Allocations Policy
2020 Policy (updated March 2025)

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Section 1 Introduction and Background

Members of the Cumbria Choice Based Letting Partnership

This document is the revised Housing Allocation Policy for the Cumbria Choice Partnership (CCP).

The Allocation Policy is called the 'Cumbria Choice' and is a choice based letting scheme where applicants are able to bid for advertised vacant properties. Cumbria Choice is a sub-regional partnership between the two Council's and six Registered Provider Housing Associations that own social housing stock across Cumbria.

The following are members of the Cumbria Choice Partnership:

Cumberland Council
Westmorland and Furness Council

Plus the following Housing Associations:

Accent Housing Limited
Castles and Coasts Housing Association
Eden Housing
Home Group
Riverside Housing
South Lakes Housing

Each of these Registered Providers (commonly known as and referred to in this policy as Housing Associations) have voluntarily signed up to the policy to ensure that all applicants applying for social housing in Cumbria are provided with a single route of access to social housing and are assessed using a single policy. Where any individual housing association in Cumbria is not a partner to the policy and continues to let vacant properties owed to the Council under a nominations arrangement, this policy will apply to the nominations owed.

The participating Housing Associations listed above (contact details are set out in Appendix 5) have agreed to advertise the majority of their available vacant properties through the scheme and in accordance with this policy.

The 'Cumbria Choice Partnership' is overseen by a 'Sub Regional Project Board', which is governed by a partnership agreement. The membership consists of one senior officer representative from each organisation. Each organisation has one vote within the partnership.

The Project Board will meet at least six times a year to oversee the running of the scheme and to monitor its compliance with local and national policy and guidance. The partnership will continue to monitor, fund, develop and make policy decisions about the scheme as appropriate.

The policy covers the nomination of any applicant under the scheme to be an assured or an assured short hold tenant of housing accommodation held by any participating Housing Association across Cumbria, whether by way of a legally enforceable arrangement or not. This includes a nomination of a 'starter tenancy'. Of the two Unitary Council's only Westmorland and Furness Council still owns Council stock and the policy applies to allocations made for that stock.

This policy sets out who is, and who isn't, eligible for social housing in Cumbria and how the CCP will make this assessment. It details how applications to join the CCP Housing Register can be made, the priority they will be given, and how offers of social housing will be made.

This is a revised 'Housing Allocation Policy' and will take effect in respect of all allocations of housing on or after 30th June 2025. The assessment of need and qualifying criteria set out in this policy will be applied to all new and existing Applicants from this date.

Legal context

This is the two Unitary Council's Housing Allocation Policy as required by Part 6 of the Housing Act 1996. Applicants are able to apply for housing and all applications will be fully assessed.

When applying an applicant will be asked to choose a housing association to administer their application. Where a housing association assesses and administers an application they will, on behalf of the two Unitary Council's, be formally discharging the legal responsibility for the Unitary Council's to receive applications and apply their adopted allocation policy to assess that application.

All applications will be assessed and administered through applying this allocation policy: this being the legally adopted allocation policy for the two Unitary Council's.

In developing this policy the Councils have followed and fully considered the following housing legislation, regulations, statutory guidance, and strategies:

1) The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)

2) The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017

3) Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) "the Code";

4) Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code".

5) Plus the following statutory regulations:

a) Allocation of Housing (Procedure) Regulations 1997, SI 1997/483;

b) Allocation of Housing (England) Regulations 2002, SI 2002/3264;

c) Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments

d) The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012 SI 2012/1869; as amended by The Allocation of Housing (Qualification Criteria for Armed Forces) (England) (Amendment) Regulations 2024 SI 2024/11225.

e) Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.

f) The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015

g) 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)'

h) Right to Move guidance (DCLG, 2015)

i) Social Housing for Victims of Domestic Abuse in Refuges or other Types of Temporary Accommodation, guidance (MHCLG, 2018)

j) Homelessness code of guidance for local authorities (MHCLG, 2018)

In framing our allocations scheme this policy has had regard to the Homelessness and Rough Sleeping Strategy, Housing Strategy, and Tenancy Strategy of the Council's as well as the Equality Act 2010.

In relation to f) above in accordance with the Right to Move statutory guidance on housing allocations for local housing authorities in England (Department for Communities and Local Government, March 2015), the Policy sets a limit of no more than 2% of lettings will be allocated to social housing tenants from outside of Cumbria who need to move for employment purposes.

All references to statutory materials are by way of summary and for convenience only, and are not to be used as substitutes for the details within the original.

Where the Policy refers to the Cumbria Choice Partnership, or CCP, this is to be taken to mean each of the two Unitary Council's. Each Council has adopted this Policy as its legal Allocation Policy to meet the statutory duty under Part 6 of the Housing Act 1996.

This Allocation Policy applies when one of the Unitary Council's:

a) Selects a person to be a secure or introductory tenant of housing accommodation (i.e. in practice accommodation owned by Westmorland and Furness Council as Cumberland Council no longer retains social housing stock).

b) Nominates a person to be a secure or introductory tenant of housing accommodation (i.e. in practice accommodation held by another housing authority).

c) Nominates a person to be an assured tenant or assured shorthold tenant of housing accommodation held by a Registered Provider (commonly referred to in the Policy as Housing Associations).

The above includes Affordable Rent properties and Flexible (i.e. fixed term) tenancies.

For details of lettings not covered by the policy see appendix 1.1

The key aims and objectives set for the Policy

The key aims and objectives adopted for the Policy are:

1. A Policy that meets the legal requirements placed on each of the Unitary Councils, namely to give appropriate priority to applicants who fall within the Housing Act "reasonable preference" categories

2. To ensure there is a social housing lettings service that embraces equality and diversity by being open and fully accessible to all individuals.

3. To improve the means by which local people in Cumbria gain access to social rented housing by providing a modern and easy to understand allocation system which offers realistic choices.

4. A Policy that is simple to understand and use, is transparent and is seen as fair by the general public and applicants

5. To support the objective of making the best use of the social housing stock in Cumbria, and to support mobility across Cumbria especially where residents need to access to employment.

6. A Policy that contributes to creating balanced and sustainable communities, and helps attract new customers to areas of low demand thereby reducing void times on any 'harder to let' properties.

Making changes to the Policy

Any major change to the Policy can only be made after a copy of the proposed amendments have been consulted on by sending to every Registered Provider Housing Association in Cumbria, regardless of whether an association is a participating member of the CCP. (Section s166A (13) Housing Act 1996).

All major changes must first, be agreed by the CCP Partnership Board who will make recommendations that will then be considered:
a) By each of the two Unitary Councils, and
b) By each participating Partner Housing Association.

Details of how major changes will be considered by each of the two Unitary Councils are set out in Appendix 9.

For minor changes to the policy or the operational procedures, decisions will be delegated to the CCP Board who will consult with the lead officer responsible for housing in each Council, (or their delegated officer), and with the Chief Executive for each CCP Partner Housing Association (or their delegated officer).

All major changes to the policy will be notified to those it may affect within a reasonable period of time.

General Data Protection Regulations 2018

We will ensure for any person on the housing register their information is stored lawfully and we act in a fair and transparent way in processing their data. We will only collect data that is specific, explicit and legitimate for the purpose of the application and lettings processes set out in this policy. The data will be kept up to date and not held unnecessarily or without appropriate security measures in place. Information will only be shared with other organisations or individuals in order to legitimately assess and progress a person's housing, for the prevention of fraud or with the person's explicit consent.

Appendix 1.2 sets out the details for how the scheme will apply:
1) The General Data Protection Regulations 2018
2) The 'Privacy Notice' for the policy, and
3) An applicant's right to information

Equality, accessibility and monitoring

The CCP is committed to ensuring that the Policy and the implementation of all associated guidance and procedures are non-discriminatory and that all applicants are able to access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; and for Children, Section 11 of the Children Act.

To identify the needs of our applicants the application contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability and other relevant criteria. The information obtained will be used to monitor the impact of the policy on minority and specific needs groups and to evidence the need for amendments, as may be required.

Under the Equality Act 2010 and in particular the Public Sector Equality Duty under section 149, Councils are required to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations, when exercising a public function such as their legal Housing Allocation Policy.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The CCP will ensure that the policy complies with the current equality legislation and with all relevant statutory codes and guidance. The new policy has been subject to a full, detailed 'Equality Impact Audit' before it has been adopted (see appendix 10). This EIA will be regularly reviewed as more monitoring information regarding the impact of the policy is obtained.

The outcomes for applicants identified as having specific needs or who meet the definition of a protected characteristic under the Equality Act will be monitored in relation to the outcomes for applications to join the register and offers of social housing.

The CCP will monitor the policy and outcomes to ensure that it is meeting all legal requirements and that the aims and objectives set for the policy are being met. Monitoring will be used to ensure that:

- Those in the 'reasonable preference' categories are given priority for housing
- The Policy is complying with its Equality Act duties
- There is overall customer satisfaction with the scheme

Complaints

Complaints are separate to the circumstances where an applicant wishes to seek a review of a decision made on their application. Such a request should be made under the review procedure set out in section 4 and not through the complaints procedure.

Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made using the complaints procedure to the Unitary Council where they currently live. A copy of the current complaints procedure for each of the two Councils is available on their websites.

Complaints regarding the handling of an application by a Housing Association should be made through that Association's complaints procedure which will be detailed on the Association's website.

Where a complaint relates to how an applicant has been dealt with under this policy an applicant has the right to continue with their complaint to the Local Government Ombudsman Service if they are unhappy with the response to their complaint.

The Local Government Ombudsman is an independent service run by Central Government to make sure that Council's provide the required standard of service to their customers.

The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what has been done simply because someone did not agree with it.

The Ombudsman will normally deal with a complaint if a customer feels they have been treated unfairly as a result of maladministration.

For example, if a Council has:

- Delayed taking action without good reason
- Taken into account facts which are not relevant or ignored facts which are relevant
- Not followed their own rules or complied with the law
- Not taken action that they had promised to
- Given a customer the wrong information
- Not reached a decision in the correct way

The Ombudsman will not normally investigate a complaint:

- ✓ Until a Council has had the opportunity to review its decision (normally by accessing the complaints process), or
- ✓ If it is a matter which has been, are, or could be dealt with by the courts or an internal review procedure
- ✓ If it was a matter which the applicant was aware of more than twelve months before making the complaint

All complaints to the Ombudsman must be in writing. Applicants can request assistance from their local Councilor or ask an advocate to write on their behalf. The contact details for the Local Government Ombudsman are:

Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH
Tel: 0300 061 0614.
You can also text 'call back' to 0762 480 3014.
Fax: 0247 682 0001
Website: www.lgo.org.uk

Policy Statement on Choice and Preferences

One of the key objectives of the Policy is to, as far as possible, give choice to applicants who wish to obtain social housing. This is why the CCP has taken the decision to operate the Policy through a 'choice based lettings' system (CBL). The aim being to give applicants the best possible choice over where they wish to live.

