

Barnet Council

The Housing Allocations Scheme (March 2011)

The full rules

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1. Context and Policy Aims

The Aims of Barnet Council's Allocations Scheme

This document describes the criteria and procedure that Barnet Council uses to prioritise housing applicants for the social housing¹ that we allocate to; i.e. homes owned by Barnet Council, and a proportion of homes owned by Private Registered Providers (housing associations) in the Borough and other areas covered by the North London Housing Sub-region² to which we make nominations). It also sets out other assistance that we provide to housing applicants, including advice and access to housing in the private rented sector.

In Barnet the demand for social housing is very much greater than the number of homes available. This Allocations Scheme describes how the Council prioritises housing applicants to ensure that those in greatest housing need, as described by the legal definition of Reasonable Preference (see section 3), are given a head start to access available social housing, compared with those who have no housing need, but who want to move to or within social housing.

Barnet Council's Allocations Scheme sets out in detail who is and who is not assisted under the scheme and how this is decided. It also sets out how to apply for housing and the standard of service that the council will aim to achieve.

The Allocations Scheme is designed to meet all legal requirements and to support and contribute towards the Council's wider objectives such as promoting mixed communities.

The key objectives of this Allocations Scheme are to:

- Provide a fair and transparent system by which people are prioritised for social housing.
- Help those most in housing need.
- Promote the development of sustainable mixed communities.
- Encourage residents to access employment and training.
- Recognise residents who make a contribution to a local community.
- Make the best use of Barnet's social housing.
- Make efficient use of our resources and those of our partner Registered Social Landlords.
- Recognise that Barnet is a highly diverse borough

¹ Social housing is housing owned by local authorities and registered social landlords for which guideline rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements, as agreed with the local authorities or with the Homes and Communities Agency.

² Westminster, Camden, Islington, Haringey and Enfield

Social housing in Barnet will be allocated through a property pool that will allow applicants to view available council and housing association homes, along with homes that the council has secured access to in the private rented sector. The system will be supported by a housing options approach giving applicants realistic advice and promoting other housing options, such as low cost home ownership options and private sector renting.

We are committed to providing a fair and transparent service to everyone applying for housing under the Council's scheme and to allocate accommodation, in the majority of cases, to those households with the greatest need. In doing so we are also committed to ensuring that the allocation of homes is done in such a way as to promote social cohesion and promote mixed communities, to enhance Barnet's reputation as a place where people want to live.

2. LEGAL CONTEXT

- 2.1 Barnet Council's Allocations Scheme sits within a legal framework which is summarised in this section.
- 2.2 The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocations Scheme. A summary of the Allocations Scheme must be published and made available free of charge to any person who asks for a copy. This document and a easy to read summary of the scheme are available on the council's web site, www.barnet.gov.uk and paper copies will be provided on request.
- 2.3 The Housing Act 1996, (as amended) requires local authorities to give Reasonable Preference in their allocations policies to people with high levels of assessed housing need who are defined as:
- All homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with Barnet Council);
 - People who are owed a duty under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing authority under section (192 (3).
 - People occupying unsanitary, overcrowded or otherwise unsatisfactory housing;
 - People who need to move on medical or welfare grounds (including grounds relating to a disability);
 - People who need to move to a particular locality within the district to avoid hardship to themselves or others.
- 2.4 The Act also requires local authorities to state within the policy what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Our policy on choice is described below in Section 4.
- 2.5 This Allocations Scheme complies with the requirements of the Housing Act 1996 (as amended) and takes into account the three codes of guidance issued by the Government - Allocation of Accommodation: Code of Guidance for Housing Authorities 2002, the Allocation of Accommodation: Choice Based Lettings Code of Guidance for Housing Authorities 2008 and Fair and Flexible: Statutory guidance on social housing allocations for local authorities in England 2009. The scheme is also drafted and framed to ensure that it is compatible with the Council's equality duties including the duty to eliminate unlawful discrimination and to promote good relations between different racial

groups, as well the duty to promote equality between disabled persons and other persons and between men and women.

2.6 This Scheme has considered:

- The Council's statutory obligations and discretion as to who is eligible for housing allocation
- The Council's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law i.e. those who must be given a 'head start' under the Council's Allocations Scheme.
- The Council's statutory discretion to grant "additional preference" and/or to determine priority between applicants with Reasonable Preference.
- The general and specific statutory discretions the Council can exercise when allocating housing in support of its Community Strategy.
- The Council also recognises its discretion to give additional preference to particular descriptions of people with urgent housing needs

3. OUR PRIORITIES FOR SOCIAL HOUSING

ELIGIBILITY

- 3.1 Anyone can approach the council for housing advice and assistance, however, the amount of social housing in Barnet is very limited, and the Council will no longer maintain an open housing waiting list³ containing households that it is unable to help access a council or housing association home.
- 3.2 People in the following criteria are not eligible for re-housing:

These are most people subject to immigration control and certain other persons from abroad excluded by statute or regulation - for more information on this please contact the Council.

The council will decide in each case as to whether the people included in the application by the customer will be considered as a part of the household if allocated accommodation. The council will generally not consider the following as members of a household: people who are subject to immigration control, non-dependent adult children, non-relatives, carers, lodgers, live in help. Furthermore due to a shortage of properties with 4 bedrooms or more the council will discuss with large households whether they can be divided into two or more smaller households.

