent Book
- Letter from Landlord.

Proof of Marriage:

- A recognised marriage certificate.

Proof of pregnancy:

- An EDC certificate.

Proof of residency of children included on the application:

- Child Benefit award letter, which confirms names of the children
- Custody Papers
- Residency Papers
- Birth Certificate for any child born in the last 8 weeks.

Proof of contact with children from a previous relationship:

- Birth certificate for each child.

And any **one** of the following:

- Letter of confirmation from a solicitor
- Letter of confirmation from a social worker
- Letter of confirmation from the other parent or guardian
- Court Order.

If you own or have owned a property

One of the following:

- Certificate of Sale
- Letter of confirmation from a Solicitor

- Letter of confirmation from a Building Society.

If you have previously owned a property:

- Letter from a Solicitor or Building Society confirming the assets realised from the sale or transfer of the property.

And **one** of the following:

- Certificate of Sale
- Letter of confirmation from a Solicitor
- Letter of confirmation from a Building Society.

Eligibility and Exclusions

Section 160A of the Housing Act 1996 sets out those applicants who are ineligible for the allocation of housing. The following subsections apply:

- (1) A person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (3) or (5);
 - (a) A person who the authority has decided is to be treated as ineligible for such an allocation by virtue of section (7); or
 - (b) Two or more persons jointly if any of them is a person mentioned in paragraph (a) or (b)

(2) Except as provided in subsection (1), any person may be allocated housing accommodation by a local housing authority (whether on his application or otherwise).

(3) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (c.49) is (subject to subsection (6)) ineligible for an allocation of housing accommodation by a local housing authority unless he is of a class prescribed by regulations made by the Secretary of State.

(5) The Secretary of State may by regulations prescribe other classes of persons from abroad who are (subject to subsection (6)) ineligible for an allocation of housing accommodation, either in relation to local housing authorities generally or any specific housing authority.

(7) A local housing authority may decide that an applicant is to be treated as ineligible for an offer of housing accommodation by them if they are satisfied that:

- (a) He/she, or a member of his/her household has been guilty of unacceptable behavior serious enough to make him unsuitable to be a tenant of the authority; and
- (b) In the circumstances at the time of his application is considered, he is unsuitable to be tenant of the authority by reason of that behavior.

When a housing officer considers that an applicant is ineligible for an offer of housing accommodation by reason of 7(a) or 7 (b) above then the application will be referred to the Social Welfare Panel for decision.

The Social Welfare Panel will consist of 1 Chair and at least 2 other Senior Housing Officers comprised of the following posts:

Chair:

Head of Housing Needs and Support or
Housing Solutions Manager or
Housing Manager.

Panel Members:

Housing Options Team Leader
Home Choice Team Leader
Tenancy Services Manager
Tenancy Services Team Leader
Housing Benefits Team Leader.

The full terms of reference of the Social Welfare Policy are available.
(Appendix A)

Section 160A of the 1996 Housing Act prevents Northampton Borough Council from allocating housing to a person who is not eligible. Northampton Borough Council will consider an applicant's eligibility: a) at the time of he or she applies to join the choice based lettings scheme; and b) at the point at which he or she is considered for an allocation of particular accommodation.

False statements

Section 171 of the Housing Act 1996 as amended by the Homelessness Act 2002 makes it an offence for anyone seeking assistance from a local authority to:

- Knowingly or recklessly give false information to the authority or
- Knowingly withhold information which the authority has reasonably required him/her to give in connection with the exercise of their functions under Part VI of the Housing Act 1996 as amended by the Homelessness Act 2002.

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

Reduced Priority

Anti Social behaviour or applicants who owe rent arrears

If an applicant's behaviour as a tenant, or the behaviour of a member of their household, has not been acceptable, the Landlord has taken action to address this and there are reasonable grounds to believe that the applicant will not, therefore, be a suitable future tenant they may either be given no

preference in the allocation scheme, or given less preference than others when determining priority between applicants.

An example of this might be where an applicant was previously evicted from accommodation because of serious anti-social behavior or rent arrears. Applicants in these circumstances may, however, sometimes be allowed to register on the Housing Register but are either given no preference in the allocation scheme, or given less preference than others when determining priority between applicants.

In exceptional circumstances the Council may consider applicants for an offer of accommodation where outstanding arrears exist. This may be where the tenant is the victim of domestic violence; racial harassment or other hate crime; or has urgent medical need.

The Housing Solutions Manager and Housing Services Team Leader (Tenancy Services) will make the decision whether to allow the applicant to move. Appeals regarding the Team Leader's decision can be made verbally or in writing to the Social Welfare Panel. If assistance is required please contact a member of the Customer Services Team who will advise you of the process.