For all applicants who are eligible to be registered, they should be able to express a preference over any area that they would like to live in and the type of property they would prefer. However, the ability to satisfy that preference might be limited by the housing pressures faced.

The housing pressures faced limit the degree of choice that can be offered, along with the responsibility the two Unitary Councils have to offer housing to applicants in urgent housing need, including the need to reduce the financial impact of temporary accommodation on a Council. As a result of housing pressures there is a limit on the degree of choice that can be offered. The Councils have to offer housing to applicants in urgent housing need, this reduces the financial impact of providing temporary accommodation on that Council.

Expressing a preference over where an applicant would prefer to live does not mean that preference can be met, nor prevent an applicant being offered suitable accommodation outside of their preferred area.

Any applicant will be asked to state any area where they believe they cannot live due to fear of violence, harassment or domestic abuse. The assessment will then consider the facts and decide whether the applicant can be allowed to restrict those areas.

The key policies on choice explained:

A) When the CCP may make a direct offer outside of the choice based letting (CBL) system and, in exceptional circumstances, outside of the CBL band and date order system

Not all properties that become available will be advertised and offered through the Choice Based Lettings (CBL) system. There may be circumstances where for urgent operational or financial reasons there is a need to make a direct offer of housing outside the CBL and, in exceptional circumstances, outside of the band and date order criteria set out in this policy.

Specifically, this would be where there are urgent operational or financial reasons. Examples include but are not limited to:

1) Situations where urgent re-housing is required due to an applicant's existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed or in discharge of a statutory homelessness duty.

2) Urgent housing need situations where it would not be reasonable in the circumstances to wait for the Choice Based Lettings process to produce an offer.

3) Where there is an evidenced threat to life in the area in which an applicant currently lives.

4) Tenants of a CCP Partner in emergency cases whose homes are damaged by fire, flood or other disaster

5) To facilitate a three way (or greater) mutual exchange. Mutual exchanges are not an allocation, but when it would make best use of its housing stock and support the needs of the tenants involved, the CCP may make available a property for a three-way exchange

6) Direct offers to persons who the Council has a duty to rehouse under section 39 of the Land Compensation Act 1973.

7) Direct offers in order to meet an annual lettings plan in the circumstances where a decision has been taken to adopt an annual lettings plan.

8) Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty, a partner Council may wish to

implement a short term scheme to make direct lettings for a period of time to move applicants out of temporary accommodation, in order to manage any budgetary or legal impact. The CCP Board should be informed so that they can monitor to ensure that any scheme does not undermine the key objective, which is to ensure that direct lets do not form more than 15% of all lettings.

9) If an applicant is not being realistic in the areas they are bidding for accommodation, and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant.

10) Where a vacant adapted property or a property designed to disability standards becomes available and there may be a need to offer that property to an applicant whose disability need best matches that property, regardless of the date they were registered.

11) Where the assessment is that it is inappropriate for the applicant to participate in Choice Based Lettings. For example, vulnerable applicants nominated by Adult Social Care where work is on-going with social workers and care managers to decide on the best letting solution for that applicant.

12) Other examples include cases where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA), or presents a risk to themselves or others

Furthermore, we may decide to restrict the time an applicant is able to bid for accommodation in an area where they would prefer to live. An offer of accommodation may be made in any area that has been assessed as being suitable and safe for the applicant to live in.

We will provide information about the number and types of homes, and current vacancy rates, to help applicants to make informed choices. The more flexible applicants are in their choice of areas and property types, the sooner they are likely to be successful in being offered a property that meets their need.

The number of direct offers will be monitored and should add up to no more than 15% of all lettings annually made under the scheme. This is to preserve Choice Based Lettings as the primary method of letting social housing properties in Cumbria.

B) Penalty for refusing a set number of offers

The criteria for Banding is set out in Section 4 to this policy.

Any applicant in Bands A or B who refuse 3 reasonable offers within a 12-month period will have their application placed into Band C for up to 12 months. This is to tackle the problem of applicants making unlimited bids that may result in higher refusal rates with resulting extended re-letting periods.

Criteria setting out what will be considered to be, and not be, a reasonable offer is set out in Appendix 4. A refusal of an offer of the correct size and type will normally be considered unreasonable.

C) Offers of accommodation made to any applicant owed any statutory homelessness duty under Part 7 of the Housing Act 1996

Specifically, for applicants owed the section 189B(2) Relief of homelessness duty, or the Main section 193(2) duty under Part 7 of the Housing Act 1996, or where an applicant has an urgent housing need that must be met immediately, although the Council supports that the ability of applicants to express a preference for where they wish to live, the Council is of the view that what is paramount is the need to offer suitable housing, which may not be possible in the location preferred by the applicant.

If an applicant owed any of the statutory homelessness duties set out below refuses a written offer of suitable social housing accommodation made through this policy, then the duty owed to them will be discharged and they will lose any priority status afforded to them because of that homeless duty owed.

Applicants owed a statutory homeless duty will be identified through the IT system at the shortlisting stage. On identification of a suitable property the RP and LA partners will agree a process for ensuring the 'final offer warning letter' will be sent to the homeless applicant owed a statutory homelessness duty set out below. This will normally be to inform the relevant local authority Housing options Team that an offer is to made so they can send out a 'final offer warning letter'

In these circumstances unless they have another reason to be awarded a statutory housing need Band A or B under this policy, they will be placed into Band C. The offer they have refused will count as the first offer out of the 3 offers allowed within the 12 months period. They will no longer be owed any banding award for being owed a statutory homelessness duty, as that duty would have been brought to an end when they refused a suitable offer of social housing.

A statutory homeless duty means:

a) The prevention of homelessness duty under Section 195(2)
b) The 'relief of homelessness duty under Section 189B(2)
c) Where the relief duty has come to an end and an applicant is then owed a section 190 Intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty),
d) The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty

For operational guidance notes:

Note 1: Where it has been decided to refer the case to another authority at either the 'Relief Stage' or at the 'Main Duty stage' of their homeless application, an applicant will not receive any banding for being owed any homelessness duty as the Council will owe no duty (other than, depending on the circumstances) an interim accommodation duty. Being owed an interim accommodation duty pending the outcome of a local connection referral does not qualify an applicant to be owed a banding A or B

Note 2: Where a Council has ended any statutory homeless duty and is exercising its power to provide accommodation pending a review decision (section 188(3) power) no statutory duty will be owed by the Council unless the outcome of any review is favourable for the applicant. Therefore where a review has been requested any banding priority for being owed any of the homelessness duties will be removed.

D) Where applicants in Band A have not bid within 3 months of being awarded Band A

Band A is an award of additional preference based on an applicant's very urgent need to be housed. The need to house someone urgently will be undermined if an applicant fails to bid because they may, for example, be waiting for the 'perfect property' to become available.

Therefore an award of Band A will be reviewed after 3 months for any applicant who has not bid, or where the view is that bids have been made but are not realistic.

The review after 3 months could result in a decision that:

a) The Band A award should continue with further reviews scheduled for every 3 months, or
b) The Band A award should be removed with the applicant losing additional preference and being placed into Band B, or
c) That a direct offer should be made as soon as possible due to the urgent need for the applicant to move.

Note: There may be circumstances where no suitable properties have become available for an applicant to bid on within the 3-month period. In these circumstances an applicant will not have Band a removed and will continue to be able to bid. However, in recognition of their urgent need to move it may be agreed with the relevant local authority to make a direct offer for any property that is assessed as suitable to meet their urgent housing need.

Section 2 Who can apply to the Housing Register and the criteria for assessing who is eligible to be included

The CCP Housing Register is a single list of applicants across Cumbria who qualify to be included on the scheme. It includes new applicants and existing social housing tenants living in Cumbria who are seeking a transfer.

Anyone over the age of 16 is eligible to join the Housing Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.

If an applicant is under 18 years of age they will not normally be offered a tenancy. This does not apply to young people living in a foster home or in residential care provided by Social Services for whom re-housing under the Children Act has been agreed and who are within 6 months of their 18th birthday. There is an agreed protocol between the Housing and Social Services departments covering housing for applicants who are looked after, or were formerly looked after. Applicants under the age of 18 will registered but made inactive until 2 months before their 18th Birthday, at which point the young person or Professional Appointee must inform Cumbria Choice so their application can be activated.

Any offer to an applicant who is under the age of 18 will only be made after their ability to manage a tenancy has been fully assessed. This assessment is to make sure that they can cope with being a tenant at a young age and that they do not risk losing that tenancy offered through a lack of support.

If a person who is 16 or 17 is granted a tenancy, this will be held in trust until they reach 18. This means that another suitable person (such as a parent, legal guardian, social worker or relative) will be responsible for the tenancy.

The eligibility persons from abroad qualification rules

Everyone can apply to join the register but there are some groups of people who by law cannot join the register, regardless of their housing need or circumstances. These are people who:

- Come under the Government's 'persons from abroad' eligibility rules and cannot lawfully be given housing help;
- Do not live habitually in the Common Travel Area (UK, Channel Islands, the Isle of Man or the Republic of Ireland);
- Do not have the right to live in the UK;
- Plus other categories of people who the Government may in the future, decide are not eligible for housing assistance.

Under sections 160ZA (1), (2) and (4) of the Housing Act 1996 the CCP cannot allocate a tenancy, or nominate a person for housing, if they are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control or a person from abroad who is prescribed as ineligible.

The relevant regulations that apply to eligibility are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)

The rules are complicated and anyone who is impacted or believe they may be impacted can approach any CCP Partner for advice, or seek independent legal advice.

The rules will change from 2021 due to the UK's exit from the EU and new regulations regarding eligibility for housing based on the EU settlement scheme. This policy will be amended to take into account any new rules as part of the policy review process.

The qualification rules adopted under the Policy

In addition to the Government's 'persons from abroad' rules setting out when a person is ineligible for an allocation of housing accommodation the housing laws allow for the CCP to define in the Policy who will be regarded as 'qualifying persons' (section 160ZA).

What this means is that under section 160ZA (7) is that the Policy can set out classes of people who are, or are not, qualifying persons. A number of qualification rules have been adopted by the CCP. There are also a number of defined exceptions to all, or an individual qualification rule. The qualification rules and exceptions are set out below.

Qualification Rule 1: Local Connection

Only those applicants with a local connection to Cumbria and who also have an assessed statutory housing need, as defined by this policy, are eligible to be included for the statutory reasonable preference housing needs Bands A and B. The local connection rules do not prevent an applicant from being awarded Band C as long as they meet the other qualification rules set, for example – as long as they are not disqualified through the unacceptable behaviour rule.

