

**Barnet Council**

# The Housing Allocations Scheme

June 2018

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## 1. Context and Scheme Aims

This document describes the criteria and procedure that Barnet Council uses to prioritise housing applicants for the social housing<sup>1</sup> that we allocate to; i.e. homes owned by Barnet Council, and a proportion of homes owned by Private Registered Providers (housing associations) in the Borough to which we make nominations to. It also sets out other assistance that we provide to housing applicants, including advice and access to housing in the private rented sector.

In Barnet, the demand for social housing is very much greater than the number of homes available. This Allocations Scheme describes how the Council prioritises housing applicants to ensure that those in greatest housing need, as described by the legal definition of Reasonable Preference (see Section 2.3), are given a head start to access available social housing, compared with those who have no housing need, but who want to move to or within social housing.

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

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

The key objectives of this Allocations Scheme are to:

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

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

We are committed to providing a fair and transparent service to everyone applying for housing under the Council's Allocations Scheme and to allocate

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

accommodation, in the majority of cases, to those households with the greatest need. In doing so we are also committed to ensuring that the allocation of homes is done in such a way as to promote social cohesion and promote mixed communities, to enhance Barnet's reputation as a place where people want to live.

## 2. **LEGAL CONTEXT**

- 2.1 Barnet Council's Allocations Scheme sits within a legal framework which is summarised in this section.
- 2.2 The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocations Scheme. A summary of the Allocations Scheme must be published and made available free of charge to any person who asks for a copy. This document and a FAQ of the scheme are available on the Council's web site, [www.barnet.gov.uk](http://www.barnet.gov.uk) and paper copies will be provided on request.
- 2.3 The Housing Act 1996, (as amended) requires local authorities to give Reasonable Preference in their Allocations Schemes to people with high levels of assessed housing need who are defined as:
- All homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with Barnet Council)
  - People who are owed a duty under s.189B, s.190 (2), 193 (2) or 195 of the Housing Act 1996 (or under s.65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing Authority under s.192 (3) People occupying insanitary, overcrowded or otherwise unsatisfactory housing
  - People who need to move on medical or welfare grounds (including grounds relating to a disability)
  - People who need to move to a particular locality within the district to avoid hardship to themselves or others
  - People serving in the armed forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
  - People who have formerly served in the armed forces, where the application is made within five years of discharge
  - People who have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the armed forces and whose death was attributable (wholly or partly) to that service, or
  - People serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
- 2.4 The Act also requires local authorities to state within their Allocations Scheme what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Our policy on choice is described below in Section 4. Further amendments have been made to the Housing Act 1996, by the Homelessness

Reduction Act 2017, which now place duties on local authorities to intervene at an earlier stage to prevent homelessness in their areas.

2.5 The Allocations Scheme complies with the requirements of:

- The Housing Act 1996, Part VI as amended by Localism Act 2011
- The Homelessness Code of Guidance 2018 (published on 22 February 2018)
- The Children’s Act 2004
- The Homelessness Reduction Act 2017

2.6 The Allocations Scheme also complies with the following statutory regulations:

- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- The Homelessness (Suitability of Accommodation) Order 2012 (as amended by the Homelessness Reduction Act 2017)
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- The Homeless (Review Procedure etc.) Regulations 2018
- In framing the Council’s Allocations Scheme, we have also had regard to the Council’s Homelessness Strategy, the Tenancy Strategy and the London Housing Strategy.

2.7 The Allocations Scheme is subject to the provisions of the Equality Act 2010; and the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353); and specifically, s.149 which states that the Council has a duty to eliminate unlawful discrimination, advance equality of opportunity, and to foster good relations between persons who share a relevant protected characteristic and those who do not. The Council has undertaken an Equality Impact Assessment and has due regard to the protected characteristics as defined in Section 4 of the Equality Act 2010, which are age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief and gender reassignment.

2.8 This Scheme has considered:

- The Council’s statutory obligation to provide homelessness services to all eligible housing applicants affected by homelessness, not just those who have a “priority need”, these include:
  - (a) An enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage (“the prevention duty”); and

(b) A duty for those who are already homeless so that the housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation. (“the relief duty”)

- The Council’s statutory obligation to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness and following this assessment the duty to develop a personalised housing plan which will include actions (or ‘reasonable steps’) to be taken by the authority and the applicant to try and prevent or relieve homelessness.
- The Council’s statutory obligations and discretion as to who is eligible for housing allocation
- The Council’s statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law i.e. those who must be given a ‘head start’ under the Council’s Allocations Scheme
- The Council’s statutory discretion to grant “additional preference” and/or to determine priority between applicants with Reasonable Preference
- The general and specific statutory discretions the Council can exercise when allocating housing in support of its Community Strategy
- The Council also recognises its discretion to give additional preference to particular descriptions of people with urgent housing needs
- The Council’s participation in the pan-London mobility scheme administered by the Greater London Authority

2.9 Tenancies for council homes are allocated pursuant to Part VI of the Housing Act 1996 and according to the Council’s Local Tenancy Strategy as required as part of the Localism Act 2011. Other registered providers have had due regard to the Council’s Local Tenancy Strategy when setting their own policies.

### 3. OUR PRIORITIES FOR SOCIAL AND PRIVATE SECTOR HOUSING

#### ELIGIBILITY

- 3.1 Anyone can approach the Council for housing advice and assistance, however, the amount of social housing in Barnet is very limited, and the Council no longer maintains an open housing waiting list<sup>2</sup> containing households that it is unable to help access a council or housing association home.
- 3.2 Under s.160ZA of the Housing Act 1996, as amended by the Localism Act 2011, a person will be considered to be ineligible for re-housing if they are:
- Subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless they are of a class prescribed by regulations made by the Secretary of State pursuant to s.160ZA (2) of the Housing Act 1996
  - From a class of persons from abroad who the Secretary of State has made regulations prescribing that they are ineligible pursuant to s.160ZA (4) of the Housing Act 1996.
- 3.3 In some instances, a person may be eligible despite being subject to immigration control. The Council will disregard as members of the household those who are “restricted”, such as those who are:
- Subject to immigration control and from a class of persons abroad, as defined in Section 3.2 above
  - Those with no leave to enter or remain in the UK
  - Those with leave but subject to a condition of no recourse to public funds.
- 3.4 For households, eligible to be rehoused only because of the housing need of the restricted persons, the Council has a duty to arrange as far as practicable, an assured shorthold tenancy with a private landlord.
- 3.5 If the main applicant is eligible and not subject to immigration control, non-eligible dependent children, other dependent family members and live in carers in receipt of carers allowance **will be** taken into account.
- 3.6 Adult children (aged 18 and over) will not be taken into account, unless they are either in full time education and subject to applicant/partner receiving Child Benefit, or the applicant/partner receives Carer’s Allowance for them. Also, relatives, non-relatives and lodgers will not be taken into account.
- 3.7 Furthermore, due to shortage of properties with 4 bedrooms or more the Council will discuss with large households whether their application may be divided into two or more smaller households.