In line with the Government's Respect Agenda, where an applicant or member of their family has had an anti-social behaviour order awarded against them by the Courts or a demotion order under the Anti-Social Behaviour Act 2003, then reduced priority will be given for an initial period of six months from application and will be actively monitored by the Council to encourage and support those applicants to address their behaviour or previous conduct. Thus the applicant will be given reduced priority until such time as they are able to demonstrate that the original issues are resolved.

In these circumstances, the applicant will be requested to provide accurate and recent information from the Police through the Data Protection Act 1998 to identify their previous conduct or give Northampton Borough Council written permission to request information from the Police. This will ensure that any decisions regarding eligibility, exclusion or reduced priority will be made taking account of factual and up to date information for the benefit of both the applicant and our communities.

Where an applicant is considered to be unsuitable to be a tenant due to unacceptable behaviour, the council will need to satisfy itself that the applicant is unsuitable at the time the application is considered. Each application will be considered on its merits and there will be no blanket policy.

Where an applicant has received a reduced priority, Northampton Borough Council will write to the applicant informing them of the decision and how it was reached. The applicant has a right to request a review of the decision. The review procedure is set out on page 29.

Transfers

Existing tenants of Northampton Borough Council or a Registered Social Landlord within Northampton can apply for a transfer to a different property. When considering transfer applications the Council will expect that tenants have complied with their conditions of tenancy and maintained their property in a satisfactory manner. A Housing Officer report will be requested for all transfer applicants to ascertain whether tenancy conditions have been met.

Transfer applications will be assessed on the same basis as new applications.

Transfer applicants will also be encouraged to register for a mutual exchange under the national HomeSwapper scheme as this may enhance their opportunity for re-housing.

Transfer applicants who hold an introductory tenancy and move to an alternative Northampton Borough Council property within the introductory period will continue to be an introductory tenant for the remaining period of their introductory tenancy.

Assessment and monitoring

The Banding assessment process, which is explained below, will be applied to all eligible applications and the applicant will be informed in writing of the assessment. We aim to assess complete applications within four weeks. The time taken to assess an application is monitored and published in our monthly service standard report which is available on our website at www.northampton.gov.uk

Where the Council decides that a person is not eligible to be allocated accommodation and to join the housing register for any reason stated above, the applicant would be informed of this decision and the reasons for it, in writing within 5 days of the decision being made. Applicants have the right to request a review of this decision. The process is set out on page 29.

Northampton's banding scheme

Applicant's circumstances are assessed and placed in either the emergency group or one of four bands. In line with legislation, the greatest priority is awarded to those assessed as having the highest housing need.

Registration date

The registration is the date a fully completed application with all supporting documentation is received by the Northampton Borough Council. This date affects priority within each band.

Change of circumstances

Where there is a change in an applicant's circumstances, their banding priority will be reviewed. This may result in the applicant moving up or down within the bands. Examples of changes in circumstances, which must be reported, are:

- A change of medical condition
- A change of address, for themselves or any person joining on their application
- Any additions to the family or any other person joining their application
- Any member of the family or any other person included in the application who has left the accommodation.

The onus is on applicants to inform Northampton Borough Council when there is a relevant change in the customer's circumstances.

Movement between bands

As a result of a change in circumstances, applicants may require a housing options interview. A change in circumstances may result in an application being moved up or down the banding scale. This will be decided by the Social Welfare Panel in accordance with the following criteria:

- When an application is moved down the banding scale the registration date will remain the date that the application was originally registered
- Where an application is moved up a band the date will be known as the application date and will be the date that the application was moved to the higher band
- Preference within bands will be given to the applicant with additional stars awarded (as set out below) and with the earliest registration or application date. For example, an applicant in Band C with two additional stars will receive higher priority than an applicant with one additional star
- Where priority is the same, for example where two applicants have Band C with two additional stars, the earliest registration date will determine the highest preference.

Multiple Needs

This group comprises of applicants whose households are entitled to reasonable preference in the allocation of housing on more than one of the reasonable preference grounds, which are:

- People who are homeless (within the meaning of Part 7 of The Housing Act 1996);
- People who are owed a duty by any local authority under section 190(2), 193(2), or 195(2) (or under section 65(2) or 68 (2) of the Housing act 1985 or who are occupying accommodation secured by any such authority under section 192(3);
- People occupying in sanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds; and
- People who need to move to a particular locality in their district of the authority where failure to meet that need would cause hardship to themselves or others.
- The scheme may also be framed so as to give additional preference to particular descriptions of people within the subsection.