There will be some properties advertised that may be subject to additional local connection requirements however, these will be clearly stated in the advert where this is the case. A local connection is defined as:

a) Must live in Cumbria and have done so continuously for the past year, or for 3 years in the last 5, and that residence was of their choice.
b) Have immediate family (mother, father, brother, sister, son, daughter) who are currently living in Cumbria and have done so for at least the last 3 years
c) Are employed in permanent employment in Cumbria. Employment is defined as paid employment for 16 hours or more per week for a period of one year, or self-employment where an applicant can demonstrate that the self-employed work they perform is in the Cumbria area and is on average 16 hours a week or more. The employment must be based on their actual place of work in the area and not based on a head office or regional office situated in the area but from which the applicant

does not work. Where working hours fluctuate i.e. casual or zero hours contract, an average will be taken over the last three months, or

d) Have close family (normally mother, father, brother, sister, son or daughter) that have lived in Cumbria for a minimum of the past 3 years. We will consider whether there are exceptional circumstances where other family members may be considered as close. For example, the circumstances where an extended family member brought up a person in the absence of their own parents.
e) Where there is an exceptional need to move to the area as determined for very special circumstances.

For the purposes of determining local connection for residence in Cumbria, this will include:

1) Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch where it is demonstrated that this their permanent place of residence and can be evidenced through paying Council tax.
2) People who are forced to sleep rough in Cumbria if they meet the qualification period for residency.

The exemptions to the residency qualification rule for Bands A or B are:

1) An applicant is homeless and one of the Unitary Council's part of this scheme has accepted the section 189B 'relief of homelessness duty or the main section 193(2) housing duty under the Housing Act 1996, and they are not intending to refer the applicant to another Council under the homelessness local connection rules.

2) One of the Unitary Council's part of this scheme has placed an applicant into temporary accommodation outside of Cumbria.

3) Where there are significant and special circumstances requiring a move into Cumbria. This will be decided on a case-by-case basis following a request from the applicant or from the information submitted on their housing register application. Examples include:
   a) Reasons of safety; i.e. when an applicant is fleeing domestic abuse or hate crime from another area, or
   b) Is on a witness protection programme and the CCP have agreed that there is an essential reason why they need to move to Cumbria

4) Applicants who are leaving an institution such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme that is not in Cumbria and the applicant was resident in Cumbria for one year one year immediately preceding residency in an institution, or 3 out of the last 5 years immediately before they were accommodated in that institution.

5) The CCP will consider any application from a gypsy or traveller household where the applicant may not meet the continuous period of residence rule, as the period may have been broken by travelling. The CCP will consider the facts of each case when deciding whether the rule should be waived.

6) Care Leavers below the age of 25 years who are, or were, owed a duty under section 23C of the Children Act 1989 by Westmorland and Furness Council or Cumberland Council and have been looked after in accommodation outside of Cumbria. This will include care leavers who are still receiving after care support from Children's Service until they are 25, and some care leavers who are in full-time education who wish to move back to Cumbria on completion of their education.

7) Young people to whom the new Unitary Councils have a statutory duty and who have the following status' should attract a local connection to both Westmorland & Furness and Cumberland Council's:

   - 16/17 Years Old Eligible Young People;
   - 16/17 Years Old Relevant Young People;
   - 18 Years Old Former Relevant

8) Applicants that satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, as amended 2024. These are:

   a) Applicants who are serving members of the regular armed forces
   b) Applicants who have ever served in the regular armed forces
   c) Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service
   d) Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner and the death was wholly or partly attributable to their service.

9) Applicants who satisfy the right to move criteria will be exempt from the Bands A or B qualification rule. The Right to Move qualification regulations 20155 states that Local Connection criteria must not be applied to existing social tenants who seek to move from another Council area in England and who have a need to move for work related reasons to avoid hardship.

   To qualify the applicant must:

   - Be social housing tenant living in England
   - Wish to join the Housing Register in Cumbria due to work related reasons to avoid hardship are able to do so provided that they can provide evidence to that effect that is accepted.
   - Satisfy the criteria that the tenant needs, rather than wishes to move for work related reasons and if they were unable to do so would result in hardship.

Qualification rule 2: The requirement to give permission to obtain and share an applicant's personal information

Applicants will be required to sign a declaration, or to give informed consent, to confirm their understanding that:

a. The information given is correct and that they will notify the CCP of any change in their circumstances.
b. Enquiries will be made concerning their eligibility for housing and level of priority.
c. Information will be provided to other partner organisations that are part of the scheme.

This is a condition of being accepted onto the housing register and applies to the applicant, or any member of the applicant's household.

Once an applicant provides information we will process that information under Article 6 GDPR. The processing is necessary under the Public Task purpose and is necessary for the Council to perform a task in the public interest or for its official functions, and that task or function has a clear basis in law.

Qualification rule 3: Homeownership, or legal interest in homeownership

An applicant cannot qualify for Bands A or B of the housing register (see section on exemptions) if they own or have an interest in residential property including freehold, leasehold, joint ownership or shared ownership (applicants who have been the owner of a residential property within the last 5 years will be required to provide proof of the proceeds from the sale and of the disposal of the proceeds). This includes:

- Properties owned and rented out to other persons
- Properties in the UK or other Countries
- Properties owned by a spouse or civil partner

However, applicants will be able to qualify for Band C.

However, if as a result of a divorce settlement a Court has ordered that, for a period likely to exceed 5 years, an applicant may not reside in a former matrimonial or civil partnership home in which they still have an interest the Applicant will be treated as disqualified under this rule.

Qualification rule 4: Financial resources

Applicants who are considered to have sufficient financial resources to buy suitable accommodation in Cumbria will not qualify for Bands A or B but can qualify for Band C. 'Sufficient financial resources' are defined as sufficient capital to buy or rent privately; or sufficient income to raise a mortgage to buy or rent privately; or a combination of both. The income and savings limits are:

1) Applicants (both single persons and couples) who have total savings, investments and/or assets of £25,000 or more.
2) Applicants whose total gross household income from all sources exceeds an annual income of £45,000 or more (for single persons) or joint income of £60,000 or more (for couples).

'Sufficient financial resources' includes any assets or investments even if they are not immediately available to the applicant, such as any residential or non-residential property that they own or part own anywhere in the UK or abroad.

Any lump sum received by a member of the armed forces as compensation for an injury or disability on active service will be disregarded.

Although this qualification rule will mean an applicant cannot be granted the statutory housing needs bands A or B, it does not prevent them being considered for any low cost home ownership schemes, such as rent to buy, shared ownership/equity, discounted market sale and starter homes or lower demand properties. Information can be given on request regarding which Housing Associations or developers are currently operating any of the above schemes and how applications can be made.

Applicants who do not qualify for Bands A or B under the homeownership, legal interest or financial resources rules may be considered as an exception if:

a) They own or part own accommodation or have an legal interest in accommodation; and
b) They are over state pension age or have a substantial disability; and their current home is not suitable for their specific needs and cannot be adapted, and
c) They have insufficient financial resources to buy accommodation that meets their particular housing needs in the private market despite owning a property, or having income or savings above the ‘sufficient resources’ thresholds set out in this policy.

The possible exemption is intended to cover situations where a person owns their own home but where it is agreed that they are no longer able to manage in it due to their advancing years, or due to developing a substantial disability that makes living in their home impracticable. This would be the circumstances where selling up would not provide sufficient funds to purchase a more suitable alternative in the area leaving that person in a difficult position.

Qualification rule 5: Failure to Bid

This is a disqualification rule that will be applied to applicants who are included on the Housing Register.

The CCP will monitor the bidding patterns to identify applicants who fail to bid and identify any applicants where their failure to bid could be the result of a vulnerability and not being able to understand the bidding system. In these circumstances the rule will not be applied.

Any applicant who has failed to bid for more than twelve months will be removed from the Housing Register to reduce the administrative burden of maintaining the register. This is based on the assumption that an applicant who has not bid for accommodation in 12 months is unlikely to continue to be in housing need. Any applicant removed from the register can reapply if they have a housing need.

If an applicant has only registered because they are interested in bidding for accommodation for a new section 106 rural developments that may be being built, this will be considered as an exception to the 'no bid in 12 months' rule.

Qualification rule 6: Fraud or giving False Information

Applicants who are found to have withheld or given false information may be removed from the register and will not be able to reapply for a period of 12 months. Decisions to remove the person from the register will be made based on the seriousness of the false information given, or an assessment of why important information was withheld. The rule applies to an application for housing where the applicant has:

a) Committed fraud, or
b) Given false information, or
c) Withheld information

For details on how we will assess the question of alleged fraud or false information see appendix 1.3

Qualification rule 7: Circumstances where an applicant has current or former social housing rent arrears or another relevant recoverable housing related debt.

This section sets out the rules for when an applicant

a) Will not be allowed to qualify for the Housing Register because of rent arrears or a housing related debt, or

b) Will be allowed to qualify but will be not be allowed to bid for properties advertised until the rent arrears or housing related debt have been resolved to the satisfaction of the CCP using the criteria set out below.

When carrying out an assessment, we will take into consideration all housing related debts, associated with either a current or former tenancy where this relates to any social housing provider in the UK. Note the rules in this section apply only to social housing former or current rent arrears, occupation of temporary accommodation debts, and some other forms of housing related debt. This section does not cover any rent arrears for a private sector tenancy or license. This is covered under the unacceptable behaviour rules set out in Qualification rule 8 below.

Note: the definition of a housing debt will not include debts that are statute barred. The debt will be considered statute barred where an applicant, or their representative or someone else they held the account with hasn't:

- Made a payment in the last 6 years
- Written to the creditor acknowledging the debt in the last 6 years
- Had a county court judgement (CCJ) relating to the debt in the last 6 years

For the purposes of this qualification rule housing related debts include:

a) Current or former tenancy rent arrears of a social housing tenancy;
b) Outstanding re-chargeable repairs;
c) Current and former housing related service charge arrears;
d) Bed and breakfast or other temporary accommodation charge arrears for a license or a tenancy
e) Housing benefit overpayments for a social housing tenancy;
f) Failing to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt for a social housing tenancy or temporary accommodation
g) Any court costs associated with any of the above debts

Housing related debts apply to both the applicant and to any members of their household that are included in the application.

The purpose of this qualification rule is twofold.

1) To ensure any debt to a former landlord is recovered and
2) To focus on whether an applicant's history creates a risk of future non-payment, rather than simply on the existence of a current outstanding debt.

The following framework will be used to guide officers to apply this qualification rule. We will consider:

- Whether the applicant still owes that debt, and if they do, the extent of the arrears/debt and whether it is a recoverable debt or a statute barred debt.
- Whether there possible exceptional circumstances that need to be considered.
- Whether the claimant has taken debt advice acted on it, and entered into and begun to implement any arrangement to clear the arrears/debt.
- If an arrangement has been made, the amount of arrears/debt paid off, any amount outstanding, and the regularity of any payments made.