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<sup>2</sup> Also known as a Housing Register



## CLASSES OF PERSON THAT DO NOT QUALIFY

- 3.8 Having considered the changes made to the Housing Act 1996 Part VI in the Localism Act 2011, the following classes of person will not normally qualify for a place in a band. There is discretion to waive these classes in exceptional circumstances, as approved by a Housing Needs Manager or Housing Service Manager. Examples of what the Council means by discretion can be found in Section 3.18:
- a) Applicants who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974
  - b) Applicants in serious breach of another condition of their Tenancy Agreement in respect of their current or former accommodation (including temporary accommodation). Examples of a serious breach could include subletting, deliberate damage to property, perpetrator of domestic violence or anti-social behaviour.
  - c) Applicants in breach of s.214 of the Housing Act 1996.
  - d) Applicants with lawfully recoverable arrears or other housing related debt within the meaning of this Allocations Scheme, which have been accrued through deliberate and wilful non-payment
  - e) Applicants whose income or assets exceeds the limits set by the Council using median income data taken from paycheck data (as these limits will change, Housing Needs Officers will use guidance to apply this test).
  - f) Applicants who owe arrears of rent or other accommodation charges to the Council in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a minimum period of 8 weeks. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need. Existing tenants with rent arrears because they have been affected by the under-occupancy charge will not normally be excluded where a move will prevent further arrears building up and they have made a reasonable contribution towards the charge
  - g) Applicants who have refused one reasonable offer of accommodation under the terms of the Allocations Scheme, see Section 4.26
  - h) Applicants that have in the 12 months prior to making an application voluntarily surrendered any tenancy that would have been reasonable for them to continue to occupy
  - i) Applicants who are only lacking one bedroom and are not statutorily overcrowded and this is their only housing need
  - j) Applicants with no residential connection to Barnet as set out at Section 3.10 (save for applicants placed in Band 4 as in Section 3.9 below).

Following the implementation of Homelessness Reduction Act 2017, the Council recognises that if eligible persons are threatened with becoming homeless within 56 days, it still owes them a statutory duty under s.179 to provide advisory assistance on preventing homelessness and securing accommodation when homeless; and a statutory duty under s.195 and s.189B of the Housing Act 1996 (as amended) to take the reasonable steps, set out in their personalised housing plan, to help them either remain in their existing accommodation or secure

alternative accommodation. Those applicants whose homelessness is prevented or relieved or who are referred to another local authority (and the decision to refer is not successful challenged) will not be placed on the housing register

## ASSESSMENT OF NEED

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

**Band 1:** People who have a Reasonable Preference<sup>3</sup> and are granted additional preference (being people with a very urgent need to move).

**Band 2:** People who need to move and fall within one of the Reasonable Preference categories but also qualify for the positive Community Contribution criteria such as being in employment, training or voluntary work. Also for people who currently live in supported housing and have been prioritised as ready for independent living by Adult Social Care, Health or another support provider authorised/approved by the Council.

**Band 3:** People who need to move and fall within one of the Reasonable Preference categories but do not qualify for the positive Community Contribution criteria.

**Band 4:** People who need to move and have been awarded Reasonable Preference under Housing Act 1996 Part VII s.193(2), but have had their preference reduced due to for example, no local connection, unspent housing or welfare benefits fraud, rent arrears, other housing related debt, higher income or savings or other tenancy breaches.

## RESIDENTIAL CONNECTION

- 3.10 Residential connection within the terms of this Allocations Scheme will normally mean that an applicant currently lives in the borough and has continuously done so for a minimum of 5 years. However, following the implementation of the Homelessness Reduction Act 2017, a young person owed leaving care duties under section 23C of the Children's Act 1989, looked after by Barnet Council (irrespective of whether they have been placed in a different local authority) will be considered to have established a local connection to Barnet until they reach the age of 21 (when this duty will cease, but this does not affect whether they have a local connection with Barnet under any other provision in the Housing Act 1996). In addition, a person who has been provided with accommodation under s.22A of the Children Act

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<sup>3</sup> a) People who are homeless (within the meaning of Part 7);(b) people who are owed a duty by any local housing authority under s.190(2), 193(2) or 195(2) (or under s.65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under s.192(3); (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;(d)people who need to move on medical or welfare grounds [(including grounds relating to a disability)]<sup>2</sup>; and (e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

1989 (provision of accommodation for children in care) who has resided in Barnet for a continuous period of at least two years will be considered to have established a local connection to Barnet even if some of that period accrued before that person turned 16 years old.

- 3.11 Households placed in accommodation outside of the borough by this authority in meeting its statutory duties will also have a residential connection as long as they fulfil the 5 year residential connection. The time spent placed by Barnet in temporary accommodation outside the borough will count towards time spent in Barnet.
- 3.12 Residential connection may also be awarded to people who need to move to a particular locality in the borough, where failure to meet that need would cause exceptional hardship to themselves or to others. Those without a residential connection will not be eligible to be placed in Bands 1, 2 or 3 until this condition is satisfied.
- 3.13 Residential connection requirements will not be applied to those who have been awarded Reasonable Preference under the Allocations Scheme as a result of their spouse or civil partner having served in the armed forces, as set out in Section 2.3 above.
- 3.14 People in the following categories will not normally be considered as having a residential connection:
- Households applying for housing through this Allocations Scheme owed a homeless duty by any other local housing authority under the Housing Act 1996 Part VII s.188, s.190, s.198 or s.193, will be regarded as non-qualifying persons regardless of whether they have been placed in Barnet or not. This is because that other local authority retains the responsibility for re-housing whether under s193 or any other duty by which the other local authority retains responsibility for their accommodation
  - Those placed in the borough of Barnet in residential or supported housing by another borough
  - Secure or flexible tenants of other boroughs
  - Those who do not meet the residential criteria but who have family members in this borough.
- 3.15 Applicants who have been placed in long-term temporary accommodation by the Council will be placed in Band 4. This will only be reviewed if the arrangement is due to expire within the next 3 months and their property lease or occupation arrangement cannot be renewed, or there is a change in circumstances that may increase their priority under the Allocations Scheme. Long-term temporary accommodation includes<sup>4</sup> private sector properties let via the Council or Housing Association under a leasing arrangement, and non-secure tenancies on the regeneration estates.
- 3.16 Applications for housing will be assessed by Housing Needs Officers using information supplied by the applicant and as a result of further enquiries as

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<sup>4</sup> These examples do not represent an exhaustive list.

appropriate. The Housing Needs Officer will decide whether the applicant falls within the Council's housing banding system and if so which band will apply.

3.17 Applicants who are assessed as not falling within one of the Council's Housing bands will only be offered housing advice and assistance as necessary.

3.18 The Council recognised that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion in the banding assessment and residential connection. In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:

- Threat to life
- Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
- Households who, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community.
- Cases nominated under the Police Witness Protection Scheme or other similar schemes that the Council has agreed to be part of.
- An applicant who provides a form of essential support to a close family relative, as defined under s.178(3) of the Housing Act 1996 (this includes parents, siblings, children, uncles, aunts, grandparents, spouses and former spouses) with a serious or enduring health condition who resides in the borough.
- An applicant who has an exceptional need that is not covered in the Allocations Scheme. For example, where child or public protection issues require rehousing or for domestic abuse where all other options to remain in the home have been considered.
- Other exceptional circumstances as authorised by the Assistant Director of Operations or equivalent.

