

WE ARE HOUSING.



**LONDON BOROUGH OF NEWHAM'S
HOUSING ALLOCATION SCHEME.**

WE ARE NEWHAM.

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1. CONTEXT

The law requires that all allocations or 'lettings' are carried out in accordance with the requirements of the Housing Act 1996 (Part 6), as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017. So, in determining the rules within this Scheme, the London Borough of Newham (LBN) has given due consideration to these Acts, related legislation, case law and Guidance issued by the Secretary of State.

The Scheme also reflects the freedoms in the Localism Act 2011 which allow councils to better manage their waiting lists and tailor allocation priorities to meet local needs and circumstances.

LBN is responsible for allocating Council and Housing Association (HA)* homes to people who are in housing need. However, as the demand for accommodation is far greater than the supply, it is essential that the best use is made of all available housing stock and that those applying for assistance consider all options to resolve their housing situation.

The Housing Allocation Scheme aims to:

- Manage expectations about the availability of social housing
- Make the best use of available housing stock
- Promote the awareness of alternative housing options and solutions
- Provide arrangements for determining priorities between applicants and give 'reasonable preference' to certain applicants in accordance with the Housing Act 1996 s.166A(3)
- Provide fair access to our service
- Allow the greatest degree of choice.

Only households on the housing register will be considered for housing. The Scheme explains who can join, the rules followed to make decisions about housing applications and the way in which LBN decides priorities between applicants when allocating homes. It also provides details about other housing options.

In every case the individual circumstances of each applicant are considered. The Scheme also allows for regard to be had to exceptional circumstances where any provision may be considered and waived if appropriate. Note: *HA includes housing associations, registered providers and registered social landlords with whom LBN holds nomination arrangements.

2. EQUALITY POLICY

LBN is committed to promoting equality of opportunity, good community relations and the prevention of all forms of unlawful discrimination in the way services are provided. The Allocation Scheme policies and criteria ensure applicants are treated fairly. Applications and lettings are also monitored to make sure the service is delivered fairly. Where required, applicants and residents will be provided with information and advice about the Scheme in languages and formats to meet their needs.

3. INFORMATION, DECISIONS AND RIGHTS OF REVIEW

Applicants have the right to request such general information from LBN as will enable them to assess how their application is likely to be treated under the Scheme, including whether they are likely to be regarded as a person within a reasonable preference group, and whether housing appropriate to their needs is likely to be made available, and if so, how long is it likely to before such accommodation becomes available.

Applicants also have the right to request information about the facts of their case which are likely to be, or have been, taken into account in considering whether to allocate them housing.

Unless stated otherwise, decisions and approvals under the Scheme, and any discretion to be exercised by LBN which is referred to in the Scheme, may be taken or exercised by the Director of Housing, the Assistant Directors of Housing or officers who have been given the appropriate delegated authority by the Director of Housing or the Assistant Directors of Housing.

Applicants have a statutory right to request a review of any decision about the facts of their case which is likely to be, or has been taken into account in considering whether to allocate housing accommodation to them. This includes any decision restricting registration on the Housing Register or any decision which removes the applicant from the list after having registered, or where there is a decision not to make an allocation. Applicants must make a request for a review within 21 days of the date of the letter informing them of the decision.

4. QUALIFYING FOR HOUSING OR RE-HOUSING

Who can register for the Allocation Scheme?

Any person requesting housing assistance must:

- be at least 18 years of age
- live within Newham (and show they have been living continuously in Newham for 3 years)
- not have an existing application (i.e. one which is not closed)

The residency conditions do not apply if the applicant:

- ✓ Is an LBN tenant living in an LBN out of borough estate at Brentwood, Rainham or Aldersbrook.
- ✓ Is owed a homeless duty by LBN under Part 7 of the Housing Act 1996.
- ✓ Has been placed in a domestic violence refuge outside Newham and was referred by LBN or another organisation in Newham.
- ✓ Is seeking to move to Newham to escape domestic abuse, other violence or harassment in another area and it is unsafe for them to remain.
- ✓ Is placed in accommodation by LBN or Newham Local Health Authority and is receiving services.
- ✓ Is nominated to LBN through the Housing Moves Scheme or any other scheme to which LBN subscribes.
- ✓ Is a traveller or gypsy and does not have 3 years residence in Newham as a result of having followed a traditional travelling lifestyle.
- ✓ Is serving or has served in the Regular Forces.
- ✓ Has recently ceased, or will cease to be entitled to reside in Ministry of Defence accommodation following the death of their spouse or civil partner where the spouse or civil partner has served in the Regular Forces and their death was attributable (wholly or partly) to that service;
- ✓ Is serving or has served in the Reserve Forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

Who cannot register on the Allocation Scheme?

People cannot apply or continue to be registered in the following situations:

- ✓ They have not continuously lived in the borough for 3 years at the point of application
- ✓ They have moved out of borough since applying (unless within one of the exceptions to the residency conditions listed above applies)
- ✓ Those subject to immigration control and as a result restricted from applying.
- ✓ Those placed in Newham by another local authority as a result of an on-going homelessness duty.
- ✓ Unacceptable behaviour, subject to assessment.
- ✓ Anti-Social behaviour, subject to assessment.
- ✓ Those currently serving a prison sentence.

Persons from Abroad

A person cannot join the Housing Register if subject to specific exclusion on grounds of immigration status or if they are a person from abroad as defined in s160ZA of the Housing Act 1996 and associated statutory instruments.

Housing Association (HA) Tenants

HA tenants may be included on the Housing Register. However, they should first explore applying for inclusion on their own landlord transfer schemes.

Home Owners

Homeowners will only be considered for housing allocation in exceptional circumstances. Applicants who have sold a property in the last 7 years must provide the completion statement and proof of capital receipts to determine priority. Applicants with assets worth £60,000 or more will be directed to home ownership once registered. They will have reduced priority.

