

# **LONDON BOROUGH OF HARROW**

## **LETTINGS AND TRANSFER SCHEME**

### **HOUSING ACT 1996, PART VI as amended by the HOMELESSNESS ACT 2002**

**This Lettings and Transfer Scheme is Harrow's Allocations  
Scheme as required by Part VI of the Housing Act 1996.**

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# Lettings and Transfer Scheme

## Contents

1.	Locata .....	5
2.	Eligibility for Harrow's Housing Register .....	5
3.	Who can be considered part of the household? .....	6
4.	Exclusions from membership .....	7
5.	Removing people from the Housing Register .....	8
6.	Registration Process .....	8
7.	Registration and initial assessment .....	9
8.	Re-registrations (renewals) .....	10
9.	Priority bands (See also Appendix A for full listing of bands) .....	10
10.	Priority dates .....	10
11.	Assessments and Banding Decisions .....	14
	a) Medical Needs (applicable to both Homeseekers and Transfers) .....	14
	b) Unsatisfactory Housing Conditions & Statutory Duty (applicable to both Homeseekers and Transfers) .....	16
	c) Homelessness & High Priority Hardship (applicable to Homeseekers only) .....	17
	d) Social Welfare Considerations (applicable to both Homeseekers and Transfers) .....	18
	e) Other High Priority Categories (applicable to Transfers Only) .....	19
	➤ Emergency Management Transfers .....	19
	➤ Permanent decants .....	19
	➤ Council interest transfers .....	19
	➤ Statutorily Overcrowded Tenants or those with a Court Order .....	20
	f) Other High Priority Categories (applicable to Homeseekers Only) .....	20
12.	Rent arrears policy .....	20
13.	Verification .....	22
14.	Home visit .....	22
15.	Other groups on the register .....	23
	a) Move-on Quotas (Young People Leaving Care and Other Groups) .....	23
	b) Obligations .....	24
	c) Non statutory successors and Occupiers Holding Over .....	24
	d) Releasing Supported Housing .....	26
	e) Move UK (inward mobility) nominations .....	26
	f) People not currently resident within the borough .....	26
16.	Housing for the elderly .....	27
17.	Processing applications from the elderly .....	28
18.	Labelling properties for advertising .....	29
19.	Advertising properties .....	30
20.	Bidding for properties .....	30
21.	Time limits for bidding for properties .....	30

22.	Eligibility of Bids .....	31
23.	Selection.....	32
24.	Offers .....	33
25.	Ineligibility for an offer .....	35
26.	Review of ineligible members .....	36
27.	Direct lettings .....	36
28.	Non-secure tenants .....	38
29.	Refusals following direct lettings .....	39
30.	Feedback on Let Properties .....	40
31.	Outgoing MOVE UK and FRESH START Mobility Nominations .....	41

<b>Appendix A: LOCATA WEST LONDON CHOICE-BASED LETTINGS PILOT SCHEME .....</b>	<b>42</b>
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<b>Appendix B: Review Procedure .....</b>	<b>49</b>
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## Introduction

This document contains Harrow's Allocations Scheme (as required by the Housing Act 1996 as amended), and now includes the Council's policy on transfers and complies with the Homelessness Act 2002. It sets out the priorities and procedures that Harrow will follow in the letting of housing accommodation, both to tenants on the transfer list and homeseekers on the Housing Register.

In drawing up this scheme there has been consultation with all registered social landlords (housing associations) with which the Council has nomination arrangements and various departments of the Council, including Social Services. Also, due consideration was given to the Council's powers and duties contained in the Housing Act 1996, the Homelessness Act 2002, related legislation and guidance given by the Secretary of State and in respect of equal opportunities under various pieces of legislation.

During 2002 the Council changed the way it lets permanent housing to give people more choice. Harrow together with four other London boroughs and three housing associations, have joined forces to promote a new way of helping people to move or find a new home.

A central lettings agency, Locata, has been set up to work with all partners to advertise and match people to homes. Movement between boroughs is now possible because a proportion of vacancies will be available to tenants and homeseekers (including homeless households) living in any of the five local authority areas. Under the new scheme tenants and homeseekers become members of Locata and actively search for a home. Vacant properties are advertised in a regular free magazine and on the Internet and members are able to bid for properties. All members are placed, in date order, into a broad needs band according to their circumstances.

The Council's lettings policy is based upon a target system with targets set for transfers and homeseekers, which cover the majority of lettings, and for target groups considered outside the scheme. Targets are set and agreed by elected members, with each group given a proportion of lettings. An annual review of both projected supply and demand takes place and a strategy is planned for all lettings for the coming year. There is regular monitoring of Council lettings and housing association nominations.

Targets are set taking into account housing need, statutory and contractual obligations, the cost of temporary accommodation and other financial considerations, the Council's responsibility as a landlord, the need to make the best use of Council stock and the housing situation within the borough.

# 1. Locata

All homeseekers and transfer applicants on the Housing Register of any Locata partner local authority or housing association automatically become members of Locata. The founding partners are:-

1. London Borough of Brent
2. London Borough of Ealing
3. London Borough of Harrow
4. London Borough of Hillingdon
5. London Borough of Hammersmith and Fulham
6. London Borough of Hounslow
7. Acton Housing Association
8. Ealing Family Housing Association
9. Nottinghill Housing Trust
10. Paddington Churches Housing Association
11. Paradigm Housing Group
12. Shepherds Bush Housing Association
13. Stadium Housing Association
14. Thames Valley Housing Association
15. Westway Housing Association

and all other organisations that may join the partnership in the future.

# 2. Eligibility for Harrow's Housing Register

The Council maintains a Housing Register, and the following persons are eligible to be put on it (these persons are referred to as eligible persons):-

- a) persons aged over eighteen resident in the borough (16 and 17 year olds to whom the council owes a duty will be assisted outside the scheme)
- b) persons with a local connection found to be unintentionally homeless under Part VII of the Housing Act 1996
- c) young persons leaving care, referred by Social Services under their quota arrangements
- d) persons in hospital, prison or the armed forces whose last settled address was in the borough
- e) persons accepted by Harrow for re-housing under the MOVE UK Mobility Scheme
- f) secure or introductory tenants of Harrow

- g) assured tenants of registered social landlords or other housing authorities who are resident in the borough
- h) persons who the council considers should be eligible persons, on a case by case basis, because of exceptional circumstances or special needs
- i) other persons who are eligible persons by law.

### 3. **Who can be considered part of the household?**

#### a) Other members of the household

- Homeseekers: persons who were part of the household at the date of registration, and are still in occupation.
- Tenants: persons who were part of the household at the start of the tenancy, and are still in occupation.

#### b) Partners

- A partner who is living in a permanent relationship with the homeseeker or tenant and can prove that they have done for at least twelve months or are married.

#### c) Children

- Homeseekers: children born since the registration date and dependent children (under 18) joining the household where it can be proved that the homeseeker is the sole legal guardian and that there is no other option for re-housing. Where there is another legal guardian a decision will be made on a case by case basis to agree where it is reasonable to expect the child to be part of the household.
- Tenants: children born since the start of tenancy and dependent children (under 18) joining since the tenancy started.

#### d) Dependants

- A dependant relative who has joined the household because they are unable to live independently and there are no other options for the family, e.g. the relative owns a property or occupies a property large enough to accommodate the family. Advice will be sought from the Medical Adviser on whether the relative needs to live with the family. Where this is not considered essential, other options, such as sheltered housing, will be discussed with the family before a decision is made by the Housing Assessment Manager as to whether the relative should be

included in the application or advised to make a separate Housing Register application.

e) Carers

- A carer, where the homeseeker or tenant can demonstrate that a live-in carer is essential, one has been identified and has moved in with the household or is ready to do so when accommodation is made available and the Housing Assessment Manager (in consultation with the Council's Medical Adviser or Social Services as appropriate) agrees that a carer is essential.

## 4. Exclusions from membership

The following persons are not eligible for entry on the Housing Register for the allocation of social housing:-

- a) if they are disqualified under the Housing Act 1996, S. 160A (these include people from abroad who are ineligible for an allocation of housing) or
- b) if they, or any member of their household:-
  - have been guilty of serious anti-social behaviour and a possession order is being sought or has been obtained or (in the case of a homeseeker) behaviour which the council considers would entitle it, if they were a secure tenant, to obtain a Possession Order under S.84 of the Housing Act 1985 on any ground mentioned in Part 1 of Schedule 2 to that Act, other than ground 8\* or
  - have assaulted a member of staff and an injunction is being sought or has been obtained or
  - knowingly give false or misleading information or withhold information that has been reasonably requested or
  - are currently registered with another Locata partner (subject to Board decision)

We will write to anyone who is being excluded from the Register giving our reasons. A copy will be sent to Social Services if they are involved or if it is considered appropriate.