In determining the multiple needs priority to be given to an applicant the following priority system will apply.

Homelessness

IF the household is homeless or owed a duty of homelessness and a decision has been made to accept a duty under provisions of the Housing Act 1996, Part VII, as amended and set out above.

AND the decision is that no suitable temporary accommodation is available

The applicant will score 1 additional star.

The assessment process will then go on to consider;

Unsatisfactory Accommodation

IF the household's current accommodation is statutorily overcrowded

OR subject to environmental health abatement action

The applicant will score 1 additional star.

IF the household's current accommodation is unsatisfactory accommodation

The applicant will score 1 additional star.

The assessment process will then go on to consider;

Housing Related Health

IF one or more members of the household have reasonable preference to move on medical grounds

1 additional star will be scored for each member of the household with a medical award.

The assessment process will then go on to consider;

Housing Related Welfare

IF the household have reasonable preference to move on welfare grounds

1 additional star will be scored.

The assessment process will then go on to consider;

Hardship

IF the household has a need to move to another part of the Borough to avoid hardship

1 additional star will be scored.

At the end of the assessment the number of stars will be added together to determine the priority level of the applicant within the band. The applicant with the highest number of stars within the Band will attract the highest priority and where two or more applicants have the same number of stars within a band then the application with the oldest registration date will have the greater priority.

Emergency Group (time limited)

Applicants will be placed in the emergency group for a period of 12 weeks (6 bidding periods). During this time they will be expected to bid for suitable properties in their area of choice. If the applicant has not bid for a suitable property at the end of 12-week period the applicant(s) will receive a direct offer of any suitable property within the borough. If during this 12-week period there has not been a suitable property available for the applicant to bid for, the emergency group period will be extended for a bidding period and will be reviewed on a fortnightly cycle. (For definition of suitable accommodation see page 19). This will also apply where an applicant has bid but not been successful in securing a property.

At the end of the 12-week period the Housing Solutions Manager will review all outstanding applications in the emergency group and will:

- Decide upon the suitable property to be offered to an applicant who has not bid during the 12-week period when suitable properties have been available.
- Decide if no suitable properties have been available for an applicant during the 12-week period or they had bid and been unsuccessful to extend the emergency group status for an additional bidding cycle. Such cases will be reviewed at the end of each subsequent bidding cycle to either offer a suitable property or to extend the status for an additional cycle as set out in this section.

Emergency group applicants include:

- Applicants whom the Council have accepted as being eligible homeless and in priority need (except those found intentionally homeless).

- Applicants who have been subject to a Multi Agency review (this includes MAPPA clients) and where immediate re-housing is required and an agreed support package is in place.
- Tenants who have to vacate their homes within six weeks due to a Compulsory Purchase Order or Northampton Borough Council tenant's who have to move permanently as their home requires major works within six weeks.

Applicants whom the authorities have accepted as being eligible homeless and in priority need (except those found intentionally homeless).

In order to allow applicants that the Council has accepted a duty to re-house under Part VII (s193 (2) or s195 (2)) a reasonable preference in the choice of areas, the applicant will be given a 12-week period to bid on properties of their choice as outlined above.

Applicants who fail to bid within the 12-week period where a suitable property in their area of choice has been available will no longer be able to participate in the Choice Based Lettings Scheme and Northampton Borough Council will make a direct offer of a suitable property anywhere within the borough.

If during this 12-week period there has not been a suitable property available for the applicant to bid for, the emergency band period will be extended for a further bidding period and will be reviewed on a fortnightly cycle as set out in section 21. If the applicant does not believe that a property is a suitable offer they retain the right under S202 to ask for a review of suitability and a Housing Options Team Leader who is independent from the original decision will make a decision on suitability. Northampton Borough Council will have discharged its duty, under the Homeless Persons legislation if the applicant fails to accept an offer of reasonable accommodation. The applicant's application will be placed in Band D. If an applicant is accepted on review through Section 193 (5) Part VII of the Housing Act, the time in the band will be dated from the original decision date, and not from the date of the review decision.

Suitable accommodation

For the purposes of suitable accommodation, an offer will be regarded as suitable where:

The accommodation is affordable having regard to the financial resources available to the applicant and the cost of the accommodation as determined under Homelessness (Suitability of accommodation) Order 1996.

The accommodation is of an appropriate size and type to meet the reasonable requirements of the household and satisfies the need for special features to meet any limiting illness or disability that exist within the household.

The location does not deny reasonable access to family support or a specialist medical or health facility where a member of the household has a severe long term limiting illness or permanent or substantial disability where their quality of life or health would otherwise be severely affected.

