

Housing Allocation Policy

May 2025

Contents

Housing Allocation Policy	4
1. Introduction.....	4
2. Application of the Allocation Policy	5
3. Housing Register	6
3.1. Introduction	6
3.2. Who can register?	6
3.3. Eligibility - Ineligible applicants	7
3.4. Qualification – “qualifying persons”.	7
3.5. Exclusion from Qualification	8
3.6. Exceptions from being excluded from qualifying	9
4. Applying to join the Housing Register.....	10
4.1. The Application process	10
4.2. Access to information.....	12
4.3. Cancellation of housing applications	12
5. Assessment of priorities and need.....	13
5.1. Applying priority need	13
5.2. Assessment of needs.....	13
5.3 Local connection	15
5.4 Banding.....	16
5.5 Assessment of property size	17
5.6 Under Occupancy.....	18
6. The lettings process	19
6.1. Bury Choice Base Lettings	19
6.2. Process for property allocation.....	19
6.3. Suitable offer	19
6.4. Withdrawing an offer of accommodation	20
6.5. Restrictions on bidding for properties	20
6.6. Local Lettings Policies	21
7. Direct Lets	22
7.1. Circumstances appropriate to direct lets	22
7.2. Sensitive Lets	23
7.3. Older applicants	24
7.4. Succession and discretionary offers	24
8. Other provisions	26

8.1. Equal Opportunities.....	26
8.2. Information about the Allocation Policy	26
8.3. Review of Policy	26
Appendix 1 Flowchart	27
Appendix 2: Medical and Welfare Grounds for Reasonable Preference.....	28
Appendix 3 Priority Banding.....	29
Appendix 4 Appeals and Review process	34

Housing Allocation Policy

1. Introduction

1.1. The Council is required under Section 167 of the Housing Act 1996 to have an allocation policy for determining the priorities and procedure to be followed in allocating housing accommodation. It is also good practice to publish details of the process, eligibility criteria and the key factors that will be considered when determining applications. Transparency in the process is important, so that everybody is aware of what to expect. A simple flow chart to help explain the process is attached at Appendix 1.

1.2. An allocation is when a housing authority allocates accommodation by:

- selecting a person to be a secure or introductory tenant of accommodation held by that authority;
- nominating a person to be a secure or introductory tenant of accommodation held by another housing authority;
- nominating a person to be an assured tenant of accommodation held by a Private Registered Provider.

1.3. This document meets those requirements and sets out the Allocation Policy of Bury Council. It aims to provide a consistent approach to dealing with the housing needs and aspirations of the local population. However, the Council also understands that a small number of people have complex needs. Accordingly, the policy allows some management discretion to achieve positive outcomes for those individuals, who do not easily fit within the mainstream.

1.4. In preparing the Housing Allocation Policy the Council has had regard to its current Homelessness Strategy and Strategic Tenancy Policy in accordance with s 166A (12) of the Housing Act 1996 as amended by s 147 of the Localism Act 2011.

1.5. The general aim of this policy is to assist as many people as possible into settled accommodation, by offering applicants real choice of quality housing, whilst continuing to give reasonable preference to those in the most urgent housing need. In keeping with this aim, the policy's key objectives are to:

- Meet housing need and support the most vulnerable;
- Create sustainable communities;
- Balance housing needs as far as possible with customer aspirations;
- Make best use of the Council's social housing stock;
- Make best use of the Council's nominations rights to housing association/private registered provider properties;
- Ensure a quality lettings service that embraces equality and diversity.

1.6 All housing applications must be made in accordance with the procedural requirements of the Allocations Policy. In considering applications, the Council must establish:

- If the applicant is eligible for accommodation (see Section 3.3); and
- If the applicant qualifies for accommodation (see Section 3.4).

Eligibility and qualification will be assessed at the time of the initial application and rechecked as and when consideration is given to allocating a property to the applicant(s).

1.7. Demand for social housing continues to outstrip the number of properties available and it is up to the Council to ensure that there remains fair and equitable access to what has become a scarce resource. The law requires the Council to give 'reasonable preference' to certain groups of people and this is reflected in this policy. Unfortunately, because social rented housing is in limited supply, some individuals with limited or no housing need may face a long wait. In recognition of this, the Council actively encourages alternative housing options which are both affordable and offer local people the widest choice of quality housing.

1.11. The Council is committed to ensuring openness and fairness in its procedure for allocating housing accommodation. This policy contains a right for applicants who are dissatisfied to request an internal review of decisions that go against them. Such reviews give an opportunity for applicants to challenge the Council if they can show that the initial decision was wrong or that the policy was misapplied.

2. Application of the Allocation Policy

2.1. The Policy applies to all available homes for let which are owned by the Council and housing associations that are subject to Council nomination rights. The allocation of housing will be in accordance with the provisions of this Policy. These provisions apply to all applicants on the Housing Register at the time this Policy is approved, as well as to all new applicants.

2.2. Most properties will be allocated in accordance with the Choice Based Lettings Scheme (Section 6). However the Council recognises that there may be some exceptional situations not suitable for Choice Based Lettings. In such instances the Council's Director of Housing is authorised to let a property directly based on the merits of the case (see Section 7 - Direct Lettings).

2.3. The Allocation Policy will not apply to tenants covered by Section 160 of the Housing Act 1996. The most common circumstances are:

- (a) Where a tenant succeeds a secure tenancy on the death of a tenant;
- (b) Where a tenancy is assigned to a person who would qualify to succeed a secure tenant;
- (c) Where a tenancy is assigned by mutual exchange to an existing secure tenant;

(d) Where an introductory tenant becomes a secure tenant.

3. Housing Register

3.1. Introduction

The Council is not legally required to maintain a Housing Register, but has chosen to do so to assist in assessing housing need in the Borough. This contains details of all applicants for social housing and is often known as the 'housing waiting list'. It is a single reference point for both new customers who need social housing and those who are existing tenants seeking to transfer.

Responsibility for maintaining and updating the Housing Register lies with the Housing Options Service.

The full Register is not open to the public due to data protection restrictions. Applicants can however check their own details, to ensure the accuracy of information held.

Entitlement to join the Housing Register will be assessed at the date of application and at any subsequent periodic review of an application, or at the time of any offer. An applicant may become "Ineligible" or cease to be a "qualifying person" if any of the criteria below applies to them while they are on the Register.

3.2. Who can register?

Anyone aged 16 or over except those described as 'Ineligible' in Section 3.3 below or who do not meet the qualifying criteria in Section 3.4.

The Law of Property Act, 1925 prevents people under 18 from being legal tenants in their own right. It will therefore be a requirement for a third party (which maybe the local authority, a voluntary organisation or an individual over 18) to be a trustee of the tenancy until the young person attains majority. As regards payment for the rent, unless the young person can satisfy the Council, for example by proof of earnings, that she or he can pay it, an adult guarantor will be required. The guarantee covers rent and any other expenses for which a tenant would be responsible. It must be in writing, and must be in place until the young person reaches the age of 18.

Where a young person is deemed to be vulnerable and is in need of support to sustain their tenancy, a written support agreement must be in place until the young person reaches the age of 18. This will include a commitment on the part of an identified supporting agency to make regular visits and also detail how they will provide support to the young person to sustain their tenancy and develop independent living skills.