**Applicants have a right to ask for a review of a decision to exclude them from the Housing Register (see Review Procedure at Appendix B).**

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\* Homelessness Act 2002, S.14(8)

A fresh application will be considered if:-

- i) the applicant's immigration status has changed, or
- ii) the applicant can demonstrate good behaviour for at least a year, or
- iii) the applicant or any member of their household knowingly gave false or misleading information or withheld information that was reasonably requested but this was over a year ago.

## 5. Removing people from the Housing Register

A member will be removed from the register if:-

- it is found that they have never been or they cease to be a eligible person
- they fail to re-register within three months of the anniversary of their registration (see **Section 8, Re-registrations**)
- the Council considers there are good reasons for doing so.

The Head of Housing has discretion to allow a member to remain on the register after they have moved out of the borough, in exceptional circumstances. This could be if the homeseeker has lived in the borough for a long time, is elderly or has severe medical problems and has lost their accommodation through no fault of their own and arranged short-term accommodation outside the borough.

Before removing a person from the register, the Council will give them written notice. The notice will ask the person to provide information, which the Council requires to help them decide whether to remove them from the register. It will give 21 days for the homeseeker to provide the information and tell them that the Council may decide to remove them if the information asked for is not provided or there are reasons why they should be removed from the register.

Homeseekers will be notified in writing of their removal from the register with the reasons for it and their right to request a review of the decision. (See **Appendix B, Review Procedure**)

## 6. Registration Process

- a) All homeseekers requesting re-housing and tenants requesting transfer must complete an application form to be put on the Housing Register. However an eligible person may be registered without an application form



in some circumstances, e.g. certain types of referral from Social Services, at the Council's discretion.

- b) If the homeseeker or tenant is not an eligible person the Council will notify them in writing, giving the reasons for the decision and informing them of the right to request a review of the decision. (See **Appendix B, Review Procedure**). A copy of the letter will be sent to Social Services if they are involved or if it is considered appropriate.
- c) In Harrow more people need housing from the council and housing associations than we have available. Most homeseekers and transferring tenants have to wait many years before they will be successful in bidding for a suitable property. To try to solve this problem Harrow Council works with housing organizations in other parts of the country to help people move to areas where there are available homes. Under Harrow's Housing Options Scheme information is provided about alternative choices in the housing market, which will include private sector opportunities, shared ownership and out of London moves. More information is available from our Fresh Start Team on 0208 424 1730.

## 7. Registration and initial assessment

If the Council is satisfied that the homeseeker or tenant is eligible to be on the register an initial assessment is made based on the information on the application form and any other information available. All those eligible will be assessed and placed in the appropriate bedroom category and in one of the four priority bandings in date order of registration.

Locata writes to all those who have been assessed as eligible to inform them that they have been registered as either a homeseeker or a transfer and that they can bid for homes using Locata HOME (the free magazine advertising available properties). Locata's membership pack includes coupons for bidding, a list of Locata HOME magazine outlets and an explanation of how to bid for properties. It also gives new members the following information:-

- Locata Identification Number (LIN)
- band and the reason for it
- priority date
- maximum bed size for which they can bid
- mobility group (physical disability level) if applicable
- advice that members have a right to request a review if they consider any of their registration details to be inaccurate (see Appendix B for review procedure).

## 8. Re-registrations (renewals)

Members have to re-register annually to remain on the Housing Register and are sent a reminder letter within three months of the anniversary month of the last registration date.

Members are allowed one month after the reminder letter to re-register, following which the file is perused for other recent contact, i.e. telephone calls, interviews or correspondence. If the member appears to be vulnerable and/ or to have a high priority we will make a visit if necessary. If there is no contact the applicant is notified that they will be removed from the register unless the Council considers that they should remain on the register.

## 9. Priority bands (See also Appendix A for full listing of bands)

The four priority bands are:-

- band A (emergency and top priority members)
- band B (members with an urgent need to move)
- band C (members with an identified housing need to whom the Council is required to give reasonable preference)
- band D (all other members).

### Change of Circumstances

Members must keep the Housing Department informed of any changes in their circumstances. If this results in a band change we will inform the member in writing of the new band, the reason for it and the applicable priority date, and of their right to request a review of this decision (see **Appendix B, Review Procedure**).

## 10. Priority dates

The principle of the scheme is that no one should overtake existing members in a band.

### Moving Up a Band

Moving up a band – the date that the higher priority has been given.

### Moving Down a Band

Moving down a band – new priority date reverts to the date that applied when the member was previously in that band or any earlier date when they were in a higher band. The principle is that when moving down they should be awarded the earliest date that they were in the new lower band, or in a higher band.

Example 1	Priority Date
Member applies to register in January and is awarded band D	January
In February member is awarded band B	February
In March member is awarded band A	March
In April member is down graded to band C	February

Example 2	Priority Date
Member applies to register in January and is awarded band C	January
In February member is awarded band B	February
In March member is awarded band A	March
In April member is down graded to band C	January

Example 3	Priority Date
Member applies to register in January and is awarded band C	January
In February member is awarded band A	February
In April member is down graded to band B	February

Example 4	Priority Date
Member applies to register in January and is awarded medical priority – band B	January
In February member is accepted as homeless and is placed in B&B – remains band B	January
In April member is moved to temporary accommodation so housing no longer has adverse effect on health – band C	January

Example 5	Priority Date
Member applies to register for sheltered accommodation in January and is awarded band C	January
In February member changes his mind and wants one bed non- sheltered and is down graded to band D	January
In April member is awarded medical priority - band C	April
In May member is awarded urgent medical priority – band B	May
In June medical priority reduced again – band C	April
In June member is awarded emergency medical priority – band A	June
In July medical need disappears – band D	January
In August new medical assessment – band C	August

Band A rating will generally be given for a time-limited period (at the registering body's discretion) and in any case will be reviewed at regular intervals to check, for example, whether failure to apply for properties indicates that a member's case is not a genuine emergency.

Priorities within bands will be on a date order basis, according to the date the member was placed into that band.

There is a residual discretion for households whose defining features (including their cumulative needs) are deemed to be so exceptional that a higher priority band is deemed to be necessary.

Where the defining features (including the cumulative needs) of a member in band A are considered to be so exceptionally severe as to warrant immediate/imminent rehousing, there is a discretion to enable the household to be made a direct offer outside the scheme.

The relevant dates for the four bands are as follows:-

### **Band A**

Emergency Medical – date approved as emergency

Severe Hardship – date approved as emergency

Management transfer – date approved as emergency

Ex-service tenants –date agreed person is priority to re-house

Urgent permanent decant – date agreed move is urgent

Homeless in Temporary Accommodation – date agreed person is priority for move-on

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Statutory duty – date of Closing Order or similar

Fostering/Adoption - date of approval/referral by Social Services

Adapted Property Release – date transfer application registered (or occupant with disability deceased/moved out, if later)

Unauthorised occupants (non statutory successor) – date approved for re-housing

Underoccupier – date transfer application (for smaller property) registered

## **Band B**

Medical Hardship – date medical assessment completed by Medical Adviser

Homeless – date of homelessness acceptance

Statutory overcrowding – date agreed as statutorily overcrowded

Unauthorised occupants (non statutory successor) – date approved for re-housing

Underoccupier – date transfer application (for smaller property) registered

Management transfer – date approved for management transfer

Ex-tenant discharged from institution – date new housing application registered

Permanent decant – date person agreed for re-housing

Supported housing release – date advised by Social Services that person is approved for move-on

Young People Leaving Care and other quotas – date accepted as quota

High Priority hardship – date high priority agreed

Severe Social hardship – date high priority agreed

## **Bands C & D**

Registration date unless moving from band D to band C because of newly unsatisfactory housing conditions, new medical needs, becoming eligible for sheltered accommodation or new Care Plan when the date of the new assessment is used.

# **11. Assessments and Banding Decisions**

Following the registration a decision will be made on what, if any, follow up action is appropriate, e.g. referral to the Medical Adviser; Disability Services, Environmental Health Officer (EHO), Homelessness Assessment Team if there is a threat of homelessness, or Social Services. The Housing Assessment Team makes decisions about banding in the light of appropriate advice and the following guidelines. They will carry out a composite assessment of the needs of all members of households with multiple needs.\* The assessment will determine whether such households will be accorded an additional preference by being placed in band A or B, as appropriate to their needs.

### **a) Medical Needs (applicable to both Homeseekers and Transfers)**

Members who indicate that they or anyone in their household have an illness or disability, which is affected by their current home, or who may be vulnerable on physical or mental health grounds and in need of settled accommodation are requested to complete a Medical Self-Assessment form. The Housing Assessment Team considers this form, together with any relevant information from the General Practitioner, hospital consultant, or Occupational Therapist as appropriate. Where appropriate the Team also seeks advice from the Council's medical advisor.