ASSESSMENT OF NEED

- 3.3 The council has developed a housing banding system to determine who will be prioritised for housing in the borough. The housing bands are summarised below and full details are set out in Annex 1:

Band 1: People who have a reasonable preference⁴ and are granted additional preference (being people with a very urgent need to move).

Band 2: People who need to move and fall within one of the reasonable preference categories but also qualify for the positive community contribution criteria such as being in employment, training or voluntary work.

³ Also known as a Housing Register

⁴ **a)** people who are homeless (within the meaning of Part 7); **(b)** people who are owed a duty by any local housing 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); **(c)** people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions; **(d)** people who need to move on medical or welfare grounds [(including grounds relating to a disability)]²; and **(e)** 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 to others).

Band 3: People who need to move and fall within one of the reasonable preference categories but do not qualify for the positive community contribution criteria

Band 4: People who have been awarded reasonable preference but have had that preference reduced due to for example, behaviour, rent arrears, no local connection, or have the means to resolve their own housing problem.

- 3.4 Local connection within the terms of this scheme will normally mean that an applicant has lived in this borough for at least 6 months of the 12 months prior to their application, or for 3 of the previous 5 years, or has another connection within the meaning of housing law and guidance. Local connection may also be awarded to people who need to move to a particular locality in the district of this borough, where failure to meet that need would cause hardship to themselves or to others. Those without a local connection will not be eligible to be placed in Bands 1, 2, or 3 until this condition is satisfied.
- 3.5 Applicants who have been placed in long term temporary accommodation by the Council will be placed in Band 4; this will be reviewed if the arrangement is due to expire within the next 3 months or there is a change in circumstances that may increase their priority under this scheme. Long term temporary accommodation includes⁵ private sector properties let via the council or a housing association under a leasing arrangement, and non-secure tenancies on the regeneration estates.
- 3.6 Applications for housing will be assessed by Housing Officers using information supplied by the applicant and as a result of further enquiries as appropriate. The Housing Officer will decide whether the applicant falls within the Council's housing banding system and if so which band will apply.
- 3.7 Applicants who are assessed as not falling within one of the Council's Housing Bands will only be offered housing advice and assistance as necessary.
- 3.8 The Council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion. In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:
- Threat to life
 - Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.

⁵ These examples do not represent an exhaustive list.

- Households who, on police advice, must be moved immediately due to serious threats to a one or more members of the household, or whose continuing occupation would pose a threat to the community.
- Cases nominated under the Police Witness Protection Scheme or other similar schemes that the council has agreed to be part of.
- An applicant who has an exceptional need that is not covered in the Allocations Scheme. For example, where child or public protection issues require rehousing or for severe domestic abuse where all other options to remain in the home have been considered.
- Other exceptional circumstances as authorised by the Assistant Director Housing and Environmental Health or equivalent.

3.9 Medical priority will be awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their housing conditions and the expected benefits of providing suitable alternative settled housing. Applicants who are assessed as having an overriding medical or welfare housing need will be placed in Band 1; the circumstances that justify this are detailed in Annex 1.

3.10 We will work together with social services and other agencies looking at supply and demand to identify clients currently in supported housing who are ready for independent living. Subject to these discussions and agreement that the client's housing needs cannot be met outside of social housing, these clients will be placed in Band 2, unless there is an urgent need to move in line with the Band 1 criteria.

CONDITION AND SIZE OF ACCOMMODATION

3.11 All accommodation offered will be habitable, in reasonable repair and fit for letting.

3.12 The size of accommodation for which each applicant will be considered will depend upon the size and composition of the applicant's household. The requirements for each size of household are set out at Annex 2

3.13 Larger accommodation than specified in Annex 2 may be considered in exceptional circumstances on the recommendation of a specialist advisor, for example the Council's Medical Adviser, Occupational Therapy Service, or senior social worker.

3.14 In calculating the number of bedrooms available within properties the Council will treat every habitable room as a bedroom except kitchens, bathrooms and one room for use as a living room. The Council will normally consider additional downstairs rooms in houses for use as bedrooms in accordance with Housing Benefit regulations.

3.15 Cases of existing secure Council tenants agreed as Management Transfers (due to extreme circumstances such as violent assault, harassment etc) are able to move to alternative accommodation as the only viable resolution to

their current difficulties. These moves should however not be at the expense of others. Therefore their move will only be to the same size and type of accommodation as they currently occupy regardless of their actual housing need.