The location does not deny reasonable access to a specialist education establishment for a member of the household who has particular special educational needs which would otherwise result in a severe deterioration in that person's well being.

The location is not in close proximity to a perpetrator who has threatened or caused violence or domestic violence to a household member whose life or safety would otherwise be threatened.

Bands A-D**Band A – Urgent Need**

Applicants who have a severe medical, welfare award or disability where the current accommodation is unsuitable or it is unreasonable to remain in (This may include applicants who require an extra bedroom for a live in carer or medical equipment).
Applicants who have priority on welfare grounds and require to move urgently because of a risk to their well-being or health. (This includes victims of domestic violence & and hate crimes).
Applicants who are lacking one or all of these essential facilities – hot water, heating, a kitchen, internal toilet and bathroom.
Applicants who are statutorily overcrowded as defined by Council Environmental Health Department.
Applicants who are under occupying Northampton Borough Council three, four, five or six bedroom homes that wish to move to smaller suitable accommodation or NBC Tenants living in adapted homes who no longer require the adaptations.
Applicants who are freeing up a place in a specialist hostel such as the YMCA or Teenage Parent Unit and are ready for independent living. (Applications will only be actively considered once a notice to vacate has been issued until that date the application will remain deferred).
Tenants who have to vacate their homes due to a Compulsory Purchase Order or NBC tenants whose home requires major works.
Private sector tenants who are required to vacate their home as a result of enforcement action by the Local Authority.
Applicants who are in priority need who have been issued with an effective notice that the landlord requires possession, which has less than eight weeks to run.

Band B – Moderate Need

Applicants who are owed a duty under the Rent (Agriculture) Act 1976 and Northampton Borough Council service tenants who are due to retire or have their contract of employment terminated.
Applicants who are sharing facilities (bathroom, kitchen etc).
Applicants who require a move for less severe medical or welfare grounds where there is an acknowledgement that alternative accommodation would be beneficial but is not essential.
Applicants who require more bedrooms.
Applicants with children age under the age of 14 who are living in flats or maisonettes above the ground floor and who do not have access to a garden.
Northampton Borough Council tenants or Housing Association tenants who have been accepted by Social Services to adopt or foster and require a larger home.
Applicant who is being discharged from the Armed Forces within six weeks prior to those applications will be deferred.
Applicant who is being discharged from Prison within six weeks (prior to that applications will be deferred.
Applicants who are not in priority need and have received a Notice to Quit, this includes private rented tenants, tied tenants, lodgers or people residing with family.
Applicants whose private sector home has been assessed as having serious disrepair as defined by the Private Sector Housing Solutions Team.

Band C – General Need

Applicants who have a need to move, which is not within Band A, or B. This may include being nearer family and friends, schools or other amenities.
Applicants with access to children where regular contact can be demonstrated.
Applicants who are key workers such as Police, Fire Officers or Nurses who need to move into the area to take up employment.

Band D – People with no entitlement to reasonable preference

Applicants who are already adequately housed
Applicants who can afford to secure their own housing within the private rented sector or through house purchase. Current Owner-occupiers with no other need to move.
All other applicants including those without a local connection who do not have another identified housing need.
Applicants who do not have a reasonable preference need as identified through the 1996 Housing Act.

Advertising properties

Empty properties will be advertised on a fortnightly cycle, details of available properties are available for collection at various locations around the borough including at Council offices. Property details are also available on the Internet at <http://homechoice.northampton.gov.uk>

Within each advert the eligibility criteria will be set for the property.

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

First Come First Served.

On occasions the Council will advertise properties on a "First come, first served basis". These are properties, which have been advertised in at least advert cycle and have not received expressions of interest from eligible applicants.

The Bidding Process

Eligible applicants can make bids for properties up until the advertised deadline for that bidding round. Bids can be made by telephone or text bidding, online via the website or at the Guildhall One Stop Shop. Full details of how to bid are set out in the scheme User Guide, which will be sent out to all newly registered housing applicants. Bids received after the advertised deadline will not be considered.

Eligible applicants can bid for up to three properties each fortnight, during the open bidding cycle. Bids can be cancelled and reassigned to another property if desired.

All bids for a property are checked by the Rehousing Officer, against the eligibility rules. Ineligible bids are excluded from consideration. It may be necessary to restrict the bids of applicants who pose a risk, to certain properties, or reserve the right to reject their bid in certain circumstances. Where NBC decides to reject a bid on risk grounds, which would otherwise have been successful, the applicant will be informed of the reasons for the decision and informed of the properties they can bid for.

At the point of checking the bids, the Rehousing Officer will check whether the circumstances of the prospective successful bidder has changed in any

material way, which may make them ineligible.