3.19 Medical priority will be awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their housing conditions and the expected benefits of providing suitable alternative settled housing. Applicants who are assessed as having an overriding medical or welfare housing need will be placed in Band 1; the circumstances that justify this are detailed in Annex 1. The Housing Needs Officer will make the decision based on a medical adviser's recommendations. Thereafter applicants can ask for a review on the assessing officer's decision, which will be carried out by an Officer with no involvement in the case.

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

3.21 Where a young person is identified by Children's Services as ready to move on to other accommodation, the young person will be placed in Band 2 or 3 subject to Community Contribution (unless there is an urgent need to move in line with the Band 1 criteria). The amount and type of contribution may vary for young people and the Housing Needs Officer will have discretion to assess this as set out in Annex 3 of this Allocations Scheme.

### **CONDITION AND SIZE OF ACCOMMODATION**

3.22 All accommodation offered will be habitable and in reasonable repair.

3.23 The size of accommodation for which each applicant will be considered will depend upon the size and composition of the applicant's household. The requirements for each size of household are set out in Annex 2. Families who are willing and choosing to occupy smaller properties up to one bedroom size less than their assessed need must not be statutorily overcrowded. Young people aged 16 to 25 might be offered shared housing dependent on their assessed housing need.

3.24 Larger accommodation than specified in Annex 2 may be considered in exceptional circumstances on the recommendation of a specialist advisor, for example the Medical Assessment Team, Occupational Therapy Service, or Senior Social Worker.

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

3.26 Cases of existing secure Council tenants agreed as Management Transfers (due to extreme circumstances such as violent assault, harassment etc.) are able to move to alternative accommodation as the only viable resolution to their current difficulties. These moves should however not be at the expense of others. Therefore, their move will only be to the same size and type of accommodation as they currently occupy regardless of their actual housing need.

### **COUNCIL TENANTS**

3.27 Council tenants wishing to move from their existing home will be assessed in the same way as other applicants applying for housing advice and assistance under the Allocations Scheme. As such they will also be subject to the qualification criteria in Section 3.8.

3.28 Applications for a transfer may be made jointly by separate tenants of the Council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the Council makes one reasonable offer of a transfer to a third property.

- 3.29 On occasion it may be necessary for a council tenant to move out of their existing home to allow major works to be carried out or because their home is due to be demolished. In these circumstances, the Council will use its discretion to prioritise a move to a suitable alternative home by placing the tenant in Band 1 at an appropriate time.
- 3.30 Council tenants who have to move because major works are required to their home will have the option of moving back to their original home once the works have been completed.
- 3.31 The Council is undertaking a number of regeneration schemes. Under these schemes a large number of existing council homes will be demolished and replaced with new homes owned and managed by Housing Associations. Under the Allocations Scheme, existing secure tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their estate in accordance with the provisions agreed for each estate, before they are made available to any other applicants.
- 3.32 Where a secure council tenant is imprisoned for a period of more than 12 months, and would therefore either accumulate rent arrears or possibly lose their tenancy, they can voluntarily give up their tenancy. Upon release, they would be made a direct allocation of a secure tenancy that meets their needs. The size of accommodation would be the same as their previous tenancy, or a size that meets their needs under the terms of this Allocations Scheme, whichever is smaller. This will not apply to tenants who have been imprisoned in relation to a crime that would enable the Council to seek repossession of their accommodation- where this applies the Council will normally take repossession action.

### **HOUSING ASSOCIATION TENANTS**

- 3.33 Housing association tenants will be assessed in the same way as other applicants applying for housing advice and assistance under the Allocations Scheme.

### **MUTUAL EXCHANGES**

- 3.34 Secure tenants have certain rights in relation to exchanging their tenancies with other secure tenants and in relation to the circumstances in which a member of their household can succeed to their tenancy. These do not fall within the scope of the Allocations Scheme, and full details for how these schemes operate can be obtained from Barnet Homes or their Landlord in the case of Housing Association Tenants.

### **DISCRETIONARY SUCCESSION**

- 3.35 Housing law means that certain household members are entitled to succeed to a council tenancy when the tenant dies. This statutory right only applies to the first time that a succession occurs, but beyond this, the Council will use its discretion to allow additional successions to take place in the following circumstances:

- The person applying for succession has lived continuously in the property as their principal home for twelve months before the death of the tenant and
- they are the spouse, civil partner, a close relative of the tenant, or someone who had to live with the tenant in order to provide them with care, without which the tenant could not have maintained their tenancy and
- they would qualify for the property they have applied to succeed to under the Council's Allocations Scheme.

3.36 Where a property is not suitable for the person applying to succeed, for example because it is too large, the Council will assist them to find alternative accommodation if they qualify for help under the Allocations Scheme; this could include an offer of accommodation in the private rented sector.

### **SERVICE TENANCIES**

3.37 Employees of the Council or Barnet Homes who have a service tenancy associated with their employment may be rehoused by the Council in certain circumstances as set out in Annex 4. This will be achieved outside of assisted choice through the operation of Section 4.11, subject to the applicant being eligible for assistance under the Allocations Scheme and not disqualified under Section 3.8.

## **4. HOW THE COUNCIL ALLOCATES PROPERTIES**

### **THE PROPERTY POOL AND ASSISTED CHOICE**

- 4.1 Barnet Council operates a property pool and assisted choice lettings system. This means that the Council will maintain a list of properties that are available to let to housing applicants who fall into one of the housing bands described in Annex 1. This will include Council and Housing Association properties and those in the Private Rented Sector.
- 4.2 Priority for Council and Housing Association properties being let as secure or assured tenancies will be determined by housing band, with those applicants in Band 1 having a greater priority than those in Bands 2-4, and those in Band 2 having a greater priority than those in Bands 3-4, and so on. Within bands, priority will be determined by date order<sup>5</sup>.
- 4.3 In considering priority for re-housing between applicants with a similar priority under the banding scheme, the Council will also take account of the immediacy of need of each applicant. This means, for example, that where two applicants in the same band are nominated to the same property, preference may be given where one of the applicants is facing a more immediate loss of their existing home than the other.
- 4.4 To avoid the loss of properties available to the Council, properties in the private rented sector may be offered to applicants across Bands 1-4. In the interests of maximizing the supply of properties to those in housing need and working in partnership with local landlords, landlords play a role in selecting tenants for whom their properties are suitable from a shortlist provided by Barnet Homes.
- 4.5 Applicants will be selected for a property from those that are available that meet their needs and will be required to accept this property as their offer of rehousing. Section 4.24-4.25 below explains in more detail how the Council will determine the suitability of a property.
- 4.6 If no suitable properties are available at the time of banding the applicant's case will remain open until a property becomes available. However, while the case remains open, customers will be encouraged and supported to secure their own accommodation by making use of the private rented sector incentive schemes.

### **EXCEPTIONS TO ASSISTED CHOICE**

- 4.7 Properties which are adapted or are suitable for adaptation, e.g. Extra Care or Sheltered Plus housing, may be allocated to applicants with a substantial disability or with other support needs outside of the Allocations Scheme. Applicants for such properties will be assessed either by Adult Social Care or another health/support provider authorised /approved by the Council as having a significant housing need and meets the Council's eligibility threshold for care and support services.