COUNCIL TENANTS

- 3.16 Council tenants wishing to move from their existing home will be assessed in the same way as other applicants applying for housing advice and assistance under this scheme.
- 3.17 Applications for transfer may be made jointly by separate tenants of the Council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the Council makes an acceptable offer of a transfer to a third property.
- 3.18 On occasion it may be necessary for a council tenant to move out of their existing home to allow major works to be carried out or because their home is due to be demolished. In these circumstances, the Council will use its discretion to prioritise a move to a suitable alternative home by placing the tenant in Band 1 at an appropriate time.
- 3.19 Council tenants who have to move because major works are required to their home will have the option of moving back to their original home once the works have been completed.
- 3.19 The Council is undertaking a number of regeneration schemes. Under these schemes a large number of existing council homes will be demolished and replaced with new homes owned and managed by housing associations. Under this allocations policy, existing secure tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their estate in accordance with the provisions agreed for each estate, before they are made available to any other applicants.
- 3.20 Applicants who would otherwise be placed in Bands 1, 2, or 3 will be placed in Band 4 in the following circumstances:
- The tenant owes arrears of rent or other accommodation charges to the Council in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a reasonable period. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need.
 - The tenant is otherwise in breach of a condition of their Tenancy Agreement (see Annex 2 for further details)
- 3.21 Where a council tenant is imprisoned for a period of more than 12 months, and would therefore either accumulate rent arrears or possibly lose their tenancy, they can voluntarily give up their tenancy. Upon release they would be made a direct allocation of a secure property that meets their needs. The size of accommodation would be the same as their previous tenancy, or a

size that meets their needs under the terms of this policy, whichever is smaller. This will not apply to tenants who have been imprisoned in relation to a crime that would enable the Council to seek repossession of their accommodation- where this applies the Council will normally take repossession action.

HOUSING ASSOCIATION TENANTS

- 3.22 Housing association tenants will be assessed in the same way as other applicants applying for housing advice and assistance under this scheme.

MUTUAL EXCHANGES AND SUCCESSION

- 3.23 Secure tenants have certain rights in relation to exchanging their tenancies with other secure tenants and in relation to the circumstances in which a member of their household can succeed to their tenancy. These do not fall within the scope of this allocations scheme, and full details for how these schemes operate can be obtained from Barnet Homes or their Landlord in the case of Housing Association Tenants.
- 3.24 Discretionary succession: -If statutory succession would have applied but for there having been a prior statutory succession, the Council may grant a fresh tenancy. The Council may also grant a fresh tenancy to a person who had been providing care for the former tenant and who occupied the property as their principal or only residence at the time of death of the former tenant, or to a person upon whom the former tenant was dependant and who needed to live with the former tenant in order to comply with this responsibility. If the property is larger than the proposed discretionary successor requires then, as an alternative to succession, the applicant will be placed in Band 2 or 3 to enable them to secure a smaller property. Size requirements will be assessed in accordance with the criteria in Annex 2. Failure to accept a suitable property offered or made available under this scheme will result in proceedings for possession of the home currently occupied. Each situation will be considered on an individual basis and tenancies will be granted entirely at the discretion of the Council.

SERVICE TENANCIES

- 3.25 Employees of the council or Barnet Homes who have a service tenancy associated with their employment may be rehoused by the council in certain circumstances as set out in Annex 4. This will be achieved outside of assisted choice through the operation of clause 4.11 of this scheme.

4. HOW THE COUNCIL ALLOCATES PROPERTIES

THE PROPERTY POOL AND ASSISTED CHOICE

- 4.1 Barnet Council operates a property pool and assisted choice lettings system. This means that the council will maintain a list of properties that are available to let to housing applicants who fall into one of the housing bands described in Annex 1. This will include properties in the council, housing association and private rented sectors.
- 4.2 Priority for council and housing association properties being let as secure or assured tenancies will be determined by housing band, with those applicants in Band 1 having a greater priority than those in bands 2-4, and those in band 2 having a greater priority than those in bands 3-4, and so on. Within bands, priority will be determined by date order⁶
- 4.3 In considering priority for re-housing between applicants with a similar priority under the banding scheme, the Council will also take account of the immediacy of need of each applicant. This means, for example, that where two applicants in the same band are interested in the same property, preference may be given where one of the applicants is facing a more immediate loss of their existing home than the other.
- 4.4 To avoid the loss of properties available to the Council, properties in the private rented sector will normally be made available on a first come first served basis to applicants across bands 1-4. Where more than one applicant is being considered for a private sector property, priority will be determined by band and date in band.
- 4.5 Applicants will be asked to choose a property or properties to view from a selection of those that are available and meet their needs, and will be asked to accept one of these as their offer of re-housing.
- 4.6 If no suitable properties are available, the applicant's case will remain open until a property becomes available and their Housing Officer will be proactive in working with them to secure a home.

EXCEPTIONS TO ASSISTED CHOICE

- 4.7 Available properties which are adapted or which are suitable for adaptation or which are otherwise potentially suitable for applicants with a substantial disability or other special needs may be allocated outside strict banding and date order priority.
- 4.8 An allocation may also be made outside banding priority in the case of a Council tenant who is willing to transfer from a property which s/he does not require and which is particularly suitable for an applicant with special needs.

⁶ Date order means that date that an applicant was placed in the housing band

- 4.9 Applicants who have a special need for adapted property or other particular type of accommodation which is in very short supply may be invited to consider suitable property which becomes available outside of the areas preferred by the applicants concerned.
- 4.10 Applicants who have given up their council tenancy whilst they are in prison as set out in 3.20 above.
- 4.11 The Council reserves the right to restrict the operation of the property pool to certain groups of applicants or to make direct offers of accommodation to households waiting for re-housing in order to fulfill its fiduciary or housing management duties and responsibilities, including achieving a balance of lettings as set out in the Council's letting plan.
- 4.12 Special allocation arrangements may apply in respect of properties available for letting on new-build developments.
- 4.13 Decisions to allocate properties outside of the property pool and assisted choice under 4.7 to 4.10 will be authorised by a senior council officer. Decisions under 4.11 and 4.12 will be authorised by the Assistant Director (Housing) or equivalent. .