The Council will accept joint applications - although tenancies will only be granted to persons who are eligible and qualify for social housing. Cohabiting couples will be

treated in the same way as married applicants and civil partnerships; except that evidence of an abiding relationship will be required before a joint tenancy is awarded.

British Forces Posted Overseas (these will be treated as if resident in the UK).

3.3. Eligibility - Ineligible applicants

Under Housing Law, the Council **must not** allocate housing to anyone (or jointly with someone) that is not eligible to join the Housing Register. Those ineligible are outlined in Section 160ZA of the Housing Act 1996 as persons:

- who are subject to immigration control, or who do not satisfy resident requirements as detailed in the Code of Guidance on allocations
- prescribed by the Secretary of State as being ineligible.

Where two or more people apply and one of them is eligible, the Council may grant a tenancy to the person that is eligible providing the qualification criteria is met (paragraph 3.4). In addition, while ineligible family members cannot be granted a tenancy, they may be taken into account when determining the size of property, for which they can bid (see Section 5.5).

3.4. Qualification – “qualifying persons”.

The law allows that the Council may further restrict the allocation of accommodation to 'qualifying persons'.

The law requires that the Council must treat the following classes of applicants as “qualifying persons”:

- I. Certain members of the Armed and Reserve Forces (as per relevant regulations), and
- II. Certain social housing tenants who need to move into the district for work related reasons (as per relevant regulations).

Subject to the above and to the “exclusion from qualification” below this Allocation Policy, defines a 'qualifying person' as a person the Council must give “**reasonable preference**” to, because of their housing need, pursuant to s.166A(3) of the Housing Act 1996. These are people:

- who are homeless (within the meaning of Housing Act 1996 Part 7),
- who are owed a duty by any local housing authority under Section 190(2), 193(2) or 195(2) Housing Act 1996 (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) Housing Act 1996.
- who are occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- who need to move on medical or welfare grounds (including any grounds relating to disability)

- who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others)

3.5. Exclusion from Qualification

Individual applicants who satisfy the “reasonable preference” criteria may nevertheless be disqualified due to their previous behaviour. The Council will exclude from qualification individuals with a history of failing to meet reasonable standards expected of tenants.

The Council's policy objectives are:

- to ensure that bad behaviour is not rewarded, by the allocation of a valuable and scarce resource
- to prevent those who have a prior history of not properly maintaining a tenancy from accessing social housing
- to ensure that no-one is set up to fail. Anyone who needs support to manage a tenancy must have that in place before they are granted a tenancy
- not to penalize those who have a good previous track record as a tenant.

With those principles in mind, the following persons will be deemed excluded from qualification (including registration on the housing waiting list):

- Those with a history of rent arrears (with the Council or any other landlord) of, or exceeding, two calendar months
- Those with a history of unacceptable behaviour, (by the applicant or a member of the household) which would, if the applicant were a secure tenant of the Council, entitle the Council to an order for possession.
- Those who have been evicted from previous accommodation because of their behaviour, or that of members of their household or who have had any form of injunction relating to anti-social behaviour imposed on them
- People who have previously failed to maintain accommodation offered to them, or who have caused deliberate damage to any such property
- Persons incapable of managing a tenancy. This may include:
 - Children aged below 16
 - Applicants aged between 16 and 18 who are considered vulnerable, unless they are engaging in a suitable care and support package
 - People who require extensive social or medical care/package in order to manage a tenancy, unless a suitable care and support package is in place
- House owners - unless they can demonstrate health or support needs that would be best met by social housing through, for example, retirement living or extra care.

In deciding whether an applicant with extensive social or medical/care needs can manage a tenancy, the Housing Options Service will be advised by medical professionals and other relevant agencies as appropriate. Where such applicants need support to sustain their tenancy and/or live independently, the Housing Options Service must be assured that a suitable care package is in place before the applicant can be considered for registration on the housing waiting list.

Where an older applicant applies for retirement living options, there will be a presumption against accepting applications from individuals already living in a sheltered housing scheme or property designated for older people unless it can be shown that the existing accommodation is no longer suitable for their needs.

It will at the discretion of the Director of Housing as to whether to accept such applications.

During the period of exclusion from qualification, the applicant will be disqualified from joining the housing register (or disqualified from being able to bid or be allocated a home if they are already registered) until such time as any relevant debt is cleared and/or they can demonstrate that the behaviour that has rendered them excluded from qualification has improved sufficiently for the Council to be confident that they can now meet the reasonable standards expected of a tenant.

Note that being disqualified from being allocated a home under this Policy does not stop an applicant receiving housing advice or support to find alternative accommodation.

Where an applicant is, or becomes ineligible, or deemed not to be a qualifying person, they will be notified in writing of the decision, the grounds for it and their right to a review. All decisions will be subject to the provisions outlined in Appendix 4 - Appeals, Reviews and Complaints.

If a person is found to be ineligible to join the Register, they may make a new application if and when the grounds for ineligibility no longer apply.

Individuals who do not qualify for social housing can still be offered advice by the Housing Options service to access an alternative housing solution. This could include private rented accommodation, supported housing, low cost home ownership, or help to remain in their current home.

3.6. Exceptions from being excluded from qualifying

i. Care Leavers

The “Exclusion from Qualification” shall not apply to Care Leavers.¹ All Care Leavers shall qualify for entry onto the Housing Register and for an allocation under this Policy.

In the event a Care Leaver applicant has a history of behaviour that would have rendered a non-Care Leaver disqualified then any offer of accommodation and

¹ As referenced in the joint letter To Local Authority Chief Executives in England from Department of Levelling Up Housing and Communities and the Department of Education in May 2024 this applies to Care Leavers under the age of 25
https://assets.publishing.service.gov.uk/media/663389a34d8bb7378fb6c149/Letter_to_LAs_on_intentional_homelessness_for_care_leavers.pdf

tenancy agreement may be subject to special conditions aimed to address that behaviour and support the applicant to maintain and enjoy their tenancy.

Improving the lives of children in our care is one of the Council's top priorities. This means making available safe and suitable accommodation and reducing/ending homelessness of care experienced young people. To achieve this the Council has:

- bolstered its Joint Housing Protocol to strengthen ways of working between Housing and Children's Services
- recognised and acknowledges that a well-functioning Housing Service and Children's Service will ensure that the instances of Care Leavers being deemed "intentional homeless" should be very rare and exceptional. (The effect of this meaning that the need to invoke the "Exception from being excluded from qualifying" of this Policy should be equally rare and exceptional).
- strengthened its governance around housing support for Care Leavers through the Council's Corporate Parenting Board which is attended by the Cabinet Member for Housing and the Director of Housing.

ii. Exceptional circumstances

The "Exclusion from Qualification" may not apply if the Council's Director of Housing determines that:

- there is an urgent need to move because of a critical medical or welfare need, including emergencies and situations where there are serious safeguarding implications
- an emergency transfer has been approved because of harassment, domestic violence or hate crime. Under these circumstances any application will be dealt with under the Direct Let provision (see Section 7)
- the applicant needs to move out of their home (temporarily or permanently) in order to allow repairs, or redevelopment to take place
- an applicant affected by welfare reform is under-occupying a family home that has three or more bedrooms and they are willing to transfer to a home with fewer bedrooms
- the applicant is occupying an adapted home and is required to transfer to a home that is more appropriate to their needs.