Owner-occupiers needing temporary decanting during grant aided renovation works can receive assistance but must demonstrate that they cannot arrange temporary accommodation.

Behaviour

Unacceptable Behaviour – this is where previous tenant behaviour (Council, HA or private landlord) has not been acceptable and there are grounds to believe the applicant will not be a suitable future tenant. This includes household members' behaviour. For example, applicants evicted for anti-social behaviour or rent arrears. Unacceptable behaviour includes subletting a LBN property.

- Anti-Social Behaviour (ASB) – LBN reserves the right to exclude applicants from the Housing Register because of ASB. This applies to all applicants, including those accepted as homeless.
- Private sector applicants with a court order for breach of tenancy conditions – applicants who are not existing LBN tenants and subject to a court order (including an interim order) for breach of tenancy conditions cannot join the Housing Register.
- Other circumstances where applicants may be excluded from the Register – LBN will investigate applicants where there are grounds to believe they have provided misleading information or have not given relevant information. LBN may exclude such applicants from the Housing Register. This is without prejudice to LBN's right to suspend applicants from bidding.
- the information about the vacant property was incorrect at time of offer and it later becomes clear that the size and type of property no longer meets the applicant's needs
- incorrect information substantially alters the applicant's eligibility
- the property is no longer available and has been withdrawn by the landlord



Exercise of Discretion

In every case the individual circumstances of each applicant are considered. This is based on applicant information on their Housing Registration Form plus additional information that may result from applicant's answers. The Scheme allows for exceptional circumstances where any provision can be considered and waived.

False Declarations and Withdrawal of Offers

Where the applicant has been made a written offer, this can be withdrawn prior to the tenancy sign up where:

- the applicant has made a false declaration, or failed to provide up to date information, and this substantially alters their eligibility for the property offered

CBL APPLICANT GROUPS	ABBREVIATION
Priority Homeseeker groups including:	
Priority Homeseeker	PH
Armed Forces	AF
Severely Overcrowded Plus	SOVP
AND;	
Tenants Seeking Transfers	T
Homeseekers including sheltered housing	H

5. DIRECT OFFERS, CHOICE BASED LETTINGS, REASONABLE PREFERENCE, TENANTS SEEKING TRANSFERS AND LOCAL LETTINGS PLANS



LBN operates a choice based allocation scheme - ELLC Choice Homes. This joins together housing providers and LBN to increase choice and meet housing need. LBN offers most applicants a choice of accommodation through this route. Choice Based Letting (CBL) applications are placed in groups based on information from the applicant. CBL applicant groups are:

Priority Homeseeker (PH) – this group contains applicants whose circumstances fulfil one or more of the 'reasonable preference' criteria defined in s166A Housing Act 1996 (see below). Applicants in the PH group retain their position and accrue waiting time until they no longer hold a reasonable preference. They are then placed in the Homeseeker group and any previous waiting time accrued is removed. If they gain a reasonable preference in the future they can re-join the PH group and waiting time will start to accrue anew from that point.

Reasonable Preference

All applicants will be placed in the appropriate Housing Needs priority group based on an assessment of their needs. This will ensure that LBN lets homes to those in the highest assessed need and ensure that they meet their legal obligations.

The law sets out five categories of applicants to whom the Scheme must give a reasonable preference:

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

The Scheme has been designed to ensure applicants who fall within these categories will be awarded a reasonable preference when LBN determines priorities as between applicants.

Armed Forces (AF) – applicants who have also been awarded one or more reasonable preference and have been assessed as being in urgent housing need will be placed in this group if they are:

- former members of the Regular Forces
- serving members of the Regular Forces suffering from a serious injury, medical condition or disability sustained as a result of their service
- bereaved spouses and civil partners of members of the Regular Forces required to leave Services Family Accommodation following the death of their spouse or civil partner and the death was a result of their service
- serving or former members of the Reserve Forces suffering from a serious injury, medical condition or disability sustained as a result of their service.

A person or household is considered to be in urgent housing need if they need to move urgently on harassment, medical or social/welfare grounds, as defined in the section on emergency rehousing below.

This group has the highest priority in the allocations scheme.

Severely Overcrowded Plus (SOVP) - those assessed as severely overcrowded and with at least one other reasonable preference will be prioritised within the Priority Homeseeker group. Severe overcrowding is defined as those who are short of two or more bedrooms due to family size and having made best use of all available rooms.

Tenants Seeking Transfers - this group includes LBN tenants applying for transfer and not fulfilling any reasonable preference criteria.

Homeseeker - this group contains applicants not fulfilling any reasonable preference categories and who are not Tenants Seeking Transfers. This group cannot accrue waiting time or bid unless assessed as suitable for age restricted accommodation. Any waiting time accrued in another group, for example, as a result of a previously held reasonable preference, is permanently removed on entering the Homeseeker group. Applicants in this group who gain a reasonable preference can join (or re-join) the PH group, from which point waiting time will accrue anew. Those living in the parental home and who have their own bedroom but share other facilities with other family members will be placed in the Homeseeker group.

For all the above groups, to ensure application assessments and priority are up to date, applicants should maintain on-line changes in their application circumstances. Failure to maintain an application could lead to accommodation offers being withdrawn and potentially to applications being suspended or closed.

Direct Offers - allocations outside of CBL are made to direct offer groups. These applicants may express preferences as to the properties they are offered. Certain of these applicants can, in line with the Enhanced Bidding rules, also bid for properties through the choice based lettings scheme (CBL).

The decision to designate a property suitable for a direct offer depends on the available supply, the urgency with which certain applicants in the decant categories (as defined below) need to be re-housed and the applicant's housing needs. Direct offer groups are:

- **Group A** - Additional Preference (Emergency Rehousing)
- **Group B** - Under-occupation Transfers
- **Group C** - Transfer from adapted properties
- **Group D** - Decants
- **Group E** - Special Schemes

Group A - Additional Preference Group (emergency re-housing) - applicants needing to move urgently on harassment, medical or social/welfare grounds:

- **Harassment grounds** – LBN tenants assessed as having a re-housing need due to violence and harassment.