TYPES OF PROPERTY

- 4.14 Some properties or blocks of properties are designated for allocation only to applicants sharing a common characteristic or need, for example:
- Properties in blocks of flats for people aged over 40, or aged over 50.
 - Properties in sheltered housing developments for people over 60,
 - Properties in supported housing schemes offering special services,
 - Individual properties which are adapted or otherwise particularly suitable for applicants who use a wheelchair, or
 - Houses will normally only be allocated to households with children under the age of 10, unless there is an overriding medical or social need for urgent rehousing

SELECTION OF PROPERTIES

- 4.15 In selecting properties from the property pool for applicants to consider, the Council will normally take into account the following factors:
- The number of bedrooms required (see Annex 2)
 - Any essential requirement concerning the type or location of rehousing
 - The housing band into which the applicant's case falls
- 4.16 The Council will not normally take into account:
- Non-essential preferences concerning the location or type of rehousing requested by the applicant.

- An applicant's preference as between an allocation of a Council property or a nomination to a housing association.
- The standard, type or location of the applicant's current accommodation (except where this is related to the assessment of their need)

SUITABILITY OF OFFERS OF REHOUSING

- 4.17 Where accommodation is offered through the assisted choice process described above, an applicant will normally be expected to accept an offer of a property that meets their specified needs. Suitable offers are those that are deemed as suitable and appropriate to meet the housing and medical needs of the household concerned.
- 4.18 The Council will seek to take into account applicants' particular or special needs but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of Council accommodation and the demands placed upon it by all priority groups.
- 4.19 As a guideline and subject to the individual circumstances of each application, the Council will normally consider that a property is suitable if:
- It is located close to an area which the applicant has selected or an area that the Council considers to be reasonable.
 - It is sized in accordance with the criteria in Annex 2.
 - It complies with any recommendation made by a Medical or other relevant advisor.
- 4.20 An offer of accommodation which is arranged by way of a nomination to a housing association will be considered to be as reasonable as an offer of a council tenancy.
- 4.21 If a housing applicant refuses two reasonable offers of accommodation through the assisted choice scheme or a direct allocation, their priority under this allocation scheme will be reduced to Band 4.
- 4.22 An applicant whose housing priority has been reduced to Band 4 under 4.16 will not be entitled to be placed in a higher band under this allocations policy again for a period of 12 months from the date that the Council notified them of its decision, except where there has been a material change in circumstances such that the offer of rehousing would no longer be suitable, for example because of an enlargement in the applicant's household or a deterioration in ill health.

5. PROCEDURE FOR APPEALS AND REVIEWS

- 5.1 All applicants have the right to request general information about their application, including whether they are entitled to any preference for housing and whether and when suitable accommodation will be offered to them. Decisions made under this policy will be notified to applicants in writing and applicants are entitled to request information concerning the facts of their case that have been taken into account.
- 5.2 Applicants who are unhappy with a decision made under this policy should in the first instance contact the housing officer who has dealt with their case and explain why they think that the decision is not reasonable.
- 5.3 The applicant will be notified whether the decision still stands and the reasons for this usually within 48 hours
- 5.4 If an applicant wishes to take the matter further, they can make a request for a formal review of the decision within 21 days. In these cases the applicant will be invited to make a written submission stating the reasons for their request for a review and the Council will seek any further information it requires, including advice from medical and other specialist advisors. Formal reviews will be conducted by a team leader or manager within the Council's Housing Service with no previous involvement in the case who will notify the applicant of the outcome of the review including the reasons for their decision within 56 days.
- 5.5 Where an applicant wishes to appeal the suitability of an offer of accommodation under 5.1 of this policy, the property will be held available whilst the appeal is considered where this is not likely to lead to an unreasonable delay in letting the property.
- 5.6 Where an applicant requests a formal review concerning the suitability of accommodation under 5.3 of this policy, the property will not normally be held available whilst the appeal is considered.

GENERAL RULES AND CONDITIONS

DECISIONS

- 6.1 All decisions taken under this policy will be by fully trained housing officers within the Council's Housing Service unless otherwise specified. Housing Officers are supported by Team leaders and Senior Managers.

REQUESTS FOR ASSISTANCE

- 6.2 Requests for housing assistance must be made to the Housing Service. The Council aims to notify applicants of the result of the assessment of their priority under the Housing Banding System within 14 days. However, in cases where a medical assessment or other special assessment is required, it may take longer to notify the result.

PERSONS ELIGIBLE FOR ASSISTANCE

- 6.3 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 entitled if the Council is satisfied that it is reasonable for that person to reside with the applicant. This will normally exclude lodgers or anyone sub letting from the applicant.
- 6.4 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.

