

## **Havant Council Allocation Policy**

1. Havant Council allocation policy
2. Principles of the allocation policy
3. Applying for social housing
4. Deciding on priority
5. Band One: high priority
6. Band Two: moderate priority
7. Band Three: low priority
8. The Allocation of accommodation
9. Reviews

Appendix 1 Havant Housing Register Partners

Appendix 2 Unacceptable Behaviour

Appendix 3 Supported Housing Panel

Appendix 4 Community Lettings Plans

### **1. Havant Council allocation policy**

The allocation policy should be read in conjunction with Part 6 of the Housing Act 1996 (as amended by the Homelessness Act 2002) and the detailed advice offered in ODPM Code of Guidance - "Allocation of Accommodation" published in November 2002.

The allocation policy sets out a common approach to the letting of social housing in Havant so as to provide choice to people, prioritise those in greatest need and to make the best use of the social housing in the borough.

In Havant there is a consistent imbalance between the demand for and the supply of social housing to which the Council has nomination rights. Each year more households apply for social housing than can be offered the small number of homes that become available for letting.

The Council is often required to make difficult judgements when assessing competing priorities. The purpose of this allocation policy is to provide a clear and accountable guide to decision making.

The allocation policy is a vital tool in helping the Council meet its strategic objectives. The Housing Strategy 2005 - 2010 "Building Communities – Meeting Needs" includes a strategic priority to provide a suitable home for everyone, including vulnerable households, to establish a banding scheme and introduce Choice Based Lettings.

### **2. Principles of the allocation policy**

2.1 The intention of the allocation policy is to embrace the following principles:

- to reflect the need for balanced communities
- to provide people with a choice of property, location and landlord
- to respond to health, care and support needs
- to make the best use of social housing
- to consider the needs of key workers
- to consider all applications regardless of race, colour, ethnic origin, religion, disability, age, gender, sexual orientation, marital, income or employment status

- to be fair and confidential
- to include the right to a Review of all decisions.

2.2 Trying to meet all of these principles simultaneously can give rise to mutually incompatible objectives and the practical application of this policy often requires a good deal of judgement and discretion. The overriding principal of the allocation policy is that there should be a balance between lettings to people waiting on the register, people who are owed a statutory duty by the Council and to social housing tenants who have a need to transfer. The allocation policy has to ensure the best use of the available housing resources whilst at the same time create and sustain communities. The policy also includes customer choice. The policy also to meets the requirements of the Homelessness Strategy to prevent homelessness and limit the length of time homeless households remain in temporary accommodation.

### 2.3 Havant Housing Register

The Council has agreed with housing associations, which have property in the borough, to assess all applications and transfers. All applications for social housing are assessed on the basis of the allocation policy and, if eligible, are placed on the Havant Housing Register.

### 2.4 Nomination rights

All the Council's nomination rights to social housing will be allocated through the Register. The nomination rights as at 30 September 2005 are outlined in the table below. New nomination agreements will be drawn up with each partner taking part in the Housing Register and agreed by 2 May 2006.

<b>Nomination rights</b>	<b>agreement</b>	<b>further information</b>
New housing association developments	100% of lettings	See section 2.7 on community letting plans
Re-lettings of housing association properties	75% of lettings ( 25% to the joint transfer register )	See appendix 1 for housing association partners
Portsmouth City Council properties in Havant	annual quota	See the Portsmouth City Council Allocation Policy
Wecock Local Lettings Scheme	100% of Lettings	see the Portsmouth City Council Allocation Policy

- Portsmouth City Council Second Generation Scheme. This scheme has been running since the 1980s. Each year Portsmouth City Council offers a quota of properties to people nominated from the Havant Housing Register. The number of properties put into the scheme by Portsmouth City Council is a calculation based on half of the annual average number of 2 and 3 bed vacancies in the Leigh Park, Crookhorn and Wecock Farm estates.
- Portsmouth City Council one bed scheme. Up to 25 (12 in Leigh Park and 13 in Wecock) one bedroom flats are offered each year by Portsmouth City Council to people from the Havant Housing Register.

- Wecock Local Lettings Scheme (WLLS): The Council's nomination rights to housing association properties in the Wecock area are allocated through the Wecock Local Lettings Scheme. This is an initiative between Portsmouth City Council, Havant Council and housing associations, originally designed to develop a more stable community in the Wecock area by using a local lettings scheme. Applications and transfers for all properties in the Wecock area are made through the Portsmouth Housing Register and assessed under the Portsmouth allocations' policy.

## 2.5 Making Best Use of Social Housing

### The Joint Havant and Portsmouth Transfer Register

The Joint Havant and Portsmouth Transfer Register was set up in 2002 to enable housing association and Portsmouth City Council tenants to transfer between landlords and between the Havant and Portsmouth areas. Housing associations and Portsmouth City Council put forward 1 in 4 re-lets into a pool of properties to be let only to transferring tenants. The Joint Havant and Portsmouth Transfer Register is administered by Portsmouth City Council using the Portsmouth Housing Register and the Portsmouth City Council allocation policy.