The highest bidder is awarded priority in descending order between the Emergency Group and Bands A to D and within bands according to multiple needs and then registration date. However, there may be other reasons why it would be necessary or advisable to reject a bid that would otherwise have been successful: where for example the property would not be suitable for that particular applicant. However, Northampton Borough Council would not reject such a bid, unless, there are sound reasons for doing so, in accordance with the allocation scheme. Where Northampton Borough Council does pass over a bid which would otherwise have been successful, Northampton Borough Council will provide the applicant with the reasons for this decision.

Once an applicant has been advised by the Rehousing Officer that they are the highest bidder and that they will be offered the property they will not be eligible to bid in further bidding cycles whilst they consider accepting a tenancy for the property. A property viewing will be arranged at which the successful bidder will have an opportunity to fully view the interior of the property under offer and discuss any other details of the tenancy.

On occasions multiple viewings will be arranged and the top three to five short listed bidders invited to view. Should the top bidder decide to refuse the property following viewing the next highest bidder will be offered the tenancy.

Applicants who are invited to view a property will be required to bring proof of their identification.

At the viewing if the highest bidder expresses an interest in being offered the property they will be given 24 hours to consider their decision. If they fail to arrange to sign for the property after that time the offer will be withdrawn and offered to the next highest bidder.

Although the bidding process is straightforward, Northampton Borough Council are aware that some vulnerable applicants may need assistance in order to complete both the registration and bidding process. The process for addressing this is described in section 44 of our Access Strategy.

Feedback on Let Properties

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

Management moves/direct lets

On very rare occasions Northampton Borough Council may find it necessary to make a direct allocation, this means that a property may either be withdrawn from a bidding round or not advertised.

Circumstances where this would happen are:

- A tenant has to be moved urgently as there is a severe threat of violence.
- Households in the emergency group who have failed to exercise choice through the bidding system within the timescale.
- Applicants/Households seeking a move under a witness mobility scheme; and MAPPA clients who pose a very serious risk to the community.

Council property not included in this scheme

This scheme does not apply to:

- A Council property used as Temporary Homeless Accommodation pursuant of Part 7 of the Act.
- Northampton Borough Council tenants who have to move urgently on a temporary basis because of fire or flood.
- The offer of a Service Tenancy.
- The letting/leasing of Council property to another agency for a specific housing purpose.
- Very sheltered housing and supported units.

Medical, Welfare and Disability grounds

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

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

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

If the Medical Advisor considers that reasonable preference should be awarded then they will make a decision to award either:

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

The medical award made will determine the Band the applicant is placed in and where two or more members of a household would qualify for medical priority the rules of multiple needs will apply.

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

Welfare grounds may apply to any member of the household and will include situations such as:

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

Housing Options Officers will refer any application where the applicant's circumstances fall within the categories set out in this section to the Social Welfare Panel to determine the priority band to be awarded to the application.

The following is a non-exhaustive list of the type of assistance and support which Northampton Borough Council will make available to all customers:

- advising individual disabled applicants when suitable accessible property is about to or has been advertised
- making arrangements to enable applicants with disabilities to visit properties
- using symbols rather than words in adverts
- enabling text messaging for people who have hearing impairments
- providing documents in large or clear print, Moon or Braille on request
- making information available on computer disk or audiotope on request

- ensuring that advice and information is available over the telephone – for those who cannot use a website or cannot get to a property or the One stop shop easily
- mailing out literature to the housebound and physically disabled
- ensuring that people with learning disabilities who do not have support from any other source (e.g. friend, relative or social worker) are assigned a suitably trained member of staff to support them.

We are working towards ensuring that websites are accessible for people who have visual impairments or learning disabilities and providing large print maps on websites.

Northampton Borough Council Joint Tenancies

Joint tenancies are normally granted where applicants have a long-term commitment e.g. married and unmarried couples, civil partners, siblings, and unpaid live-in carers.

Ending a joint tenancy

One party giving notice has the effect of ending the joint tenancy for both parties. In some cases the council will consider allowing one tenant to remain as a sole tenant, for example where children reside at the property. Joint tenancy issues resulting from family /relationship breakdowns are covered in the Tenant Handbook.

Access to children

Where children are involved in residence and contact cases they will be considered as permanent household members for the partner having the primary residence and control of the child/children. Where an application is made to the Council or Registered Social Landlord from the other partner who has regular contact with the child/children it will not always be possible due to the demand on the Council's housing stock to consider the child/children as part of a housing application.