Such "exceptional circumstances" cases will be assessed on their merits to avoid inconsistency with the wider aims of the Allocation Policy.

4. Applying to join the Housing Register

4.1. The Application process

All applications will be internet based using the online application form provided by the Council. The applicant will need to provide clear answers to questions raised by the Council, to enable a proper assessment of their circumstances.

It is recognised that certain applicants will have difficulties using the 'digital by default' option. Applicants and potential applicants that cannot use technology will be offered support, appropriate to their needs to avoid exclusion. Free and confidential advice on applying for housing will remain available on request from the Housing Options Service.

Applications should contain details of all members of the household to be rehoused.

A household is defined as any person who normally lives with the applicant(s) or might reasonably be expected to reside with them. Such cases may include children who are being fostered or live-in carers.

Two forms of documentary evidence will also be required from the applicant (or all named individuals in the case of joint applications) to confirm:

- (a) Their identity
- (b) Their current residence.

All applicants must provide a current correspondence address at the time of application. In the case of individuals who have no fixed abode, they may visit the office to collect any correspondence. Failure to attend on two consecutive weeks, without prior notice may result in removal from the Register.

Acceptable evidence for (a) and (b) above includes passports (or a driving licence with photograph), birth certificates, a current tenancy agreement, utility bills, or official correspondence (Council tax bill, proof of welfare benefits), which is dated within the last 3 months and states the applicant's name.

Where an applicant is unable to submit proof of identity or residence electronically, they will be required to attend in person, or post in the required documents to the Housing Options Service before their application is processed.

In exceptional cases, if the readily acceptable documentary evidence cannot be produced, a manager within the Housing Options Service may authorise acceptance of other documentation.

In order to establish the accuracy of an application, further documentary evidence may be required to verify claims.

Applications not properly completed, made by ineligible individuals, or not supported by the necessary documentary proof of identification and residence, will not be processed.

The Council undertakes a review process every six months to ensure that all of the information provided is up to date. Eligibility to be registered for housing and the priority afforded under this scheme are kept under constant review. It is up to the

applicant to notify the Council of any change in circumstances, such as someone joining or leaving the household, change of address, the purchase or acquisition of a property, or a change in the health or welfare of the applicant and/or a member of their household.

Making a false statement on an application form will result in the application being cancelled and any offers made withdrawn. If an applicant secures a tenancy as a result of false information, the Council will be entitled to seek possession of the property. Failure to disclose a material change in circumstances could result in an application being excluded from qualification or cancelled.

Failure to bid on properties during any six month period may also result in the applicant being removed from the register.

4.2. Access to information

Registration will be based on the information supplied by the applicant on-line. Upon registration, the applicant will receive an acknowledgement together with:

- information about their position on the Housing Register (banding) and how that was calculated.
- whether preferred accommodation is likely to be available and an indicative waiting time based on the average for that band over the past year.

General information such as banding criteria, changes in legislation/guidance will be made available through a number of sources, for example; the Bury Council website, newsletters and other publications.

Applicants can however request in writing from the Housing Options Service, access to more specific information held in connection with their application including:

- their details on the Housing Register
- the documentation provided by them
- any other information held about them on file
- decisions made on the facts of their case. This does not affect their right to appeal, or request a review.

The Council's Allocation Policy, Strategic Tenancy Policy and Homelessness Strategy are also available to applicants on the Council's website.

4.3. Cancellation of housing applications

Except in exceptional circumstances, a housing application will be removed from the Housing Register if:

- the applicant requests it
- the applicant becomes ineligible for housing or ceases to be a qualifying person
- the applicant is housed through the Allocation Policy
- a tenant of any social housing completes a mutual exchange

- an applicant wilfully submits false information regarding their eligibility, or household circumstances to gain advantage
- an applicant fails to maintain their housing application (through the renewal process), or they move home and fail to provide the Council with a contact address
- an applicant fails to respond to a request for further information, within a reasonable time. The local authority has defined an appropriate time as 2 weeks, after which time a cancellation letter will be sent to the applicant.

Any decision that an application has been cancelled will be notified in writing and the applicant will be told the grounds for it and their right to a review. All decisions will be subject to the provisions outlined in Appendix 4 - Appeals, Reviews and Complaints.

5. Assessment of priorities and need

5.1. Applying priority need

Once an applicant has been deemed to be eligible and a 'qualifying person', the Council will determine the applicant's need and priority. This involves a number of stages:

- (i) Assessment of need. The Council will decide what, if any, further information or follow up action is required to determine the priority of individual cases. This may include seeking further advice from medical or other professional agencies (Section 5.2)
- (ii) Ascertaining local connection. The Council will consider whether the applicant has a local connection with Bury (Section 5.3)
- (iii) Banding. Persons accepted onto the Housing Register will be allocated a band according to the information provided (Section 5.4). The banding system is detailed in Appendix 2
- (iv) Property size. The Council will determine, based on the household composition, the size of property for which the applicant is entitled to bid (Section 5.5).

Following those assessments, an applicant will be registered, notified of their priority and of the property size they have been assessed as requiring. An applicant is then entitled to bid for suitable properties that become available (Section 6).

5.2. Assessment of needs

5.2.1 Assessment of medical needs

Assessment of medical needs will only be considered for applicants, or a member(s) of their household, where current housing arrangements adversely impact on health, the ability to access basic amenities, or if the applicant is homeless and requires a particular type of housing due to their medical need. In these cases, evidence from a

relevant health professional must be provided to substantiate this. Categories of people to whom this may apply are illustrated in Appendix 2.

The Council will assess priority initially on the declaration made as part of the application and completed medical self assessment submitted by the applicant.

If the self assessment shows a high (or overwhelming) medical need for rehousing, the applicant will be required to provide corroborating evidence from a medical professional (Occupational Therapy, Psychiatric reports, Specialist or Hospital Consultant letters/reports). It is not necessary to obtain a letter from a GP.

In some cases, the Council may seek further information from the applicant's GP or other health professionals. The Council may also conduct a home visit, to assess housing conditions and verify statements made in the application before awarding a banding for the Housing Register.

If an applicant or a member of their household has a substantial or permanent physical disability, which place them in Category 1, 2 or 3 as listed below, the Housing Options Team will seek advice from an Occupational Therapist as regards to specific housing needs:

Category 1: applicants who require wheelchair accessible property (such as; a property that is already adapted for a wheelchair or is suitable for adaptation to the level required). Facilities will include:

- ramped or level access in and out of the property
- adequate wheelchair circulation space in hallways and main rooms occupied by wheelchair user
- widened doorways
- level wheelchair access to all basic amenities or access via wheelchair lift
- accessible kitchen
- adequate circulation space for wheelchair in bathroom.

Category 2: applicants who require accessible property (such as; a property which is already adapted to mobility standards, or is suitable for adaptation to the level required). Facilities will include:

- ramped or level access in and out of the property
- adequate circulation space for mobility aids in hallways and main rooms occupied by applicant
- level access to all basic amenities or access via stair-lift/through floor lift
- adequate circulation space in bathroom for mobility aids or for assistance from carer if needed.

Category 3: applicants who have low level mobility needs (such as; they require a general let property where potential for further adaptations is restricted). Facilities will include:

- level access or shallow steps

- bathroom may have been adapted with level access shower or shower over the bath which is not accessible for a wheelchair user or applicant with significant mobility problems
- doorways may not be suitable for widening and circulation space in hallways is restricted.