After applying the above procedure, it may be decided that the applicant does not qualify for the housing register or that they will be allowed to qualify, but not allowed to bid for advertised properties until the matter has been resolved to the satisfaction of the CCP.

There is no time limit regarding when a person can make a new application following disqualification. Where a new application is made we will assess whether the applicant has taken appropriate action to address the debt. When disqualified the applicant will have been informed of the steps they need to take to resolve the debt in order to qualify.

How decisions for applicants with a social housing debt will be made

a) Applicants with debts of £1,000 or more who have not made any arrangement to address the debt

Applicants with debts of £1000 or more who have not made any arrangement to address the debt should be ineligible to join the register unless the circumstances surrounding the debt are exceptional and the assessment concludes that there is no real risk of future non-payment.

b) Applicants with debts of £1,000 or more who have made any arrangement to address the debt

Applicants will be permitted to join the register and be able to bid for accommodation if they have maintained a payment arrangement for at least 13 weeks and have either:

- Repaid at least £750; or
- Repaid at least 25% of their original debt

Applicants who satisfy the above will be permitted to bid for properties. All partner landlords are encouraged to abide by these guidelines and to accept bids on this basis. It is however, accepted that the housing association to whom the debt is owed may wish to see that a longer period of repayment should be kept to. Where this is the case the period should not be more than a further 13-39 weeks in addition to the 13-week period that the applicant has already paid. Any requirement by the partner to whom the debt is owed for payments to be maintained for more than 13 weeks should not prevent an applicant from bidding for properties advertised by another housing association partner.

All partner landlords are discouraged from requiring a debt of £1000 plus to be paid in full. This disincentives applicants from making any attempt at payment and may result in an applicant having to demonstrate an extended repayment period of several years before they can be considered for accommodation. This would be unfair on applicant's who have demonstrated a commitment to pay off the debt and that the risk of any further debt for a new tenancy is low. It also makes it more likely that the housing association is unable to recover the debt.

c) Applicants with debts of £1-£499

Applicants with debts of £1-£499 should be eligible to join the register and eligible to bid, unless there is clear evidence of a future risk of non-payment.
Clear evidence of a future risk could include factors such as:

a) A long history of housing debt;
b) A long history of poor rent payments; and
c) A long history of breached payment arrangements.

Where such evidence exists the applicant should be unable to bid until there is evidence of rehabilitation. Evidence of rehabilitation could include factors such as:

a) Maintaining a payment arrangement for 1-8 weeks;
b) Demonstrating that the causes of the previous problems have been addressed.
c)

d) Applicants with debts of £500-£999

Applicants with debts of £500-£999 should be eligible to join the register but ineligible to bid, unless the applicant can demonstrate there is no real risk of future non-payment.

Evidence there is a no real risk of future non-payment could include factors such as:
a) A history of not having housing debts;
b) A history of regular rent payments; and
c) A history of maintained payment arrangements.

Where no such evidence exists the applicant should be unable to bid until there is evidence of rehabilitation. Evidence of rehabilitation could include factors such as:

a) Maintaining a payment arrangement for 8-26 weeks;
b) Reducing the debt to below £500 (in which case the above rules at c would apply)
c) Demonstrating that the causes of the previous problems have been addressed.

Applicants who are disqualified for a housing related debt of £1,000+ should notify the Partnership immediately when they have either repaid at least £750 or repaid at least 25% of their original debt so they can qualify for the register. If it is agreed that the matter has been resolved and they can register, their effective date will be the date they have been assessed as qualifying for the register and will not be the date of their first application which resulted in the decision that they do not qualify.

The only exceptions to this qualification rule are applicants who can demonstrate that their circumstances are exceptional and that they would face serious hardship or risk through not being allowed to qualify. An exception may be considered where for example an applicant has a good payment history with a debt resulting from a one off incident or problem such as relating to Universal Credit, or benefits reforms, or where a tenant had to flee domestic abuse and a subsequent debt built up for their tenancy.

Additional procedural information on the consideration of exceptional circumstances and how applications where there is a ‘Debt Relief Order’, ‘Bankruptcy Declaration’ or ‘Individual Voluntary Agreement (IVA)’ are set out in appendix 1.4

Qualification rule 8: Serious unacceptable behaviour

This rule will apply where an applicant, or any member of their current or prospective household, has a history of serious unacceptable behaviour that, in the view of the CCP, makes them unsuitable to be a tenant. It is important to note that whether an applicant’s behaviour means that they are not allowed to register is entirely a matter for the CCP and that the qualification rule is not restricted to whether the unacceptable behaviour would entitle the Council to an outright Possession Order if the applicant were to be a tenant. This was the ‘threshold test’ set by the legislation for Housing Allocation Policies until the Localism Act 2011 was implemented in 2012. Since 2012 the legislation allows qualification for unacceptable behaviour to be defined through the rules adopted in any new Housing Allocation Policy.

In applying this qualification rule the CCP will decide on the facts of the case whether:

a) The applicant should not qualify to be included on the Housing Register due to their (or household member’s) serious unacceptable behaviour, or

b) Will be allowed to qualify but will not be allowed to bid until the applicant (or household member) has demonstrated to the satisfaction of the assessing officer that their behaviour has changed.

In the circumstances described by b) the applicant will be placed in the band that reflects their housing need and will continue to accrue 'time' on the register for the band awarded, despite not being able to bid. Once they have resolved their unacceptable behaviour, their date within the Band will remain the date they were awarded that band for their housing need and will not be the date they resolved the unacceptable behaviour to the satisfaction of the CCP.

This rule will apply for example where the CCP is satisfied, having considered all available evidence of any of the following in relation to an applicant (or a member of their current or prospective household)

1) A serious failure to adhere to the terms of any current or previous social housing or private rented sector tenancy agreement. This includes failing to maintain any previous social rented or private sector rented property within the terms of their tenancy agreement, or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality of where they live or where they previously have lived. Non-qualification will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the, that circumstances have changed such that the previous conduct is unlikely to reoccur. In many cases this could include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour.
2) Conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy agreement but conduct or behaviour that the CCP has assessed is still current. This includes where an applicant or a member of their current or prospective household is the subject of actions being taken by a Council (or some other recognised body) on grounds of alleged Anti-Social Behaviour (ASB).
3) Rent arrears for their last private rented tenancy where the CCP has been able to obtain information that confirms on the balance of probabilities a debt is owed. If there is a debt owed it will be for the assessing officer to decide on the level and debt and any facts gathered regarding the level of debt and the reasons for it whether the applicant should be classified as a non-qualifying case or, should be allowed to qualify but prevented from bidding until the debt is resolved, or should be allowed to qualify with no penalty applied.
4) Circumstances where the applicant, or any member of their household, has assaulted a member of staff, whether or not an injunction is being sought or has already been obtained

Additional guidance for assessing officers and the framework to be used to apply the test of unacceptable behaviour are set out in appendix 1.5

Qualification rule 9 – Existing CCP Tenants who are not assessed as Band A or B for having a statutory housing need.

Existing tenants of any Council or Housing Association located in Cumbria or outside of Cumbria will only be allowed to qualify for the Housing Register if they have an assessed housing need that would qualify them for Bands A or B.

This does not prevent a tenant who is not in housing need from seeking a transfer through the 'Mutual Exchange Scheme'.

How exceptional circumstances will be considered for any of the qualification rules

The CCP retains the ability, in exceptional circumstances, to exercise its discretion when applying any of the qualification rules. Note, it is for the applicant to request that discretion should be applied for exceptional circumstances and once requested this will be considered by a senior housing operational manager from the Council normally for the Council area where the applicant has applied from. A request for a review of a decision that an applicant does not meet the qualification rule will be taken as a request for any exceptional circumstances to be considered. The delegated responsible manager for each assessing organisation will consider:

1) Whether the application would result in the applicant being awarded a statutory housing need reasonable preference Band A or B under the Policy, and if so
2) Whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that the qualification rule should be waived.

They will assess the case for exceptional circumstances and will record all decisions reached along with full reasons for that decision. The applicant will receive a written decision with the reasons set out.

Please note 1: that the CCP cannot waive the eligibility rules for any applicant who is not allowed to access social housing under the 'person from abroad' legal eligibility rules set by Central Government.

Please note 2: In deciding whether an applicant's circumstances are exceptional we will fully consider the Equality Act 2010 and Children Act 2004. For the Equality Act we will specifically consider:

a) Whether the person, or a member of their household that they wish to be housed with them, meets the definition for one or more of the 9 protected characteristics in listed in the Equality Act 2010
b) If we agree that the applicant or a member of their household comes under the definition for a protected characteristic the CCP will fully comply with section 149 of 2010 Equality Act and ensure that it has obtained all relevant information relating to the applicant's protected characteristic and will consider that if they were not able to qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with the protected characteristic, and

c) Ensure that any decision that the applicant's circumstances are not exceptional will be a decision that is a proportionate means of achieving the legitimate aims set out in this policy in section 1.

Section 3 Applying to join the Housing Register

How to apply

Applications should be made online by accessing the housing allocations section of the Cumbria Choice website and completing the on-line application at www.cumbriachoice.org.uk

An applicant will be asked to choose one housing organisation to administer their application. This can be Westmorland and Furness Council or a housing association partner. If the applicant is a tenant of a 'Cumbria Choice' partner their application must be administered by that housing association or Council. If they are a former tenant of a 'Cumbria Choice' partner, that partner must administer their application.

Applicants can call any of the CCP Council or Housing Association Partners if they need help to make their application on-line. There is also free access to the Internet at libraries, Council offices, housing association offices and at some community facilities. A telephone or office appointment can be offered when an applicant has no access to the Internet or is unable to use the Internet.

The Cumbria Choice website contains a list of all of the supporting documents that an applicant must provide in order to progress their application. In most circumstances an applicant will be able to upload their documents.

Where the applicant indicates that they have medical problems they will be requested to complete an additional section of the application form to assess medical need.

Once the on-line application has been received, there may be a need for additional information. If so applicants will receive a phone call, email or letter setting out the details for any additional information needed.

Prisoners can register in the 6-month period prior to their date of release. They are able to express an interest in a property in the 2-week period prior to release but must be able to accept the tenancy on the date required by the housing provider.

If accepted onto the register, applicants will be informed of:

1) The band they have been placed in (this determines priority)
2) The date of application (may be used to determine priority within the band allocated)
3) The size and type of properties for which they can bid
4) Their application reference number (applicants will need this to bid)
5) How to appeal against their banding if they think it is wrong.