Assessments are made of the effect of present housing on the state of health of the member or anyone in the household. In reaching a decision we will consider whether the overall effect on the household or any member of the household is sufficiently severe to warrant inclusion in a higher band.

In each case the recommendation is based on a judgement of need. Members with medical needs will be placed in one of the following bands:-

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\* Households with multiple needs are households entitled to a reasonable preference in the allocation of housing on more than one of the statutory grounds as defined in Section 167 of the Housing Act 1996 as amended by the Homelessness Act 2002.

**Band A** – Emergency Medical will be recommended where the member (including accepted homeless members) or one of the household has a life threatening condition which is seriously affected by their current housing. Band A will also be given where current housing conditions and/or other circumstances are having such a major adverse effect on the medical condition of any member of the household as to warrant emergency priority. All recommendations for Medical band A are referred to the Locata partnership's Medical Advisor.

**Band B** – Medical (including mental health) Hardship will be recommended where the current housing conditions are having a major adverse effect on the medical condition of the member (including accepted homeless members) or one of the household.

**Band C** – Medical (including mental health) Hardship will be recommended where the current housing conditions are having an adverse effect on the medical condition of the member or one of the household which creates a particular need for them to move.

Where a household is overcrowded and/or there are other adverse circumstances, the medical assessment will take into account the effect of the overcrowding and the adverse circumstances on the health of the household. Overcrowding (unless it is statutory overcrowding which is only relevant for secure or assured tenants) places homeseekers into band C. The Medical Adviser, in his/her recommendation, will take into account all the housing circumstances (including any element of overcrowding, floor level, and any other medical conditions of household members, etc) that affect the health of the household as a whole.

➤ **Mobility Needs**

Irrespective of the band assessment, where a member, or one of the household, has a substantial and permanent physical disability which may place them in mobility groups 1 or 2 (see below) the Housing Assessment team will make a referral to Disability Services, for a report on their housing needs. Taking into account the recommendations of the report the Housing Assessment team will place the member in one of the following mobility groups:-

1. Wheelchair user indoors and outdoors.
2. People who cannot manage steps or stairs and may use a wheelchair some of the time.
3. Independent but can only manage one or two steps.

**b) Unsatisfactory Housing Conditions & Statutory Duty (applicable to both Homeseekers and Transfers)**

Where a member has indicated that he/she is living in insanitary conditions, including lacking one or more of the following:-

- food preparation facilities (i.e. sink and space for a cooker),
- inside WC,
- bathing and personal washing facilities.

The Housing Assessment team may make a referral to the Environmental Health Officer (EHO). The EHO will provide an assessment of whether the member is living in insanitary conditions or other unsatisfactory conditions such as premises considered to be unfit by virtue of substantial or major disrepair which would justify service of notice under Section 189 of the Housing Act 1985.

Members will be deemed to be living in overcrowded conditions if members of their household do not have the following minimum provision:-

- Co-habiting couples – 1 bedroom
- Two siblings of the same sex, less than 5 year age gap – 1 bedroom
- Independent adult 18+, not part of larger household – 1 bedroom
- Children of opposite sex if one is 7+ years old should not have to share a bedroom
- Children of same sex if one is 10+ years old and there is a 5+ year age gap should not have to share a bedroom

NB: For this purpose the following aspects of the current accommodation will be taken into account:-

- If there is a second reception room (“parlour”) it will generally be deemed to be available for use as a bedroom
- Box rooms which could reasonably be used by a child will count as a single bedroom
- Single persons occupying studio flats will not be deemed overcrowded.

Members living in housing found to be unsatisfactory on any of the above criteria will normally be placed in band C.

In the following circumstances members will be placed in band A:-

- (i) if the EHO has notified that he has issued a Closing Order (i.e. properties unfit for human habitation where there is no alternative measure to render the property fit) or
- ii) if emergency re-housing is essential, e.g. Compulsory Purchase Order to enable site clearance for a road widening scheme



iii) where there is a statutory duty to re-house.

**c) Homelessness & High Priority Hardship (applicable to Homeseekers only)**

➤ Band A – Emergencies

Where an accepted homeless household is provided with temporary accommodation by the council and the landlord wants the property back, or the property is for some reason considered unsuitable to meet the household's needs, the member will be placed in band A if the Housing Provision team consider the household's needs would not be best met by providing further temporary accommodation. Examples of circumstances in which such a decision can be taken are:-

- (i) one or more of the household has obtained employment, resulting in severe financial hardship
- (ii) there are severe medical or disability reasons
- (iii) cases of severe harassment or violence in the current property
- (iv) severe disrepair of the current property

Where demand caused by leases expiring exceeds supply priority for move on to permanent accommodation will be given to those households who have waited the longest and alternative temporary accommodation will be provided to the others.

➤ Band B – Urgent

Accepted homeless households making their own arrangements or housed by the Council in bed and breakfast or hostel (non self contained) accommodation will be placed in band B.

High Priority Hardship: Homeseekers with dependant children who are living in insecure accommodation, do not have a bedroom and are lacking or sharing amenities will also be placed in band B.

➤ **Band C – Reasonable Preference**

Accepted homeless households who are occupying or under offer of an assured shorthold tenancy provided under the Housing Act 1996 Part VII move to band C until such time as the landlord wants the property back or their needs can no longer be met, or they are offered permanent accommodation by bidding through Locata.

Other homeless people within the meaning of part VII of the Housing Act 1996, but to whom the main duty has not been accepted, will be placed in band C. Homeseekers who have been served with a Notice to Quit (NTQ) or Possession Order (PO) will be referred to the Homelessness Assessment Team to investigate the validity of the Notice and to offer advice and assistance.

Other homeless households owed a re-housing duty will be reviewed as necessary.

**d) Social Welfare Considerations (applicable to both Homeseekers and Transfers)**

Where there are social/ welfare needs the Housing Assessment Team will consider the recommendations of Social Services and other relevant agencies and take into account any multiple needs. They will place the member in the appropriate band as follows:-

**Band A – Severe Need or Enabling Fostering/ Adoption**

Authorised by a Senior Officer or above where members are in “severe need”, which means exceptional circumstances and/or multiple needs which warrant emergency priority.

Where Social Services make a recommendation that permanent accommodation be provided to enable someone to foster or adopt a child, if this is agreed by the Housing Assessment Team the member will be placed in band A.

**Band B – Severe Social Hardship**

Authorised by a Senior Officer or above where members have an urgent need to move due to severe social hardship (usually by welfare agency, social services or police referral) is agreed by Housing Assessment Team in one of the following circumstances:-

- to give or receive care or support
- child protection reasons
- other urgent social/welfare reasons or multiple needs which warrant high priority

## **Band C – Other social/welfare hardship**

This is where accommodation is required to assist Social Services in delivering a Care Plan (e.g. by moving the member nearer to source of care and support or to accommodate a carer), or to relieve other social/welfare hardship as agreed between Social Services and Housing.

### **e) Other High Priority Categories (applicable to Transfers Only)**

#### ➤ Emergency Management Transfers

Band A is agreed in exceptional circumstances by the Tenant Services Manager and Head of Housing where there are significant and insurmountable problems associated with the tenant's occupation of a dwelling and there is imminent personal risk to the tenant or their family if they remain in the dwelling.

Where the Tenant Services Manager and Head of Housing agree a non-urgent management transfer band B will be awarded.

"Like for like" policy: Management transfer members will only be eligible to bid for similar size and type property, e.g. house to house, flat to flat. A special flag is put on the computer system to ensure that, if bids are made for larger properties, the priority can be adjusted accordingly (e.g. band C overcrowding).

#### ➤ Permanent decants

Band A is awarded if a property is **imminently** required for essential works and the tenant will not be returning (e.g. development schemes). If the need to move is not imminent the member will be placed in band B.

Decanting may also be necessary if the freehold of the property belongs to another landlord, the lease is due to end and the Council is obliged to return the property with vacant possession.

Although Harrow will encourage and assist such tenants to use Locata we recognise that we have a duty to provide suitable alternative accommodation and will make a reasonable offer within the necessary timescale whether a successful bid is made or not.

#### ➤ Council interest transfers

Band A is awarded to facilitate a tenant's move in one of the following circumstances:-

- (i) release adapted property – the decision to prioritise is at the Council's discretion if there is an unmet need for the property occupied (e.g. where

the tenant does not require adaptations such as a walk-in shower and/or other wheelchair accessible facilities)

- (ii) make best use of adapted stock – for example where providing adaptations in the current property is not feasible but there may be a suitable alternative property available
- (iii) enable tenants underoccupying property to move to studio or one bedroom accommodation or to give up two or more bedrooms under the Tenant Incentive Scheme.