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<sup>5</sup> Date order means that date that an applicant was placed in the housing band



- 4.8 An allocation may also be made outside banding priority in the case of a Council tenant who is willing to transfer from a property which s/he does not require and which is particularly suitable for an applicant with special or support needs.
- 4.9 Applicants who have a special need for an adapted property or other particular type of accommodation which is in very short supply may be invited to consider a suitable property which becomes available outside of the areas preferred by the applicants concerned.
- 4.10 Applicants who have given up their council tenancy whilst they are in prison as set out in Section 3.32 above.
- 4.11 There may be circumstances where there are urgent strategic, operational or financial reasons to make a direct offer of housing outside of the band and date order criteria. Specific examples of the circumstances where there may be urgent strategic, operational or financial reasons to allocate outside of the band and date order criteria are:
- People that need to move due to a fire or flood, or severe storm damage to their home
  - People who are at imminent risk of violence and are to be housed through a Witness Protection Programme
  - People who it has been agreed must be housed urgently as part of a - for example – a multi-agency protocol such as a MAPPA, MARRAC case or a protocol between the Housing and Social Care Departments of the Council where there is a need agreed between housing and social services to provide a specific property for a vulnerable household.
  - Where a vacant adapted property or a property designed to disability standards becomes available it may be offered to those households with a need for this property type regardless of the date they were registered.
- 4.12 Special allocation arrangements may apply in respect of properties available for letting on new-build developments. The Council has a Local Letting Policy whereby existing Council tenants with an established housing need under the Council's Allocations Scheme (in Band 1 or Band 2) whose existing home would become available for reallocation are given priority for new-build properties on in-fill developments on their estate.
- 4.13 Properties acquired outside the borough may be allocated outside the strict banding and date order priority. The Council will exercise its discretion to prioritise families already living outside the borough for these units. This will enable the Council, in some instances, to better meet the needs of such families as they are able to maintain social networks and support links already established in those areas. In most instances, these households will be already living in other forms of temporary accommodation. This approach supports the Council's commitment to provide a fair and transparent service to everyone applying for housing under the Allocations Scheme and to promote social cohesion in its allocation of accommodation.

4.14 Decisions to allocate properties outside of the property pool and assisted choice under Section 4.7 to 4.13 will be authorised by the Assistant Director of Operations. In addition, decisions under Section 4.11 and 4.12 will be notified to an appropriate senior representative of the Council.

### **PAN-LONDON MOBILITY**

4.16 Barnet Council participates in pan-London mobility (PLM) arrangements<sup>6</sup> and accordingly up to five percent of the properties that become available to the Council for re-letting or nomination each year will be made available to transferring tenants from other London local authorities participating in the scheme.

4.17 Homes under this scheme are allocated according to the PLM allocations scheme rules and not the rules outlined in this Allocations Scheme. Full details of the PLM Scheme can be found at [www.london.gov.uk](http://www.london.gov.uk).

4.18 Existing tenants of Barnet Council can make transfer applications through PLM to be considered for vacancies in other London local authority areas.

### **TYPES OF PROPERTY**

4.19 Some properties or blocks of properties may be designated for allocation only to applicants sharing a common characteristic or need, for example:

- Properties in blocks of flats for people aged over 40, or aged over 50.
- Properties in sheltered housing developments for people over 60.
- Properties in supported housing schemes offering special services.
- Individual properties which are adapted or otherwise particularly suitable for applicants who use a wheelchair, or
- Priority for ground floor, level access accommodation, will be given to customers with an assessed need for ground floor, level access accommodation.
- Priority for houses will normally only be given to households in Band 1 or households with children under the age of 16, unless there are exceptional circumstances approved by Assistant Director of Operations and allocated to households with children over 16.

### **SELECTION OF PROPERTIES**

4.20 In selecting properties from the property pool for applicants to consider, the Council will normally take into account the following factors:

- The number of bedrooms required (see Annex 2)
- Any essential requirement concerning the type or location of rehousing
- The housing band into which the applicant's case falls
- The suitability of the accommodation.

4.21 The Council will not normally take into account:

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<sup>6</sup>Currently known as Housing Moves

- Non-essential preferences concerning the location or type of rehousing requested by the applicant
- An applicant's preference as between an allocation of a Council property, a nomination to a Housing Association property or an allocation to the Private Rented Sector
- The standard, type or location of the applicant's current accommodation (except where this is related to the assessment of their need).

**SUITABILITY OF OFFERS OF REHOUSING (This section is to be read in conjunction with the Placements Policy)**

4.22 Where accommodation is offered through the assisted choice process described above, an applicant will normally be expected to accept an offer of a property that meets their specified needs. Reasonable offers are those that are deemed as suitable and appropriate to meet the housing and medical needs of the household concerned and are affordable to the applicant and his or her household.

4.23 The Council will seek to take into account applicants' particular or special needs but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of Council and other accommodation and the demands placed upon it by all priority groups. A suitable property may, therefore, be located outside the borough.

4.24 The Council will consider that a property is suitable if all of the following criteria are met:

- It is located in an area that the Council considers to be suitable for the applicant and their household
- If it is affordable for the applicant and his or her household based on his or her financial circumstances at the time of offer
- It is sized in accordance with the criteria in Annex 2
- It complies with any recommendation made by a Medical or other relevant advisor.

4.25 In determining the suitability of accommodation, the Council will consider the following:

- The significance of any disruption to the employment, education or caring responsibilities of the applicant or a member of the household
- The accessibility of medical or other support facilities that are currently used by the applicant or a member of the household
- The accessibility of local services, including places of worship, amenities and transport
- Its duty to safeguard children under Section 11 Children Act 2004
- Its public sector equality duty under Section 149 Equality Act 2010
- If a suitable property is located outside of the borough's boundary then the Council has to take into consideration the distance from the applicant's existing accommodation in the borough

- The above are matters for the Council to determine based on the facts of the case.

- 4.26 The Council will allow one reasonable offer of accommodation to be made. Applicants who have received one reasonable offer of accommodation either through assisted choice or a direct allocation and refused it will be excluded from being considered under the Allocations Scheme for 2 years from the date of refusal.
- 4.27 Those households accepted as statutorily homeless and owed a duty to house or have been granted homeless status under s.166A (3) (a) (people who are homeless within the meaning of Part VII of the Housing Act 1996) will lose their priority status banding if they refuse one reasonable offer of accommodation. Unless they have another reason to be awarded priority banding they will then no longer qualify to be placed in a housing band. The one reasonable offer of accommodation made will also bring to an end any statutory homeless duty to any of these applicants owed a s.193(2) or 195(2) and they will be warned of this consequence at the point the property is formally offered to them. The suitability criteria used to determine whether an offer to end a full homeless duty will be the criteria set down in the Suitability of Accommodation Order England 2012, as amended by s.12 of the Homelessness Reduction Act 2017, relevant case law and statutory guidance.
- 4.28 This criteria only applies to an offer of social housing or private rented housing made with the intention of ending a full homeless duty. Where an offer is made to any other banded applicant who is not owed a full homeless duty it is for the Council to define on the facts of the case whether the offer is suitable following the criteria set out in Section 4.24 – 4.25 above.
- 4.29 If an applicant does not reply to an offer within 2 working days of receiving the offer it will be deemed to have been refused unless there are exceptional circumstances as to why there is no response.
- 4.30 Applicants may be offered a property in the private rented sector. These offers are subject to specific regulations that protect the health and safety of tenants. Full details of these regulations are available on request.
- 4.31 An offer of accommodation which is arranged by way of a nomination to a Housing Association will be considered to be as reasonable as an offer of a council tenancy.
- 4.32 An applicant who has been removed from the banding system under Section 4.26 will not be entitled to be reconsidered for housing under this Allocations Scheme for a period of 2 years from the date that the Council notified them of its decision, except where there has been a material change in circumstances such that the offer of re-housing would no longer be suitable, for example because of an enlargement of the applicant's household or a deterioration in ill health.