To make best use of resources, the Council will, in the first instance, seek to match applicants with specific needs to properties that have already been adapted for that purpose.

Tenancies will be granted for as long as the applicant (or the member of the household for whom the adaptation is intended) continues to live at that property. The Council reserves the right to work towards relocating households from adapted properties when the intended recipient no longer requires the adaptation or no longer lives at that address.

Applications from people with mental health needs will be referred to a multidisciplinary panel for assessment. This panel will include a Mental Health professional and other housing support agencies in the borough as appropriate.

5.2.2 Assessment of welfare or social needs

If the applicant or someone in their household has to move home because of multiple welfare or social needs, which are not covered by the banding categories, the Council's Director of Housing has discretion to award a higher banding priority for that application. The applicant must however be able to demonstrate the presence of multiple needs. Examples may include:

- a family member with multiple welfare or care needs, for example; an individual with disabilities suffering harassment in their current location
- living with a long term medical condition in an overcrowded property that has damp problems
- single frail, elderly person with mobility problems facing eviction
- more than one family member with welfare or care needs.

Where an applicant's needs are assessed, the results will be notified in writing, together with the grounds for the decision and notification of the right to a review. All decisions will be subject to the provisions outlined in Appendix 4 - Appeals, Reviews and Complaints.

5.3 Local connection

The Council aims to give local people priority for homes. Those who meet the local connection criteria will be placed in Bands 1 - 4 according to their level of housing need. If the applicant does not have a local connection, their application will be placed in Band 5. To have a local connection, the applicant or a member of their household must demonstrate one or more of the following:

- have been living in Bury (through choice) for the previous 24 months or at least 3 out of the last 5 years

- currently have permanent employment within the Borough
- have close family living in the Borough for the last 5 years (for example parents or children)
- have special reason for needing to live in the Borough (for example to care for a relative or receive care from their family).

In exceptional circumstances, an applicant who does not currently reside in Bury may be placed in Bands 1-4 according to the level of housing need provided one or more of the four conditions listed above also apply.

The local connection criteria will not apply to persons for whom the Council has a legal duty to re-house.

The local connection criteria will not apply to members of the Armed Forces, who are serving away and wish to re-establish their link with Bury, or to certain persons who need to move to the district to work.

5.4 Banding

In line with the qualification criteria (Section 3.4), the banding has been designed to give reasonable preference to those with housing needs as outlined by S.166A (3) of the Housing Act 1996:

- People who are homeless (within the meaning of Part 7)
- 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)
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds (including any grounds relating to disability) or
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others).

Persons accepted onto the Housing Register will be allocated a band according to the information provided and this may change over time in line with changing circumstances. The Council will also seek to recognise multiple needs. Applicants who match three or more factors in any one band (except for Band 5) will be automatically moved to the next band up to reflect cumulative housing need.

Where a household could arguably be placed in different bands, the higher of the two bands will apply.

The Council may move to Band 5 any applicant (or household member) who behaves in a way that would affect their suitability as a tenant. This is likely to be applied where applicants act in a way (or conversely fail to do something) that results in a worsening of their personal or housing circumstances but may also be applied as a sanction in relation to:

- housing related debt (rent arrears, current or former arrears of service charges/recharge payments) owed to the Council or other landlord)
- applicants under a possession order or subject to sanctions under anti social behaviour legislation
- vandalism, deliberate damage or neglect of property and neighbourhood amenities
- breaches of tenancy or licence conditions.

An applicant will be notified in writing of the band in which the application is placed, together with the grounds for the decision and notification of the right to a review. All decisions will be subject to the provisions outlined in Appendix 4 - Appeals, Reviews and Complaints.

Details of the banding structure are attached at Appendix 3.

5.5 Assessment of property size

The following table sets out the size of property that a person on the Housing Register is entitled to bid for. Generally two children of the same gender will be expected to share a bedroom.

Household and property sizes

Household size	Property size
Single person	Bedsit or 1 bed
Single person with staying access to child or children	1 or 2 bed
Single person over 55	Bedsit, 1 bed, bungalow, ground floor flat, retirement living or extra care housing
Couple no children	1 bed
Couple with at least one partner over 55	1 bed, bungalow, ground floor flat, retirement living or extra care
2 person household with special needs (includes single person with resident carer)	2 bed, bungalow, ground floor flat, retirement living or extra care
Couple or single parent with 1 child	2 bed
Couple or single parent with 2 children	2 or 3 bed (depending on age and sex of children)
Couple or single parent with 3 children	3 bed or more (depending on age and sex of children)
Couple or single parent with 4 or more children	3 or more (depending on age and sex of children)

Notes:

1. Bungalows will be allocated to applicants who are either aged 55 or over, or who have a proven medical need for ground floor accommodation. Bungalows adapted to meet the needs of wheelchair users or severe mobility problems will be offered to those who have been assessed as needing that type of property
2. Retirement living units will only be allocated to applicants aged 55 or over
3. There are very few homes with 4 beds or more and these are only available in certain parts of the Borough. Larger families can bid for anything above 3

beds but are advised to work with the Council to explore all their housing options

4. Where a child has 2 principal homes due to joint custody arrangements, the Council may allow the applicant on receipt of written evidence to this effect to bid for homes with one more bed than they would otherwise be eligible for
5. Where official joint custody has not been decided, but an applicant has requested an extra bedroom, a decision will be based on which parent receives Child Benefit. If that parent is not the applicant then a bedroom for that child will not be awarded. Proof of who received the Child Benefit will be required to facilitate this
6. Separate space for a resident carer will only be considered where there is clear evidence that the care is not provided by a member of the household (or someone who would otherwise live with the applicant)
7. Separate space for potential foster children will be considered from applicants who have been approved as foster parents by the Council.

An applicant will be notified in writing of the property size for which they have been assessed as eligible, together with the grounds for the decision and notification of the right to a review. All decisions will be subject to the provisions outlined in Appendix 4 - Appeals, Reviews and Complaints.

5.6 Under Occupancy

The Council has a limited supply of family sized accommodation and adapted properties. In order to free up these properties to meet expressed demand, this policy allows for the Director of Housing to identify under occupied properties and agree, in consultation with the housing provider and tenant, a property exchange. This is subject to the under occupying household vacating the property when an allocation has been made to them. The Council will provide options to encourage residents to downsize, but will not force them to move if they do not wish to.

These provisions will apply to secure tenants who:

- occupy a general needs family property with two or more bedrooms
- occupy a property that has been adapted for disabled access (Category 1 or 2)
- agree to transfer to smaller accommodation (or a non-adapted property) in line with their needs and provide vacant possession of their present home.

Discretion will be applied to allow downsizing to smaller properties, but with flexibility to allow down-sizers to obtain properties, technically larger than their needs. For example, a single tenant living alone in a four bedroom house may be unwilling to downsize to the one bedroom property which they would ordinarily qualify for under the assessment of property size (see Section 5.5 above). In such cases, it will be at the discretion of the Director of Housing to allow an additional bedroom to be awarded, particularly where the tenant has the need to accommodate dependent children or live-in carers. However, the tenant must appreciate the implications on their welfare benefit and any change must be accompanied by a test of affordability.