EVIDENCE OF IDENTITY AND HOUSING CIRCUMSTANCES

- 6.5 All applicants must provide satisfactory evidence of identity and past and current residences for themselves and all household members. The Council will request documentary evidence from each applicant and will conduct such further enquiries as are reasonable in the circumstances. An application will be cancelled if the applicant has failed to provide documentary evidence or other information reasonably required by the Council in order to validate the application.
- 6.6 The Council will normally carry out a visit to each applicant's residence if their priority is sufficient for an allocation of housing under this scheme. Visits conducted will include an inspection of the accommodation and facilities and are normally but not necessarily arranged by appointment.

INCOME AND SAVINGS

- 6.7 All prospective new tenants will be required to supply evidence of their financial income and resources. Where applicants are not able to show current entitlement to Income Support, verification of income and savings will be required prior to applicants being offered accommodation. Where applicants have resources above the level set by the Council (£50,000 capital

or savings), the applicant will normally only be offered advice or assistance, or placed in Band 4, as they have the means to solve their own housing problems.

CHANGES OF CIRCUMSTANCES

- 6.8 Once placed in a priority band, applicants should notify the Council in writing of any material change in their circumstances that will affect their priority for housing, for example:
- a change of address, for themselves or any other person on the application.
 - any additions to the family or any other person joining the application
 - any member of the family or any other person on the application who has left the accommodation.
 - any change in income or savings.
- 6.9 Applications may be temporarily suspended while the Council assesses the information provided by the applicant and completes further enquiries that may be necessary.
- 6.10 The Council will carry out an assessment of each applicant's entitlement to and priority for re-housing on the basis of information which has been provided by the applicant or otherwise received in connection with the applicant.

INVESTIGATION OF FRAUD

- 6.11 The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud. Such enquiries will be made in all cases where applicants appear to have sufficient priority for an offer for rehousing, and in other cases as resources allow and may be made at any time either at the time of application or subsequently including after any grant of tenancy. Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed.
- 6.12 Any applicant seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.

MEMBERS OF THE COUNCIL, STAFF MEMBERS AND THEIR RELATIONS

- 6.13 In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or rehousing from members of the Council, employees of the Council or associated persons must be disclosed. These

applications will be assessed in the normal way but any allocation of housing will require special approval by a Team Leader in the Housing Service.

EQUAL OPPORTUNITIES AND MONITORING

- 6.14 The Council is committed to the principle of equal opportunities in the delivery of all its services.
- 6.15 Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require other special services as a result of visual impairment, hearing difficulties or other disability.
- 6.16 Confidential interview facilities are provided at all housing offices. There is full access to the housing office at Barnet House for people who use a wheelchair. Home interview services are available for applicants who are elderly or who experience mobility difficulties.
- 6.17 The Council will seek to ensure that its allocation policies are being operated in a manner that is fair to all sections of the community regardless of nationality, ethnic origin, marital status, age, gender or disability. The information provided will be kept confidential and treated with respect. The council believes it is important to understand the different communities who apply for housing and it is only by asking these questions that we can check we are operating a fair system.
- 6.18 All applicants for housing or rehousing will be asked to provide details of ethnic origin, faith, sexuality and disability. This will not, however, be a requirement for acceptance of an application. Equalities records will be kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly.
- 6.19 Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.

CONFIDENTIALITY

- 6.20 The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.
- 6.21 The disclosure of information about any housing application to a third party is prohibited except on a "need to know" basis in the following circumstances:
- to plan and provide assistance jointly with health and social services agencies in appropriate cases.
 - for the purpose of fraud detection, the prevention of crime, and the promotion of community safety.

- to enable efficient administration of offers of rehousing, lettings, housing association nominations, and rent and benefit accountancy etc.
- where disclosure is a legal requirement.

ACCESS TO PERSONAL FILES

- 6.22 Housing applicants' rights to see what information is held on them on non computerised records is governed by the Data Protection Act 1998.
- 6.23 Under the Freedom of Information Act 2000 such requests must be made in writing, must state the applicants name and address for a response, and must describe the information requested.
- 6.24 Requests for access to records must be made in writing to the Head of Housing. Subject to the above exceptions, applicants will be informed if any information is held and given the option to either view the records or have a copy provided within 40 days of the application. There is no charge for this service.
- 6.25 Applicants have the right to challenge the information held on them and may request the correction of records which they believe to be inaccurate. If the Head of Housing does not agree that the information is inaccurate or refuses access to the information, the applicant may request the matter to be reviewed by the Council. The request must be made within 28 days. The decision of the Council is final.

DATA PROTECTION

- 6.26 Computer records are covered by the Data Protection Act 1998. This controls the use of computers in the collection, storage, processing and distribution of personal data.
- 6.27 The Act also gives rights to all individuals about whom information is recorded. These rights include the rights of access to the information and the right to challenge the accuracy of that information. The provisions and exceptions are similar to those for access to information held on personal files as set out above.
- 6.28 Requests for access to data must be made in writing to the Head of Housing. Information will be provided within 40 days of the application. No fee is charged for this service.