Where transfers to smaller accommodation require two or more bedrooms and will be relinquishing only one bedroom they will be placed in band B.

Underoccupiers who have succeeded to the tenancy, where the Council can obtain possession by offering alternative accommodation, will be required to bid for properties within six months of succession.

Harrow reserves the power to relax the minimum occupation criteria in its absolute discretion where underoccupiers are bidding for properties larger than they need.

- Statutorily Overcrowded Tenants or those with a Court Order

Band B is awarded to tenants who are statutorily overcrowded as defined by Part X of Housing Act 1985 or where there is a Court Order to re-house.

#### **f) Other High Priority Categories (applicable to Homeseekers Only)**

See **Section 15, Other Groups on the Register.**

## **12. Rent arrears policy**

- **Accepted Homeless Households in temporary accommodation**

Homeless households in Council-provided temporary accommodation will be advised that, if they fall into rent arrears, their housing register application will be suspended.

Applications will be suspended when a homeseeker either

- a) refuses to pay the rent
- b) fails to make a commitment to repay arrears or

c) fails to provide supporting information for a Housing Benefit claim.

If a homeseeker in Temporary Accommodation falls into arrears, their application will be suspended. The application will remain suspended until the arrears are cleared or an agreement has been reached to clear the arrears and this agreement has been kept to for at least three months. Depending on the amount of the arrears and the nature of the agreement, discretion will be exercised to review cases and lift suspension earlier or later than three months. Exceptions can be agreed to this policy, in particular for those cases in bands A or B.

### ➤ **Homeseekers in the private sector**

Where a homeseeker is in the private sector then any arrears will not be taken into account. However, where they have lost their previous accommodation through the non-payment of rent or they were previously Council or Housing Association tenants and who have been found to be intentionally homeless they will be treated as ineligible for offers (see **Section 25, Ineligibility for an offer**). This decision will be reviewed at regular intervals, or at least once a year (see **Section 26, Review of ineligible members**).

### ➤ **Tenants**

Tenants are allowed to be members of Locata even if they have rent arrears. However, at the time that they bid for a property they must have a clear rent account. Consideration will be given to varying this rule where other exceptional circumstances apply such as:-

- (i) Tenants with rent arrears and urgent management, medical or social hardship priority in band B may be transferred at the discretion of the Tenant Services Manager. In most cases, tenants will be less than 10 weeks in arrears or on Housing Benefit and have been reducing the arrears regularly for at least six months, or the urgency of the case is considered to warrant a move despite the arrears
- (ii) Tenants who need to move because of statutory overcrowding or where Band A priority has been awarded by the Housing Assessment Team or where a permanent decant is essential may be transferred despite rent arrears
- (iii) Tenants will be moved under the Tenants' Underoccupation Incentive Scheme subject to the above guidelines net of the incentive payment, which will be offset against the arrears.

## 13. Verification

**All members must have their circumstances and housing conditions verified before they will be eligible to sign up for a secure or assured tenancy. Verification may include a home visit where appropriate.**

- a) Members placed in bands A and B and those members in band C who have been waiting the longest will be visited, unless their circumstances have already been verified by homelessness investigations.
- b) Members with medical and other needs that appear to qualify them for either band A or band B will be visited and verified.
- c) All members visited will be required to provide the following documents:-
  - Proof of identity and residence for all persons included on the application
  - Proof that they are still eligible persons
  - Proof of benefits being received
  - Other proofs as appropriate.

## 14. Home visit

- a) At the home visit previous addresses and the reasons for leaving will be investigated to determine whether the applicant lost their accommodation by doing or failing to do something. This will include where the applicant is a former tenant of a social landlord and was evicted because of a breach of tenancy agreement or is a former Council tenant with rent arrears.
- b) Homeseekers with sufficient income and/or savings and owners/former owners with sufficient equity will be advised that they will be ineligible for an offer of accommodation if at the time they bid for properties it is found that they have sufficient financial resources to obtain accommodation for themselves in the private sector. They will be advised of re-housing options in the private sector such as shared ownership.
- c) At the visit the visiting officer explains the scheme fully to the member, stressing that **they will no longer be able to wait for an offer – they must actively bid for homes if they are to be re-housed.** The Visiting Officer will advise the member to bring original documents into the Housing Department within the next few days.

- d) Following the visit, the visiting officer will complete a Housing Visit Report and refer the file, with recommendations, if appropriate, to the relevant Housing Options Officer. The Housing Options Officer will update and reassess the application, amending the band, if necessary, make any further enquiries and request any further documents needed. The Housing Options Officer will refer the case to a Senior Officer if the applicant has given false or misleading information or has withheld information or if any of the circumstances at a) or b) above apply.
- e) The Housing Applications Officer will amend and update the application as appropriate ensuring that all necessary information is noted on the system. Unverified members who bid for property will not be allowed to sign up.
- f) If it is agreed either that the member is ineligible for an offer or should be excluded from the scheme the Housing Options Officer will write to them, giving reasons for the decision and advising them of their right to request a review of the decision (see **Section 26, Review of Ineligible members**).

## 15. Other groups on the register

The following groups will be placed on the Register if they are eligible to join it:-

### **a) Move-on Quotas (Young People Leaving Care and Other Groups)**

The Head of Housing agrees with Social Services an annual quota for move on to assist young people being discharged from care. Quotas are also provided for move-on accommodation to assist voluntary housing agencies working in Harrow. All quota homeseekers must normally have a local connection as defined by Part VII of the Housing Act 1996. Quota homeseekers are only eligible for studio and one-bedroom accommodation, even where the member has a baby. Quota homeseekers will be placed in band B.

- (i) Social Services or the referral agency will ensure that Quota homeseekers complete an application form and refer it with supporting /background information to the Senior Accommodation Officer (Permanent Allocations) who will check eligibility for the quota and for monitoring purposes. .
- (ii) The Housing Assessment Team will register the application..

- (iii) Social Services or the referral agency are responsible for informing their quota applicants that they have a limited period from date of registration to exercise choice by bidding for appropriate properties. If they fail to secure accommodation within the given period their application will be reviewed and **they may be made one offer only in line with current policy.**

#### **b) Obligations**

- Ex-service tenants for whom there is a contractual obligation by the Council to re-house will be placed in band A. The service conditions of some ex-service tenants entitle them to underoccupy their accommodation by one bedroom.
- Ex-Council tenants discharged from an institution to whom the Council has given a commitment to re-house (in order to encourage them to relinquish a tenancy upon entering the institution) will be placed in band B.

#### **c) Non statutory successors and Occupiers Holding Over**

Non statutory successors for the purposes of this scheme are persons not entitled to take over a tenancy from a secure tenant by succession i.e. following the death of the secure tenant.

In these circumstances the Housing Management Officer for the area will interview the applicant. The Housing Management Officer will then submit a report to the Head of Housing and Environmental Health Services who, in reaching a decision as to whether an allocation will be made, will take account of the following:-

- The age of the applicant
- The length of time they have lived with the deceased tenant
- Their ability to finance accommodation in the private sector
- Any medical factors
- Any other relevant considerations

Occupiers Holding Over. In any case where a tenancy is due to end or has been ended by the tenant(s) serving Notice to Quit or a Surrender, the Housing Management Officer for the area will interview anyone in occupation after the tenancy has ended or expected to be in occupation when the tenancy ends, and who makes an application for continued accommodation. The Housing Management Officer will submit a report to the Head of Housing and Environmental Health Services. Every effort will be made to reach a decision on the application before the tenancy ends.



In reaching a decision as to whether an allocation will be made, account will be taken of the following:-

- The applicant's relationship to the former tenant(s)
- The circumstances in which the tenancy ended
- The age of the applicant and any medical/social factors
- The length of time the applicant has lived at the property
- Their ability to finance accommodation in the private sector
- Any other relevant considerations

#### Re-housing of Non Statutory Successors and Occupiers Holding Over

- (i) The Head of Housing and Environmental Services will base his decision as to whether an allocation of housing should be made on his assessment of whether the applicant would be likely to be in priority need if they were homeless, and on the balance of fairness and equity in each case.
- (ii) If the Head of Housing and Environmental Services decides that an allocation of housing should be made he will decide whether to grant the tenancy of the property currently occupied by the applicant or whether to offer alternative accommodation.
- (iii) If the decision is taken not to offer re-housing the Housing Management Officer will initiate Possession proceedings.
- (iv) If it is decided that the applicant should be re-housed they will be advised by the Housing Management Officer and will be required to complete an application form.
- (v) The Housing Options Officer will register applicants approved for a move to a studio or one bed or giving up two or more bedrooms in band A.
- (vi) Other applicants approved for a move to smaller accommodation, but requiring two bed or larger and/or relinquishing only one bedroom will be placed in band B
- (vii) The Housing Options Officer will advise the applicant that they have a limited period from date of registration to exercise choice by bidding for appropriate properties. **If they fail to secure accommodation within the given period they may be made one offer only in line with current policy. If this is refused possession proceedings will be commenced. (Housing Management will closely monitor this.)**

#### **d) Releasing Supported Housing**

Where an applicant is occupying supported housing provided by a public authority, and Social Services recommend, after consultation with Housing, that they are ready for independent living, the applicant will be placed in band B with the aim of freeing up the supported housing placement for someone else who needs it.