Tenants affected by the changes of the Welfare Reform Act 2012, will be given priority to downsize their accommodation.

6. The lettings process

6.1. Bury Choice Base Lettings

In accordance with Section 167(1A), the majority of properties will be made available through a system of Choice Based Lettings (CBL) offering people on the Housing Register:

- a choice of housing accommodation;
- the opportunity to express preferences about the housing accommodation to be allocated to them, which are appropriate to their housing need as set out in the assessment of property size.

Under CBL, applicants express an interest or 'bid' for properties that they are interested in.

6.2. Process for property allocation

1. The Housing Options Service will assess empty properties available for letting
2. each property will be advertised weekly on the Bury Council Housing website and other media throughout the borough
3. applicants express an interest on advertised properties on-line (or through a key/support worker where appropriate). There is no restriction on the number of bids that an applicant can make
4. where a person or household has been accepted as homeless and is resident in temporary accommodation but fails to bid on suitable properties that become available, the Council reserves the right to bid on their behalf
5. the expression of interest is registered by the Council
6. at the close of each weekly cycle, successful bidders will be determined in accordance with priority (see Section 5.1). Where there is more than one successful bidder for the same property based on priority need, the Council will take into consideration the following factors to identify the preferred bidder:
 - length of time on the waiting list
 - medical conditions
7. the housing provider will contact the successful bidder
8. references are taken and the applicant's information updated.

6.3. Suitable offer

A successful bid made through the CBL system will be counted as one suitable offer. "Suitable", for the purposes of this policy, means:

- fit and available to live in
- suitable in relation to affordability
- suitable for any specific needs relating to medical conditions or disability

- of adequate size without causing statutory overcrowding.

Where a bid has been successful and the applicant declines a suitable offer of accommodation their application will be reassessed. This may result in removal from the Housing Register.

Homeless applicants have a statutory right to request a review of the suitability of accommodation offered to them, regardless as to whether they accept the offer or not although any such review is outside of the review procedures under this policy. Pending a review of the decision their application will be placed in Band 5.

6.4. Withdrawing an offer of accommodation

Any offer of accommodation may be withdrawn where:

- the applicant has made a false declaration, or failed to provide the Council with up-to-date information on their circumstances; a false declaration will also result in their application being cancelled
- the property details at the time that the written offer was made were incorrect and it was subsequently discovered that the size and type of the property is not, in fact, suitable to the applicant's needs; this will not affect the applicant's right to bid on future properties
- the applicant's circumstances change between the offer and the signing of the tenancy agreement (resulting for example in a significant reduction or increase in the level of need, or that the applicant has ceased to be eligible or a qualifying person)
- if the references taken at the time of the offer demonstrate that the applicant has ceased to be a qualifying person or has housing related debt, the Council may withdraw the offer and revise the applicant's priority
- the property is no-longer appropriate for that person
- the property is required in an emergency to meet the Council's civil contingency responsibilities.

6.5. Restrictions on bidding for properties

Bids for properties will not be accepted from individuals who:

- have not been accepted onto the Housing Register
- have been removed from the Housing Register
- are not capable of independent living or sustaining a tenancy
- can only sustain a tenancy if they are provided with support, and support is not currently being provided
- are still being assessed. Bids can only be accepted, once eligibility and priority banding has been determined/reviewed
- have had their right to bid suspended by the Council. Circumstances where this may apply includes:

- a) Failure to provide relevant information in their application or subsequent information has come to light that the applicant may no

longer be a 'qualifying person' or their housing circumstances have changed

b) Repeated failure to attend viewings of properties for which they have bid and been shortlisted. 'Repeated failure' in this instance is defined as not attending viewings, without good reason, on three consecutive occasions

c) Refusal without good reason, of a formal written offer of property for which the applicant or their representative has made a successful bid.

If the grounds for failing to view properties or refusing an offer are not considered by the Council to be justified, any bids will be rejected and the applicant placed in Band 5 for 12 months, after which period the applicant may request a reassessment of their application under this policy. Where relevant information is missing or has been withheld, suspension from bidding will last until the application is updated and/or reviewed by the Housing Options Service. If the applicant is found to have deliberately misled the Council for personal gain, the applicant will be removed from the Housing Register.

Where the applicant is restricted from bidding, they will be notified in writing together with the grounds for the decision, any conditions that will need to be met before the restriction is lifted, the date when the suspension expires (if appropriate) and notification of the right to a review. All decisions will be subject to the provisions outlined in Appendix 4 - Appeals, Reviews and Complaints.

A restriction on bidding is not the same as disqualification and/or exclusion from qualification from the Housing Register. Applicants restricted from bidding can still count this period as time on the waiting list; persons excluded from qualification from the Housing Register cannot.

6.6. Local Lettings Policies

Local letting policies are there to respond to specific local issues. These may include particular housing concerns on estates or other social issues in the community. Only a small proportion of the housing stock will be affected by these policies.

Government and good practice guidance encourages Councils to aim for the following in developing local letting policies:

- Protecting balanced and mixed communities
- Reducing property void rates and tenancy turnovers
- Improving community stability and cohesion
- Tackling low demand areas and difficult to let estates
- Reducing anti-social behaviour
- Preventing future problems occurring on new estates or recently modernised properties.

Where a local area or estate would significantly benefit from a local lettings policy, the Council will work with the housing provider to develop a clear rationale for its

introduction, outline the objectives to be met (together with appropriate measures of success) and ensure that reasonable preference is given to people in priority need. All policies will also be accompanied by an Equality Analysis, to minimise the risk of direct or indirect discrimination against individuals or groups.

A multi agency panel, comprising of all the different partners in Bury will support the development of the local lettings policies.

Each local letting policy will include:

- the scope of the policy such as geographical coverage, housing stock profile turnover rates of tenancies, property void levels, tenant profiles
- the expected review/expiry date of the policy
- a clear rationale for the policy including evidence of the problems/issues that the policy is seeking to resolve
- the methods that will be used to address the problems/issues
- an assessment of any possible negative impacts of the policy
- how the policy links to Bury Council's strategic objectives
- full details of consultations which have taken place in developing the policy
- how the policy will be monitored
- proposals for reporting and reviewing policies.

When a property affected by a local lettings policy is advertised, the details will clearly state the criteria or conditions that apply. Applicants must fulfil these requirements for their bid to be successful.

7. Direct Lets

7.1. Circumstances appropriate to direct lets

There are times when the Choice Based Letting System is unsuitable to meet the needs of certain applicants. To address this situation, the Council reserves the right of direct letting. Circumstances where direct lets could apply include:

- the safeguarding or protection of applicants and existing tenants for reason of domestic violence, harassment or hate crime or where the Multi Agency Public Protection Arrangements (MAPPA) or National Witness Mobility scheme has recommended that an applicant should not bid for fear of being identified
- the accommodation of applicants who present with complex needs
- households recommended for, or subject to, a Family Intervention Tenancy (FIT)
- applicants that have been under-occupying and require re-housing to a smaller property due to hardship or affordability issues
- allocating homeless households to temporary accommodation through the Housing Options Service
- applicants requiring specially adapted properties
- re-housing tenants who are vacating a specially adapted property or large family home in favour of an applicant on the Housing Register to whom the property is more suited

- retirement living accommodation, extra care units or properties designated for elderly applicants
- civil contingency emergencies, meeting the Council's obligations (such as refugee crises) and the allocation of properties that fail to attract bids.