They will also receive a user guide. This will inform them about how the scheme works and will include such information as:

- Where to look for advertised properties;

- How to bid for a property
- What checks are made before any offer is confirmed?
- Feedback on their bid

Where a band is allocated what date will this be from?

The band start date is the date that the housing register application was received for assessment, unless an applicant's housing need and/or circumstances changes and they are as a result placed in a higher band. In these circumstances they will have their band start date reset as the higher band reflects how long they have had the higher level of housing need.

Note for eligible homeless applicants who meet the qualification rules to join the Housing Register the following will apply with regard to their Band start date:

a) Owed a section 195(2) Prevention of homelessness duty – Band date is the date the duty was owed and not the date of the homelessness application
b) Owed a section 189B (2) Relief of homelessness duty – Band date is the date the duty was owed and not the date of the homelessness application
c) Owed the Main section 193(2) duty – Band date is the date the Relief of homelessness duty was owed and not the date the Main duty was owed. To start the date at the date the Main duty was owed would disadvantage an applicant by 56 days who has been found to be in priority need and unintentionally homeless
d) Relief duty has ended and the applicant is assessed at this point as not being in priority need - Band date is the date the Relief of homelessness duty was owed and not the date the Relief duty is ended and the non-priority decision confirmed. To start the date at the date the Relief duty was brought to an end would disadvantage an applicant by 56 days who has been found to be homeless but not in priority need

Assessing Applications

In order to assess an applicant's housing need and therefore their place on the Housing Register the scheme uses a needs based banding system detailed in section 4 below.

The Bands are awarded to reflect housing need, whereby the need reflected by the highest Band indicates the greater need for housing.

Applicants will be required to sign a declaration, or to give informed consent, to confirm their understanding that:

a. The information given is correct and that they will notify the CCP of any change in their circumstances.
b. Enquiries will be made concerning their eligibility for housing and level of priority.
c. Information will be provided to other partner organisations that are part of the scheme.

It is the responsibility of the applicant to provide all the information requested to assess their circumstances, and to provide any supporting information or documents that are requested. Incomplete applications will not be made active until such time as the CCP is satisfied that it has in its possession all of the information it requires to complete its assessment.

All incomplete applications will be cancelled after a period of 28 days measured from the date information has been requested and not provided. If cancelled this does not prevent the applicant making a subsequent application at a later date, although in such cases the effective date of registration would not be backdated to the earlier application date.

The CCP may request information or a reference from an applicant's current or previous social landlord and, depending on whether the application gives rise to any concern, request a reference from the most recent private sector landlord if the applicant is or has been a private sector tenancy.

Where a landlord does not reply a reminder will be sent, and if still not forthcoming any other information or records available will be checked to try to determine whether there have been any concerns over the way an applicant may have conducted their private rented tenancy. An applicant should not be disadvantaged if, despite every effort, it is not possible to obtain a reference from their current or previous landlord.

All applications are subject to certain verification checks and may be reassessed:

- At the point of initial application
- Following any change of circumstance notified to the CCP by the applicant
- Following any routine validation audits
- Following an annual review of the application
- At the point of an 2 working days
- At the point of letting

Checks into any court cases or unspent criminal convictions

In the interests of community all applicants and members of their prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

The CCP may use any information disclosed (or any other information obtained during the assessment or following registration) to ascertain whether the applicant should be disqualified from joining, or remaining on the register, due to applying the serious unacceptable behaviour rule including whether they may pose a serious risk to a community if they were to be housed.

Spent convictions are not required to be disclosed and will not be taken into account in assessing that person's eligibility to join the register. The assessment will instead reflect whether there is evidence of any current serious unacceptable behaviour regardless of whether a person has been convicted in the past for that behaviour.

If the CCP decide that, on the information obtained during the assessment process, there is a real pressing need for a 'Disclosure and Barring Service (DBS)' check, or a police check, a supplementary request for information and declaration will be sent to the applicant asking for more details and for permission from the applicant for the CCP to make the relevant check. Failure to give permission may result in the application not being made live whilst the CCP consider the information available to it or may result in the application being closed through the applicant failing qualification rule 2, which is to give permission for the CCP to undertake all reasonable enquiries.

Information gained will not automatically exclude an applicant from the register. Information received may also be used to make informed decisions about the suitability of any property that may be offered.

All assessments will be carried out in accordance with the data protection and information sharing policies and legal requirements.

Who can be included in the Application?

The Application can include the following household members:

a) Spouses or Civil Partners where the applicant lives with and/or intends to live with their Spouse or Civil Partner.

b) Partners where the applicant is currently cohabiting with a member of the same or opposite sex.

c) Children who reside with and are dependent upon the applicant. Children are defined as under 18 for these purposes. Where there is any dispute as to whether children reside with and are dependent upon the applicant, the CCP will apply the test in Section 189(1) (b) of Part 7 of the Housing Act 1996 to decide (see below).

d) A carer where the assessing officer has agreed that on the evidence there is a need for a live in carer. The carer is a person who provides or intends to provide care for another adult. It is either a relative or friend who assists another person in their day-to-day life. This is different from someone who offers care professionally or through a voluntary organisation. Even if a carer is in receipt of Carer's Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer in a housing application will be considered by the assessing officer's Manager to determine if the carer has been assessed by Social Care and Health as needing to provide overnight support. In these circumstances the applicant must provide supporting evidence from other agencies e.g. Social Care or a Health professional.

e) Any other household member at the discretion of a manager delegated by the assessing body to make such decisions.

f) Note: Individuals can only be on 1 application. Where someone has an application in their own name (or with a partner) they cannot also be included as a household member on another application unless they are a victim of domestic abuse. If this is the case, they should remove themselves from their previous application.

How joint applications will be considered and when will a joint tenancy normally be granted?

Joint applications will be accepted and will be treated as one application. The housing need of the full household will be considered in assessing housing need.

Joint tenancies are normally granted where applicants have a long-term commitment e.g. married and unmarried couples, civil partners but this decision is down to the individual housing association who will decide whether to allow a joint tenancy depending on the rules adopted by that association.

Households with access to children/shared residency order or Child Arrangement Orders

As part of the assessment process the CCP will record whether the applicant claims to have children that live with them part of the week whether or not this arrangement is set by the court or not. The CCP will apply the test in Section 189(1) (b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with and is dependent on the applicant. Unless this test is passed an applicant will only be able to be considered for the size of accommodation relevant to their circumstances.

There will be cases where after the section 189(1) (b) assessment it is agreed that children live with the applicant on a 'shared arrangement' even though they do not exclusively live with the applicant.

In these cases, and in cases where an applicant has contact with children who stay over but do not live with the applicant, the applicant will be advised as to what size of property the applicant they are likely to be able to access and the rules applied by each partner housing association for allocating accommodation to households where children do not exclusively live with an applicant. The decision in this respect of each partner Housing Association is likely to vary and will depend on a number of factors including:

a) The ability of the applicant to afford the rent with or without help from benefits

b) The availability and popularity of family housing in any area that an applicant expresses a preference to live in. For example a Housing Association may be willing to be more flexible where a vacancy relates to a flat than a house as long as the rent is assessed as being affordable.

The requirement to inform the CCP of any change of circumstances

Applicants are required to inform the CCP of any changes in their circumstances, which affect their housing application.

Examples of a change in circumstances include but are not limited to:

a. A change of address or contact details, for either themselves or members of their prospective household;

b. A change in their medical condition or disability (either existing or newly acquired);

c. Additional family members or other people they wish to add to their application (It will be for the CCP to decide whether they will allow additional people to join the application);

d. Any family member or any other person on the application who has left the accommodation; and

e. Any significant changes in income, savings or assets, which may require a reassessment under the income and savings qualification rule.

Where there is any change in an applicant‘s circumstances, an on-line change of circumstances form must be completed, and supporting documents must be provided. If there is any change to the banding, applicants will be informed in writing. The onus is on applicants to inform the CCP when there is a relevant change in their circumstances.

If the change in circumstances results in a higher banding award the effective date will be the date they moved into the higher band. If the applicant moves to a lower band there will be no change to their effective date.

Note, a failure to notify the CCP of changes in circumstances may lead to the offer of any housing being withdrawn and the application suspended whilst the changes are verified.

Applications from Councillors, Board Members, and staff

Elected Councillors, or Housing Association Board Members, cannot be involved in assessing housing applications or the allocation of housing. However, this does not prevent Councillors seeking or providing information on behalf of applicants.

In order to ensure that the Council is treating all applicants fairly, any application for housing from a Councillor, Board Member, or employee of any Cumbrian Council`s Housing Department or Partner Housing Association will be assessed in the normal way, but an offer of housing must be approved by the Lead Officer for the social housing partner advertising the vacant home. Canvassing is not allowed in any circumstances by or on behalf of members of staff.

Reviewing the Register

Every applicant on the Register will have their application reviewed annually, or more frequently as decided by the CCP in order to manage the administration of the register. A letter will be sent to all applicants requesting confirmation of their current circumstances, and asking if they wish to remain on the register. If a reply is not received within 28 days of the date the letter is sent the application will be cancelled.

Cancelling Applications

An application will be cancelled in the following circumstances:

- At the request of an applicant
- Where an applicant does not respond to an application review, within the specified time limit set out in any correspondence sent to them
- Where a CCP Partner, or any other Council, or Housing Association has housed the applicant (unless it is assessed that the applicants' housing circumstances still qualify for an award of Band A or B based on their housing need, but this is unlikely to be the case). An applicant that has been rehoused and does not have an assessed housing need could of course apply again and would be included in Band C with a new Band date, which would be the date of their application.
- When a tenant on the housing register completes a mutual exchange
- Where the applicant moves and does not provide a contact address
- Where the applicant has died
- Where the applicant has not supplied information requested within 28 days at the application stage or the annual review stage.

Where the information known is that an applicant is vulnerable, the assessing officer may contact the applicant, or any agency supporting them, to check their current circumstances before cancelling the application.

If an applicant has moved into private rented accommodation rather than social housing the application will not be cancelled but if the result of a reassessment at this stage is that as a result of their changed housing circumstances they no longer qualify for an award of Band A or B, then they will be allocated Band C.

Any applicant whose application has been cancelled has the right to ask for a review of that decision.

Deliberate worsening of circumstances

Where there is evidence that an applicant has knowingly and deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their needs will be based on the circumstances before their situation changed through their actions to deliberately worsen their circumstances.

Examples are:

- Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- Applicants who have moved from previously suitable or more suitable accommodation which it were reasonable for them to continue to occupy, into a less suitable property.
- Homeowners who have transferred their property to another family member within the last 5 years from the date they make their application to the Register.
- Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household;

- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit

These are examples only. There may be other circumstances where the CCP decide that an applicant has deliberately worsened their circumstances

The Review Procedure

The CCP is committed to making the correct decisions on all applications. Notification letters by post or email notifying an applicant of ineligibility or non-qualification for joining the Housing Register, or about the band that they have been awarded, or about any other decision concerning the facts of an applicant‘s case, will state that the applicant has a legal right to request a review of the decision made.