**Exchanges:** the best way for an existing tenant to move is by way of an exchange. Tenants have the right to exchange i.e. to "swap" directly with another tenant. Exchanges are to be encouraged as they are made with the active involvement of the tenants and are often the quickest way of helping a tenant move. Under the Joint Portsmouth and Havant Transfer Register people can be matched up to an exchange register.

**Housing Employment Mobility Scheme (HEMS):** The national HEMS enables people to move to social housing in other parts of the country on the basis of securing employment. All Councils and housing associations are expected to allocate a number of re-lets to the HEMS scheme. Due to the shortage of social housing in applications under the HEMS scheme have been restricted to elderly people who will accept sheltered accommodation. This will be subject to review and inclusion in the Annual Lettings Plan.

**2.6 Statement on Choice:** All people placed on the Havant Housing Register are given choice on the type of property and the area where they wish to live. However these choices tend to be tempered by such a shortage of supply in particular neighbourhoods that the resulting waiting times for offers are measured in years. Applicants' decisions on choice are often altered to more realistic options. For example an applicant may request a three bedroomed house on Hayling Island for which there might be a waiting time of 6 years or more but will choose to accept a similar property in an area for which the waiting time may be 3 years. Providing accurate information on the Register will help people reach reasoned decisions. All people have the following choices:

- **Areas of preference:** people may choose a locality or neighbourhood. For the purposes of the allocation policy the borough is split into 5 areas – Hayling Island, Havant and Leigh Park, Emsworth, Waterlooville and Wecock Farm. Within these areas people may express preferences for particular streets or developments.
- **Type of property:** people may choose to wait for a flat or a house based on their household size requirements.
- **Transferring tenants:** existing tenants can choose to move to Portsmouth or a different housing association. People who need to move to another authority for employment, health or other particular reasons can be considered for a nomination under the Housing Employment Mobility Scheme.

- **Offers of accommodation:** each applicant will be entitled to an offer which meets their preferences in terms of area, type of property and landlord. An offer will only be considered to be suitable if it meets these criteria. Each offer is subject to the applicant's right to a Review of the suitability of the offer under the Review procedures – see section 9. A person who refuses a number of offers which are considered to be suitable will be interviewed and notified in writing that a final offer will be made but that refusal will result in the application being placed into band three - see section 7.

The Allocations Policy is set up to enable the introduction of a Choice Based Lettings Scheme. Choice Based Lettings Schemes advertise vacant social housing for letting. Applicants who are interested in a particular property have to make a bid. The Council then decides which of the bid is accepted based on the allocation. A Choice Based Lettings scheme will be introduced in April 2007.

**2.7 Community Lettings Plans:** All lettings to new housing association developments will be made on the basis of Community Lettings Plans. The Community Lettings Plans will take into account the particular characteristics of the development, the site and the needs of the community, key workers and vulnerable members of the community as well as meeting the requirements of the allocation policy. Each development will have a Plan jointly agreed by the housing association and the Council. Nominations to the development will be decided by a Community Lettings Panel made up of representatives from the Council and the housing association developing the scheme. For an example see appendix 4.

**2.8 Housing Options Advice:** Each applicant will be offered housing advice so that they are made aware of the realistic chances of being offered social housing. Each year less than 10% of those registered will receive an offer of accommodation. The applicants not offered accommodation will require continuing advice on housing options.

**2.9 The Annual Lettings Plan (ALP):** Each year the Council will agree an annual lettings plan for the Havant Housing Register to ensure that the strategic needs of the Council are being met. Consultation will take place with Housing Register partners to agree the proportion of lettings to be made between the three bands see sections 5, 6 and 7) and how the lettings can meet the most pressing strategic priorities. For example, how to meet the Temporary Accommodation Target or to how to assist under-occupying tenants. The Annual Lettings Plan will be drawn up by the Housing Needs Manager based on the number of households in temporary accommodation, demand from applicants, demand from tenants and an estimate of the supply of lettings. The plan will be agreed by the Council and will be published on the Housing Home Page.

**Review of the Allocations Policy:** The allocations' policy is to be reviewed periodically by the Council to ensure that it meets the Council's strategic requirements. Where changes are required consultation will be arranged with customers and stakeholders and a report presented to members for the new policy to be agreed.

### **3.0 Applying for social housing**

- 3.1 Each application will be assessed in the same way to ensure equity:
- a standard form is to be used
  - each application undergoes the same assessment
  - an applicant who is eligible will be placed on the Havant Housing Register
  - each application should be renewed periodically.