Local connection criteria

Applicants who do not live or work within the Borough will be placed in Band D with the exception of applicants who require to move into the Borough to provide care and support or to receive support for or be cared for. Applicants for whom a full housing duty has been accepted under the homelessness legislation need not have a local connection, but such cases may be referred to another local authority in accordance with that legislation.

Ensuring that where people are given reasonable preference because they have a need to move to a particular locality in Northampton, where failure to meet that need would cause hardship section 167(2)(e) would be granted Band A status. This applies equally to people who are not resident in Northampton.

Section 315 of the Housing and Regeneration Act 2008, establishes that a person serving in the Armed Forces can establish a local connection with a district or borough through residence or employment there, in the same way as a civilian person. Therefore, applicants who are serving in the Armed Forces and who are either employed or resident in Northampton will be able to establish a local connection with Northampton, and applications from serving or former members of the Armed Forces, who are not currently employed or resident in Northampton, but historically had this connection will be classed as having a local connection and will not be placed in Band D.

Owner-occupiers

Owner-occupiers will be placed in Band D. Applicants who have sold a property within the last five years will be asked to provide proof of sale as well as evidence of the proceeds of the sale. An assessment will be made as to whether the applicant can afford to purchase suitable accommodation locally.

Applicants may be moved to a higher band if there is a high medical, welfare need or are in a reasonable preference group set out on page 4 and the applicant is unable to purchase a suitable property.

Local lettings policies

Local Lettings policies or plans are a tool, which can be used to stabilise an area that has specific and particular issues. The Government's Sustainable Communities Plan states the key objectives of providing stable, settled, safe communities. This means that there may be rules around child density or number of lettings to key workers. The Council may decide to operate one or more Local Letting policies within areas of the town. The need for such schemes will be clearly defined and relate to specific areas or types of property that will benefit from this type of proactive initiative.

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

Local Lettings policies will be reviewed on a regular basis and equality impact assessments undertaken.

Properties with age restrictions

Northampton Borough Council have a limited number of properties in various locations that have been designated as being suitable for applicants over the age of forty only. These properties are in close proximity to some of our sheltered housing residents. Applications will not be considered for these properties if they include a person under the age of 40 or if the Council has reason to believe that there may be a conflict of lifestyle between the applicant and the sheltered housing residents in the neighbourhood.

Single persons accommodation

The Council currently have single persons blocks of studio flats.

These are:

- Overslade House in Hunsbury.
- Caledonian House in St James.
- Woodstock in the Town Centre.
- Dover Court in St James.
- Paget House

These properties are subject to a Local Lettings Policy.

There are specific additional checks made on applications from young people wishing to access these blocks under the Crime and Disorder Act 1998.

Additionally, if the Council have reason to believe that an applicant's behaviour may have a detrimental affect on the management of these blocks or the health and safety of other tenants, then an allocation will be refused. Applicants will be informed of this decision in writing and will have the right to request a review of the decision (see page 35).

Sheltered Housing

The term Sheltered Housing applies to a range of accommodation and tenancy related support designed to meet the housing and support needs of older people (applicants over sixty) or younger people who are in receipt of Disability Living Allowance.

Before the applicant is accepted for a property that they have expressed an interest in or bid for, they will be visited and assessed to ensure sheltered housing can meet the support needs of the applicant and that the appropriate level of service can be provided.

The service is based around each individual's support needs. It provides three levels of service varying from once a month for those tenants who are active and independent, to three times a week for those with moderate support needs, to a daily visit for those who are frail and vulnerable. This service is provided by a team of sheltered housing co-ordinators who will ensure the appropriate level of service is maintained to meet the individual's needs.

Sheltered Housing Schemes consists of flats or bungalows, some of which are grouped around a community room where residents are able to enjoy social activities. All properties have an intercom system to enable residents to summon assistance in an emergency.

Northampton Borough Council has one very sheltered housing scheme; this is for more vulnerable older people who need a higher level of support.

It consists of twenty-six self-contained flats in one building, with a communal lounge, dining room conservatory and laundry room.

A warden provides tenancy support during the day, and each flat has an intercom system to summon assistance in an emergency.

A sheltered housing panel allocates very sheltered housing accommodation on the basis of the assessed needs of applicants; this is outside of the Choice Based Lettings policy.

The council also has nomination rights to another very sheltered scheme within the Borough, which is managed by a Registered Social Landlord.

Adapted/adaptable properties

Properties that have had major adaptations for tenants with a disability will be advertised as available for applicants who have a need for the adaptations. Advertised properties will include details such as whether they are suitable for a wheelchair user. The Housing Solutions team will liaise closely with the Occupational Therapy Service to ensure that applicants who require adaptations receive the priority that they require.