Applicants are not able to bid for properties under the Enhanced Bidding Rules. Agreed transfers will be on a like for like basis in terms of number of bedrooms, and property type, unless the transferee is underoccupying their existing property. Please see further definition on page 19.

- **Medical grounds** – applicants assessed as having a severe medical condition that means it is impossible for them to live in their current home. They may be in hospital or other residential care and can be discharged only if they are re-housed to more suitable accommodation. They may also be living in accommodation where they cannot access essential rooms due to their medical condition or which requires adaptations but these either cannot be carried out or, while technically feasible, are not within reasonable cost limits – see Section 6 Medical Assessments.

- **Social / welfare needs grounds** – criteria for emergency awards for applicants on social/welfare grounds are:

- o Likelihood of admission to residential care of a family member if re-housing is not made
- o Likelihood of a child being accommodated by the local authority if re-housing is not made
- o A child experiencing abuse needs to be moved from the perpetrator
- o The applicant, or household member, is at serious risk of harm either to themselves or to other people in their present accommodation.

The applicant must also meet the following conditions:

- o be in receipt of significant support from Social Services
- o their wellbeing is seriously affected by their housing situation and
- o they cannot reasonably be expected to find their own accommodation.

Group B - Under-Occupation Transfers – these are transfers for LBN tenants occupying accommodation larger than they need and willing to move to smaller accommodation. They will be allowed to under-occupy by one bedroom. This may include tenants of HAs wishing to transfer to a smaller property via LBN's Scheme where the HA gives the resulting void to LBN outside of any nomination agreement.

Group C - Transfer from Adapted Properties

- these are for LBN tenants willing to move out of accommodation adapted or purpose built to wheelchair standard and these features are no longer required. HA tenants may be included in the Scheme where the resultant void is given to LBN outside any nomination agreement.

Group D - Decants – this group includes households that must be re-housed as a result of LBN action due to major repairs, rehabilitation or improvement works or Environmental Health enforcement. Re-housing may be on a permanent or temporary basis. LBN tenants made homeless as a result of fire or flood are dealt with as emergency decants.

- **Individual decants** – prioritised by date order in which re-housing is required.
- **Block/area decant schemes** – includes LBN tenants within larger decant schemes. For example, in designated regeneration areas. Tenants are prioritised by scheme urgency. CBL bids between tenants within the same decant scheme (or phase within that scheme) will be prioritised by length of tenancy. The rules of any local Resident Charters take precedence over the Allocation Scheme.
- **Temporary or Permanent Re-housing** - decisions about whether a Council tenant is to be temporarily or permanently re-housed will depend on a number of factors. In all cases, temporary re-housing is considered as the first option. However, permanent re-housing may be provided where:
 - o the tenant is unable to manage two moves on medical grounds or because of their age. This must be confirmed by medical opinion unless the tenant is over 70 years old; or
 - o the property is being reduced in bedroom size and the tenant's household would be too large for the improved dwelling; or
 - o the tenant is being decanted because of major repairs and these repairs will take an excessively long time; or
 - o the tenant is already registered for a transfer, and it is considered preferable to accelerate their re-housing instead of temporary decanting.

Where temporary re-housing is required, and the tenant is unable to find their own alternative accommodation with family or friends, LBN will provide bed and breakfast for decants of less than 4 weeks in duration or non-secure Council stock for decants lasting more than 4 weeks. Property offers will be on a like for like basis. Please see page 19 for definition.

With the exception of decants due to Closing or Demolition Orders, private sector applicants will be offered only temporary re-housing by LBN until their property has been reinstated.

Group E - Special Schemes – there are a number of special LBN schemes. Applicants will receive only one direct offer of accommodation and are not able to bid for properties. Special Scheme applicants are prioritised by date accepted on the relevant scheme unless there is an exceptional/urgent need to move sooner. Offers are made subject to availability, need and any area restrictions. If there are no medical conditions any type of accommodation and floor level can be offered.

- **Fostering and Adoption Scheme** – there are a small quota of two, three and four bedroom units to allow families to foster children in the short-term.
- **Leaving Care Scheme** – there are a quota of units for young adults leaving long-term care (residential or a foster home) or for any other child LBN has responsibility for under the Children Act 1989. These are mainly one bedroom units with some two bed units for sibling sharers and young parents. The scheme provides independent living for vulnerable teenagers. The Leaving Care Team in Children Services decides which cases to put forward and Lettings will agree if the criteria is met.

The following criteria must be met:

- o The young person has been looked after or placed on a residence order with a family member other than a parent, by Social Services for at least six months.
- o The young person must be at least 18 years old.
- o A satisfactory assessment is carried out by the social worker and young person, to ensure that they have adequate basic skills to live independently.

There is an after-care agreement in place for the young person.

- **Mental/Adult Social Care** – a quota of 1 bed units is provided to Adult Social Services to enable move on accommodation as service users move from supported to more independent living.
- **Hostel Move-On** - a quota of 1-bed units are given to specific landlords providing hostel accommodation for single homeless people in Newham with move-on requirements. Hostel residents may be nominated by these organisations where applicants need settled accommodation and are unable to secure it themselves. If this does not apply, they cannot be accepted on the Hostel Move-On Scheme, and should register on the housing list.

Hostel Move-On applicants will receive one offer. These applicants can be offered any property and floor level unless medical recommendations are assessed and agreed in advance.

• **Retiring Council Employees** – this scheme provides alternative permanent re-housing to LBN caretaker employees following retirement, redundancy or resignation where their service tenancies commenced before September 2010. In addition, where a caretaker dies in service, their partner is re-housed in line with the caretaker's scheme entitlement. There are a range of entitlements depending on the level of service as a caretaker and the relevant employing department. Employees should approach their employing department for details of their applicable scheme entitlement.