## **5. PROCEDURE FOR APPEALS AND REVIEWS**

- 5.1 All applicants have the right to request general information about their application, including details of their personalised housing plan, whether they are entitled to any preference for housing and whether and when one reasonable offer of accommodation will be made to them. Decisions made under the Allocations Scheme will be notified to applicants in writing and applicants are entitled to request information concerning the facts of their case that have been taken into account, this includes decisions in relation to the discharge of the prevention or relief duties under s.193C and s.189B of the Housing Act 1996. If the Council intends to discharge their duty due to the applicant's deliberate and unreasonable refusal to co-operate, these applicants will receive a formal notice of the Council's intention pursuant to s.193(B)(2) or s.189B(7) of the Housing Act 1996.
- 5.2 Applicants who are unhappy with a decision made under the Allocations Scheme should in the first instance contact the Housing Options service and explain why they think that the decision is not reasonable. An initial review will then be undertaken of the decision to offer the applicant the property. This review will be undertaken by either the housing officer who dealt with their case or an equivalent officer.
- 5.3 The applicant will be notified whether the decision still stands and the reasons for this usually within 2 working days via a telephone call, text, email or letter.
- 5.4 Where the Council reaches a decision:
- That the applicant is not eligible for the Council's Allocations Scheme by virtue of s160ZA (2) or (4) of the Housing Act 1996 or
  - That the applicant is not a qualifying person under s160ZA (7) of the Housing Act 1996
  - An applicant has requested that the Council consider their housing circumstances are exceptional, but the outcome is that the Council has decided that their circumstances are not exceptional to require the qualification criteria to be waived

For an application where any of the 3 outcomes set out above applies, an applicant will be informed of the Council's decision in writing and will be informed of the reasons for the decision and will have a right to request of that decision. The review process is set out in Section 5 of this Allocations Scheme.

- 5.5 If an applicant wishes to take the matter further, they can make a request for a formal review of the decision within 21 days. In these cases, the applicant will be invited to make a written submission stating the reasons for their request for a review and the Council will seek any further information it requires, including advice from medical and other specialist advisors. Formal reviews will be conducted by a Housing Needs Manager who will notify the applicant of the outcome of the review including the reasons for their decision within 56 days.
- 5.6 Where an applicant wishes to appeal the suitability of an offer of accommodation under Section 5.2 of this Allocations Scheme, the property will be held available

whilst the appeal is considered where this is not likely to lead to an unreasonable delay in letting the property.

- 5.7 Where an applicant requests a formal review concerning the suitability of accommodation under Section 5.6 of this Allocations Scheme, the property will not normally be held available whilst the appeal is considered.

## **6. GENERAL RULES AND CONDITIONS**

### **DECISIONS**

- 6.1 All decisions taken under this Allocations Scheme will be by Housing Needs Officers within The Barnet Group unless otherwise specified. Housing Needs Officers are supported by Housing Needs Managers.

### **REQUESTS FOR ASSISTANCE**

- 6.2 Requests for housing assistance must be made to the Housing Options Service. The Council aims to notify applicants of the result of the assessment of their priority under the Housing Banding System within 33 days. However, in cases where a medical assessment or other special assessment is required, it may take longer to notify applicants of the result.

### **PERSONS ELIGIBLE FOR ASSISTANCE**

- 6.3 Persons entitled to assistance must be members of the applicant's immediate family who normally reside with the applicant. Any other person or persons will only be considered as entitled if the Council is satisfied that it is reasonable for that person to reside with the applicant. This will normally exclude lodgers or anyone sub-letting from the applicant.
- 6.4 The Council may also refuse to consider an application for assistance or someone's inclusion on an application if the person concerned (i.e. other than the applicant) has made a separate housing application.

### **EVIDENCE OF IDENTITY AND HOUSING CIRCUMSTANCES**

- 6.5 All applicants must provide satisfactory evidence of identity and past and current residences for themselves and all household members. The Council will request documentary evidence from each applicant and will conduct such further enquires as are reasonable in the circumstances. It is the responsibility of the applicant to provide the Council with all the information and to provide any supporting information or documents as requested. Thereafter the applicant must fully comply with any request subsequently made by the Officer assessing the application for further information or documentation. Incomplete applications will not be made active until such time as the Council is satisfied that it has in its possession all of

the information it requires to complete an assessment. All incomplete applications will be cancelled after a period of 28 days of inactivity from the applicant from the date information has been requested and not provided (unless there are extenuating circumstances). This cancellation does not prevent the applicant making a subsequent application at a later date, although all applicants should note that in such cases the effective date of registration would not be backdated to the earlier application date.

- 6.6 The Council will normally carry out a visit to each applicant's residence if their priority is sufficient for an allocation of housing under this Allocations Scheme. Visits conducted will include an inspection of the accommodation and facilities and are normally but not necessarily arranged by appointment.

### **INCOME AND SAVINGS**

- 6.7 All applicants will be required to supply evidence of their financial income and resources. Verification of income and savings will be required prior to applicants being offered accommodation. Income assessments will take into account the incomes of both the main applicant and their partner. The income that is assessed will include both gross earned income and income from benefits (excluding disability benefits). Households will not normally be placed in a band or offered social housing if their total income is above the median income level for their household size in Barnet. This is calculated using Paycheck data. Similarly, where applicants have resources above the level set by the Council (£30,000 capital or savings) they will not normally be placed in a band or offered social housing. Households with incomes or assets below these limits will only be banded if they meet the criteria set out in this scheme.

### **CHANGES OF CIRCUMSTANCES**

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

## **INVESTIGATION OF FRAUD**

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

## **MEMBERS OF THE COUNCIL, STAFF MEMBERS AND THEIR RELATIONS**

- 6.13 In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or rehousing from members of the Council, employees of the Council or associated persons must be disclosed. These applications will be assessed in the normal way but any allocation of housing will require special approval by a Housing Service Manager.

## **EQUAL OPPORTUNITIES AND MONITORING**

- 6.14 The Council is committed to the principle of equal opportunities in the delivery of all of its services.
- 6.15 Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require other special services as a result of visual impairment, hearing difficulties or other disability.
- 6.16 Confidential interview facilities are provided at Barnet House and there is full access for people who use a wheelchair. Home interview services are available for applicants who are elderly or who experience mobility difficulties.
- 6.17 The Council will seek to ensure that its allocation policies are being operated in a manner that is fair to all sections of the community regardless of race, marital status, age, sex, sexual orientation, religion pregnancy and maternity, gender reassignment or disability. The information provided will be kept confidential and treated with respect. The Council believes it is important to understand the different communities who apply for housing and it is only by asking these questions that we can check we are operating a fair system.