Where an applicant or another person on the application has a disability, which causes a mobility problem, then they will be prioritised on the following criteria:

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

Mobility 2- partial wheelchair access. Property will include ramped or level access. Accessible bathroom facilities.

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

Where two or more members of a household would qualify the rules of multiple needs will apply.

Decisions on the level of mobility required will be decided by the Council's Medical Adviser or the Occupational Therapist dependant upon the individual circumstances of the applicant.

Introductory tenancies

Northampton Borough Council operates introductory tenancies.

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

This will not apply to current Council tenants transferring, or to new tenants who were previously secure tenants of another authority or an assured tenant of a Registered Social Landlord.

A tenancy will remain introductory if proceedings for possession have been started but not yet resolved.

The rights of introductory tenants differ from those of secure tenants. Introductory tenants cannot:

- Take in lodgers.
- Exercise the right to buy (although the period spent as an introductory tenant will count towards the qualifying period).
- Sub-let.
- Carry out a mutual exchange.
- Vote on matters concerning changes in policy or practice concerning housing management.

Where action is taken to end a tenancy the council does not have to prove the facts in court only that it has followed the correct procedure particularly with regard to considering any appeal against the decision to go to court.

Priority for accessible accommodation is given to people who have access needs. This is consistent with the duty to promote disability equality.

While it would be lawful to provide that only disabled applicants can apply for accessible vacancies, it would **not** be lawful to provide that disabled people can only apply for accessible properties. However, where a disabled applicant applies for accommodation which does not meet his or her needs, Northampton Borough Council will need to take into account whether it is reasonable and practicable to adapt that property when assessing his or her bid (and will do so in accordance with our duties under the Disability Discrimination Act 1995, and the Housing Grants, Construction and Regeneration Act 1996).

Registered Social Landlords nominations

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

Northampton Borough Council has an agreement with the Registered Social Landlords that have properties in the borough that a negotiated percentage of their lettings will be to people on the Council's Housing Register, however as part of the Choice Based Lettings implementation the majority of Registered Social Landlords will participate in a common housing register and advertise their properties through HomeChoice @ Northampton.

Property Letting Criteria

The table on page 39 shows the type of property that you are eligible for, there may be some exceptions for example when an applicant requires an extra bedroom for medical equipment or a carer. Some properties will be advertised as only available to certain groups e.g. for pensioners or people over forty. You will be advised what type of property you can bid for when you receive your assessment letter.

This Housing Allocations scheme also follows section 170 of the 1996 Housing Act, to request that our Housing Association partners have a duty to co-operate to such extent as is reasonable on the circumstances in offering accommodation to people with priority need under this Housing Allocations Scheme.

Overcrowding

Statutory overcrowding as defined by Part X of Housing Act 1985 or a Court Order to re-house.

Bedroom deficiency

Property that has insufficient bedrooms to accommodate all the occupants as detailed below. Reception rooms will not be counted as being suitable to use as bedrooms.

Bedroom deficiency will be calculated according to the following separate bedroom requirements:

- Each couple living together
- A parent in a single parent family
- Each child over the age of 5 who would otherwise have to share with someone of the opposite sex
- No more than 2 persons per room
- A single adult of 18 years of age or over.

Bed size eligibility

The maximum number of bedrooms for which applicants are eligible to bid is determined by the size of their household but, as there is a shortage of large homes, applicants may be able to bid for smaller accommodation than they would prefer. Where this is possible this will be indicated on the advert for the property.

Women who are pregnant will be classed as having a dependant.

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

Vulnerable people

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

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

Review of Register

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

However, Northampton Borough Council will monitor the bidding patterns of applicants and will be able to identify applicants who fail to bid. Periodically the Council will contact registered applicants who have failed to bid for more than twelve months. If the Council is unable to make contact the application will be cancelled. The Council will notify the applicant in writing of the date and the reason for the cancellation.

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

Annual Lettings Plan

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

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

The right to appeal / review

Section 167 (a) of the 1996 Housing Act gives applicants the following rights about decisions, which are taken in respect of their application:

- The right to be notified in writing of any decision not to give an applicant any preference under the scheme because of unacceptable behaviour serious enough to make an applicant unsuitable to be a tenant of the Council
- The right on request, to be informed of any decision about the facts of the applicant's case which has been, or is likely to be, taken into account in considering whether to make an allocation to the applicant
- The right to request to review a decision mentioned above, or to treat the applicant as ineligible because of unacceptable behaviour serious enough to make the applicant unsuitable to be a tenant of the housing authority. The applicant has the right to be informed of the decision on the review and the grounds for it.

Letters notifying an applicant that they have been refused access to the Housing Register or the band that they have been awarded will state that the applicant has a right to request a review of the decision.