3.2 Abuse of the allocation policy: where it can be established conclusively that an applicant has worsened their situation either deliberately or by irresponsible behaviour in order to take advantage of the allocation policy, a report on the case will be prepared. If the case is proven, the applicant's assessment will reflect the circumstances that prevailed prior to the change in the circumstances. People who give false or misleading information may have their application rejected and could also be prosecuted for criminal offences.

3.3 Some people are not eligible to be placed on the Havant Housing Register:

- People under 16 years of age.
- People who are subject to immigration control under the Asylum and Immigration Act 1996 and other related legislation. The eligibility will be based on the ODPM Code of Guidance for local authorities on the Allocation of Accommodation.

#### 4 Deciding on priority

4.1 All people who are eligible will have their housing needs assessed and will be placed into one of three bands: band one - high priority, band two - moderate priority and band three - low priority. People in band one are awarded "additional preference." People in band two are awarded "reasonable preference." The table below is a summary of the bands.

<b>Band One: High priority</b>	<b>Band Two: Moderate priority</b>	<b>Band Three: Low priority</b>
People who are given additional preference and require an urgent offer	People who fall within one or more reasonable preference categories	People considered to have a low housing need
Examples would include :  -people who have life threatening health problems  -people whose circumstances are so exceptional that they should be made an offer as soon as possible  -people ready to "move on" from supported housing  -urgent tenant transfers  -tenants giving up larger accommodation	Examples would include :  -people living in poor housing conditions  -people living in overcrowded conditions  -people who need to move on health, care and support or welfare grounds  -people to whom the Council owes a statutory homeless duty  -social housing tenants who need to move	Examples would include :  -people who are ineligible on the basis of anti social behaviour  -people who are not resident in the borough and have no local connection with Havant.  -people who are adequately housed and have no housing need but who may need accommodation in the future.

4.2 Applications in all bands will be determined by the date the application was registered. People waiting the longest will be offered accommodation first but with consideration being given to the health, care and support assessment.

### 4.3 Health, Care and Support

People making an application can be assessed for health, care and support needs. The assessment is based on the direct relationship between health, care and support and how these issues are affected by the applicant's current housing conditions and or how they could be alleviated by improved housing. This award will be assessed in terms of:

Urgent priority - resulting in additional preference and inclusion in band one.

High priority - inclusion in band two

Moderate priority - inclusion in band two

Low priority - inclusion in band two

People assessed as having an urgent health, care or support priority will be placed in band one for an offer as soon as possible. Those awarded high or moderate priority health, care and support awards will be given reasonable preference but will be assessed along with everyone else in band two by date order. However, the health, care and support assessment will gain significance at the offer stage. When two applicants have the same waiting time the applicant with the highest health, care and support award will be considered for an offer first.

In some cases the applicant or other members of the household will have multiple health, care and support needs. In these cases the assessment will be combined to reach a cumulative total. Health, care and support awards are subject to reassessment. The award is based on the accommodation and needs at the time of the assessment. For example if the health improves or the people move to more appropriate accommodation then the application will be reassessed.

4.5 Havant Housing Register is open to all applicants. People who are unable to establish a local connection will only qualify for band three. A local connection is established by meeting one or more of the following:

- residence in the borough for more than 6 out of the last 12 months or former residence such as 3 out of the last 5 years
- employment in the borough
- close family living in the borough such as parents, children and grand parents.
- other reason for needing to live in the borough eg for support or care, school or other special reason for residence.

4.6 There is a shortage of social housing in Havant, which means that accommodation is offered to people with the most urgent need. Offers will be made to people in band one first. Unallocated properties will then be offered to people in band two. Demand for social housing is so high that it is unlikely that offers would be made to people in band three. The balance of meeting high, moderate and low needs will be subject to annual review and agreed in the Annual Lettings Plan.

## 5 Band one: High priority

5.1 All people placed in band one are assessed on the basis of the urgency of their housing need along with their waiting time and a Health, Care and Support assessment. People in this band urgently require an offer and should be made the next suitable offer.

5.2 The additional preference categories are:

- people with urgent health, care and support priority

- people who are ready for move on accommodation from supported housing schemes
- people owed a statutory duty by the Council including for example Closing Orders and Compulsory Purchase Orders
- people with a housing need which is exceptional and urgent and who meet a number of reasonable preference categories (see band two)
- tenants of housing associations or secure tenants who require an urgent transfer
- tenants of housing associations or secure tenants who are under occupying a home and who are happy to move to smaller accommodation.

5.3 People will only be placed into band one once they have been assessed. Entry into band one will be on the following basis:

- each applicant will be assessed on the basis of meeting one or more of the additional need categories.
- each applicant will be assessed on the basis of the urgency of their housing need in the context of all other people on the Housing Register.

5.4 People who have been waiting longest will be offered accommodation first. If more than one applicant in band one has the same date of registration, when being considered for an offer, they should be selected on the basis of the urgency of the housing need, the type of property available, the best use of the housing stock and the Council's strategic housing needs.