- 6.18 All applicants for housing or rehousing will be asked to provide details of nationality, ethnic origin, marital status, age, gender, sexual orientation, religion and disability. This will not, however, be a requirement for acceptance of an application. Equalities records will be kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly.
- 6.19 Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.

## **CONFIDENTIALITY**

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

## **ACCESS TO PERSONAL DATA**

- 6.22 The Data Protection Act 1998 (DPA) provides individuals with a right to request access to any of their personal data held by the Council, and a right to know where the data came from, how it is used and why it is held. Such a request is called a “subject access request” and applies to personal data in housing files.
- 6.23 Subject access requests can be made in writing to any member of the Housing Options Team and must describe the information sought. The request will be sent to the Complaints and Information Team to action. Applicants must state their name and provide proof of their identity, such as a copy of a passport, driving license, or recent utility bill.
- 6.24 Any applications made by third parties on behalf of an applicant (for example by a lawyer acting for a client) must be accompanied by written evidence of authority to act. If this is not possible by reason of disability then the Council should be contacted in order to make alternative arrangements.
- 6.25 The Council may charge a £10 fee to handle a subject access request. There is no charge for students, pensioners, staff, benefit claimants and those on Income Support.

- 6.26 Once the Council has received the information, documentation and fee (if charged) referred to above in Sections 6.23, 6.24 and 6.25, it must begin processing the request and respond within 40 calendar days. There is a limited range of exemptions from the right of subject access.
- 6.27 Housing files may contain information about other people (third parties), such as details of complaints made by other tenants, or comments made by housing staff. If the Council cannot respond to a request without giving information about other people, it is not obliged to include this information in its response unless they consent, or unless it thinks it is reasonable in all the circumstances to disclose this information without their consent.
- 6.28 Under the DPA applicants may also have the right to challenge the information held on them and may request the correction of records which they believe to be inaccurate. Such challenges should be made in writing and addressed to the Assistant Director of Operations.

### **ACCESS TO OTHER INFORMATION**

- 6.29 Anyone has the right to request access to recorded information held by the Council, either under the Freedom of Information Act 2000 (FOIA) or, for environmental information, the Environmental Information Regulations 2004 (EIRs) and after 25 May 2018, the General Data Protection Regulation (GDPR)
- 6.30 Requests under the FOIA must be made in writing, must include the applicant's name and a correspondence address and must specifically describe the information requested. Requests under the EIRs must also comply with these regulations except that they can be made verbally. Please address requests under the FOIA or EIRs to the "FOI Officer" at the Council's postal address or to [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk).
- 6.31 Once a valid request has been reviewed the Council must usually respond within 20 working days.
- 6.32 Requests made by individuals for their own personal data will be treated as "subject access requests" under the DPA (see Section 6.22 to 6.28 above).

## **ANNEX 1 – BARNET HOUSING BANDS**

<b>Band 1: Urgent Need to Move due to Reasonable Preference PLUS additional priority and a residential connection<sup>7</sup></b>	
<b>Summary Guide of Criteria<sup>8</sup></b>	
<p>Emergency medical or disability Reasonable Preference category s.166A(3)(d)</p>	<ul style="list-style-type: none"> <li>• Where an applicant’s condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the provision of suitable care.</li> <li>• The condition is life threatening and the applicant’s existing accommodation is a major contributory factor.</li> <li>• The applicant’s health is so severely affected by the accommodation that it is likely to become life threatening.</li> <li>• The applicant has severe mobility issues, is housebound and is unable to leave their accommodation save with assistance that will result in high risk to themselves or their carer. They have an assessed need to move to accommodation that meets their needs.</li> <li>• The applicant is a wheelchair user who is unable to use their wheelchair within their current accommodation and has an assessed need to move to wheelchair suitable accommodation.</li> <li>• The applicant’s accommodation is directly contributing to the deterioration of the applicant’s health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months.</li> <li>• Where overcrowding in the property leaves the applicant at risk of life threatening infection.</li> </ul>
<p>Exceptional Circumstances Welfare and Hardship Criteria Reasonable Preference category s.166A(3)(e)</p>	<ul style="list-style-type: none"> <li>• Emergency need to move determined by the Council and authorised by the Assistant Director of Operations or equivalent.</li> <li>• Applicants who are currently experiencing domestic violence in their home or have had to leave their current home to a place of safety in emergency temporary accommodation allocated by the Council.</li> <li>• Examples of exceptional circumstance cases are given in</li> </ul>

<sup>7</sup> As defined in paragraph 3.5 of this scheme

<sup>8</sup> This summary guide of criteria does not represent an exhaustive list of all applicants entitled to Reasonable Preference

	Section 3.18
Disability need to move on hardship grounds Reasonable Preference category s.166A(3)(d)	<ul style="list-style-type: none"> <li>Applicants who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.</li> </ul>
Release of adapted property Reasonable Preference category s.166A(3)(e)	<ul style="list-style-type: none"> <li>Where a tenant is willing to transfer to a suitable non adapted property and is releasing an adapted house or designated older persons property.</li> </ul>
Statutory Overcrowded Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> <li>Tenants who are statutorily overcrowded.</li> </ul>
Acute Overcrowding Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> <li>Where a household is 3 bedrooms short of the bedroom standard outlined in Annex 2.</li> </ul>
Private sector properties insanitary or unfit Those living in insanitary conditions where the conditions pose an ongoing and serious threat to health Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> <li>Private sector tenants and residents of dwellings that the Council's Private Sector Housing Team has determined that the property poses a Category 1 hazard under the Housing Health and Safety Rating System (e.g. crowding and space, excessive cold or risk of falls) and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, <u>and</u> there is no prospect of the problems being remedied within a 6 month time period.</li> <li>A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004.</li> </ul>
Under-occupation Reasonable Preference category s.166A(3)(e)	<ul style="list-style-type: none"> <li>Where a secure Council tenant will release a home with two or more bedrooms by moving to a property with fewer bedrooms than they currently have.</li> <li>Housing association tenants who will release a home with two or more bedrooms are eligible if their landlord agrees that the vacated property can be used for a nomination by the Council.</li> </ul>
Major works or demolition Reasonable Preference category	<ul style="list-style-type: none"> <li>Where a council tenant has to move either temporarily or permanently whilst major works are undertaken or where their home is due to be demolished.</li> </ul>

s.166A(3)(c)	
Foster carers referred by the Council's Children's Service Reasonable Preference category s.166A(3)(d) and (e)	<ul style="list-style-type: none"> <li>Foster carers approved by the Council whose housing prevents them from being able to start, or continue, to provide foster care.</li> </ul>

<b>Band 2 Need to move – Reasonable Preference plus Community Contribution and a residential connection<sup>9</sup></b>	
	<b>Summary of Criteria</b>
Homeless households owed a full homeless duty under s.193(2) or 195(2).  Reasonable Preference categories s.166A(3)(a)	<ul style="list-style-type: none"> <li>People who are owed a duty under s.193 (2) or 195 (2) of the Housing Act 1996 (or under s. 65 (2) or 68(2) of the Housing Act 1985) - This means households who are homeless or threatened with homelessness and in priority need.<sup>10</sup></li> <li>Applicants owed a full homeless duty by any other Council will not require a residential connection to be placed in this band, but receive a reduced preference for not having a local connection to Barnet Council (until they acquire a local connection with the borough).</li> </ul>
Overcrowded by the Bedroom standard.  Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> <li>Where a household is 2 bedrooms short of the bedroom standard outlined in Annex 2.</li> </ul>
Applicants living in unsatisfactory housing lacking basic facilities.  Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> <li>Applicants without access at all to any of the following facilities. No access to: <ul style="list-style-type: none"> <li>A bathroom or kitchen</li> <li>An inside WC</li> <li>Hot or cold water supplies, electricity, gas or adequate heating.</li> </ul> </li> <li>Applicants who occupy a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by s.33 of the Housing Act 2004.</li> <li>Applicants who only have access to shared facilities in</li> </ul>