A review should be requested within twenty-one days of the date of the letter advising of the decision. The council has discretion to extend the time limit if it considers this would be reasonable.

Request for reviews can be in writing or made verbally. The request for review should be made to the Housing Solutions Team Leader Northampton Borough Council, The Guildhall, St Giles Square, Northampton NN1 1DE. If you require assistance with the process please contact a member of the customer services team at the One Stop Shop at the Guildhall.

Procedure of review

Review of any decision will be undertaken by the Housing Needs Review Panel. An Officer involved in an original decision will not sit on the Panel.

The Panel consists of senior officers from Tenancy Management and Housing Solutions.

The review will be carried out and the decision and the reasons for it will be given to the applicant in writing within 28 days of the request being received. There is no right to request a review of the decision unless the member's circumstances change.

Any legal challenge to review decisions, or to any decisions that do not carry the right to request a review, can only be brought by Judicial Review, on the grounds that Northampton Borough Council has infringed administrative law.

Review of the Allocation Scheme

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

Appendix A

Terms of Reference for the Social Welfare Panel

Emergency re-housing status on social welfare grounds is authorised by a Social Welfare Panel, containing senior officers from the Housing Management and Housing Solutions services at Northampton Borough Council. The Social Welfare Panel will consist of one chair and at least two other Senior Housing Officers compromised of the following posts:

Chair:

Head of Housing Needs and Support or
Housing Solutions Manager or
Housing Manager.

Panel Members:

Housing Options Team Leader
Home Choice Team Leader
Tenancy Services Manager
Tenancy Services Team Leader
Housing Benefits Team Leader.

The criteria (one or more must apply) for emergency social welfare awards in this category are:

- Likelihood of admission to residential care of a family member if re-housing is not made
- Likelihood of a child being accommodated by the local authority if re-housing is not made
- Discharge from hospital or residential care is required and is prevented by the housing situation
- A child experiencing abuse needs to be moved away from the perpetrator
- The applicant, or member of their household, is at serious risk of harm either to themselves or to other people in their present accommodation
- The housing application does not fall within a single priority needs band and could possibly fall in to two priority needs bands.

In addition the following conditions also have to be met:

- The applicant has severe financial hardship
- The applicant's wellbeing is seriously affected by their housing situation
- The applicant cannot reasonably be expected to find accommodation for him or herself.

If the referring agency believes that a case does not comply with the above criteria but should be considered by the Social Welfare Panel, then a written submission explaining the urgency of the case should be made to the Housing

Solutions Manager, who will make a decision on this matter. The decision will be communicated to the agency on if the Social Welfare Panel will consider the case, and this will be communicated to the referring agency within 48 hours of receipt of the relevant correspondence.

The Social Welfare Panel will consider referrals directly from the customer, or from any support agency, any statutory agency, any voluntary agency, and a housing officer, any Officer from the Housing Solutions team and or from the customer's medical representatives.

At the Social Welfare Panel meeting, the Panel will consider the referral letter and the customer's file, plus a print out of the customers IT records to ensure a transparent and equitable decision is made on all cases. It is important that only written material is considered at the meeting, and if further information or clarification is required then no decision on that case will be made and the case will be deferred and additional written material sought to allow a correct decision to be made.

Minutes will be produced of each Social Welfare Panel meeting and the outcome of the Social Welfare Panel decision will be recorded on to the customers IT account within 24 hours.

The customer will be advised within 48 hours in writing of the outcome of the Social Welfare Panel's decision.

Social Welfare Panel meetings will be conducted every Monday morning at 11.00am.

The customer will have a statutory right to review the decision made by the Social Welfare Panel and this statutory review will be undertaken by the Director of Housing or a senior officer of the Housing Directorate who was not involved with the decision made by the Social Welfare Panel meeting.

Appendix B

Household Makeup	Bedroom Assessment
Single person	Bedsit/studio flat 1 bedroom flat or bungalow
Couple	1 bedroom flat or bungalow
Single pensioner or applicant who requires ground floor accommodation	1 bedroom flat or bungalow 2 bedroom bungalow
Couple pensioner or applicants who require ground floor accommodation	1 bedroom flat or bungalow 2 bedroom bungalow or flat
1 child family	2 bedroom flat, bungalow, maisonette or house
2 child family	2 or 3 bedroom flat, bungalow, maisonette or house
3 child family	3 bedroom flat, bungalow, maisonette or house
4 child family	3 bedroom flat, bungalow, maisonette or house 4 bedroom house
5 child family	4, 5 or 6 bedroom house
6+ child family	4, 5 or 6 bedroom house