The Council reserves the power to make as many direct let offers as it thinks fit to meet the needs outlined above. The Council will, however, ensure that the number of offers under direct lets remains a small fraction of total lettings. The majority of properties will continue to be let through Choice Based Lettings.

When direct letting properties, the Council will make one suitable offer which as far as possible matches the size and type of property to the needs of the applicant and is not in an area known to be unsafe for the household. If the applicant decides to refuse the offer, they must give their reasons for refusal in writing.

If the grounds for refusal are not considered by the Council to be reasonable, the offer will be withdrawn and the applicant placed in Band 5 for 12 months, after which period the applicant may request their application to be reassessed under this policy. For the avoidance of doubt, this is not an automatic disqualification from the Housing Register. Applications will remain registered provided the applicant continues to meet the eligibility and qualification criteria; the onus however will shift onto the applicant to bid for properties.

An applicant will be notified in writing of any reduction in banding together with the grounds for the decision and notification of the right to a review. All decisions will be subject to the provisions outlined in Appendix 4 - Appeals, Reviews and Complaints.

Where applicants are not satisfied with the offer, rather than refuse and have their housing need priority removed, they may accept the offer subject to review. Further information about reviews is set out in Appendix 4.

The Allocation Policy aims to ensure that properties are let within a reasonable period of time. However, where substantial adaptations are necessary, properties may have to remain empty for longer than would be desired. Every effort will be made to keep delays to a minimum whilst ensuring the necessary works are carried out to meet the applicant's needs.

There is no fixed number of properties set aside for direct lets, temporary accommodation or other purposes; the level will be based on need and reviewed annually.

7.2. Sensitive Lets

The Council recognises that some groups can have greater difficulty integrating into communities. In the interests of community cohesion, the Council will exercise extra sensitivity where applicants have complex or special needs and may directly let properties in these cases; particularly if anti social behaviour could result. Such decisions will be made on a case by case basis and approved by the Director of Housing.

7.3. Older applicants

The council has traditionally made a small number of direct offers to older applicants, because of their personal circumstances, or other special reason, should in the Council's view receive such an offer. The Council reserves the power to continue to make such offers to extra care and retirement living options where it considers it appropriate to do so. The age at which such allocations are made is now 55 years old.

7.4. Succession and discretionary offers

Statutory succession

When a tenant dies, it may be possible for someone living with them to take over the tenancy. This is known as succession and the person who takes on the tenancy is called a 'successor'. To qualify to be a 'successor' the applicant has to meet certain conditions:

- they must live in the property as their only or main home at the time of the tenants death
- they are the tenant's spouse or civil partner
- they are another member of the tenant's family and have been living with the tenant for at least 12 months prior to the tenant's death.

If the property does not meet, or exceeds, the housing needs of the person taking over the tenancy, the Council has the right to offer them another suitable property. A tenancy can only be succeeded to once.

Applications to take over a tenancy must be made in writing within one month of the tenant's death. If no application is received within the timescale, the tenancy will be ended. If more than one person qualifies to take over the tenancy, the housing provider will determine the most suitable person.

If the tenancy is of an introductory or demoted nature, the successor will also become an introductory or demoted tenant with the same conditions. Succession will not be allowed when:

- the deceased tenant had previously succeeded to the tenancy (including a person who was joint tenant and later became a sole tenant after the other joint tenant died)
- the deceased tenant had been living alone
- the deceased tenant had left the property and was not using it as their only home
- the deceased tenant relinquished the property due to being admitted to hospital or a residential home for long-term care or treatment
- there had previously been an assignment of the tenancy or property adjustment order under the Family Law Act
- the person asking for succession is unable to prove their relationship to the deceased tenant, or their period of residence at the address

- the tenancy has been brought to an end by the Court granting the Council a possession order.

If the tenancy is succeeded by the husband, wife or civil partner of the deceased tenant, they will be allowed to stay in the property on a permanent basis subject to the terms and conditions of the tenancy.

Non-statutory succession

If an occupant has no legal right to succeed to a Council tenancy when the tenant dies, they may still be granted a tenancy by the Council (as a non-statutory succession). This will only be authorised in exceptional circumstances. To qualify for a non-statutory succession, the applicant must:

- (i) have lived with the former tenant at the time of her/his death
- (ii) have occupied the property as her/his only or principal home for a substantial continuous period prior to the former tenant's death and
- (iii) be a family member of the former tenant, as defined above.

The Council considers it unlikely that anyone will be entitled to a non-statutory succession unless they have lived in the property as their own or principal home for a continuous period of five years prior to the former tenant's death.

Where, however, the applicant for a non-statutory succession gave up their own accommodation and moved into the property in order to provide care for the former tenant, the Council may accept a shorter period of occupancy. Each case will be considered on its merits, but as a guideline a minimum period of twelve months would be expected.

Succession in relation to specially adapted properties, sheltered housing and under occupation

Due to the shortage of specially adapted accommodation, members of the deceased tenant's household (including partners and those applying for a non-statutory succession) will not be allowed to stay in the property if it has been specially adapted and the successor(s) do not require those adaptations.

In the case of sheltered housing or other properties designated for older people, whilst the husband wife or civil partner will be entitled to succeed, this right will not apply to other potential successors if they are under the age of 55.

If any succession has the effect of creating under occupation, the successor(s) will be encouraged to relocate to a property that meets the bedroom standard (Section 5.5)

Where these circumstances apply, the successor(s) will be required to join the Housing Register to enable the Council to assess their needs, apply an appropriate banding and identify alternative accommodation that is more suited to their requirements. If the applicant does not secure a property within six months, the Council will review their situation and bidding history and may decide to make a

'direct let' to another property. If a suitable offer is made and refused, the Council may decide to withdraw its offer and commence possession proceedings.

8. Other provisions

8.1. Equal Opportunities

The Council is committed to equality of opportunity to promote diversity and combat discrimination on the basis of race, gender, age, religion or belief, disability, sexual orientation or caring responsibilities. The Allocations Policy strives to ensure that each application is treated on its merits and reasonable preference is given to applications according to housing need.

The Allocation Policy (and any subsequent local lettings policies) will be subject to an Equality Analysis. The Council will monitor the impact of this policy by measuring:

- applications made to join the Housing Register
- lettings made through the Housing Register
- length of time on the Housing Register
- number of current residents downsizing
- number of bids made
- refusal decisions
- review requests.

The equality characteristics of each element will be recorded and analysed to minimise the risk of discrimination against any group.