#### **e) Move UK (inward mobility) nominations**

**Move UK** is a voluntary scheme designed to provide housing mobility opportunities and assistance with housing problems for people in London and throughout the British Isles. Because of the shortage of accommodation in Harrow we only accept incoming Move UK nominations for sheltered and designated elderly accommodation.

Nominations from other housing organisations can be considered from homeseekers who have a local connection (usually a family connection). Incoming Move UK applicants must register with the authority where they have the most connection but they can bid for cross-borough properties.

Applications are referred to the Housing Assessment Team who will check that:-

- the list is open for new Move UK applicants,
- they meet the above criteria, and
- that their referring organisation completes a sheltered assessment form.

The Housing Assessment Team will place accepted nominees on the Housing Register, in band C.

#### **e) People not currently resident within the borough**

(i) People not currently resident in the borough who are in the following groups will be banded and prioritised according to the general criteria set out in this Scheme:-

- persons with a local connection found to be unintentionally homeless under Part VII of the Housing Act 1996 by this Council [see section 2 (b) above]
- young persons leaving care, referred by Social Services under their quota arrangements [see section 2 (c) above]
- persons in hospital, prison or the armed forces whose last settled address was in the borough [see section 2 (d) above]
- persons accepted by Harrow for re-housing under the MOVE UK Mobility Scheme [see section 2 (e) above]

- secure or introductory tenants of Harrow [see section 2 (f) above]
- persons who the council considers should be eligible persons, on a case by case basis, because of exceptional circumstances or special needs [see section 2 (h) above]

(ii) Other people eligible to be on Harrow's Housing Register but who are not currently resident within the borough will be placed in band D unless they are in one of the five categories of person to whom Harrow must give reasonable preference for re-housing under the Homelessness Act 2002, S.16(3), in which case they will be placed in band C.

In addition at the time of offer this group of non-residents will be given less preference than other members within the same band who are currently resident within the borough (i.e. irrespective of priority date an in-borough member would be given preference over an out of borough member). Preference between out of borough members would still be determined by priority date.

## **16.Housing for the elderly**

Harrow has three types of accommodation specifically for the elderly. These are:-

- Elderly Persons Dwellings

These are specifically designated for elderly people who can live independently. To be eligible the member must meet the advertised age criteria, which may be 45+, 50+ or 55+. For some flats fairly good mobility is necessary, as many are on the first or second floor without a lift.

➤ Sheltered Housing

This type of accommodation is for members aged sixty or over who can live independently and are able to manage alone, but who prefer the added security of a resident warden and an alarm cord system should it be necessary to seek help in an emergency. This includes people who can manage alone with the aid of a social services care package. Members who are disabled may be considered for sheltered from 55 years.

➤ Very Sheltered Housing

Harrow has one sheltered scheme with an extra element of care. The scheme is staffed by residential social workers that work on a rotational basis to provide cover 24 hours per day. Access to the scheme is by Social Services nomination and people age 55+ are eligible.

## 17. Processing applications from the elderly

Members may indicate on the application form if they wish to be considered for sheltered accommodation. They may also be referred by relatives, social workers, or doctors, or sheltered accommodation may be recommended by the Council's Medical Adviser.

- (i) Following registration and notification as at 6. above a home visit is arranged for verification. (See **Section 13, Verification & 14, Home visit, above**).
- (ii) The Visiting Officer will carry out a Sheltered Assessment, setting out, in detail, the member's ability to manage independently, any medical problems and how these may affect day to day activities, their present living conditions and any difficulties experienced in the accommodation.
- (iii) At the home visit the member is asked if they are interested in other partners' areas.
- (iv) The Visiting Officer evaluates the Sheltered Assessment, taking into account the advice of the Council's Medical Advisor if applicable, and recommends that the applicant is either suitable or not for Sheltered Accommodation. Those who appear to need a higher level of support and or care are referred to the Social Services Elderly Care Management Team for an assessment of their suitability for Watkins House or Residential Care.

- (v) If members express an interest in sheltered accommodation in other partners' areas, following agreement by the Sheltered Panel, the completed assessment is sent to the relevant authority to decide if they are able to assist.
- (vi) The other partners will inform the London Borough of Harrow of their decision.
- (vii) The Applications Officer will advise members which, if any, partners are able to assist and explain how to bid.
- (viii) Members agreed for sheltered housing will be placed in band C unless there are other particular reasons to re-house which qualify them for a higher band.
- (ix) Elderly members who do not want sheltered accommodation will be placed in band D unless they qualify for a higher band for other reasons.

## 18. Labelling properties for advertising

The Senior Accommodation Officer (Permanent Allocations) will describe and label properties which are ready to advertise as being for Transfers or Homeseekers or both, taking into account targets, and set the eligibility criteria for the properties, such as:-

- minimum and maximum numbers of persons in the household
- if children are allowed or required
- if there are age-limits
- the mobility group, if applicable (see **Section 11a, Mobility Needs**)
- if applications are restricted to special cases such as Quota/ Homeless/ Decant/ Key Worker/ same estate
- if pets are allowed
- whether it is available for cross-borough bids
- sheltered
- Over 45s, 50s or 55s

The adverts will also specify:-

- who owns the property and whether it is a specialist landlord
- the weekly rent including any other charges
- The date the property will be ready for occupation
- If a local lettings policy applies.

## 19. Advertising properties

Partners and associates advertise their vacant properties in a regular free magazine called Locata HOME. All properties will be labelled as outlined in **Section 18, above**. Locata HOME is available at various places including housing offices, supermarkets, One Stop Shops and all public libraries across the five partner boroughs. It is also available on the Internet at [www.locata.org](http://www.locata.org) and may be posted directly to members on payment of a small subscription. Locata, the partnership's central lettings agency, publishes Locata HOME.

## 20. Bidding for properties

- (i) Eligible members can make a limited number of bids, per edition, for properties advertised in Locata HOME by sending in their completed coupons, by telephone bidding, text message or by bidding online via the website, [www.locata.org](http://www.locata.org) (Harrow libraries provide this service free of charge), and any new technology that may become available in the future. Locata sends coupons to all members. Members can obtain more coupons by contacting their housing authority or by telephone ordering. Members who make more than the allowed number of bids will have the additional ones disregarded. Full details of how to bid and order coupons by phone are set out in Locata's Scheme Information User Guide, which is sent to all new members.
- (ii) Members with support needs and those who have difficulty with written English will be assisted and encouraged to read Locata HOME and choose properties.
- (iii) Members who urgently need to move and who do not bid for properties may receive a direct allocation. (See **27, Direct lettings, below**).
- (iv) Locata checks that all bids for a property meet the eligibility rules. They exclude from consideration all those who are ineligible. Members who consistently bid for properties for which they are ineligible may be contacted to discuss how to bid.

## 21. Time limits for bidding for properties

Generally speaking there is a six month time limit for bidding for the following categories of band A and B members, and they will be advised of this at the time that A or B priority is awarded:-

- Quota and homeless homeseekers
- Ex-service tenants
- Ex-council tenants released from an institution who the council has undertaken to re-house
- Non statutory successors
- Management transfers
- Permanent decants
- Underoccupiers who have succeeded to the tenancy, where the Council can obtain possession by offering alternative accommodation

In practice the time limit will depend on the type of property needed and the council will take into account whether high priority members are making appropriate bids and whether they are refusing properties unreasonably. Failure to bid and multiple refusals will result either in priority being reviewed or in a direct allocation being made at the end of the period.

## **22. Eligibility of Bids**

Members on Harrow's Housing Register may bid for properties advertised in the following sections of Locata HOME:-

- Harrow
- Cross-Borough
- PCHA Housing Association
- Ealing Family Housing Association

To be eligible, a bid from a Harrow member must satisfy the following rules:-.