**5.5 Urgent health, care or support priority:** people who are assessed as having a life threatening illness or condition that is likely to rapidly deteriorate without a move to more appropriate accommodation to improve the quality of life, other people who may need care or support or where their home cannot be suitably adapted.

**5.6 Council's statutory duty:** the Council has a legal duty to house an applicant where the property is subject to a statutory order, such as:

- Compulsory Purchase- they have no choice but to sell their home to the Council
- Closing Order – the home is considered unfit for habitation
- section 27 Children act 1990
- other statutory duty
- co-operation with other statutory agency such as the Home Office (Witness Protection Scheme) or Probation service.

**5.7 People with exceptional needs:** some people have circumstances which are considered to be exceptional, urgent and which meet one or more reasonable preference categories in band two. If the assessment is that there is a greater degree of urgency about a particular application than other people in band two then additional preference can be awarded. These would include for example some families referred under Section 27 of the Children Act, people who are owed a duty under the homeless legislation and whose temporary accommodation has come to an end, people who are victims of domestic or racial violence, people who meet several of the reasonable preference categories and who have health problems.

**5.8 Urgent tenant transfers:** people who are tenants of housing associations or secure tenants may need to move urgently or sometimes the move will maximise the use of the housing stock. Examples include:

- Neighbour disputes, domestic violence or abuse or other violence or antisocial behaviour, which are considered to be life threatening and where only a transfer would alleviate the problem.
- Decants: it is sometimes necessary to move a tenant in order to carry out major repairs.
- Succession and assignment – in some circumstances people can “inherit” a tenancy but may be required to move to a smaller property.
- Two for one moves: when two tenants, each with their own home, want to move in together they can end their separate tenancies and be offered a single tenancy.
- Social housing tenants wishing to give up larger accommodation and move to a smaller home or who release a property which is urgently needed eg a property which has been adapted.

Urgent tenant transfers will be put forward by the landlord before being assessed by the Council for inclusion in band one.

### **5.9 Move on accommodation:**

Supported housing schemes help meet the needs of people who are considered to be vulnerable by providing accommodation with specialist support services. Some people only require this type of accommodation for a limited period and can be assessed as being ready to "move on" to independent accommodation. Supported housing is a valuable resource for which there is very high demand. By helping people move on to independent flats, vacancies in supported accommodation are made available for people in need.

The Supported Housing Panel (see appendix 3) assesses applications for move on accommodation and agrees each nomination. Most nominations are for one bedroomed flats but in some cases two bedroomed accommodation will be required. The number of nominations will be reviewed each year as part of the Annual Lettings Plan. The table below lists the nominations.

<b>Service</b>	<b>type of scheme</b>	<b>Source of the referral</b>	<b>Nominations per year</b>
Mental Health	Supported flats	Social Services, Havant HA, Carr Gomm HA, Advance HA	12
Substance Abuse Rehabilitation	Supported flats	Havant Housing Association	1
Hostel Move on	Shared house	Two Saints HA	1
Young People and Young Mums	Shared house, Supported Bedsits and flats	Sixteen Plus Panel	8
Learning Difficulties	Supported flats and shared houses	Social Services, Havant HA, Ability HA, Portsmouth HA.	2

## **6 Band Two: Moderate priority**

6.1 Priority in band two will be awarded on the basis of a housing needs assessment which takes into account reasonable preference categories, waiting time and Health, Care and Support assessments. People with the earliest date of registration will be offered accommodation first. The reasonable preference categories are:

- people who are owed a homelessness duty by the Council
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing.
- people who need to move on health, care or support grounds.
- people who need to move to a particular locality where failure to meet that need would cause hardship to them or others.

## **6.2 People with multiple needs**

Some people may meet a number of reasonable preference categories. For example the applicant may have both an urgent health award and be homeless. In these cases an assessment will be made as to eligibility for additional preference and entry into band one.

## **6.3 Homeless households**

People who are owed a homelessness duty by the Council will be placed within band two and assessed on the same basis as other applicants. This reasonable preference category will be subject to a Council notification confirming the homelessness decision.

Within band two a target for lettings to homeless applicants will be set each year as part of the Annual Lettings Plan. This policy is designed to meet the Council's statutory duty to homeless households and to allow for the good management of the stock of temporary accommodation. This target will be set on the following basis:

- The total number of homeless households accommodated in temporary accommodation
- The number of families who have been living in temporary accommodation for more than two years
- The Council's performance in relation to Audit Commission and government performance indicators.

The overall intention is that there should be a balance between offers to people on the Housing Register and homeless households. The Annual Lettings Plan would normally agree a 50 / 50 split however during periods of high demand from households in temporary accommodation and the need to meet government targets the proportions will be revised. In April 2006 the split will be 40 other applicants to 60 homeless households in temporary accommodation.