• **Properties Held On Long Leases** – LBN may use its discretion on the expiry or surrender of long term leases granted to it for use as temporary accommodation for the homeless. The discretion allows for a direct accommodation offer to the occupying non-secure tenant/s of any such property. The offer will be for a similar property to the one occupied as a non-secure tenant. In making the offer LBN will take into account:

- o Size of accommodation relative to household need and local housing situation;
- o Applicant's length of time on the housing register and relative priority;
- o Suitability of the offer taking into account all relevant factors;
- o Applicant's tenancy history including rental payment;
- o Financial consequences of such a decision;
- o Other matters in LBN's interest.

Acceptance of an offer by the applicant will result in any duties owed by LBN under homelessness legislation being discharged.

• **National Witness Mobility Scheme (NWMS)** – this scheme gives local authorities, social landlords and police access to a nationally co-ordinated fast track witness relocation scheme. Witnesses intending to give evidence in civil and criminal cases – for example domestic violence, hate crimes, antisocial behaviour, gun crimes, sexual assault, child abuse - who consider it unsafe to remain in their home, will be assessed by their local authority and designated police officer.

If there is serious risk to the witness, and it is unsafe to pursue normal homelessness routes, they can be offered relocation out of the unsafe area through the NWMS office.

• **Safe and Secure** – LBN is part of Safe and Secure to assist in delivering the Crime and Disorder Reduction Partnership. Eligible applicants will be assessed in line with the scheme guidelines.

• **Pan London Mobility Scheme (Housing Moves)** LBN will make available some properties for Pan London nominations. Offers of accommodation will be in line with the scheme guidelines. The exporting borough normally assess and verify applicants.

• **Non-statutory Succession (Discretionary Tenancy)** – upon death of a secure tenant, a person named on the tenancy agreement who is left in occupation and can prove they always resided with the deceased tenant (and has no other housing alternative) may be considered for re-housing. However, they are not entitled to succeed to the tenancy under statute. Re-housing may but will not necessarily be to the same property; relevant factors include the size and condition of the property and whether, for example, adaptations or special property facilities have been carried out or installed. The discretion to rehouse will be considered where:

- o the applicant is vulnerable (as defined by the homelessness legislation) or has dependent children and a move will cause hardship; or
- o the applicant does not meet the criteria above but is named on the tenancy agreement and has been living with the deceased tenant continuously for 20 years or more and will face hardship in securing alternative accommodation.





LBN will also consider a live-in carer of the deceased tenant who has received their carers' allowance and lived with the tenant for 5 continuous years prior to the tenants' death, if the carer has no other housing options.

In all cases, members of a deceased tenants' household will not be allowed to remain in the property where the existing home has been specially adapted and they do not need such adaptations or the property is purpose built sheltered accommodation.

- **Joint tenant left in occupation** – if a joint tenant leaves the property and the remaining joint tenant is left in occupation then following the determination of the joint tenancy by service of a notice to quit, the remaining occupier (formally a joint tenant) will be considered for a discretionary offer of housing. This will be subject to satisfaction of the same criteria applicable to Non-statutory Succession (Discretionary Tenancy) cases above.

Enhanced Bidding

With the exception of Group A applicants who need to be moved on harassment grounds, applicants within the direct offer groups listed below are entitled to bid under the CBL. This is known as "Enhanced Bidding". These groups are:

- (a) Additional Preference (Emergency Re-housing) [Group A]
- (b) Under-occupation Transfers [Group B]
- (c) Transfer from adapted properties [Group C]
- (d) Decants [Group D]

There are no specific bidding time limits for direct offer groups. However, all applicants are expected to actively bid for suitable available properties. If an applicant is

persistently not bidding when suitable properties are available, enhanced bidding status will be withdrawn. The applicant will still be entitled to a direct offer during the enhanced bidding period.

Direct offers are made in line with date order within the particular group. LBN reserves the right to make a direct offer at any time regardless of previous bidding activity. This helps make best use of available housing supply. For the number of offers that may be made to an applicant, as well as the impact of refusing a reasonable offer, see Section 5 on reasonable offers and unreasonable refusals.

Choice Based Lettings (CBL): Process and Ranking of Bids

Most properties will be let through CBL. Properties identified for CBL are advertised on the ELLC Choice Homes website. This will include properties selected for a direct offer. Adverts provide property, location, landlord, rent and other relevant details to provide information to applicants. There is also, in most cases, a photograph of the property/block. The property adverts also indicate which categories of applicant may bid for the properties.

Properties advertised are open to bids from all eligible applicants within the CBL only groups and applicants in Direct Offer Groups who are in their enhanced bidding period.

Bidding – applicants may bid for up to two properties in every cycle. Applicants must have their housing registration number, date of birth of the lead housing applicant, and reference number of the property being applied for.

CBL BIDS ARE RANKED IN THE FOLLOWING ORDER OF PRIORITY:

GENERAL PRIORITY	CATEGORY	WHERE MORE THAN ONE APPLICANT MEETS THE CRITERIA
1	Those members or former members of the Armed Forces (see page 6)	Ranked according to waiting time on the Housing Register
2	Additional Preference Group (emergency re-housing Group A)	Ranked according to date the emergency was awarded, then by waiting time on the Housing Register. Applicants in the 'additional preference' Group A with rent arrears are eligible for an accommodation offer if: • The rent arrears amounts to less than equivalent of 4 weeks rent • It is in LBN's interest to re-house
3	Urgent decants [Group D].	Ranked by: • relative urgency of scheme (if within a block/area decanting scheme) • length of time decant status has been awarded (if an individual decant). Bids from same block/area decanting scheme prioritised by length of current tenancy.
4	Under-occupation transfers & transfers from adapted properties. [Group B and Group C]	Ranked by: • number of bedrooms tenant is occupying • date of application on the Register
5	Less urgent decants. [Group D]	Bids ranked by: • relative urgency of the scheme (if within a block/area decanting scheme) • length of time on the Register.
6	Those in the PH group assessed as severely overcrowded (SOVP), short of two or more bedrooms and have one or more other reasonable preference.	Ranked by: • when they were assessed as severely overcrowded (SOVP) • when they joined the PH group
7	Applicants in the PH and T groups not included in the above.	Ranked according to continuous waiting time in this group
8	Those applicants in the PH and T groups given reduced priority	Ranked according to continuous waiting time in this Group
9	Those applicants in the H group requiring sheltered housing.*	Ranked according to continuous waiting time in this group from the date they are assessed as eligible for sheltered accommodation.