<b>Rule</b>	<b>Notes</b>
There is no current offer of another property	Making an offer to a member makes all other bids from that member ineligible whilst the offer is live*.
Member not currently suspended	See <b>Section 25, below.</b>
Member is on Harrow's Housing Register	If a property is a Harrow property and not advertised cross-borough, the member must be on Harrow's register.
Member is in correct category ("housing list")	The member's housing list (Homeseeker or Transfer) must match that of the property
Bid before deadline	The bid must reach Locata before the short list is closed
Only three bids per Edition allowed	Only the first 3 bids from a member for an Edition of Locata HOME are eligible
Maximum persons	The member's household must have no more than the maximum number of persons for the property**
Minimum persons	The member's household must not have less than the minimum number of persons for the property**
Maximum beds	A member cannot bid for a property with more bedrooms than they are assessed as needing***
Minimum age	The member must satisfy the age requirement on the property label

\* If a member comes to the top of more than one shortlist the decision as to which property to offer is at the landlord's discretion

\*\* Management transfers bidding for like-for-like properties are exempt from these rules, as are some ex-service tenants.

\*\*\* Underoccupiers and members releasing adapted property may be allowed to bid for larger property than they would otherwise be assessed as needing.

## 23. Selection

- (i) All eligible bids for each property are placed into priority order. Priority is decided first by band and second by date order within each band, thirdly by registration date and finally by random selection. Where a property has been advertised to give preference to a mobility group, bids from these applicants will be prioritised in band order above bids from members who are not in that mobility group. Every bid is assigned a random number when the bid is made. This number is used to resolve ties, the higher number gets priority.
- (ii) The prioritised list is referred to the landlord for offer.



- (iii) If there are no eligible bidders for a property, the Senior Accommodation Officer (permanent allocations) may decide either to make a direct allocation (see **Section 28, below**) or readvertise it or refer it back to the landlord (or Harrow Housing Management as appropriate).

## 24. Offers

In order to minimise delays the landlord may arrange multiple viewings for up to five members per property. Members are required to bring proof of identity to the viewing. Unverified members (see **Section 13, above**) will be advised via the "Invitation to view letter" to contact their Housing Officer within 24 hours in order to arrange for verification and confirm their eligibility prior to the viewing date.















- (i) The Housing Assessment Team carry out any further eligibility checks considered necessary, maintaining contact with the importing landlord throughout the process.
- (ii) The member is offered the property and invited to sign for the tenancy.
- (iii) If the member refuses, the next person is selected. A member is not penalised for refusing properties although checks are likely to be made if several properties are refused (see section 22, Time Limits).
- (iv) Members who fail to have their verification completed before the viewing date will not be offered the property.
- (v) Existing Council Tenants cannot be guaranteed a new tenancy until their existing tenancy is ended.

**If the previous tenants stated that they were victims of racial harassment, prospective tenants of ethnic minority origin will be advised of this after they have viewed the property and expressed an interest in it, but before they formally enter into a tenancy.**

### Bed size eligibility

The maximum number of bedrooms for which members are eligible to bid is determined by the size of their household but, as there is a shortage of large homes, many members will be advised seriously to consider bidding for smaller accommodation than they would prefer. Where a property has two living rooms and one can reasonably be used as a bedroom, it will be labelled on that basis.

Maximum bedroom eligibility is determined using the following guidelines:-

	1	2	3	4	5	6
Single person						
Cohabiting or Married Couple or same sex adult siblings wishing to live together						
Pregnant Woman (with or without partner) with no other children						
Parent(s) with one child						
Parent(s) with one girl and one boy both under 7.						
Parent(s) with two same sex children less than 5 years age difference						
Parent(s) with one girl and one boy where one is age 7 or over						
Parent(s) with two same sex children more than 5 years age difference both under 10						
Parent(s) with two same sex children 5 years or more apart where one is age 10 or over						
Parents with three or four children*						
Parents with five or more children*						

\* Max number of bedrooms will follow the rule for age and sex separation given for the families with two children. Non dependent children over 18, cousins, grandchildren and other relatives will normally be assessed using the same rules.

The Housing Assessment Team will add a bedroom where the Medical Adviser recommends this as essential.

Members will be advised that they stand a greater chance of a successful re-housing if they bid for the smallest property for which the number of people in their household is eligible, because supply is greater the fewer bedrooms there are. Supply of 5 and 6 bedroom properties is virtually non-existent.

## 25. Ineligibility for an offer

Members will not be made an offer of accommodation if, at the time they bid for a property, any of the following circumstances exist:-

### (i) Financial resources available to meet own housing costs

- Homeseekers who are found to have sufficient financial resources to obtain accommodation for themselves in the private sector.
- Tenants who have a current application to buy their dwelling or for a home purchase grant, e.g. Homebuy, at the time a bid is made for a property.

### (ii) Behaviour which affects suitability to be a tenant

- Tenants who have any rent arrears, although consideration will be given to varying this rule in band A cases or where other exceptional circumstances apply. (See **Section 12, Rent Arrears Policy, above**).
- Homeless homeseekers placed in temporary accommodation who have rent arrears. Consideration will be given to varying this rule, where exceptional circumstances apply or, depending on the level of arrears, if they have made a satisfactory agreement to clear the arrears and have kept to that agreement for at least three months.
- Tenants upon whom the Council/RSL has served notice of its intention to seek possession or obtain an injunction, due to breach of one or more of the tenancy conditions.(except rent arrears - see above). The suspension will be lifted if and when the Council withdraws legal action or a court decision is given in favour of the tenant.
- Ex tenants, who have deliberately lost their accommodation e.g. eviction due to rent arrears.
- Tenants who have wilfully damaged or neglected their property, or are refusing to allow repairs to be carried out, until they have remedied the damage.
- Tenants or new homeseekers or any member of their household who have attacked or threatened staff or with a history of anti-social or criminal behaviour related to housing.

(iii) **Persons not suitable to bid**

- If the Public Protection Panel recommends that a tenant or homeseeker with high priority should be excluded from bidding such persons will be assisted via direct offers (see **Section 27, below**)

## **26. Review of ineligible members**

Ineligible members will remain in their priority bands and date appropriate to their housing circumstances, but they will not be made an offer until they apply to their landlord or local authority for a review of the decision that they are ineligible. Harrow, in reviewing the decision, will determine whether the ineligibility should continue to apply.

- Under **Section 25 (i)** the member would need to prove a change in their financial circumstances that removed the reason for their ineligibility.
- Under **Section 25 (ii)**, the member would need to demonstrate, for example, that they have modified their behaviour e.g. by paying off rent arrears, remedying damage or allowing repairs to be carried out. If legal action has been withdrawn or a court order has been given in favour of the tenant, then the local authority will carry out a review.
- Under **Section 25 (iii)** the member would need to appeal to the Public Protection Panel for a review of its recommendation.

**See Appendix B for Review Procedure**

## **27. Direct lettings**

In certain very limited circumstances, partners may use their discretion to allocate properties directly to the following members and to applicants ineligible to become members:-

- “special circumstances”, e.g. public protection panel cases. One offer, in line with policy, will be made and, if it is refused, members will lose their priority
- homeless & quota homeseekers, and Urgent Management transfers, decant tenants and underoccupiers who have succeeded to a tenancy who have failed to exercise choice by bidding for properties, may be made one offer before duty is discharged or priority is lost.










- under-occupiers in very desirable properties, who have highly specific requirements
- ex-service tenants, who have highly specific requirements or who have failed to exercise choice by bidding for properties will be made a direct offer. If this is refused their case will be reviewed.
- tenants who need to be temporarily decanted will be offered a transit property. If the offer is refused possession proceedings will be commenced.
- tenants who need to be permanently decanted and fail to make a successful bid for alternative accommodation within the necessary timescale will be made one suitable offer. If the offer is refused possession proceedings will be commenced.
- unauthorised occupants who have failed to exercise choice. If the offer is refused possession proceedings will be commenced.
- homeseekers accepted for the mental health Floating Support Scheme
- young persons aged 16 and 17 to whom the council has accepted a duty, or who are in the Leaving Care Quota but who are under the age of 18.
- members in band A whose defining features (including their cumulative needs) are considered to be so exceptionally severe as to warrant immediate/imminent rehousing.

In the above cases, a reasonable offer will be made. A reasonable offer of accommodation is one which so far as possible matches the size and type of property for which the applicant is eligible as set out below, and is not in an area which is known to be unsafe for that member.

### **Size of property offered under direct lettings**

This is determined by the size of the applicant's household but, as there is a shortage of large homes, the applicant may be offered smaller accommodation than they would prefer. Where a property has two living rooms and one can reasonably be used as a bedroom, it will be allocated on that basis.

Accommodation is allocated using the following guidelines:-

	1	2	3	4
Single person				
Cohabiting or Married Couple or same sex adult siblings wishing to live together				
Pregnant Woman (with or without partner) with no other children				
Parent(s) with one child				
Parent(s) with one girl and one boy both under 7.				
Parent(s) with two same sex children				
Parent(s) with one girl and one boy where one is age 7 or over				
Parents with three or four children*				
Parents with five or more children*				

An additional bedroom will be allocated where the Medical Adviser recommends this as essential.