<sup>9</sup> As defined in paragraph 3.5 of this scheme

<sup>10</sup> A person is also threatened with homelessness under s.175 (5) of the Housing Act 1996, as amended by the Homelessness Reduction Act 2017, if they have been given a valid notice under s.21 of the Housing Act 1988, in respect of the only accommodation which that person has which is available for their occupation and which will expire within 56 days.

	shared accommodation will not qualify under these criteria.
Medical grounds Reasonable Preference category s.166A(3)(d)	<ul style="list-style-type: none"> <li>Where an applicant's (or a member of their household) housing is unsuitable because of severe medical reasons or because of their disability. The applicant (or member of their household) is not housebound but their current housing is exacerbating their health conditions.</li> </ul>
Hardship or welfare need to move for care or support Reasonable Preference category s.166A(3)(c) and (d)	<ul style="list-style-type: none"> <li>Those who need to move to give or receive care that is substantial and ongoing.</li> <li>Those who need to access Social Services facilities, and are unable to travel across the Borough.</li> <li>Those who need to take up (or continue) employment education or a training opportunity that is not available elsewhere <u>and</u> who do not live within reasonable commuting distance.</li> </ul>
Housing need due to age Reasonable Preference category s.166A(3)(d)	<ul style="list-style-type: none"> <li>Older or disabled applicants seeking Retirement or Extra Care or Sheltered Plus housing.</li> </ul>
Ready to move on from Council accredited supported care schemes Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> <li>An applicant is ready to move to independent settled housing on the recommendation of the support worker or equivalent.</li> <li>The applicant is in need of medium to long term rather than short term ongoing tenancy support.</li> <li>That support package has been assessed and is in place.</li> </ul>
Move on from Care Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> <li>A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.</li> <li>They possess the life skills to manage a tenancy including managing a rent account.</li> <li>The care leaver is in need of either a long term or medium term tenancy support.</li> <li>That support package has been assessed and is in place.</li> <li>Following the implementation of the Homelessness Reduction Act 2017, "former relevant" carer leaver, as defined by s.24(1B) of the Children's Act 1989 (for whom the Council is continuing to exercise its duties under s.23C of the Children's Act 1989) is considered to have established a local connection to Barnet, irrespective of whether they were placed in Barnet.</li> </ul>
Discretionary Succession	<ul style="list-style-type: none"> <li>Where the Council has agreed to grant a tenancy under Section 3.35 of this Allocations Scheme.</li> </ul>
Existing Foster carers approved by	<ul style="list-style-type: none"> <li>Where a Foster carer already providing a home for at</li> </ul>

the Council willing to provide care for an additional child  Reasonable Preference category s.166A(3)(d) and (e)	least one foster child offers to provide care for an additional foster child.
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<b>Band 3: Need to move – Reasonable Preference BUT no Community Contribution and a residential connection<sup>11</sup></b>	
	<b>Summary of Criteria</b>
Reasonable Preference categories s.166A(3)(a)	<ul style="list-style-type: none"> <li>Applicants in this band will have the same element of housing need / Reasonable Preference as those applicants in Band 2 but will <u>not</u> have the Community Contribution award as defined in Annex 3 of this Allocations Scheme. Once a Community Contribution or Working Household award is given, the applicant will be moved into Band 2.</li> </ul>

<b>Band 4: Reduced Priority: Need to Move - Reasonable Preference but with Reduced Priority</b>	
	<b>Summary of Criteria</b>
<p>Applicants owed Reasonable Preference but who have been given reduced priority but are owed, or are likely to be owed, a duty under s.193 (2) or 195 (2) of the Housing Act 1996 (or under s.65 (2) or 68(2) of the Housing Act 1985). Those households owed a full homeless duty in suitable long term temporary accommodation will be allocated Band 4.</p> <ul style="list-style-type: none"> <li>No local connection</li> <li>Unspent housing or welfare benefits convictions</li> <li>Rent or other housing arrears</li> <li>Income or assets exceeding the limits set out in Section 6.7</li> </ul>	<ul style="list-style-type: none"> <li>Customers in this band have reduced preference and are extremely unlikely to be offered social housing but may be helped to find a home in the private rented sector.</li> </ul>

<sup>11</sup> As defined in paragraph 3.5 of this scheme

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| <ul style="list-style-type: none"><li>• Breaches in tenancy conditions</li><li>• Intentionally homeless (Reasonable preference category S166A(3)(a))</li><li>• Homeless but assessed as having no priority need under the homelessness law (Reasonable preference category S166A(3)(a))</li><li>• Those in long-term temporary accommodation, including private sector tenancies let via the Council or a Housing Association, to whom a duty is still owed unless the property does not meet the needs of the household or is about to be terminated.</li></ul> |  |
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## ANNEX 2 - SIZES OF HOMES

The number of bedrooms needed by an applicant depends upon the size of their family. The chart shows the number of bedrooms that we consider an applicant needs based on household size.

- Unborn babies and children under the age of 1 are not considered when determining the number of bedrooms needed.
- Multiple births e.g. twins under the age of 1 are considered when determining the number of bedrooms needed.
- Single people without children are usually offered studios.
- Single bedrooms will be used for one person not sharing (for example a single parent).
- Double bedrooms will be used for two people sharing (for example two children sharing)
- A couple or single parent expecting a baby is entitled to one double bedroom.
- A couple or single parents with a child under one are entitled to one double bedroom.
- Two children of the opposite sex under ten will be expected to share a bedroom.
- Some retiring staff are contractually entitled to one bedroom more than they need.
- Council or Housing Association tenants trading down from properties with three or more bedrooms may choose a property with one bedroom more than they need
- Sometimes Housing Associations adopt different criteria for determining the number of bedrooms a household requires.

<b>SIZE OF FAMILY</b>	<b>SIZE OF PROPERTY</b>
Single person	Bedsit/single person home with single bedroom
A couple without children	1 bedroom
A couple with 1 child who is under the age of 1	1 bedroom
Two adults of the same sex and generation <sup>12</sup> for example, flat sharers, or two brothers	1 bedroom
A couple with a child aged one or over, including an adult son or daughter	2 bedrooms
A couple with two children of the same sex	2 bedrooms
Two adults of opposite sex who do not live as a couple, for example, brother and sister	2 bedrooms
A couple with two children of opposite sex and both under ten	2 bedrooms
A couple with two children of opposite sex one of whom is 1 or over and the other who is 10 or over	3 bedrooms
A couple with three children	2 or 3 bedrooms

<sup>12</sup> A generation is 20 years or more

	depending on the age of the children
A couple with four children (all of the same sex or two of each sex)	3 bedrooms
A couple with two children of the opposite sex under ten and one dependent relative (for example, widowed mother)	3 bedrooms
A couple with four children (three of one sex and one of the opposite sex)	3 or 4 bedrooms depending on the age of the children
A couple with more than four children	4 bedrooms

## **ANNEX 3 – COMMUNITY CONTRIBUTION: HOW PRIORITY IS AWARDED**

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

Community Contribution is a Barnet Council policy which gives the main applicant or partner increased priority for housing when they have Reasonable Preference and qualify under the Community Contribution criteria described below. These applicants will be placed in Band 2 by virtue of this award.