**6.4 People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing:** all people living in poor housing conditions will have a housing need and this category would include people living in accommodation identified by Environmental Health as being below a statutory standard and people who are living in unsuitable accommodation with their parents or relatives.

**6.5 People who have Health, Care and Support needs:** people are entitled to a health, care and support award will receive reasonable preference.

**6.6 People who need to move to a particular locality where failure to meet that need would cause hardship to them or others:** this ground for hardship will be assessed on an individual basis.

**6.7 Owner occupiers:** owner occupiers are generally adequately housed and usually do not require social housing. Owner occupiers who have no current housing need but are simply registering an interest for housing in the future will be placed in band three. The exceptions to this are:

- Where the condition of the property is so poor as to make it seriously inadequate for a person's needs. This could be caused by disrepair, or because the accommodation is physically unsuitable or is unsuitable for conversion for a person with disabilities or mobility needs.
- Where the income is insufficient to meet the housing costs and there is a likelihood of repossession by the lender.
- Where the person is seeking sheltered accommodation.
- Where a person has a high degree of housing need, for example where a small home is occupied but overcrowded because of the growth in the household and the person is unable to afford to purchase a suitably sized property.

### **6.8 People with no fixed abode**

All people who are of no fixed abode can be placed on the Havant Housing Register and assessed in the same way as with all other applicants. People who are of no fixed abode should be referred to housing advice and help in finding somewhere to live. People in these circumstances should:

- supply a contact or c/o address.
- keep in contact at least once a month to ensure that the application remains current. If the person is close to being made an offer they may need to make contact on a weekly basis so that the offer letter can be collected in person.
- people who do not keep in contact should be held until their annual review. Each case must be carefully assessed before removing the application from the Havant Housing Register.

### **6.9 Accommodation for older people**

People who need accommodation for the elderly (sheltered housing) should be assessed in exactly the same way as all other people. Since there is a relatively good supply of sheltered accommodation in Havant, offers can usually be made relatively quickly. Landlords managing the accommodation will assess each applicant for their specific needs in terms of the support required and the type of accommodation which would be most suitable. It is not expected that people should be required to make homelessness applications but housing advice and support may be needed in some cases.

## **7 Band three: Low priority**

7.1 People who do not have a current housing need or who are ineligible for band two are placed into band three and are only awarded a low priority. Due to high demand for social housing people in band three are not likely receive an offer. The Annual Lettings Plan will decide whether to set a target for offers to be made to band three. People in band three are simply registered and are required to renew their applications each year. Should people placed in band three circumstances change, they will be reassessed and consideration given to a move to band two.

People placed in band three include:

- owner occupiers who are adequately housed
- people who may require sheltered accommodation in the future
- people who have financial resources which could be used to meet their housing need
- people who are adequately housed and have no housing need
- people who have no local connection
- people who are ineligible due to anti social behaviour.

## **7.2 Unacceptable behaviour**

People who cannot behave as responsible tenants will not be considered for social housing. This means that people who have been found to have committed unacceptable behaviour serious enough to make them be unsuitable as a tenant are not awarded any priority for housing and are placed in band three. The test applied to people who fall into this category is complicated and is outlined in full in appendix 2. The test has four stages:

1. Was the behaviour unacceptable? This is based on circumstances where the equivalent of a possession order would have been granted by a court against the applicant if they were a secure tenant. This could include e.g. conduct likely to cause a nuisance or use of the property for illegal purposes.
2. Would it have been reasonable for a court to grant a possession order?
3. Was the behaviour serious enough to make the applicant unsuitable as a tenant?
4. When was the behaviour unacceptable and has the behaviour improved?

Each case will have to be assessed with consideration given to the applicant's health, their dependants and other relevant issues such as the degree of care and support that they receive or may require. Where it is agreed that the person has met each of four tests the application will be placed in band three for 2 years. People will be notified in writing of this decision and have a right to have the decision reviewed. Those people failing the test will have their application reassessed annually or on any major change in circumstances. The reassessment will have to consider whether the behaviour has improved and whether the applicant would be suitable as a tenant. If after two years the reassessment is positive the application is then moved into band two.

## **7.3 Financial resources**

People with sufficient financial resources usually do not require social housing and would be expected to make their own arrangements to secure accommodation. People in these circumstances should seek housing advice. In some circumstances shared ownership or intermediate market rent schemes may help meet their needs.

A test of financial resources may be taken prior to an offer being made. The test will take into account savings, income and any other property or financial assets that would enable the applicant to obtain a mortgage to purchase a suitable property or to secure a long term tenancy in the private rented sector.

## **8 The allocation of accommodation**

8.1 The people with the earliest date of registration will be considered for an offer in an area of their choice. People can choose the area or neighbourhood where they want to live, the type of property, and the landlord. People should be made aware that if they are specific as to where they wish to live that they understand how long they may have to wait until a property is available.