ANNEX 1 – BARNET HOUSING BANDS

| Band 1: Urgent Need to Move due to Reasonable Preference PLUS additional priority and a local connection⁷ | |
|---|---|
| | Summary Guide of Criteria⁸ |
| Emergency medical or disability Reasonable preference category S.167(2)(d) | <ul style="list-style-type: none"> • Where an applicant's condition is expected to be terminal within a period of twelve 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's health is so severely affected by the accommodation that it is likely to become life threatening. • The applicant is unable to mobilise adequately in their accommodation and requires rehousing into accommodation suitable for their use. • 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 6 months. • Where overcrowding in the property leaves the applicant at risk of life threatening infection. |
| Exceptional Circumstances Welfare and Hardship Criteria Reasonable preference category S.167(2)(e) | <ul style="list-style-type: none"> • Emergency need to move determined by the Council and authorised by the Assistant Director for Housing or equivalent. |
| Exceptional need to move Reasonable preference category S.167(2)(e) | <ul style="list-style-type: none"> • Applicants who need to move due to domestic abuse, extreme violence or extreme harassment. • Extreme violence or harassment will be verified by the Police and/or other agencies as necessary. This may include where a move is necessary to protect a witness to criminal acts. • Agreed in exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling in the social or private rented sector and there is a high risk to the tenant or their family's safety if they remain in the dwelling/area. For social housing tenants transfers will be to properties of the same size or smaller if they are under-occupying and type where required, but locations or areas are likely to change. |

⁷ As defined in paragraph 2.4 of this scheme

⁸ This summary guide of criteria does not represent an exhaustive list of all applicants entitled to reasonable preference

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| | Examples of exceptional circumstance cases are given in the policy at paragraph 3.7 |
| Disability need to move on hardship grounds Reasonable preference category S.167(2)(d) | <ul style="list-style-type: none"> This is any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces |
| Release of adapted property Reasonable preference category S.167(2)(e) | <ul style="list-style-type: none"> Where a tenant is willing to transfer to a suitable non adapted property and is releasing an adapted house or designated older persons property. |
| Statutory Overcrowded Reasonable preference category S.167(2)(c) | <ul style="list-style-type: none"> Tenants who are statutorily overcrowded |
| Acute Overcrowding Reasonable preference category S.167(2)(c) | <ul style="list-style-type: none"> Where a household is 3 bedrooms short of the bedroom standard outlined in Annex 3. |
| Private sector properties unsanitary or unfit. Those living in unsanitary conditions where the conditions pose an ongoing and serious threat to health; Reasonable preference category S.167(2)(c) | <ul style="list-style-type: none"> Private sector tenants and residents of dwellings that the Council's Private Sector Housing Team has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, <u>and</u> there is no prospect of the problems being remedied within a 6 month time period. A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004. |
| Under-occupation Reasonable preference category S.167(2)(e) | <ul style="list-style-type: none"> Where a Council or Housing Association tenant will release a home with two or more bedrooms by moving to a property with fewer bedrooms than they currently have. |
| Major works or demolition Reasonable preference category S.167(2)(c) | <ul style="list-style-type: none"> Where a council tenant has to move either temporarily or permanently whilst major works are undertaken or where their home is due to be demolished |
| Foster carers referred by the Council's Children's Service Reasonable preference category 167(2) (d) or (e) | <ul style="list-style-type: none"> Foster carers approved by the Council whose housing prevents them from being able to start, or continue, to provide foster care. |

| Band 2 Need to move – Reasonable Preference plus Community Contribution and a local connection⁹ | |
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| | Summary of Criteria |
| <p>Homeless Households owed a full homeless duty under section 193(2) or 195(2).</p> <p>Reasonable Preference categories s167(2) (b)</p> | <ul style="list-style-type: none"> • People who are owed a duty under section 193 (2) Or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) -- This means households who are homeless or threatened with homelessness and in priority need • 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 Barnet Council (until they acquire a local connection with the borough). |
| <p>Overcrowded by the Bedroom standard.</p> <p>Reasonable Preference category s167(2)(c)</p> | <p>Where a household is 2 bedrooms short of the bedroom standard outlined in Annex 3.</p> |
| <p>Applicants living in unsatisfactory housing lacking basic facilities.</p> <p>Reasonable Preference category s167(2)(c)</p> | <p>Applicants without access at all to any of the following facilities. No access to:</p> <ul style="list-style-type: none"> • a bathroom or kitchen • an inside WC • hot or cold water supplies, electricity, gas or adequate heating <p>Applicants who occupy a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by Section 33 of the Housing Act 2004.</p> <p>Applicants who only have access to shared facilities in shared accommodation will not qualify under these criteria.</p> |
| <p>Medical grounds</p> <p>Reasonable Preference category s167(2)(d)</p> | <p>Where an applicant's housing is unsuitable for severe medical reasons or due to their disability, but who are not housebound or whose life is not at risk due to their current housing, but whose housing conditions directly contribute to causing serious ill-health.</p> |
| <p>Hardship or welfare need to move for care or support</p> <p>Reasonable Preference category s167(2) (c) and (d)</p> | <p>Those who need to move to give or receive care that is substantial and ongoing.</p> <p>Those who need to access social services facilities, and are unable to travel across the Borough.</p> |