* Applicants in the H group not requiring sheltered housing are not included in this table as they are not able to bid.

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Properties are allocated from the list in ranking order. Subsequent eligibility checks, including investigation visits, may be needed before the allocation is made and property offered (for HA properties before nomination). If an offer is refused, the list is used again to find the next candidate, and so on until the property is let. Multiple viewings are arranged and candidates considered by ranking.

Restrictions and Limitations

- Allocations to applicants in the 'Tenant Seeking a Transfer' category – eligible applicants may bid for advertised properties based on needs to allow tenants to move to alternative same bedroom size properties. The number re-housed in a financial year will not exceed 5% of applicants re-housed via CBL. Should the 5% ceiling be exceeded in any one year, applicants in the 'T' group may be restricted from bidding for an appropriate period to redress the balance to ensure the annual 5% ceiling of lettings to this group is maintained overall. This ensures LBN fulfils its responsibilities to applicants with reasonable preference.

- **Restricted bidding** – some properties advertised, because of their special characteristics may be restricted to bids from applicants above a minimum age (sheltered housing, housing in blocks or individual units specially identified for older applicants). At other times, depending on operational requirements, bidding on properties may be restricted to applicants requiring emergency re-housing or under occupation transfers.

- **Labelling properties in CBL advertisements** – when ground floor properties are available for letting and designated within categories A to E+ of the Accessible Housing Register (see page 20 below), CBL advertisements will show that applicants requiring such properties are able to bid in accordance with their assessed need. Only applicants assessed as requiring A or B category properties will be able to bid on these.

Even if advertised, a property may be withdrawn before the bidding cycle ends in exceptional circumstances.

Bids will be monitored to ensure the Allocation Scheme complies with LBN's statutory obligations.

Situations where applicants may be given reduced bidding priority or suspended from bidding:

- Applicants with high income and/or savings in excess of £60,000 will have reduced priority when bidding and will be advised of the available low cost home ownership options.

- Applicants unreasonably refusing a direct offer will be removed from the relevant list but may still be considered under the choice based allocation scheme.

- Applicants with rent arrears or 'Use and Occupation' debt on existing or former homes, are given reduced priority when bidding. The same applies when being considered for direct offers of accommodation or a nomination to a HA until all debts are cleared. (See Property Related Debt below)

- Council tenants breaching the terms of a suspended possession order cannot be made an offer without approval.

- Private sector applicants with rent arrears owed to their current or last landlord who are not LBN tenants and, in LBN's opinion, could reasonably have paid the arrears, will be given reduced bidding priority. (See Property Related Debt below)

- **Right to Buy and Transfers** – where a Council tenant has submitted a Right to Buy application, a rehousing offer can only be made if the tenant has not accepted their Section 125 Offer Notice. The applicant is suspended from bidding for properties once they accept their Section 125 Offer Notice.

Joint Council Tenants – where an existing Council tenant applies for a transfer there is a check for joint tenancy. If there is and the re-housing application does not include all parties to the tenancy, the applicant will be registered as a general list Homeseeker. Unless specifically approved, no applicant offer will be made if the offer results in under-occupation by the remaining joint tenant of their existing property. No offer will be made unless the applicant's existing tenancy has been lawfully terminated.

Applicants under investigation – this section applies where applicants are under investigation in order to:

- confirm the accuracy of the information supplied to LBN;
- understand if they have provided fraudulent information to support their application;
- assess if they have deliberately worsened their housing situation

If, as a result of an investigation, a decision is made to suspend the applicant from bidding, the suspension will last for 12 months after which they can request a review. A decision will then be made to either reinstate the applicant or continue to suspend them from bidding.

The applicant will lose previously accrued waiting time on the Housing Register and a new application date will apply from when the correct information is provided or circumstances confirmed and decision made to reinstate the applicant.

In some cases a putative fraud may be obvious. For example, the applicant admits they have tried to claim a priority they are not entitled to or have included a non-existent household member. If there is a second offence the applicant can be excluded from the Register for fraud. This is a permanent exclusion and will apply to any subsequent applications from another address. The applicant must be advised that this has been done and given the reasons why. There is no provision for lifting this sanction other than through an exceptional circumstance report.

Most issues identified in the application form or a visit will be factual. Some may require further investigation – for example property ownership or immigration checks – to establish eligibility. These cases will be temporarily suspended pending the outcome of the investigation.

Property condition - tenants not keeping their property in reasonable condition will be suspended from bidding until the situation is remedied. Alterations made without prior written permission will need to be resolved by reinstatement or complying with any retrospective permission terms. Other considerations include cleanliness, hoarding, infestations, damage other than fair wear and tear, condition of gardens, balcony and out buildings.

Property related debt – applicants who have rent arrears or 'Use and Occupation' debt owed to LBN, either relating to their existing home or a former home, are normally given reduced priority when bidding for properties or when being considered for direct offers of accommodation, or when being considered for a nomination to a Registered Social Landlord for housing, until such time as they clear all debts owed.