8.2 The size of accommodation offered is normally determined by the size of the household. People will usually only be offered a home larger than their needs if there is a specified need identified by an occupational therapist or other professional or if a Community Lettings Plan agrees under-occupation as part of its policy.

<b>Situation</b>	<b>Size</b>
Single person	1 bedroom or bedsit
Couple	1 bedroom
Couple or single parent and one child or pregnancy	2 bedrooms
Couple or single parent and two children under the age of 10	2 bedrooms
Couple or single parent and two children over the age of 10	3 bedrooms
Couple or single parent and three or more children	3 or 4 bedrooms

### **8.3 Landlord letting policies**

Most landlords participating in the Havant Housing Register have additional criteria governing the letting of their properties. These policies include lettings to properties which are designated for people with specific needs, such as purpose built or adapted properties designed for people with disabilities, or sheltered accommodation for elderly. Some landlords also place restrictions on lettings which prohibit pets. Most landlords will not make offers to people who owe rent to any social landlord. In each case consideration has to be given to the individual circumstances, the reasons for the debt, the size and age of the debt and efforts made to resolve and repay the debt. People must be informed in writing if they are not to be made an offer. Efforts should be made to resolve the situation. All decisions by landlords to refuse nominations can be challenged through the organisation's own appeals process and can be subject to a Havant Housing Register Review.

8.4 All allocations must be made with the applicant's needs in the foremost. The allocation policy seeks to match applicant's requirements with the available properties. Consideration must be given to applicant's preferences, proximity to schools, health, support and care needs. All people should be visited prior to an offer being made to ensure that the details supplied with the application are verified and that the specific needs and choices of the applicant can be met. Where support needs are identified a referral to an appropriate support agency should be made and the support needs should be passed onto any future landlord.

8.5 People should be given sufficient time to decide whether or not to accept an offer. This is particularly the case where they have support needs. People who have had the opportunity to make an informed choice and positive decision to accept an offer are more likely to be committed to making a success of the tenancy.

8.6 When an offer is refused the application will continue to attract the same degree of priority. Applications are not deferred. People dealing with the case should try to identify the reasons for the refusal so that a further offer is not refused.

8.7 If a number of the offers are refused and they are considered to have been suitable then the application will be subject to a review. If the application is considered to be speculative a reassessment of the reasonable preference categories should be made and consideration given to moving the applicant into band three.

## **9 Reviews**

9.1 People have a right to a Review of all decisions made about their application to the Havant Housing Register. This includes people who wish to challenge decisions about eligibility for the Housing Register, eligibility for bands and the suitability of offers of accommodation. All decisions regarding the Havant Housing Register must be confirmed in writing and must include the applicant's right to a Review.

**9.2 First Review:** Requests for a Review should be made in writing within 21 days of receiving a decision and should explain why the decision is disputed. Receipt of the Review will be acknowledged in writing. The Review will be conducted by a manager and not the officer with day to day responsibility for the case. The Review will consider if there are any grounds for changing the decision. After an investigation a reply in writing will be sent to the applicant. The Review should be completed within 56 days. If the First Review is turned down the applicant may request a Second Review.

**9.3 Second Review:** The application for a Second Review should be made in writing within 21 days of the First Review decision. Receipt of the application for a Second Review will be acknowledged in writing. A senior manager will conduct the Second Review. This person must not have already taken part in the original decision or the First Review so that an impartial and independent approach can be taken. The Second Review will consider if there are grounds for changing the decision.

The approach taken should involve interviewing officers and checking the applicant's records. It may also include requesting additional information from the applicant and other agencies. Where necessary the applicant may be interviewed and advice requested from a professional expert, Housing Needs Manager from a neighbouring authority or representatives from the Probation Service, Social Services, the Health Service or any agency considered to be of help in reaching a decision.

After full consideration of all the facts a reply in writing will be sent to the applicant. The Review should be completed within 56 days.

Dominic Thompson    Housing Needs Manager    15/12/06  
 /cg/cs/hnt/dominic/hhr/5068g

## Appendix 1    Havant Housing Register Partners

Ability Housing Association	Raglan Housing Association
English Churches Housing Association	Advance Care and Support
Havant Housing Association	Southern Housing Group
Drum Housing Association	North British HA
Hermitage Housing Association	Sovereign Housing Association
Housing 21	Swaythling Housing Society
James Butcher Housing Association	Warden Housing Association
Downland Housing Association	Winchester Housing Group
Portsmouth City Council	Eastleigh Housing Association
Portsmouth Housing Association	Carr-Gomm HA

## Appendix 2    Havant Housing Register policy on unacceptable behaviour

Extract from the Code of Guidance on the Allocation of Accommodation

4.20 Where a housing authority is satisfied that an applicant (or a member of the applicant's household) is guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant, section 160A(7) permits the authority to decide to treat the applicant as ineligible for an allocation.