Under the housing legislation that applies to Allocation Policies there is a legal right to request a review of a decision in the following circumstances:

a) A decision that an applicant is ineligible, or not a qualifying person to join the Housing Register.

b) A decision regarding which band an applicant has been awarded.

c) The priority date granted for the band awarded.

d) To remove an applicant from the Housing Register.

e) Any decision about the facts of the case that has been used to assess their application.

f) Where an applicant considers that a decision has been reached based on incorrect information.

The procedure for how a request for a review will be administered is set out in appendix 1.6

Section 4 How an applicant's housing needs & circumstances are assessed

The Banding system

The demand for social housing exceeds supply in many areas of Cumbria and therefore this Allocation Policy intends to prioritise the housing of those applicants who are assessed as being in the greatest need. Once registered this does not mean that an applicant has a right to be offered social housing. They can be considered for housing based on their housing need but many applicants will unfortunately not have sufficient housing need to be offered a property.

The banding system will normally be used to decide priority between applicants for an offer of accommodation. Additionally, the CCP may apply the 'direct offer procedure in particular cases as set out in this policy.

Where the bidding process applies, priority is generally awarded in descending order between Bands A, Band B, Band C. Within bands, priority is generally awarded according to the band date. The sub-categories within each band do not affect relative priority within that band.

The law, as it applies to local housing authorities, requires that the scheme be framed so as to secure that Reasonable Preference for housing is given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories cover:

a) People who are homeless within the meaning of Part VII of the Housing Act 1996.
b) People who are owed certain homelessness duties by any local housing authority.
c) People occupying unsanitary, overcrowded or otherwise unsatisfactory housing.
d) People who need to move on medical or welfare grounds (including grounds relating to a disability).
e) People who need to move to a particular locality within the Council area to avoid hardship to themselves or others.

Reasonable preference is defined on the policy as a statutory housing need. There are two statutory housing need bands (A and B) and one non-statutory housing need band (Band C). The purpose of reducing the number of bands from 5 under the old policy to 3 is to ensure that the policy is more transparent and simple to use. Once a band has been allocated based on the applicant's housing need, that band would (with the exception of where a direct offer is made under the policy) operate as a 'waiting list' so that applicants can see progression and be given more accurate information on how long they are likely to wait for an offer of accommodation depending on the area and type of property they wish to consider. This system is fairer and aims to build confidence in applicants regarding the allocations process.

The following section provides details of the 3 bands an applicant may be awarded. The band in which an application is placed, will be determined by their housing need. How the policy defines and assesses housing need is described in the table below. Where there are further details (beyond that contained in the table) of how the housing need criteria will be assessed, these are set out in appendix 1, for example, how officers will assess medical housing need claims (appendix 1.8).

It is important to note that applicants will be placed in the appropriate band when it is assessed there housing need meets the set threshold. An applicant who qualifies under more than one housing need criteria will be awarded the highest priority that any one of their assessed needs is entitled to. For example, an applicant with a need that is awarded band A and another need that would be awarded band B will be awarded band A. An applicant with meets 2 Housing Need criteria for Band B will still only be awarded band B. This new housing allocation policy no longer reflects cumulative housing need to ensure that the policy is seen as being fair and less complicated to understand and administer. This will also ensure decisions reached are consistent.

The Bands are:

Band A - Urgent housing need to move: These are applicants that are owed a statutory award of what the 'Housing Allocation Legislation' calls *'reasonable preference'* but whom the CCP believes should also be awarded *'additional priority preference'* based on their urgent and exceptional housing need.

Band B – Statutory housing need to move: These are applicants that are owed a statutory award of *reasonable preference* under the policy and have been awarded Band B priority based on their statutory housing need. It also includes certain key workers granted B priority.

Band C – All other applicants in housing need: This is the housing need band awarded where an applicant is not assessed as coming under the criteria adopted by the policy for being in a statutory housing need. Applicants placed in band C can still bid for properties but will not be considered above applicants from Bands A or B who have bid for the same property.

The CCP wish, over time, to increase the Options available to applicants in all 3 Bands including Band C. We aim to use technology to send direct texts and emails to inform applicants of available housing options and this may include information on:

1) Social rented low demand properties available now in any area of Cumbria
2) Older person housing opportunities
3) Affordable homes with specific rural local connection criteria or section 106 agreement
4) Affordable rent
5) Rent to buy
6) Shared ownership/equity
7) Discounted market sale / starter homes
8) Market rented
9) Help to buy opportunities.

The Banding Table setting out the 3 Bands and the housing need criteria required to qualify for each

Band A: Additional preference for certain homelessness duties *(This is assessed and verified by the Partner Council's Housing Options Team)*
This banding applies where Westmorland and Furness or Cumberland Council have accepted:
1) People owed the Section 193(2) main homelessness duty or the Section 193C(4) 'reduced' Section 193 duty, or
2) People owed a section 189B (2) Relief duty and the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is in temporary accommodation provided by the Council to meet a section 188 interim accommodation duty.
In these circumstances where an applicant is homeless and in temporary accommodation and owed a Section 189B (2) relief duty, or 193(2) main duty or a section 193C (4) reduced main duty, the Council will need to move applicants out of temporary accommodation to manage the budgetary or legal impact on the Council. The applicant may still bid for properties advertised but due to the budgetary pressures faced by the Council and the need to maintain a supply of available temporary accommodation for new cases presenting as homeless, the Council is likely to make a direct offer of suitable accommodation into the private rented sector or social housing regardless of the preferences expressed by the applicant.
Band A: Additional preference for medical or disability (See appendix 1.8 for full details of the medical need assessment process)
Where an applicant (or a member of their household) is unable to continue to occupy their current accommodation due to high medical need or disability. Examples of when Band A may be awarded include:
Applicants ready to be discharged from hospital who: have somewhere to live but their accommodation is unsuitable due to their medical needs and cannot be made suitable through adaptations because of cost effectiveness or structural difficulties or the property cannot be adapted within a reasonable amount of time.
Applicants who have urgent need to move due to them having medical problems or disabilities that are being exacerbated by their current housing situation. This includes applicants:
a) Whose life is at risk due to their current housing conditions or who are housebound, effectively housebound or cannot access the essential facilities in their home and there are critical concerns about their safety, for example through falls due to difficulties with access.

b) Whose condition is terminal and rehousing is required to provide a basis for the provision of suitable care
c) Whose condition is life threatening and their existing accommodation is a major contributory factor
d) Whose health is so severely affected by the accommodation that it is likely to become life threatening for example, where an applicant has significant mental health problems which are exacerbated by their accommodation
e) With disabilities, who have restricted mobility and are limited by their accommodation such that they are unable to carry out day-to-day activities or have difficulties accessing facilities inside and outside of their accommodation and require rehousing into accommodation suitable for their use.
f) In overcrowded accommodation which puts the applicant at risk of infection, for example, where an applicant is suffering from late-stage or advanced HIV infection
Band A: Additional preference where there is a need to move on welfare grounds due to exceptional impact on the applicant or a member of their households well being
Not every circumstance that may present can be captured by the policy so below are examples of welfare ground cases that will be considered. The list is not exhaustive:
a) Suffering extreme violence, harassment or discrimination, whether a hate crime or otherwise, and that it is not safe for them to remain in their present home/locality.
b) Applicants who need to move due to domestic abuse threats from an ex-partner or family member they do not live with, extreme threats of violence, extreme harassment, or other extreme circumstances deemed to significantly affect a household's welfare and wellbeing.
c) Exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling in the social or private rented sector and there is high risk to the tenant or their family's safety if they remain in the dwelling/area.
d) For applications in circumstances where there is a serious threat to the wellbeing of a child and their accommodation is a major contributory factor to that risk. This will be in circumstances where the relevant manager in Children's Services or equivalent assesses the level of risk exposure in relation to the child or children remaining in the current property as being so critical that no other reasonable options in relation to accommodation are available to protect the child.
Band A: Additional preference Armed Forces
Applicants with urgent housing who:

a) Are serving (and will soon leave) the regular forces and are suffering from serious injury, illness, mental ill health, or disability which is attributable (wholly or partly) to the person's service
b) Have recently ceased, or will cease to be entitled, to reside in accommodation provided by the MOD following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service or
c) Are serving or have served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the persons service
Band A: Additional preference for unfit or unsatisfactory housing
There are 3 circumstances where Band A may be awarded:
1: Applicants without access at all to any of the following facilities:
No access to:
a) A bath or shower
b) A toilet
c) Cooking facilities
d) Running hot water supplies
e) Electric/gas needed for essential activities
Applicants who have access to shared facilities re cooking; bathroom and toilet will not qualify under these criteria.
2: Exceptional impact cases.
Applicants who currently occupy a private sector property which has at least one Category 1 Hazard (excluding overcrowding) under the Housing Health and Safety Rating System (HHSRS) and where a Prohibition Order has been served or is intended to be served under the Housing Act 2004 and the effect of the Prohibition Order is likely to mean that the applicant(s) will lose the use of their home on a permanent basis. The relevant conditions at the property must be life-threatening or present an immediate threat of serious injury to the occupant(s)
This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a period considered to be reasonable by the Council and the household are not able to afford to resolve their own housing problem by moving to alternative private sector accommodation.
Note - this does not include Council or housing association homes as there is a legal requirement on social landlords to urgently remedy defects that pose a risk to their tenants
3: Demolition or Compulsory Purchase Order (CPO) cases.
Where the applicant's property is subject to demolition or subject to a Compulsory Purchase Order for redevelopment