Exceptions to the above are those applicants in the 'Additional Preference' group (emergency re-housing). If these applicants have rent arrears debt owed to LBN they are eligible for an offer of accommodation if they satisfy the following conditions:

- The rent arrears amount to less than equivalent of 4 weeks rent and
- It is in LBN's interest to re-house them

Rent arrears debts on former tenancies will be disregarded if they are statute barred and Council Tax arrears will also be disregarded.

Any Council tenant who has breached the terms of a suspended possession order cannot be made an offer without the express approval of LBN

Where a reasonable arrangement has been made to clear the debt, the debt will be ignored for the purposes of determining the applicant's priority.

Those entitled to compensation with property related debt - where applicants qualify for compensation payments, and payments offset all arrears giving a credit rent balance, the debt will be disregarded. Where the applicant is entitled to statutory Home Loss compensation payments, LBN can only withhold payment with tenant approval.

Re-housing outside normal policy where there are exceptional circumstances (Overriding Transfers)

The Director and Assistant Directors of Housing have authority to agree re-housing outside policy in exceptional circumstances. This will normally apply where there are special cases not covered by normal allocation rules which warrant special priority.

Local Lettings Plans

LBN will engage in and support the development of local lettings plans either within its stock or schemes managed by Registered Providers or other social agencies. Plans will normally be time limited and the objectives may include making the best use of stock and meeting LBN priorities.

Each Local Lettings Plan when developed will set out its own specific eligibility criteria and how offers will be prioritised. The plans will be publicised and equality impact assessments will be undertaken as part of the development of the plans. Each plan will be time-limited and reviewed from time to time to ensure that the objectives are being achieved.

6. REASONABLE OFFERS AND CONSEQUENCES OF REFUSING A DIRECT OFFER

The section addresses the reasonableness of offers and refusals including the consequences of refusing a direct offer as well as the criteria for permanent offers.

Who is part of the household to be made an Offer?

Normally, only an applicant's own children will be considered as part of the household. Where the applicant's own children have their own children, they are expected to make their own separate applications. Other adult relatives and siblings, and any other adult included in the application, will be expected to make separate applications.

Exceptions will be considered where there are good reasons – for example, where parents of a child/ren have died and the applicant has taken over care responsibility.

Bedroom Entitlement for Offers and Assessment for Overcrowding

Number of Bedrooms – the following are central to deciding a particular household's needs:

- A couple are entitled to a double bedroom (2 bed spaces)
- A single person may be offered a studio (bedsit) or a single bedroom property
- Single people who have overnight access to children will not be offered a bedsit.
- Pregnant women do not qualify for bed space for their unborn child until after the birth.
- Adult siblings of the same sex, who are children of the applicant, are expected to share a bedroom regardless of age.

If there are two living rooms, the second reception room counts as an extra bedroom, providing the first living room is 110 square feet (10.22 square metres) or larger and the second room has its own entrance from a common hallway.

A household will be offered larger or smaller accommodation where:

- an additional bedroom is required on medical grounds – see Medical Assessments
- a household is prepared to accept smaller accommodation. However, the permitted property occupancy must not exceed the re-housing standards
- it is in LBN's interest
- under-occupation transfers have opted to have one extra bedroom
- there are no suitable cases on the 4/5 bedroom lists, allocations can be made providing this does not mean under-occupation

The table below gives an indication of bedroom requirements by size of household:

BEDSIT SINGLE	SINGLE PERSON (INCLUDING A PREGNANT WOMAN)
1-bed	Single Person or Couple (including a pregnant woman)
2-bed	Parent/s + 1 child or parent/s + 2 children of the same sex or parent/s of children of opposite sex if both under 10
3-bed	Parent/s + 2 children of opposite sex where 1 is over 10 or parent/s + 3 children or parent/s + 4 children if a) all same sex b) 2 of each sex c) 3 of same sex and 1 of different sex and 1 of each sex under 10
4-bed	Parent/s + 3 children of same sex and 1 different sex, where different sex child is over 10 or parent/s with 5 or more children
3 BED WITH 3 DOUBLE BEDROOMS	Can only be offered to families with at least 4 children

Choice of property type for Direct Offer groups

- applicants with a Direct Offer may be offered any property type and generally do not have any choice. LBN or HA properties can be offered to Direct Offer groups. However, in determining household needs the following exceptions may be considered:

- **Under-occupation Transfers** – applicants may limit the property types they will accept.
- **Medical recommendations** – LBN's Medical Assessment recommends property type and facilities (see Medical Assessments).
- **Property restriction by express approval** – property type restrictions / requirements may be agreed in exceptional circumstances.

Condition of the property - where there are outstanding minor works, these will be carried out before or during the new tenant moving in. The property will be habitable by the time the new tenant moves in and will be considered a reasonable offer. The Councils Lettable Standard will be applied.

Area of choice - eligible applicants must specify a minimum of 4 lettings areas in Newham where they are willing to be housed. LBN tenants living on out-borough estates in Brentwood, Rainham or Aldersbrook do not have to choose Newham districts. They may choose areas where they currently live.

Applicants can specify areas they will accept in a particular district subject to the following exceptions:

- Area choices will apply to Permanent Decants and Under-Occupiers only.
- Under-occupiers do not have to choose the minimum number of areas.
- Where a member of the applicant's household needs to attend a special school, day centre, hospital on a long term basis and there is a mobility or transport problem.
- Where a member of the applicant's household needs to remain in, or move to, a specific area to continue receiving/providing care.
- Applicants requesting an exemption from the minimum 4 areas of choice.

Tenants moving on violence and harassment grounds will be moved to any areas outside of identified risk. Those in the direct offer group due to medical emergency will be moved to any area unless a risk is identified.

The applicant will be told if they have chosen a difficult offer area and will be allowed to reconsider. While trying to adhere to the applicant's request it may not be possible where specialised or out of borough properties are required.