4.21 Section 160A(8) provides that the only behaviour which can be regarded as unacceptable for these purposes is behaviour by the applicant or by a member of his household that would, if the applicant had been a secure tenant of the housing authority at the time, have entitled the housing authority to a possession order under s.84 of the Housing Act 1985 in relation to any of the grounds in Part I of Schedule 2, other than Ground 8. These are fault grounds and include behaviour such as conduct likely to cause nuisance or annoyance, and use of the property for immoral or illegal purposes. Housing authorities should note that it is not necessary for the applicant to have actually been a tenant of the housing authority when the unacceptable behaviour occurred. The test is whether the behaviour would have entitled the housing authority to a possession order if, whether actually or notionally, the applicant had been a secure tenant.

4.22 Where a housing authority has reason to believe that s.160A (7) may apply; there are a number of steps that will need to be followed:

i) They will need to satisfy themselves that there has been unacceptable behaviour which falls within the definition in s160A (8). In considering whether a possession order would be granted in the circumstances of a particular case, the housing authority would have to consider whether, having established the grounds, the court would decide that it was reasonable to grant a possession order. It has been established in case law that, when the court is deliberating, "reasonable" means having regard to the interests of the parties and also having regard to the interests of the public. So, in deciding whether it would be entitled to an order the housing authority would need to consider these interests, and this will include all the circumstances of the applicant and his or her household. In practice, courts are unlikely to grant possession orders in cases that have not been properly considered and are not supported by thorough and convincing evidence. It is acknowledged that in cases involving noise problems, domestic violence, racial harassment, intimidation and drug dealing, courts are likely to grant a possession order. Rent arrears would probably lead to a possession order, although in many cases it will be suspended giving the tenant the opportunity to pay the arrears. In taking a view on whether it would be entitled to a possession order, the housing authority will need to consider fully all the factors that a court would take into account in determining whether it was reasonable for an order to be granted. In the Secretary of State's view, a decision reached on the basis of established case law would be reasonable.

ii) Having concluded that there would be entitlement to an order, the housing authority will need to satisfy itself that the behaviour is serious enough to make the person unsuitable to be a tenant of the housing authority. For example, the housing authority would need to be satisfied that, if a possession order were granted, it would not be suspended by the court. Behaviour such as the accrual of rent arrears which have resulted from factors outside the applicant's control - for example, delays in housing benefit payments; or liability for a partner's debts, where the applicant was not in control of the household's finances or was unaware that arrears were accruing - should not be considered serious enough to make the person unsuitable to be a tenant.

iii) The housing authority will need to satisfy itself that the applicant is unsuitable to be a tenant by reason of the behaviour in question - in the circumstances at the time the application is considered. Previous unacceptable behaviour may not justify a decision to consider the applicant as unsuitable to be a tenant where that behaviour can be shown to have improved.

4.23 The housing authority must be satisfied on all three aspects set out in para.4.22. Only then can the housing authority consider exercising its discretion to decide that the applicant is to be treated as ineligible for an allocation. In reaching a decision on whether or not to treat an applicant as ineligible, the housing authority will have to act reasonably, and will need to consider all the relevant matters before it. This will include all the circumstances relevant to the particular applicant, whether health, dependants, or other factors. In practice, the matters before the housing authority will normally mean the information provided with the application.

4.24 If an applicant, who has, in the past, been deemed by the housing authority to be ineligible, considers his unacceptable behaviour should no longer be held against him as a result of changed circumstances, he can make a fresh application. Unless there has been a considerable lapse of time it will be for the applicant to show that his circumstances or behaviour have changed.

4.25 Where a housing authority has reason to believe that an applicant's unacceptable behaviour is due to a physical, mental or learning disability, they must not treat that person as ineligible for an allocation without first considering whether he would be able to maintain a tenancy with appropriate care and support. In considering the applicant's case, the housing authority will need to consult with relevant agencies, including social services, health professionals, and providers of suitable housing, care and housing related support services.

4.26 Housing authorities should note, however, that they are not required to treat an applicant as ineligible where they are satisfied that he is guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant; instead they may decide to proceed with the allocation but give the applicant no preference for an allocation. This option is considered further at Chapter 5, paras. 5.19 to 5.22.

### **Appendix 3 Havant Generic Supported Housing Panel**

#### **Terms of reference**

The purpose of the Havant Generic Supported Housing Panel is to discuss and agree:

- people who may be needing Supported Housing in the future
- people who wish to access Supported Housing
- emergency referrals from people in hospital who need to access Supported Housing quickly
- people living in supported housing who wish to move on independent accommodation.

The Panel will deal with all applications with the exception of:

- people over the age of 60 who require sheltered accommodation who are assessed by Hermitage Care
- people aged 16 - 25 who are assessed by the 16 + Panel.

Each panel will be made up of representatives from the Council - the Housing Needs Manager, Social Services and Health - the relevant service team leader and Housing Providers.