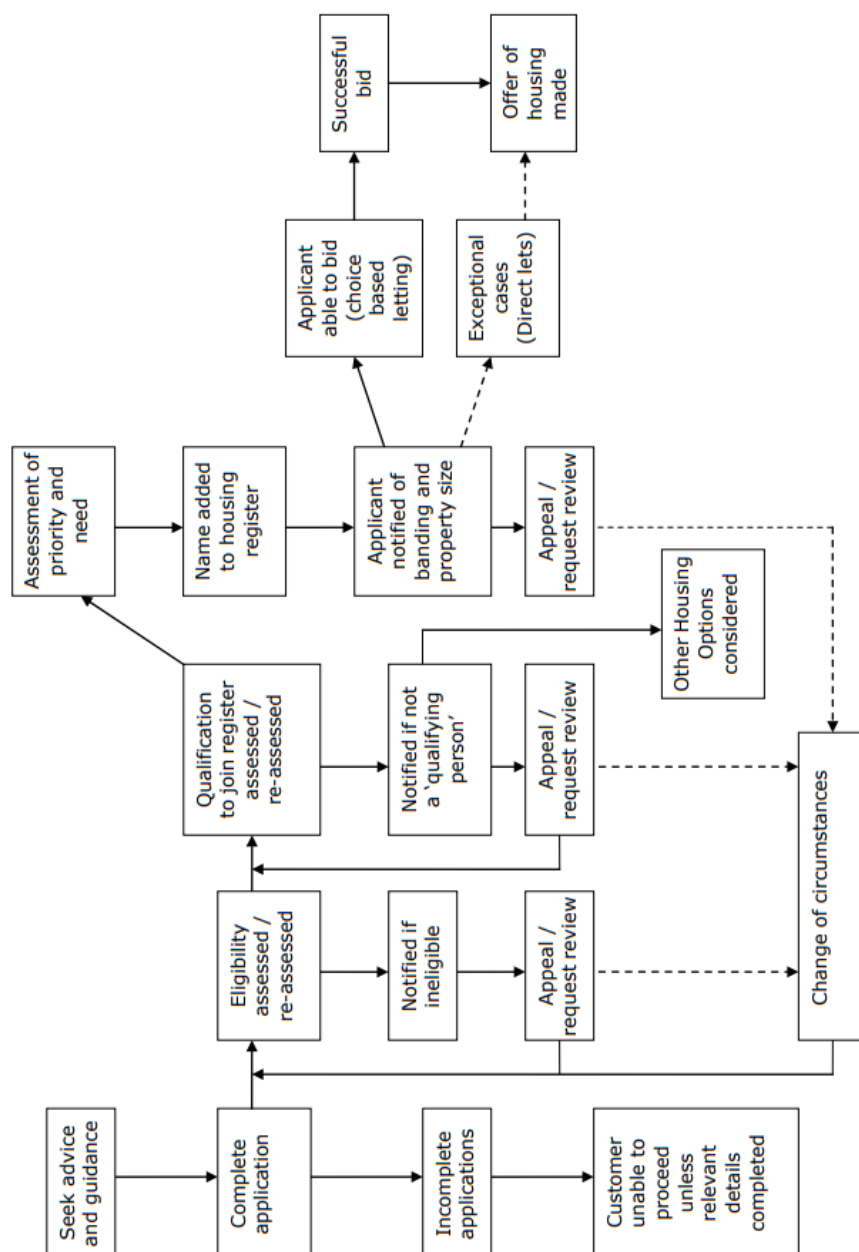
8.2. Information about the Allocation Policy

The Council will publish the Allocations Policy on the Council's website.

8.3. Review of Policy

The Allocations Policy will be reviewed annually or earlier if new legislation requires major amendments to be made.

Appendix 1 Flowchart



Appendix 2: Medical and Welfare Grounds for Reasonable Preference

- A mental illness or disorder
- A physical or learning disability
- Chronic or progressive medical conditions (for example; MS, HIV or AIDS)
- Infirmary due to old age
- The need to give or receive care
- The need to recover from the effects of violence or threats of violence, or physical, emotional or sexual abuse
- Ability to fend for self restricted for other reasons
- Young people at risk
- People with behavioural difficulties
- Need for adapted housing and/or extra facilities, bedroom or bathroom
- Need for improved heating (on medical grounds)
- Need for sheltered housing (on medical grounds)
- Need for ground floor accommodation (on medical grounds)
- Need to be near friends/relatives or medical facility on medical grounds
- Need to move following hospitalisation or long term care

Appendix 3 Priority Banding

Demand for housing in Bury is high. In order to provide a fair system for allocating social rented properties, the Council prioritises applicants on the Housing Register according to housing needs which is reflected in the banding structure.

Within each band all other relevant factors being equal, allocations are made in date order, priority being given to the applicant with the earlier or earliest preference date. To help applicants determine where they may feature in this system, the main factors that apply are set out below for illustration purposes:

Band 1: urgent housing need

- Homeless and in priority need
- Urgent medical or welfare need
- Life threatening circumstances
- The Council has accepted a responsibility to re-house
- Members of the Armed and Reserve Forces
- Care Leavers
- Exceptional cases.

Notes:

1. Homeless and in priority need - the Council will assess whether an applicant is homeless and in priority need under the homelessness provisions in Part 7 of the Housing Act 1996. Where an applicant is homeless and in priority need, the duty the Council owe her/him depends on whether the individual became homeless intentionally (i.e. deliberately caused their homelessness).
2. If the applicant is unintentionally homeless and in priority need, the Council are under a duty to secure that accommodation becomes available for occupation (s.193(2), 1996 Act); the applicant will remain in Band 1 until permanent accommodation has been found.
3. Urgent medical or welfare need - the applicant (or member of the household) has been assessed, and accepted, as having a critical need to move on medical or welfare grounds. Examples may include instances where hospital discharge is being delayed, chronic progressive medical conditions, families with children being forced to live apart, children in care being prevented from rejoining their family because of inappropriate housing
4. Life threatening circumstances are where there is serious risk of harm from remaining in the present accommodation. This includes but is not limited to:
 - o Victims of domestic violence
 - o Serious racial harassment
 - o Homophobic attacks
 - o Victims of crime

In these circumstances, properties will be subject to a direct let, for the safety and sustainability of an applicant's tenancy in the future (see Section 7.1)
5. The Council has accepted a responsibility to re-house - specifically where the Council has been instrumental in requiring residents to move (redevelopment projects, Compulsory Purchase Orders, Closing Orders, etc)

6. Additional preference will be given to the following categories of Armed Forces, in line with statutory guidance, who fall within one or more of the reasonable preference categories and have housing needs:
 - o Former members of the Armed Forces
 - o Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
 - o Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
 - o Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
7. Care Leavers – as explained in the Policy the Council considers the safe and secure permanent rehousing of Care Leavers as a corporate priority for action.
8. Exceptional cases - the Director of Housing may exercise this power, where a household has an exceptional housing need which is not adequately addressed by the Allocations Policy

Band 2: high housing need

- Statutory overcrowding
- Category 1 hazard under the Housing, Health and Safety Rating System
- Leaving supported accommodation
- Right to move
- High medical or welfare need to move

Notes:

1. Statutory overcrowding - where current accommodation does not meet current living space or bedroom standards. This will include cases where families with dependent children are non-householders living with family or friends providing the family knows the householder before they moved into the property and are not paying rent
2. Category 1 hazard under the Housing, Health and Safety Rating System - applies where the Council's Urban Renewal Team (or other Environmental Health Officer) has identified that a household or vulnerable member of that household is at risk from a Category 1 hazard. Examples may include an older person living in a property with inadequate heating, families with young children living with severe dampness, etc
3. Leaving supported accommodation - where the applicant lives in supported accommodation and has been assessed by their Key Worker as ready to move on to independent living. Banding will be backdated to the time the applicant moved into supported accommodation. This banding will be applicable where:
 - o The supported housing provider is approved by Supporting People in Bury or the Director of Housing.