Like for like offers – tenants with emergency re-housing status (for example domestic violence or harassment) or those who need to be decanted temporarily because of disrepair are, as far as possible, offered properties on a like-for-like basis in terms of the number bedrooms and property type unless there is under-occupation as a result. Subject to availability, alternative property types may be considered to expedite a move due to the risks present.

In the case of emergency re-housing, a move to a larger property will only be facilitated through a standard waiting list transfer application. Once moved, the applicant can re-join the housing register and ask for any previously held priority and waiting time, if still applicable, for a move to a larger property.

Refusals of offers of accommodation – after viewing the property if the applicant indicates they are prepared to accept the property, they will be asked to sign a tenancy agreement. If the offer is refused the consequences will depend on whether the offer was made through the CBL Scheme or as a result of a direct offer, and whether the refusal is considered reasonable.

Reasonable refusals – if a refusal is reasonable the applicant will either be entitled to another offer or can bid again where they remain within the time limits. (See Enhanced Bidding).

Unreasonable refusals – a refusal of the correct size and district which meets any medical requirements will be considered unreasonable. However, there are circumstances where the refusal may be reasonable.

If the applicant misses a viewing or fails to respond to the offer letter, a decision will be made as to whether this is an unreasonable refusal. If this happens twice, the applicant will be suspended for 12 months from bidding during which time they will not be considered for another direct offer.

LBN will discharge any further duty to assist under homelessness legislation where an applicant residing in temporary accommodation pursuant to Part 7 of the Housing Act 1996 unreasonably refuses an offer.

REASONABLE OFFERS AND UNREASONABLE REFUSALS

GROUP	NUMBER OF REASONABLE OFFERS
Additional Preference (emergency)	1
Decants (including temporary decants)	2
Special Schemes	1
Under-occupation transfers	2
ALL OTHER DIRECT OFFER GROUPS	1

Unreasonable refusal of final offer – If an applicant refuses a reasonable offer, we will inform them that they have made an unreasonable refusal. The consequences of an unreasonable refusal of the final offer differ for each direct offer category, and are:

CATEGORY	CONSEQUENCES	OUTCOME
Refusals by additional preference group	Means loss of Emergency status	The applicant will be placed in the PH category.
Under occupation transfer cases	After the second unreasonable refusal the applicant will be suspended from bidding for three months. After that they will be entitled to two further direct offers. The applicant can still bid for properties advertised under CBL.	The bid will be ranked by number of bedrooms occupied and then by application date.
Succession and specialist accommodation no longer required transfers	Applicants will be suspended for 12 months from bidding for properties.	During this time any necessary court action to recover possession of the property will be pursued.
Decants	The applicant will be suspended from bidding for properties for 12 months.	The applicant may be subject to legal action to recover possession of their property or a further offer of accommodation made.
Pan mobility and other schemes	The applicant is excluded from the Housing Register and referred back to the nominating authority.	
Special decisions/specific approvals	Any special priority awarded as a result of the decision is removed.	The applicant must then bid with other applicants using the time registered in this group to decide their ranking.
Special schemes	Cases are reviewed to consider the reason for refusal. Further information may mean the refusal is deemed reasonable.	If the refusal is still considered unreasonable the Special Scheme application is closed. The applicant is advised of their right to apply to join the Housing Register.

7. MEDICAL ASSESSMENTS

This procedure applies where an applicant or a member of his/her household has a medical condition that may affect their application. Awards of medical priority may be reviewed and removed where a new medical assessment has been carried out and the applicant's conditions have improved, or where the housing situation has changed. It can also be removed if the applicant has provided fraudulent or misleading information regarding his or her medical/housing need.

The applicant and, if applicable, the member of his or her household must complete separate Medical Application Forms. The following levels of medical priority may be awarded:

Emergency re-housing status:

- if the medical condition is so severe in that it is impossible for the applicant to live in their current home

and

- where the accommodation requires adaptations that cannot be carried out or are technically feasible but not within a reasonable cost then future needs must be balanced with the best use of stock and budgets or
- where an applicant is in hospital or residential care and can be discharged only if re-housed in more suitable accommodation.

Reasonable Preference: where an applicant's current home is unsuitable and impacting on their poor health and the applicant needs to be re-housed on medical grounds.

Restrictions on property type requirements – applicants awarded emergency status on medical grounds and other direct offer groups may require specific property types as a result of their medical condition - for instance specific heating, floor level, property type, or wheelchair-accessible/adaptable accommodation. Applicants assessed as needing wheelchair accessible property category A or B will not be eligible for any other category property unless there are other factors to consider.

Separate bedroom entitlement – this may be awarded where applicants assessed as needing their own bedroom for medical reasons, a carer/personal assistant, or special bulky medical equipment.

Referrals to Other Agencies – medical and Social Services priorities often overlap due to the complex problems experienced by some applicants. Also referrals could be made to the Social Services departments before or after a medical assessment. This will be considered as part of the assessment.

Disabled Applicants – assessment of medical need – when applicants provide medical evidence supporting their housing applications, they are assessed to determine reasonable preference or emergency re-housing status as well as the type of accommodation that would meet their needs in line with the property categories, as follows:

- Wheelchair Accessible Accommodation throughout the property

and

- Wheelchair Accessible essential rooms.

8. ALTERNATIVE HOUSING OPTIONS

Various schemes exist for people wishing to move in Newham or to another local authority:

Mutual exchanges (assignment of tenancy) – secure Council tenants occupying permanent self-contained accommodation have a legal right to exchange their tenancies. 'Assured' HA tenants may have this right if granted in their tenancy agreement. There can be two or three-way exchanges and the landlord of each property must consent.

Debts owed to LBN and breaches of tenancy – consent to the exchange will be withheld if any of the parties have any property-related debts to LBN and consent will only be given when all debts have been cleared. If other tenancy breaches have occurred LBN can insist that the breach be remedied before proceeding with the exchange.