**NB. The size of property offered is not necessarily the same standard used to determine priority on overcrowding grounds for the scheme.**

## 28. Non-secure tenants

- a) If a block is scheduled or being considered for redevelopment or demolition, the Council may decide to re-let vacant properties in that block to homeless households on non-secure tenancies.
- b) If the Council requires possession of a property in order for redevelopment or demolition to proceed, the Housing Assessment Manager will place homeless households who are non-secure tenants of that property into the appropriate band depending on whether possession is imminent and whether it is appropriate to offer each applicant alternative temporary accommodation. This will also apply to assured shorthold tenants of a registered social landlord living in the same block.
- c) Asylum seekers who do not qualify for the Housing Register but who have been accepted as unintentionally homeless and in priority need may have been housed in a Council property with a non-secure tenancy.
- d) If Asylum Seekers are granted exceptional leave to remain in this country, or refugee status, they will qualify for the Housing Register. In these

circumstances, the Head of Housing will authorise the granting of a secure tenancy of the property they occupy unless one of the following applies:-

- the Council is taking or seeking to take action against the tenant due to rent arrears or other breach of tenancy
- the property is larger than the tenant needs
- the property is in a block that is scheduled for demolition or redevelopment or which the Council has a policy of letting only to non-secure tenants, because it is considering demolition or redevelopment.

## 29. Refusals following direct lettings

The applicant must give their reasons for refusal in writing. The property will not be held vacant while the refusal is investigated – it will be let to another applicant or Locata member.

**If the offer is to a homeless household the reasons for the refusal must be considered in consultation with the Homelessness Assessment Team who will take appropriate follow-up action, e.g. discharge of duty.**

A Senior Housing Assessment Officer will consider the reasons for refusal. If there is a clear mismatch e.g. where the homeseeker or property details were recorded incorrectly, the offer will be withdrawn and the applicant notified by letter.

If there is no obvious mismatch, the Housing Options Officer will remove the priority while a Senior Assessment Officer investigates the reasons for refusal. They will consult any other appropriate officers before deciding whether the offer was reasonable. They will inform the applicant of their decision by letter:-

- If the offer is found to have been unreasonable, they will withdraw the offer and reinstate the priority.
- If the offer is found to have been a reasonable one, they will advise the applicant of the reasons for this finding and of the effect the decision has on their application (see below). They will also advise the applicant of their right to request a review of the decision. (See **Appendix B, Review procedure**)

The Housing Options Officer will take the following action:-

a)

Accepted Homeless Household: they will be advised that we intend to discharge the homelessness duty and, if the applicant is occupying temporary accommodation provided by the council, that eviction proceedings will be instigated.

- b) Ex-service tenant: they will be advised that their priority for re-housing has been withdrawn and that the council considers it has fulfilled its contractual obligation to offer suitable re-housing. The member will be invited to make their own housing arrangements.
- c) Quota case: they will be advised that their quota status has been removed and they will be placed in the appropriate band on the general waiting list if they are eligible persons. Social Services will be kept fully informed at all stages.
- d) Temporary/permanent decant tenant: Housing Management will be advised so that they can commence possession proceedings. (Housing Management will closely monitor this.)
- e) Underoccupier who has succeeded to the tenancy: where the Council can obtain possession by offering alternative accommodation Housing Management will be advised so that they can commence possession proceedings. (Housing Management will closely monitor this.)
- f) “Special circumstances” case: they will be advised that their priority has been removed and they will be placed in the appropriate band on the general waiting list if they are eligible persons. Any professionals involved in the case will be kept informed at all stages.
- g) Urgent Management transfer: the Housing Assessment Team will remove the priority status, place the tenant in the appropriate lower band, and inform the tenant and the Area Housing Management Officer.
- h) All other offers: the Housing Assessment Team will remove the priority status and the case will be reviewed.

## **30. Feedback on Let Properties**

All properties let are listed in a future copy of the Locata HOME. The Feedback Section shows the number of bidders for each property and the band and registration date of the successful member.



## **31. Outgoing MOVE UK and FRESH START Mobility Nominations**

- (i) Members requesting re-housing in another borough which is not in the partners' areas will be considered for nomination to another local authority or housing association either via the FRESH START or HOMES Mobility Schemes, if they are eligible persons. The nominee will also have to meet the criteria of the receiving authority, which sometimes includes needing to have a local connection with the borough they wish to move to.
- (ii) Members meeting these criteria may have to complete a MOVE UK application form. The Housing Options Officer will telephone the receiving organisation to find out if they will accept the nomination. If the member is not accepted the Options Officer will inform them in writing.
- (iii) If the receiving organisation is willing to consider the nomination, the Options or Fresh Start Officer will make a nomination. Details are noted on the computer so that if they bid and are eligible for an offer via Locata a check is made with MOVE UK, in order to avoid duplicate offers. If the nomination is rejected, this information is removed from the computer.
- (iv) Members will be informed by letter of the progress of their nomination at each stage, i.e. nomination, rejection.

# Appendix A: LOCATA WEST LONDON CHOICE-BASED LETTINGS PILOT SCHEME

	TENANTS	HOME-SEEKERS	DEFINING FEATURES OF APPLICANT
<b>Band A</b>  <b>Time-Limited Top/Emergency Priority Rating</b> (time limit is at registering partner's discretion)	Emergency medical	Emergency medical	<ol style="list-style-type: none"> <li>1. Emergency banding is granted only in exceptional circumstances, when the applicant or a member of the applicant's household has a life threatening condition, which is seriously affected by their current housing.</li> <li>2. Where the housing conditions and/ or other circumstances are having such a major adverse effect on the medical condition of the applicant or member of the applicant's household as to warrant emergency priority.</li> </ol>
	Management T/F (e.g. emergency harassment)		Agreed in exceptional circumstances due to significant and insurmountable problems associated with the tenant's occupation of a dwelling and there is imminent personal risk to the tenant or their family if they remain in the dwelling. Such transfers will be to properties of the same size and type (Ealing & Harrow)
		Ex-service tenants	Ex service tenants e.g. Caretakers or sheltered wardens where the Council has a contractual obligation to house
	Permanent Decants		Where the property is imminently required because of lease expiry or for essential works & the tenant will not be returning (e.g. development schemes)

	TENANTS	HOME-SEEKERS	DEFINING FEATURES OF APPLICANT
<b>Band A (continued)</b>		Homeless households owed the main duty by Harrow* under s.193 of the 1996 Act or s. 65 of the 1985 Act & placed in temporary accommodation  (*Provided that Harrow has not decided to refer to another authority under sec 198)	1. Landlord wants property back <b>OR</b> 2. Property not suitable to meet applicant's or a member of the applicant's household's needs  <b>AND</b> the only prospect of meeting them is in permanent accommodation e.g. where <ul style="list-style-type: none"> <li>• they have obtained employment &amp; are experiencing severe financial hardship</li> <li>• severe medical or disability reasons</li> <li>• severe harassment</li> <li>• severe violence or disrepair</li> </ul>
	Severe Need	Severe Need	Exceptional Circumstances and or multiple needs which warrant emergency priority
	Statutory Duty	Statutory Duty	1. Closing Order issued (i.e. <i>Properties unfit for human habitation as advised by Environmental Health where there is no alternative measure to render the property fit</i> ). Or 2. Similar duty where emergency re-housing is essential .e.g. CPO to enable site clearance for a road widening scheme
	Enable fostering/ adoption	Enable fostering/ adoption	Where agreement has been reached to provide permanent accommodation on recommendation by Social Services.
	Release adapted property or make best use of adapted stock		At authority's discretion where there is an unmet need for the property occupied e.g. Tenant does not require walk-in shower &/or wheelchair accessible features Or Where current property needs major adaptations and it is in the Council's interest for the tenant to move.

	TENANTS	HOME-SEEKERS	DEFINING FEATURES OF APPLICANT
<b>Band A (continued)</b>		Successors and non statutory successors in priority need. <b><i>(approved for move to studio or one bed or giving up 2 or more bedrooms)</i></b>	Approved by Housing Management for an offer of one bedroom accommodation or giving up 2 or more bedrooms.
	Under occupation <b><i>(moving to studio or one bed or giving up 2 or more bedrooms)</i></b>		Applicant is willing to move to smaller property under Incentive Scheme. These applicants will be exempted from minimum occupation criteria.
<b>Band B High Priority</b>		Homeless households owed the main duty by Harrow* under s.193(2) or s.195(2) of the 1996 Act or s.65 of the 1985 Act except those adequately housed with an assured shorthold or non-secure tenancy  (*Provided that Harrow has not decided to refer to another authority under sec 198)	Homeless making own arrangements, or accommodated in B&B, or in Hostel. Once an assured shorthold or non-secure tenancy is offered such applicants move to Band C until such time as the landlord wants the property back or their needs can no longer be met unless they are offered permanent accommodation.
	Statutory Overcrowding or Court Order		1. Statutory overcrowding as defined in Part X of Housing Act 1985, <b>OR</b> 2. Court Order to re-house.