Band A: Additional preference for severe overcrowding as defined as 2 bedrooms or more overcrowded *Note: the measurement of overcrowding is based on the "bedroom standard" (with some exceptions adopted see below). This is the non-statutory standard set out in the government's allocation of accommodation guidance.*
Where an applicant household is severely overcrowded defined as requiring 2 or more additional bedrooms to reach the bedroom standard. In calculating the overcrowding the following circumstances will be disregarded unless there are exceptional circumstances:
➢ Children over the age of 16 will be excluded from the calculation
➢ Cases where extended family had moved into accommodation causing the 2 bedroom plus level of overcrowding
➢ Where the household contains non-dependent adults as there is more chance of non-dependents being able to resolve their housing
➢ The CCP will take account of the space and layout of rooms and bedrooms in deciding whether the 2 bedroom plus priority will be awarded
Band A: Additional preference for applicants nominated by Cumbria Adult Social Care Services/Children and Young Peoples Services in the following circumstances:
• Where there is an essential need to move due to child protection issues
• Fostering carers for Westmorland and Furness and Cumberland Council's where there is a need to move to a larger home in order to accommodate a looked after child (this would not apply where the home required would be 4 bedrooms or more)
• Adoption arrangements where there is a need to move to a larger home in order to accommodate a looked after child (this would not apply where the home required would be 4 bedrooms or more)
• Applicants owed a duty by Adult Social Services under the Care Act 2014 / Mental Health Act 1983/2007 who have been assessed by the housing team as being ready to move onto independent living and have an appropriate support package in place
Band A: Additional preference for Westmorland and Furness and Cumberland Council's Care Leavers (Former Relevant children) as defined by the Children (Leaving Care) Act 2000 and need to move on
Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002 and be a young person at risk of homelessness. The evidence to support this award will be provided by the Council's leaving care service and will consist of confirmation that:
a) All referrals by Children's Services will be made following the provision of Cumbria's Joint Protocol for young people
b) The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living

c) The care leaver possesses the life skills to manage a tenancy including managing a rent account.
d) The care leaver has either long term or medium term tenancy support arranged, as required.
e) Ongoing support needs have been assessed and, where appropriate, a support plan is in place and
f) The CCP's assessing officer agrees that due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on their well-being
Note: Care leavers will be awarded Band A on proof of their status. If an application for housing is made before it has been determined by the CCP assessing officer that the individual is ready for independent living, taking into account information from the applicant's support worker and other agencies, the application will not have any bid considered until the support worker presents the evidence to the CCP that the individual is ready to move on and the CCP agree with that evidence.
Band A: Additional preference for applicants who are part of a multi-agency public protection agreement (MAPPA).
Band A would apply only where:
a) On the recommendation of the MAPPA partnership the applicant requires and is suitable for independent housing and qualify for the Housing Register, and
b) The CCP assessing officer agrees that due to the nature and extent of the circumstances of the MAPPA case accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on the multi-agency planning for that individual
Band A: Additional preference for certain MARAC assessed cases
Applicants fleeing domestic violence and abuse that have been assessed by
MARAC (or any subsequent multi agency arrangement) as needing to move urgently for the safety and security of themselves and or any dependent children and are assessed as being in immediate danger, and
a) The MARAC partnership has referred the case and provided evidence as to why the applicant requires social housing, and
b) The CCP assessing officer agrees that due to the nature and extent of the circumstances of the MARAC case accommodation in the private rented sector would, through its short-term nature, have a substantial detrimental effect on individual or household
Band B – Reasonable preference for certain homelessness duties owed *(This is assessed and verified by the Partner Council's Housing Options Team)*
Any of the following statutory homeless duties owed by Westmorland and Furness or Cumberland Council:
a) People where it has been verified that they are rough sleeping in the Cumbria area regardless of whether they have made a homeless application

b) People owed the prevention of homelessness duty under Section 195(2) by either Unitary Council
c) People owed the 'relief of homelessness duty under Section 189B(2) (Note: applicants owed a relief duty and are likely to be in priority need, unintentionally homeless and are in temporary accommodation will be placed in Band A)
d) People where the relief duty has been brought to an end and an applicant has been assessed at that point as not being in priority need. Note this priority banding is dependent on the applicant remaining homeless. If their circumstances change and they are no longer homeless the band B priority award will be removed. If an offer of accommodation were to be made and upon verification the assessment was that the applicant was no longer homeless the offer would be withdrawn.
Band B: Reasonable preference for insecure accommodation arrangements
"A pregnant woman or applicant with a child or children who are sharing a home with family and where:
a) They have no ownership or tenancy rights and the arrangement is short term and very insecure and only available whilst the applicant is actively seeking an offer of social housing or alternative accommodation with friends or in the private rented sector, and
b) They were owed a prevention of homelessness duty as they were assessed as likely to become homeless within 56 days, and that duty has ended because they have been allowed to remain at home whilst they bid for social housing with their Band B priority and it is likely that they can remain for at least 6 months to a year.
c) The family member with the interest in the home has agreed to allow the applicant to remain for at least 6 months to a year.
Band B: Reasonable preference for medical or disability housing need (See appendix 1.8 for full details of the medical need assessment process)
Applicants who have need to move due to them having medical problems or disabilities where their housing conditions exacerbates a serious medical condition or disability but do not qualify for an award of Band A. This includes (the examples are to illustrate the level of housing need to be awarded Band B and is not an exhaustive list).
a) The applicant's current accommodation to a significant extent directly exacerbates an existing medical condition, is the direct cause of a medical condition or impacts on the ease of use of the facilities within their home for a disabled person.
b) Applicants who have mobility issues and it has been assess need to move to ground floor or level access accommodation
c) Applicants who have mobility issues and need to move to accommodation that has level access showering facilities
d) Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition

e) Applicants who have a medical need for an additional bedroom (e.g. because they need an overnight carer or need to accommodate a substantial amount of medical equipment)
Band B: Reasonable preference under the Government's 'Right to move' regulations
Existing social tenants of accommodation in England who the CCP have assessed as qualifying for the housing register and additionally meet the Government's Right to Move regulations will be placed into Band B
Allocation to those Applicants who qualify is limited to a maximum of 2% of all lettings.
Band B: Reasonable preference for 'move on' from supported housing
Where the CCP assessing officer after considering evidence from the applicant's support officer agrees that due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on their wellbeing. The requirements are that before the award is made, ongoing support needs will need to have been assessed and, where appropriate, a support plan put in place to increase the chances of the tenancy succeeding and the person must have been assessed as ready to move on from supported to independent housing.
Band B: Reasonable preference where it is agreed there is a need to move on welfare or hardship ground:
1) Applicants who need to move closer to a specialist organisation, agency or institution located in a specific area of Cumbria, where moving would prevent significant physical, psychological or financial hardship. (The assessment will include the availability and ability to use public transport)
2) Hardship on support grounds: Applicants that have demonstrable evidence that they provide or receive substantial and on-going support to or from relatives or friends and where moving would prevent significant physical, psychological or financial hardship. This award will only be considered where there are significant medical or welfare issues including grounds relating to disability. This award for applicants who give or require support from relatives or friends will only be considered where there is a severe disability or mental ill health, medical or welfare issue (relating to the applicant or their household or the relatives or friends) and there are reasons why this support cannot be made available through reliance on public transport or the persons own transport. (The assessment will include the availability and ability to use public transport).
3) Employment Hardship - Priority will only be given in exceptional circumstances and applicants will need to show that they need to move to take up or continue an employment opportunity not available elsewhere. They

will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer. Employment purposes are defined as: applicants including people needing to move from outside Cumbria and between Cumbrian authority areas, taking up or continuing permanent employment for a minimum of 16 hours per week. Under this clause applicants will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer. (The assessment will include the availability and ability to use public transport)

Band B: Reasonable preference for being overcrowded by 1 bedroom *Note: the measurement of overcrowding is based on the "bedroom standard" (with some exceptions adopted see below). This is the non-statutory standard set out in the government's allocation of accommodation guidance.*

Where an applicant household is overcrowded by one bedroom as measured by the bedroom standard. In calculating the overcrowding the following circumstances will be disregarded unless there are exceptional circumstances:

- Children over the age of 16 will be excluded from the calculation
- Cases where extended family had moved into accommodation causing the 1 bedroom level of overcrowding
- Where the household contain non-dependent adults as there is more chance of non-dependents being able to resolve their housing

The CCP will take account of the space and layout of rooms and bedrooms in deciding whether the 1 bedroom priority will be awarded

Band B: Reasonable preference for unsatisfactory housing conditions or issues of property fitness

Private sector tenants that the relevant Council has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the CCP assessing officer is satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period, and the household are not able to resolve their own housing problem by moving to alternative private sector accommodation

Band B: Reasonable preference for under-occupation

Applicants who have a social housing tenancy with a Cumbrian CCP Partner and are under-occupying social rented accommodation by two or more bedrooms. The exception to the 2 or more bedroom under occupation rule will be:

a) Where a tenant occupies a house that they are under occupying by 1 bedroom and a move to a flat would free up that house

b) Where it is agreed that under-occupancy by 1 bedroom will cause significant financial hardship for tenants. This is where there is clear evidence that tenants on lower incomes are forced to spend significant percentages of their incomes on servicing 1 bedroom under-occupancy deductions
Band B: Local preference for recent ex armed forces applicants
Members of the Armed Forces who are serving in the regular forces who will be discharged within three months and have served for five years preceding their application for an allocation of housing accommodation as long as this has not been a dishonorable discharge.
Band B: Local preference for identified 'Key Workers'
The following key workers whose total gross household income from all sources does not exceed an annual income of £45,000 or more (for single persons) or joint income of £60,000 or more (for couples).
1) National Health Service Staff and Social Care staff
2) Police and Community Support Officers
3) Members of the Territorial Army
4) Fire Officers including Volunteer Fire Officers
5) Teachers
Band C – All other applicants in housing need: This is the housing need band awarded where an applicant is not assessed as coming under the criteria adopted by the policy for being in a statutory housing need. Applicants placed in band C can still bid for properties but will not be considered above applicants from Bands A or B who have bid for the same property. Band C will include applicants who have been assessed as being intentionally homeless by any Council and since that award has not had settled accommodation (defined by the CCP assessing officer)

Note applicants who only want to register for a section 106 village or rural development and have no other statutory housing need will be allocated Band C.

Advertising Properties

All CCP Partners with social housing stock have agreed to advertise the majority of their properties through Cumbria Choice. Properties will be advertised on a weekly basis on the website.

Choice based lettings are about the applicants being given choice about where they want to live. Properties will be advertised and applicants will be able to indicate the properties for which they want to be considered by 'bidding'. Once the bidding process closes a shortlist will be compiled and the property allocated will be based on the banding priority of the applications and the time they have waited as long as they meet the criteria set out in the advertisement.

If a bid is received from an applicant on Cumbria Choice who does not have a local connection with the Council area where the advertised property is located then the local connection criteria set out in 'Section 2 Qualification rule 1' will be used to produce the shortlist, unless the property is advertised with no preference for applicants with a local connection to the area where the property is located. For properties advertised under a local letting policy the criteria for that LLP will be used to produce a shortlist.

So far as is possible the CCP will use the CBL letting process, banding priority system, and waiting time within the band to allocate accommodation. However, there may be times when a direct letting will need to be made to a property using the criteria set out in 'Policy on Choice' detailed in Section 1. In these circumstances a property will not be advertised. The aim is that no more than 15% of properties available to let should be allocated through a direct letting in order to preserve the integrity of the choice based letting process. However, in the circumstances of a national emergency such as the Covid-19 pandemic, Choice Based Lettings may be suspended, or a much higher percentage of lettings may be made directly.