⁹ As defined in paragraph 2.4 of this scheme

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| | Those who need to take up (or continue) employment, education or a training opportunity that is not available elsewhere <u>and</u> who do not live within reasonable commuting distance. |
| Housing need due to age Reasonable Preference category s167(2)(d) | Older or disabled applicants seeking Retirement or Extra Care housing |
| Ready to move on from Council accredited supported care schemes Reasonable Preference category s167(2)(c) | An applicant is ready to move to independent settled housing on the recommendation of the support worker or equivalent. The applicant is in need of medium to long term rather than short term ongoing tenancy support. That support package has been assessed and is in place. |
| Move on from Care Reasonable Preference category s167(2)(c) | A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living. They possess the life skills to manage a tenancy including managing a rent account. The care leaver is in need of either a long term or medium term tenancy support. That support package has been assessed and is in place. |
| Discretionary Succession | Where the Council has agreed to grant a tenancy under clause 3.23 of this policy. |
| Existing Foster carers approved by the Council willing to provide care for an additional child Reasonable preference category 167(2) (d) or (e) | Where a Foster carer already providing a home for at least one foster child offers to provide care for an additional foster child |

Band 3 : Need to move – Reasonable Preference BUT no Community Contribution and a local connection¹⁰

Summary of Criteria

¹⁰ As defined in paragraph 2.4 of this scheme

Applicants in this Band will have the same element of housing need / Reasonable Preference as those applicants in Band 2 BUT will not have the Community Contribution or Working Household award as defined section 3 part 3 of the policy. Once a Community Contribution or Working Household award is given, the applicant will be moved into Band 2.

| Band 4: Reduced Priority : Need to Move - Reasonable Preference but with Reduced Priority | |
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| | Summary of Criteria |
| <p>Applicants owed Reasonable Preference but who have been given reduced priority as a result of one of the following reasons outlined in this Allocations Scheme:</p> <ul style="list-style-type: none"> • arrears or other housing related debt within the meaning of this scheme, • income above threshold, capital asset above threshold, • breach of a tenancy agreement that is unresolved but would not warrant a full possession order, • a property not meeting the standard required for a transfer applicant, • no local connection • refusing two reasonable offers • are intentionally homeless Reasonable preference category S.167(2)(b) • Homeless but assessed as having no priority need under the homelessness law Reasonable preference category S.167(2)(a) • Those in long term temporary accommodation, including private sector tenancies let via the Council or a Housing Association, to whom a duty is still owed unless the property does not meet the needs of the | <p>Intentionally Homeless Households under the Housing Act Part V11 Section 190(2)</p> <p>An applicant will be awarded the Reasonable Preference that their assessed housing needs warrant but the reasons summarised give the Council the right to reduce that preference to Band 4 until action is taken to by the applicant to rectify their behaviour/circumstances.</p> <p>All of these groups of applicants would remain in Band 4 until and unless they meet the criteria (outlined in this policy) whereby they will no longer have their priority reduced. Or they will be removed from the banding scheme if they cease to be entitled to any reasonable preference.</p> |

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| household or is about to be terminated | |
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ANNEX 2

SIZES OF HOMES

- The number of bedrooms you need depends upon the size of your family.
- The chart shows the size of home that we consider you need.
- A single parent is counted as a couple and an unborn baby is counted as a child.
- Single people without children are usually offered studios.
- Two children of the opposite sex under ten will be expected to share a bedroom.
- Some retiring staff are contractually entitled to one bedroom more than they need.
- Council or Housing Association tenants trading down from properties with three or more bedrooms may choose a property with one bedroom more than they need

| SIZE OF FAMILY | SIZE OF PROPERTY |
|---|---------------------------|
| Single person | Bedsit/single person home |
| A couple without children | 1 bedroom |
| Two adults of the same sex and generation* for example, flat sharers, or two brothers | 2 bedroom |
| A couple expecting a child or with a child, including an adult son or daughter. | 2 bedrooms |
| A couple with two children of the same sex | 2 bedrooms |
| Two adults of opposite sex who do not live as a couple, for example, brother and sister | 2 bedrooms |
| A couple with two children of opposite sex and both under ten | 2 bedrooms |
| A couple with two children of opposite sex one of whom is over ten | 3 bedrooms |
| A couple with three children | 3 bedrooms |
| A couple with four children (all of the same sex or two of each sex) | 3 bedrooms |
| A couple with two children of the opposite sex under ten and one dependant relative (for example, widowed mother) | 3 bedrooms |
| A couple with four children (three of one sex and one of the opposite sex) | 4 bedrooms |
| A couple with more than four children | 4 bedrooms |
| A couple with three children and one dependant relative | 4 bedrooms |
| *less than 20 years apart but does not apply to parents/children | |

ANNEX 3

COMMUNITY CONTRIBUTION: HOW PRIORITY IS AWARDED

Community Contribution

People who play a part in making their neighbourhood strong, stable and healthy – those who help make it a good place to live, work and play – are valuable people. They are the backbone of their community, and the Council believes such people should be allocated social housing to continue contributing to sustaining local communities in the area where they contribute.

The Community Contribution priority scheme is a Barnet Council policy which gives an applicant increased priority for housing. Increased priority will be awarded to applicants who qualify under the community contribution criteria who also have reasonable preference and they will be placed in Band 2 by virtue of this award.