**Band B  
(continued)**

	Successors and other Non Statutory Successors	Approved for move to smaller accommodation but Requiring 2 Bed + <u>and</u> relinquishing only one bedroom.
Other under occupiers		Agreed moves to smaller accommodation but requiring 2 bed + <u>and</u> relinquishing only one bedroom
Other Management T/F not in Band A		Agreed by Housing Management for non-urgent transfer. Such transfers will be to properties of the same size and type (Ealing & Harrow)
	Ex-tenant discharged institution	Where a commitment has been made in order to get such tenants to relinquish an RSL or LA tenancy on entering the institution
Permanent Decants		Where property is required because of lease expiry or for essential works & tenant will not be returning (e.g. development schemes)
	Release supported housing	Approved for independent living by Social Services or equivalent.
	Young People leaving care Quota	Approved for move on by Social Services Young People Leaving Care Team – <b><i>priority given for a time limited period – if choice not exercised one offer only</i></b>
	Move-on Quotas	Other move on Quotas as agreed with partner organisation – <b><i>priority given for a time limited period – if choice not exercised one offer only</i></b>

<b>Band B (continued)</b>	Medical (incl. Mental health) hardship	Medical (incl. Mental health) hardship	Band B status for medical need will only be given where an applicant's or a member of the household's current housing conditions are having a <i>major</i> adverse effect on their medical condition.  It will not apply where the effect of housing conditions on health is comparatively moderate, slight or variable.
		High Priority Hardship	With dependent children AND <ul style="list-style-type: none"> <li>• Living in insecure accommodation AND</li> <li>• Not having a bedroom AND</li> <li>• Lacking or sharing amenities</li> </ul>
	Severe Social hardship	Severe Social hardship	1. Multiple needs that warrant high priority, or  2. Welfare agency referral (social services or police) <i>Urgent need to move agreed by housing in liaison social services/police/other welfare agency</i> <ul style="list-style-type: none"> <li>• <i>To give or receive care or support.</i></li> <li>• <i>For child protection reasons, or</i></li> <li>• <i>Other urgent social/welfare reasons.</i></li> </ul>
<b>Band C Identified Need Reasonable preference</b>	Homeless	Homeless not included in A or B  Other ex-homeless households occupying accommodation secured under part VII section 193(2)	1. Homeless within the meaning of part VII of the Housing Act 1996 or 2. People who are owed a homeless duty and who are occupying temporary accommodation provided under the Housing Act 1996 Part VII.  Households who were owed a homeless duty and have occupied temporary accommodation secured under the Housing Act 1996 part VII section 193(2) and who have subsequently accepted a qualifying offer allowing them to remain in private sector accommodation after the duty has ceased.

**Band C  
(continued)**

<p>Unsatisfactory housing conditions</p>	<p>Unsatisfactory Housing conditions</p>	<p><b>i) Overcrowding</b> Households who do not have the following minimum provision</p> <ul style="list-style-type: none"> <li>• Co-habiting couples 1 bedroom</li> <li>• Each independent adult (18 yrs +) 1 bedroom. However 2 siblings of the same sex and living as part of a larger household will be expected to share, even if one or both are 18yrs+</li> <li>• Children of opposite sex where at least one child is aged over 7yrs should not have to share a bedroom.</li> <li>• Two Children of the same sex 1 bedroom unless one child is aged over 10 years and there is an age gap of 5 years or more.</li> </ul> <p><b>N.B For this purpose;</b></p> <ul style="list-style-type: none"> <li>(a) Second reception room will generally be deemed as available for use as a bedroom.</li> <li>(b) Box rooms which could reasonably be used by a child will count as a single bedroom</li> <li>(c) Single persons occupying studio flats will not be deemed overcrowded</li> </ul> <p><b>ii) Insanitary conditions that cannot be addressed by Environmental Health Action, including</b> Lacking one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) Food preparation facilities (i.e. Sink and space for a cooker)</li> <li>(b) Inside WC</li> <li>(c) Bathing and personal washing facilities</li> </ul> <p><b>iii) Other Unsatisfactory Housing conditions</b> e.g. substantial disrepair ( as assessed by Environmental Health or other appropriate officer)</p>
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<b>Band C (continued)</b>	Medical (incl. Mental health) hardship	Medical (incl. Mental health) hardship	Band C status for medical need will be given where an applicant's or member of the household's current housing conditions are having an adverse effect on their medical condition which creates a particular need for them to move.
	Elderly approved for Sheltered	Elderly approved for Sheltered	Applicants over 60yrs needing sheltered accommodation
	Social/welfare hardship	Social/welfare hardship/	Accommodation required to assist Social Services in delivering a Care Plan or to relieve other social/welfare hardship as agreed between Social Services and Housing
		Incoming Move UK applicants	
<b>Band D*</b> <b>No priority Status</b>	All other registered transfers	All others on housing register not included in bands A, B or C	As part of the forthcoming deliberations on a common housing register and common transfer register criteria will eventually need to be agreed as to who is actually eligible to be registered.

### Factors determining priorities

Priorities within bands will be on a date order basis, according to the date the member was placed into that band.

There is a residual discretion for households whose defining features (including their cumulative needs) are deemed to be so exceptional that a higher priority band is deemed to be necessary.

Where the defining features (including the cumulative needs) of a member in band A are considered to be so exceptionally severe as to warrant immediate/imminent rehousing, there is a discretion to enable the household to be made a direct offer outside the scheme.



## Appendix B: Review Procedure

This appendix sets out the procedure for reviewing the following decisions:-

1. Not to put someone on the Housing Register (or exclude them from bidding under Locata) who has applied to be put on it or to remove someone from the Housing Register other than at his or her request.
2. That a member is Ineligible for an offer.
3. Other decisions relating to this Lettings and Transfer Scheme, including banding and priority dates.

An officer senior to the officer making the original decision and who was not involved in making the decision will carry out these reviews.

Procedure:-

1. A request for a review must be made within 21 days from the day on which the applicant is notified of the authority's decision and the reasons for it. The Council has discretion to extend the time limit if it considers this would be reasonable.
2. The officer carrying out the review will carry out an investigation in accordance with internal procedures and taking careful note of relevant legislative requirements, Statutory Instruments and the prevailing Code of Guidance. If not already received they will invite the applicant to make written representations or, if the applicant is unable to do this or would be disadvantaged by this method, the reviewing officer may hear oral representation. In some cases both written and oral representations may be allowed, and the applicant may appoint someone to act on their behalf in making them.
3. In reviewing a decision on ineligibility for an offer the reviewing officer will determine, where appropriate, whether the applicant has remedied the reason for the ineligibility being imposed.
4. If the reviewing officer finds that the officer who took the decision did not take relevant information into account they will refer the file back to that officer for re-consideration of their original decision as part of the review process.
5. The officer will notify the applicant of their decision within eight weeks of the request for a review (although this time limit may be extended by agreement with the applicant).

- Original Decision Upheld: the letter will give the reasons supporting the review decision. There is no right to request a review of the decision reached on this review. In cases of exclusion from the register/ membership of Locata, or of ineligibility for an offer, the applicant will be advised (as appropriate) that:-
  - (i) A fresh application will be considered if the applicant was ineligible due to being subject to immigration control and the applicant's immigration status has changed.
  - (ii) Members/ex-members who have been excluded from membership on grounds of serious anti-social behaviour must demonstrate good behaviour for at least a year before a fresh application will be considered.
  - (iii) Members or any member of their household who knowingly gave false/misleading information or withheld information will not have a fresh application considered for one year.
  - (iv) Members who have assaulted a member of staff must demonstrate good behaviour for at least a year before a fresh application will be considered.
  - (v) When the member has paid off rent arrears, remedied damage, legal action has been withdrawn or they can prove that a local connection has been established they can apply to have the ineligibility for an offer removed from their file.
- Original decision Quashed: the letter will explain what action the Council will take as a result and their reasons for doing so.
- Applicant Provides the Reviewing Officer with New Information: (i.e. information not known to the officer who took the original decision) the review will end and the file will be returned to the Options Officer for fresh enquiries to be made and a fresh decision to be issued. In such cases applicants will be advised of their right to request a review of the new decision.