We recognise that some single adult households who have caring responsibilities for a pre-school child/children may find it more difficult to make a positive community contribution. Therefore, discretion may be applied to the number of hours that adults in such households must be working or volunteering for the household to be awarded a positive community contribution.

### **Community Contribution Awards – How they work in practice**

Community contribution can only be awarded to the main applicant or their partner.

Applicants or their partners and all household members must be able to demonstrate as much as reasonably possible that they have a *current positive residence history* to qualify for a Community contribution award and that none of the following apply:

- On-going culpable involvement in anti-social behaviour or criminal activities.
- Breaches of tenancy within the last 3 years
- Outstanding lawfully recoverable housing-related debt over £100.
- Have an outstanding unspent conviction.

Increased priority for housing is given to those applicants who demonstrate a commitment to contribute to the Borough's economic growth as working households or who make a contribution by their contribution within communities.

Applicants or their partners awarded Community Contribution must also fulfil the eligibility criteria in Section 3 of this Allocations Scheme.

Applicants can access increased priority for housing in five ways;

#### **1. Working Households**

This Allocations Scheme aims to support the economic growth of Barnet.

We want to encourage people who can, to work and want to raise levels of aspiration and ambition. We will offer increased priority to applicants who are working but are on a low income and therefore find difficulty in accessing outright

home ownership or low cost ownership. Applicants who have Reasonable Preference can receive increased priority to Band 2 by virtue of their "working" status.

### **Definition of Working Households**

For the purposes of the Allocations Scheme employment is described as having a permanent contract, working as a temporary member of staff or being self-employed. Households will only qualify if either the applicant or their partner has worked for at least 64 hours per month for 6 out of the last 12 months and is currently in employment. Applicants who are on maternity leave or paternity leave but remain in employment can also qualify for this award. Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper in order to qualify.

A person is self-employed if they run their business for themselves. Self-employed workers are not paid through PAYE, and they do not have the employment rights and responsibilities of employees. Households who are self-employed will only qualify if either the applicant or their partner has worked for at least 64 hours per month for 6 out of the last 12 months and is currently self-employed. Applicants must be able to provide evidence to confirm their self-employment in addition to certified accounts as supplied to HM Revenue and Customs (not an online self-assessment) or proof of National Insurance Contributions. Verification will be sought at point of application as well as point of offer under the same terms. If an applicant or their partner is unable to provide satisfactory evidence to confirm that they are self-employed in line with this Allocations Scheme, a household may not be awarded with a Community Contribution.

## **2. Volunteering**

Households will only qualify if either the applicant or their partner has volunteered for at least 64 hours per month for 6 out of the last 12 months and is currently volunteering. Volunteering must be for a not-for profit organisation that is:

- registered with CommUNITY Barnet or
- recognised by the Council or
- a charity that is registered with the Charity Commission or
- is funded by the Council, another local authority or a faith based community group or organisation.

Tenants and Residents Associations which are constituted are classified as not-for-profit organisation. They must be registered with Barnet Council or a Registered Social Landlord to qualify.

### **Evidence required for voluntary work.**

A letter on the organisation's headed paper from the manager responsible for volunteers confirming the applicant's involvement in a minimum of 64 hours per

month of voluntary work for at least 6 months. This person must not be related to the applicant in any way.

### **3. Training or Education**

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

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

To be eligible for the vocational training qualification a person must initially access a recognised Information, Advice and Guidance (IAG) service to develop an agreed action plan and to be signposted to relevant training providers. Candidates must be working towards gaining employment in a vocational occupation.

Applicants eligible for out-of-work related benefits must also be registered with Job Centre Plus and accessing mainstream job brokerage provision, thus actively seeking work. This training must be in addition to, or supplementary to any mandatory training required and may be undertaken in conjunction with volunteering to gain further knowledge and experience.

Some people undertaking training are not actively seeking work. Where the Department of Work and Pensions can confirm that the applicant is not required to actively seek work because of their circumstances, for example they have caring responsibilities, their training can be recognised in this Allocations Scheme.

Households will only qualify if either the applicant or their partner is studying or training against the eligible criteria and definition outlined, for at least 64 hours per month for a continuous period of at least 6 months up to the point of application and continuously until the point of offer.

#### **Evidence required for Training element**

Further/higher education candidates must supply evidence of:

- Letter from College or University confirming participation in course of study for period of 6 months.

For vocational training award, the following evidence must be provided:

- Certificate or letter from a registered awarding body for the course or by a recognised training provider as evidence of gaining a recognised vocational qualification or successfully completing accredited work-related training (over a continuous period of at least 6 months).

#### **4. Ex-service personnel**

Applicants or their partner, who are assessed as falling within the Reasonable Preference categories relating to service in the armed forces set out in Section 2.3 of this Allocations Scheme, will qualify for a Community Contribution award automatically, with the exception of those who have been dishonourably discharged. This includes people who have served in the Royal Navy, Royal Air Force and British Army.

Service with the armed forces will be confirmed with the Veterans UK.

#### **5. Registered Foster Carers**

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

#### **6. Carers**

An applicant or their partner who is receiving carers allowance for caring for a person will qualify for the Community Contribution award under this Allocations Scheme.

#### **7. Protected Characteristics**

Where any applicant cannot reasonably make a Community Contribution, for example go out to work or volunteer, because they have protected characteristics, Housing Needs Officers will consider such cases on an individual basis and use their discretion to award a Community Contribution where they consider this is appropriate.

Protected characteristics include the following: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief, gender and sexual orientation.

#### **8. Young people**

Generally young people (applicants aged 25 and under) will be required to meet the full Community Contribution criteria outlined above. However, Housing Needs Officers will have discretion with regard to the length of time a young person has been in employment. In addition, where a young person is able to participate in volunteering and is not in employment or training the number of hours required is 64 hours per month.

#### **Young people referred by Barnet Family Services (Care Leavers)**

It is acknowledged that some care leavers referred by the Onwards and Upwards team may not have a positive residence history and may have difficulty in meeting the full requirements of the Community Contribution criteria. To help meet the Council's corporate parenting obligations and reduce the potential for care leavers remaining in temporary accommodation for long periods the requirement for a Community Contribution shall not apply. All young people will however continue to be encouraged to make a positive contribution and engage with employment, training and education as part of the Council's Local Tenancy Strategy.

#### **9. Vulnerable adults referred by Adult Social Care**

It is acknowledged that vulnerable adults who have been referred for independent living by Adult Social Care and Health are unlikely to meet the requirements of the Community Contribution criteria. In these cases, there will be discretion to apply Community Contribution with the approval of a Housing Needs Manager.

## ANNEX 4 - SERVICE TENANCIES

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