- The applicant has a local connection to Bury
 - A Ready to Move (RTM) form has been received from a supported housing provider, to detail how the applicant has developed the necessary independent living skills and is ready to live in their own tenancy.
4. Right to move - applies to applicants who have to relocate to take up employment in the Borough. In these cases, applicants will be required to provide evidence that their claim satisfies the criteria set out in the regulations.
 5. High medical or welfare need - medical conditions where evidence has been provided by a qualified professional that a move to more suitable accommodation will improve a critical health condition substantially to the benefit of the applicant or a member of their household. This will generally relate to people with life limiting conditions, or severe impairments. Where age is also a factor, people over the age of 55 years can apply to be considered for sheltered or extra care housing

Band 3: medium housing need

- Unintentionally homeless but not in priority need
- Insecure tenants served with a Notice of Seeking Possession
- Households living apart
- Medium medical and/or welfare need
- Under occupancy
- Bedroom Standard overcrowding - 2 bed short

Notes:

1. Unintentionally homeless but not in priority need - where the Council is satisfied that the applicant is unintentionally homeless but does not have a priority need. This is likely to apply mainly to single people/couples without children and could include people who are confirmed as being rough sleepers who are street living.
2. Insecure tenants of a property in the Borough who are served with a Notice of Seeking Possession through no fault of their own or where possession proceedings are being sought against the landlord
3. Households living apart - this will be awarded if the household is living at separate addresses. A household in this context means people:
 - Who would normally live, or would reasonably be expected to live together
 - Who have not chosen to live apart
 - Who have no rights to occupy any other home
 - Who do not have any other housing needs
 This factor does not apply to families with children (see Band 1) who would be treated as having complex needs.
4. Medium medical and/or welfare needs - medical conditions where there is evidence that moving to alternative accommodation will improve a significant health and/or welfare condition substantially (including mobility or mental health issues) to the benefit of the applicant or a member of their household.

This would also apply to older people with some care needs that request sheltered housing

5. Under occupancy - where tenants want to move to a smaller, less costly property. This includes households needing to move because of welfare reform and a requirement to vacate adapted property. Applications may be dealt with through direct lets depending on the urgency and the merits of each case.
6. Bedroom Standard - where the size of the household indicates that two additional bedrooms are required based on the standard allocation of a separate bedroom to each:
 - o married or cohabiting couple
 - o adult aged 21 years or more
 - o pair of dependants aged 0-20 years of the same sex
 - o pair of dependants aged under 10 years regardless of sex. Where the dependants are of the opposite sex they will be assessed as requiring an additional bedroom when the eldest reaches the age of 10
 - o larger families with 3 or more dependants will be assessed in accordance with the age and sex of the dependants
 - o The Director of Housing may apply discretion in exceptional circumstances

Band 4: low housing need

- Low medical and/or welfare need
- Older person living above ground floor level with no lift access
- Bedroom Standard overcrowding
- Intentionally homeless with a priority need (except in the case of Care Leavers)

Notes:

1. Low medical and/or welfare need - the applicant has a moderate need to move to alternative accommodation as determined by the Council's medical/welfare assessment process.
2. Older person living above ground floor level - applies where one of the household is over 55 year of age) and currently lives in a property above ground floor level which is only accessible by climbing one or more flights of stairs.
3. Bedroom Standard - where the size of the household indicates that an additional bedroom is required based on the standard allocation of a separate bedroom to each:
 - o married or cohabiting couple
 - o adult aged 21 years or more
 - o pair of dependants aged 0-20 years of the same sex
 - o pair of dependants aged under 10 years regardless of sex. Where the dependants are of the opposite sex they will be assessed as requiring an additional bedroom when the eldest reaches the age of 10
 - o larger families with 3 or more dependants will be assessed in accordance with the age and sex of the dependants

- o The Director of Housing may apply discretion in exceptional circumstances
- 4. Intentionally homeless in priority need - where an applicant has been assessed as being in priority need under the provisions of Part 7 of the Housing Act 1996 but has made themselves intentionally homeless (except in the case of Care Leavers)

Band 5: assessment of need

- Awaiting a decision on a homelessness application
- No local connection
- Unreasonable refusal of a suitable offer
- Not ready to move on from supported accommodation
- Applications for retirement living or extra care
- Sanction for inappropriate behaviour
- Non priority intentional homeless

Notes:

1. No local connection - the applicant may have some or low housing needs but does not satisfy the local connection criteria (Section 5.3)
2. Unreasonable refusal - where suitable offers have been made but is turned down by the applicant and the offer has been withdrawn (Section 6.3, Section 7.1)
3. Not ready to move on from supported accommodation - an applicant who is living in supported accommodation but is not ready to move into their own tenancy, will be placed in this band until it has been ascertained if the applicant has developed the necessary independent living skills.
4. Retirement living - refers to property specifically designed to assist older people with mobility or other support needs. The acceptance of transfer applications from tenants already in a property designated for retirement living will be at the discretion of the Director of Housing based on the merits of each case
5. Non-priority intentional homeless - this banding recognises that the applicant is homeless but is not in priority need for housing.

Appendix 4 Appeals and Review process

Anybody can apply to go on the Council's Housing Register but not everybody is eligible and those that are will be given priority according to assessed need and the rules of the Allocations Policy.

When decisions are made about your application, we will notify you of the outcome and explain the reasons why. If you feel the policy has not been applied correctly or relevant information has been missed, you may request a formal review.

When can I request a review?

You, or an advocate acting on your behalf with your express permission, may request a review if the Council:

- Refuses your application to join the Housing Register or considers you not to be a "qualifying person" (Section 3.3)
- Cancels your housing application and removes you from the Housing Register (Section 4.3)
- The Council reduces your banding (Section 5.4)
- Disagrees with your assessment of medical need (Section 5.2)
- Allocates a banding that is inappropriate to your level of need (Section 5.4)
- Offers you a property that you consider to be unacceptable (Sections 5.5.7.1)
- Restricts you from bidding for properties (Section 6.5)
- Reduces your banding following refusal of an offer (Section 6.3).

How do I request a review?

You must do this within 21 days of the Council informing you of its decision.

All appeals must be in writing to:

Homeless Manager, Bury Council, Town Hall, Knowsley Street, Bury, BL9 0SW

It is important that you tell us:

- (a) Why the Council should review its original decision
- (b) What outcome you want from the review
- (c) Any new information.

Offences related to information given or withheld by applicants

It is an offence for anyone, in connection with the exercise by a housing authority of its functions to:

- Knowingly or recklessly give false information
- Knowingly withhold information which the housing authority has reasonably required the applicant to give in connection with the exercise of those functions.

The circumstances in which an offence is committed could include providing false information:

- On an application form for social housing
- In response to a request for further information in support of the application
- During review proceedings.

What happens next?

A manager who was not involved in the original decision will carry out a formal review. They will look again at the information supplied and discuss the issues with

the person who made the original decision to understand why that conclusion had been reached.

The person conducting the review may also want to talk to you directly to verify statements or seek additional information. Your cooperation would be appreciated to ensure a speedy resolution of the review.

We will inform of the outcome within 8 weeks of you requesting the review. We will also tell you the reason(s) for that decision.

There is no right to appeal to the county court against the review decision. Any further challenge to the decision must be pursued by judicial review within 3 months.

If you are unhappy about the way the review was handled, this will be handled through the Council's formal complaints process.

Bury
Council