Mutual exchange - guidelines on overcrowding – an exchange can be approved where it results in the overcrowding of a LBN Council property and it allows for the household to move to a property with one bedroom less than their normal entitlement, providing no statutory overcrowding occurs as a result. This is consistent with the CBL scheme rules, which allow applicants to bid for a property with one bedroom less.

Mutual exchange – Under-occupation - Newham has high levels of overcrowding and high demand for larger family sized properties. An exchange will not be approved where it involves the household moving to a property with one or more bedrooms more than their entitlement.

Seaside and Country Homes Scheme – to qualify for nomination, the applicant must be a LBN tenant aged 60 or over and capable of independent living. All members of the household must be 60 or over. Applicants must have a clear rent account and no debts to LBN.

HA tenants should approach their own landlord for moves under this scheme.

Pan London Mobility Scheme - this scheme is administered by Housing Moves to enable social housing tenants to move in London. LBN contributes 5% of annual lettings to the Central Pool. Applicants must make a direct application to Housing Moves.

Special Needs Housing:

Sheltered housing is housing for older people active enough to live independently. They may need the help of family, friends or the usual services available to people in their own homes - **home help, district nurse** - and who want the underlying security of being able to seek support should the need arise. Sheltered housing offers people:

- the opportunity of living within a community of people of a similar age group;
- individual independence and privacy;
- security through support staff and LBN's Network Community Alarm Service.

It is not suitable for people who are particularly frail and should not be confused with residential care homes where care staff provide meals and personal attention for residents.

Council Sheltered Schemes – LBN owns and directly manages sheltered schemes. Schemes are purpose designed for older people and usually consist of a small block of self-contained bedsits and flats linked by internal heated corridors to communal facilities. They include a common room, communal bath/shower room, laundry room, and guest-room. Most blocks are on two levels, and most have a lift. All individual bedsit/flats have their own toilet and wash-hand basin, and are centrally heated. Flats are let unfurnished so tenants must bring their own furniture. Each flat/bedsit has a kitchen area. Some may have communal bathrooms/shower facilities.

HA Sheltered Schemes – there are a number of HA owned and managed sheltered housing in Newham. These facilities may not mirror LBN's sheltered housing service. LBN has nomination rights to these schemes and will put forward applicants in line with the criteria used to allocate to its own sheltered vacancies, taking into account any specific requirements/characteristics of the scheme including advertisement through the CBL scheme.

Criteria for Sheltered Housing – to be considered for sheltered housing:

- applicants will normally be at least 60, although some HA schemes have a lower minimum age requirement (usually 55).
- applicants must be able to wash and dress themselves (with the help of a partner/agency where appropriate), and cope with life in general;
- incontinence is not an automatic reason for exclusion. Temporary/catheter incontinence where the applicant is aware and able to deal with it is not grounds for ineligibility. However, any degree of mental confusion coupled with incontinence would mean that the applicant was not suitable for this type of housing;
- exclusion on the grounds of disruptive behaviour will be taken into account when deciding whether an applicant is eligible. There must be a proven history of disruption and as much information as possible should be sought on prospective applicants. An eccentric lifestyle will not automatically exclude any applicant.

Sheltered Housing Assessment – older applicants interested in sheltered housing are assessed to confirm the applicant is willing to accept sheltered housing and is suitable for an allocation, according to the criteria. Only applicants assessed as eligible for sheltered accommodation can bid for such schemes.

Sheltered Housing Pets – dogs and cats are not usually permitted in sheltered schemes. Wardens may make exceptions where prospective tenants already have a dog or cat and can look after them. Some pets - caged birds and fish - are allowed but are the tenant's responsibility.

Sheltered Scheme with family units – there are some scheme with a number of 2 and 3 bedroom flats for elderly people with carers and/adult children. To apply, applicants/spouses must be 60 years or older. For the family flats, children/carers must all be 18 years or older. Couples (both aged over 60) may be considered for the 2 bedroom units. Households consisting of 3 persons (e.g. couple both over 60 and one adult child over 18) may be considered for the 3 bedroom units.

Applicants are registered on the housing register in the usual way. Allocations are made as for other sheltered schemes.

Designated Bungalows (DB) – a number of bungalows are designated for allocation to people aged

50 or older, or for younger people with disabilities or with a medical reason for such property – see below. Any bungalow not on the list should be let in the normal way to the highest placed qualifying applicant.

Designated Elderly Blocks (DEB) – a number of LBN blocks are designated for allocation to older people. These blocks consist of bedsits and/or 1-bed units, and can only be offered to people 50 or older.

Allocations to wheelchair standard/adapted housing – LBN has an Accessible Housing Register (AHR) to facilitate:

- better matches between people and properties
- create opportunities to prevent costly health and care problems
- support choice for tenants willing to downsize
- deliver better outcomes for older, disabled and vulnerable people by helping them live independently in accommodation that meets their needs.

ACCESSIBLE HOUSING REGISTER CATEGORIES:

CATEGORY	WHAT IT MEANS
A - Wheelchair Accessible Throughout	Designed to allow full use of all rooms and facilities by someone who uses a wheelchair all the time.
B - Wheelchair Accessible Essential Rooms	Designed or adapted to provide access for wheelchair users to essential facilities, for example, bedroom, bathroom, kitchen and living room.
C - Lifetime homes* (www.lifetimehomes.org.uk)	Designed to meet the space standards of the Lifetime Homes design. Main features include a level approach to the property and wider doorways and corridors.
D - Easy Access*	Designed with a level approach to the property and wider doorways and corridors.
E - Step Free*	Level access housing but likely to have narrow doors and corridors.
E+ - Up to four steps	May have up to four steps to the home.
F - General Housing	Properties that do not meet the above specifications.
G - Not yet assessed	Any property not yet assessed.

Notes:

*Properties may have internal stairs. Where this is the case, the stairs are likely to be able to accommodate a basic-sized stair-lift.

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