Community Contribution Awards – How they work in practice

Applicants must have a *current positive residence history* to qualify for a Community contribution award.

1. No on-going culpable involvement in anti-social behaviour or criminal activities.
2. No breaches of tenancy within the last 3 years
3. No outstanding housing-related debt over £100.
4. Not have an outstanding unspent conviction

Increased priority for housing is given to those applicants who demonstrate a commitment to contribute to the Borough's economic growth as working households or who make a contribution by their contribution within communities. Applicants can access increased priority for housing in five ways;

1. Working Households

This policy aims to support the economic growth of Barnet.

We want to encourage people who can, to work and want to raise levels of aspiration and ambition. We will offer increased priority to applicants who are working but are on a low income and will therefore find difficulty in accessing outright Home Ownership or Low cost low Ownership. Applicants who have reasonable preference can receive increased priority to Band 2 by virtue of their "working" status.

Definition of Working Households

Households where at least one adult household member is in employment. For the purposes of this Allocations Policy employment is described as

having a permanent contract, working as a temporary member of staff or being self-employed. Applicants will only qualify if the worker has been employed for 9 out of the last 12 months. Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper in order to qualify.

2. Volunteering

Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application and the same at point of offer. Volunteering must be for a not-for profit organisation that is registered with the Volunteer Centre Barnet or recognised by the Council, or a charity that is registered with the Charity Commission or is funded by the Council or another local authority. Tenants and Residents Associations which are constituted are classified as not-for-profit organisation. They must be registered with Barnet Council or a Registered Social Landlord to qualify.

Volunteering must be for a minimum of 10 hours per month.

Evidence required for voluntary work.

A letter on the organisation's headed paper from the manager responsible for volunteers confirming the applicant's involvement in a minimum of 10 hours per month of voluntary work for at least 6 months. This person must not be related to the applicant in any way.

3. Training or Education

We want to encourage people to move closer to gaining paid employment by gaining employability skills and becoming job ready. This may be achieved by attending higher or further education or by accessing a longer vocational course of study or engaging in a programme of work-related training courses. In all cases the course of study must lead to achieving accredited qualifications and / or certification by a registered awarding body.

Study or training may be undertaken at a range of recognised institutions and organisations such as: Further Education College; registered Private Training Provider; registered Voluntary Sector Organisation or University.

To be eligible for the vocational training award a person must initially access a recognised Information, Advice and Guidance (IAG) service, such as *Next Steps* for Adults or *Connexions* for young people up to age 19 years to develop an agreed employment action plan and to be signposted to relevant training providers. Candidates must be working towards gaining employment in a vocational occupation.

A person must have been studying or training against the eligible criteria and definition outlined, for a continuous period of at least 6 months up to the point of application and the same at point of offer. Applicants eligible

for out-of-work related benefits must also be registered with Job Centre Plus and accessing mainstream job brokerage provision, thus actively seeking work (this may not apply to full time students dependent on the hours they are studying). Training must be in addition to, or supplementary to any mandatory training required and may be undertaken in conjunction with volunteering to gain further knowledge and experience.

Training must be a minimum of 10 hours a month.

Evidence required for Training element

Further/higher education candidates must supply evidence of:

- letter from college or university confirming participation in course of study for period of 6 months

For vocational training award the following evidence must be provided:

- an agreed employment action plan developed through a recognised IAG service plus verification of steps taken towards achievement of action plan targets
- certificate or letter from a registered awarding body for the course or by a recognised training provider as evidence of gaining a recognised vocational qualification or successfully completing accredited work-related training (over a continuous period of at least 6 months)

4. Ex service personnel

Applicants who have served in the British Armed Forces and lived in Barnet for at least 6 months immediately prior to enlisting, will qualify for a community contribution award automatically, with the exception of those who have been dishonourably discharged. This includes people who have served in the Royal Navy, Royal Air Force and British Army.

Service with the armed forces will be confirmed with the Royal British Legion.

5. Registered Foster Carers

We recognise the contribution that Barnet foster carers make towards ensuring that children in Barnet's care receive a good service. In order to qualify for a community contribution award under this policy, applicants will require a letter from the council's Children's Service confirming that they have been approved as a Barnet foster carer and that they are in a position to take one or more placements.

6. People with disabilities and older residents

Whilst many older people and those with disabilities work or volunteer, there may be circumstances in which frailty or a disability prevents this, or means that the full eligibility criteria set out above can not be met. Housing

Officers will consider such cases on an individual basis and use their discretion to award a community contribution where they consider this is appropriate.

Annex 4

SERVICE TENANCIES

| Re-housing for former Service Tenants Length of Service | Eligibility | Entitlement |
|---|---|---|
| Less than 7 years | <ul style="list-style-type: none">• Retiring or transferring to non-residential employment• Was a council tenant before taking a service tenancy• Dependent children• Vulnerable because of ill health or disability | Bedrooms according to need (as defined in annex 2 of this Scheme) |
| More than 7 years | <ul style="list-style-type: none">• Any service tenant leaving employment or transferring to non-residential employment• Spouses/partners left on death or separation | Bedrooms according to need |
| More than 15 years | <ul style="list-style-type: none">• Retiring or transferring to non-residential employment | 1 extra bedroom |