The Supported Housing Panel will be held on the first Tuesday of each month at 14.00 at Havant Civic Offices starting from 6 April 2004. In some situations emergency panels will have to be called at short notice so that vacancies can be filled quickly or issues dealt with quickly.

Each year the Panel may make nominations to the Havant Housing Register for a set number of nominations for mental health, substance abuse and learning difficulties. The number of properties offered under this arrangement will be subject to annual review and agreed as part of the Annual Letting Plan.

#### **Appendix 4 Example of Community Letting Plan: Golden Court, Waterlooville Community Letting Plan**

" Authorities may also wish to use local lettings policies to give priority for housing in defined areas to households who could help create more sustainable communities. These might include key workers, for example, even if this meant some degree of under-occupation." Housing Green Paper

#### **Scheme Outline**

The Golden Court Scheme consists of a new development by Portsmouth Housing Association in a prime site in Waterlooville town centre. The site used to be a builder's yard and is adjacent to the ASDA supermarket, the Police station and a number of other commercial premises.

The development is of a mix of 4 x three bedroomed houses, 1 x two bedroomed flat, 2 x bed flat, 8 x one bedroomed flats and a supported housing scheme consisting of 4 self contained flats and some communal facilities. The supported housing scheme will be for people with learning difficulties and these units will not be let through the Housing Register.

Being located in the Town Centre the site is close to all facilities and services. In terms of its location and the quality of the dwellings the properties are considered to be very desirable.

There are also a number of issues which need to be built into the lettings plan to try to minimise future problems.

- the development is adjacent to a number of commercial premises who would not tolerate a nuisance caused by the development
- although there will be allocated car parking spaces for each household any additional parking is very limited
- the gardens (yards) are small, there are no additional play facilities nearby and the scheme is fairly dense in that the properties are all close together.
- the scheme is close to a very busy road.

#### **Community Letting Plan**

It is not proposed that the Green paper "choice" type allocations scheme be used. However a break from the rigid date order based approach of the allocations policy is proposed to try to create a flexible and successful community. The following principals are to be included:

**Population mix:** the main aim should be to achieve a mix of household types including childless couples, families with children and a cross section of ages. A proportion of households may have support needs.

**Household profiles:** for the houses, households should include children in a range of ages rather than one particular age group i.e. older teenage children and adults living at home with parents as well as families with babies and young children. A maximum number of children for each age group should be considered. Under occupation may be necessary to reduce the child density and allow for future natural increase in family size. If possible that flats could be occupied by adult sharers rather than households with children or they could be under occupied.

**Established Households:** lettings to established households should be encouraged rather than households setting up for the first time. Households transferring from other landlords will have to meet the population and family profiles. A target of 50% of lettings to existing tenants should be agreed.

**Economic mix:** a proportion of households should be economically active. In particular the scheme should house key workers or people who are working in the town centre or in the nearby community.

**Community:** a proportion of households who already live in the locality or who have existing family living locally should be considered so that already established community links can be imported into the scheme. Households who require (family) support locally or who are providing (family) support should be considered.

### **The letting process**

A joint Community Letting Panel will oversee this project. It will be made up of:

David Hall - Hermitage Housing - responsible for the Havant Housing Register in Waterlooville and the Joint Havant and Portsmouth Transfer Register

John Waterfield - Portsmouth Housing Association - Housing Team Leader responsible for the scheme

Dominic Thompson - Havant Borough Council - Housing Needs Manager, Chair of the Panel

A pool of people for the scheme will be drawn together from the following sources:

- Portsmouth Housing Association tenants: people put forward by PHA.
- Tenants of Portsmouth City Council and other housing associations: people put forward by Hermitage through the Havant and Portsmouth Transfer Register.
- People from the Havant Housing Register: people who have been waiting longest and who have chosen Waterlooville as a preference.
- Nominees put forward by Havant Council: these include people who have been accepted as homeless and who have been living in temporary accommodation, people put forward by Havant Social Services and people requiring move on accommodation from Supported Housing Schemes.

All the people in the pool will be matched to the Lettings Plan using an agreed form. Decisions on nominations will be reached and agreed by the Community Lettings Panel. The panel will oversee the whole lettings process to ensure that all the nominations meet the Community Lettings Plan.

In terms of Havant Housing Register nominees, the requirement to match the Letting Plan is more important than the applicant who has been waiting the longest. Similarly, in terms of the size of the households put forward some under occupation will be allowable.

Once the nominees have been selected they will be visited by PHA to verify that they meet the lettings plan and that there are no unidentified support needs. After the visit the nomination to the scheme will be confirmed.

100% of vacancies created by transfers will be allocated to Havant BC nominees.

After 12 months' a Review will be carried out to assess the success of the lettings plan.

The Community Lettings Plan will be agreed by Havant Borough Council, Hermitage Housing and Portsmouth Housing Association.