Further operational and procedural details are set out in appendix 1.7 covering:
a) Advertising properties
b) The bidding and selection process
c) Offers of accommodation
d) Feedback on lettings

Sheltered Housing

Sheltered accommodation is included within the scheme. It is generally for people of 60 years and older and offers independent living with the added security and support of a warden service. In certain circumstances it may be advertised for people aged below 60 years. Property advertisements will clearly state the age requirements of applicants able to 'bid' for a property.

Section 106 developments

Under the Town & Country Planning Act 1990 some developments are subject to Section 106 planning obligations which usually requires properties to be let to applicants with a local connection to stated Parishes. Where this applies only those

applicants meeting the requirements of the Section 106 agreement will be eligible for an offer of a property.

Advert details will state when the letting of a property is governed by a Section 106 agreement.

Local Lettings Policies

Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities. Appendix 3 gives full details for how local lettings policies will be assessed and applied.

The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.

1) Age restrictions.
2) Specific local lettings policies for a village or rural parish (see below)
3) Prioritising applicants who are key workers, as defined by the CCP.
4) Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
5) Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
6) Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
7) Ensuring that there is a balance of working and non-working households allocated to a scheme.
8) Enhanced local connection restrictions relating to a specific parish.

New developments will normally have local lettings policies (usually only applies to first lettings) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.

Specific Local Lettings Policies for Rural Villages and Parishes

For some villages and rural parishes where there is a high demand for housing additional priority may be given to applicants who have a local connection to the particular village or rural parish. Advert details will state where an applicant having a local connection to the specific village or rural parish may be given priority. Those villages and rural parishes subject to a local lettings policy will be identified for each Unitary Council. For some villages or rural parishes the definition of local connection may be based on locally agreed criteria through the Parish Council and will not necessarily be the definition set out below. In these circumstances the property advert will fully set out the local connection criteria.

Section 5 Appendices

Appendix 1 – Operational and Procedural Instructions, Guidance and detail for how the Policy will be applied.

Appendix 1.1: Lettings not covered by the Policy

a) Introductory or probationary tenancies – Where an introductory/probationary tenancy becomes a secure or assured tenancy

b) Family Intervention Tenancies – Introduced by the Housing and Regeneration Act 2008, Family Intervention Tenancies are a form of residential tenancy without security of tenure. They may be offered by either a local housing authority or a housing association to anyone who is a tenant of a secure (or assured) tenancy subject to a possession order on the grounds of anti-social behaviour or domestic abuse or anyone who (if they had a secure or assured tenancy) could have had such a possession order made against them.

c) Succession under S89 of the Housing Act 1985 (secure tenancies), under S133 (2) of the Housing Act 1996 (introductory tenancies) or under S90 of the Housing Act 1985 (fixed term tenancies).

d) Non-Secure tenancies or 'temporary accommodation' – Any accommodation that is provided to meet an interim duty under Part VII of the Housing Act 1996.

e) Temporary decants – Secure or introductory tenants of a local authority or assured or assured shorthold tenants of Registered Providers who need to be moved temporarily whilst major work is carried out on their home.

f) Demoted tenancies - Following a successful application for a demotion order under sections 14 and 15 of the Anti-Social Behaviour Act 2003.

g) Mutual exchanges between existing tenants under S92 of the Housing Act 1985 or under S158 of the Localism Act 2011.

h) Assignment to a person who would be qualified to succeed the tenant under S92 of the Housing Act 1985 (secure tenancies) or S134 Housing Act 1996 (introductory tenancies).

i) Conversion of an introductory tenancy to a secure tenancy under S125 Housing Act 1996).

j) Transfers of secure or introductory tenancies by a court order made under certain provisions contained within matrimonial, family, children and partnership legislation.

k) Allocation to a person entitled to rehousing under section 39 of the Land Compensation Act 1973.

l) Allocation to a person whose home is repurchased under sections 554 or 555 of

the Housing Act 1985 (defective dwellings).

m) The Allocation Scheme does not apply to an allocation to anyone who is already a secure or introductory tenant or an assured tenant of a private registered provider of social housing or registered social landlord unless the person has applied to the CCP for a transfer and the CCP is satisfied that the person is to be granted reasonable preference under one of the reasonable preference categories in S166A (3) of the Housing Act 1996

Appendix 1.2: The details for how the scheme will apply:

1) The General Data Protection Regulations 2018
2) The 'Privacy Notice' for the policy, and
3) An applicant's right to information

General Data Protection Regulations 2018

A Data Protection Impact Assessment (DPIA) will be undertaken for any proposed changes to the policy or procedures where those changes are likely to result in a high risk to individuals' interests in order to comply with the requirements of General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018.

Personal information will only be used in ways that the applicant reasonably expects in order to process their application. This will include the sharing of information with the Housing Association Partners to this scheme or any other Housing Association that is not a member of the scheme.

Where it is necessary for personal information to be shared with third parties, it will be transferred in a secure way to ensure it is not compromised or accessed by anyone who is not entitled to it.

On a case by case basis, where the law requires or permits, and the disclosure is necessary and proportionate, information about an applicant may be shared in the absence of consent without breaching data protection, human rights or the common law obligation of confidence.

Usually this will involve striking a balance between the rights of the applicant and other legitimate interests, which may justify the information sharing. An obligation of confidentiality/privacy may be set aside where the interference is in accordance with the law, necessary and proportionate to the legitimate aim being pursued to meet one or more of the following interests:

a) National security
b) Public safety
c) The detection or prevention of disorder or crime
d) Protection of health or morals
e) The protection of the rights or freedoms of others (e.g. safeguarding public funds, protecting those at work)

Privacy Notice

All CCP Partners have a responsibility to protect public funds. For Local authorities this is a legal duty. The CCP partnership may obtain and share information about the applicant to:

- Prevent or detect crime or fraud
- Protect public funds
- To make sure information is correct

Third parties include government departments, other Council's, private sector companies, including companies that assist us in fraud detection and prevention, such as *'Credit Reference Agencies'*. Information may also be obtained from social media.

Any use of personal data will be in full accordance with 'The Data Protection Act 2018', which incorporates the implementation of the General Data Protection Regulation (GDPR). A full copy of each CCP Privacy Notice is available on request via emailing Cumbria Choice *CBL@southlakeland.gov.uk*

Right to information

The Freedom of Information Act 2000 makes it a requirement for every public authority to produce a 'Publication Scheme' which sets out all the information it makes available to the public, and whether copies of that information are available free of charge. The 'Publication Scheme' includes information that a Council is legally obliged to publish. The Scheme is also intended to assist in developing a culture in which openness and transparency is encouraged as per the requirements of the Local Government Act 2000.

Appendix 1.3 Details of how alleged fraud or providing false information will be assessed

Section 171(1) of the Housing Act 1996 makes it an offence for anyone, in connection with the exercise by a local housing authority of their functions under Part VI of the Housing Act 1996 (and therefore in seeking an allocation of accommodation) to:

a) Knowingly or recklessly make a materially false statement or

b) Knowingly withhold information that the CCP has reasonably required him/her to give in connection with the exercise of those functions.

c) A person guilty of this offence is liable on summary conviction to a fine at the date of this scheme document of up to £5,000.

The circumstances in which an offence is committed could include:

d) Any false information given on an application form for housing/accommodation (including transfer applications);

e) Any false information given in response to subsequent correspondence;

In addition making a fraudulent application for housing may constitute an offence under the Theft Act 1968 and/or the Fraud Act 2006.

If an applicant has given materially incorrect information at the time of the application or that subsequently comes to light, amounting to deliberate concealment of for example a debt, or an eviction, their application will ordinarily be cancelled and a letter will be sent to the applicant to notify him/her of the decision and reasons.

Determination of deliberate intent

In many cases, applicants will have provided incorrect or inadequate information on their application form, but the assessment concludes that there was no deliberate intention.

It will be for the assessing officer in the first instance to decide if any errors contained in an application were deliberately made or not. If the officer is satisfied that the errors were not deliberate, or that it had no impact on the application, then no action will be taken though the applicant may be warned about the need to provide accurate information and the consequences for not doing so.

However, if the assessing officer has concerns, these will be discussed with their Manager who will decide if they:

1) Are satisfied that there is insufficient evidence to disqualify the application on these grounds;

2) Requires more information to be gathered before a decision can be made;

3) Are satisfied that the applicant has provided fraudulent information, or withheld important information.

The Manager will notify the CCP Board and, in serious cases the Police, in all cases where serious or systematic fraud is suspected.

If the decision is that applicant has given false information or withheld information they will not qualify for the register, or where information emerges after they have been placed on the register, they will be disqualified. In these circumstances a letter will be sent to the applicant to notify them of the decision and they will have a right to seek a review of that decision.

Appendix 1.4: Additional procedural information on the consideration of exceptional circumstances and how applications where there is a 'Debt Relief Order', 'Bankruptcy Declaration' or 'Individual Voluntary Agreement (IVA)'

Note: it is the responsibility of the applicant to make the case as to why their circumstances are exceptional. Once a request has been made for exceptional circumstances to be applied the assessing officer will consider that request under the statutory review procedure. Each request to be considered an exemption will be assessed on the facts presented. The CCP will also consider cases where it has assessed that a tenant accrued rent arrears due to the bedroom tax resulting in the tenant being unable to pay the full rent, or through having a reduced income as a result of a National Emergency for example the Covid 19 emergency.

Note 1: This qualification rule also applies to applicants currently on the register. An applicant's eligibility to remain on the register will be kept under review. An applicant may be rendered ineligible (or allowed to remain on the register but not be allowed to bid) at any time should the CCP become satisfied that there is new evidence, or a change of circumstances, that mean the rule relating to former rent arrears or a housing related debt should be applied to their case.

Note 2: For applicants who have had their rent arrears included in a 'Debt Relief Order', bankruptcy declaration or individual voluntary agreement (IVA) a period of at least 12 months has to pass from the declaration of insolvency to the point a debt is cleared. Should an applicant maintain their finances for this period, this will be considered as strong evidence that their previous problem has been resolved. Should an applicant fail to maintain their finances during this period, any new social housing debt can be taken into account as normal. Therefore, we see no benefit of taking into account such debts at a later point.

Appendix 1.5: Additional guidance for assessing officers and the framework to be used to apply the test of unacceptable behaviour

Specific examples of serious unacceptable behaviour are:

a) Being subject to a court order (including an interim order) for breach of tenancy conditions

b) Conviction for illegal or immoral use of their current or former home

c) Causing nuisance and annoyance to neighbours or visitors

d) Committing criminal offences in or near the home and still posing a threat to neighbours or the community

e) Being violent towards a partner or members of the family

f) Allowing the condition of the property to deteriorate

g) Paying money illegally to obtain a tenancy for example a corrupt payment

h) Unlawfully subletting their tenancy

i) Applicants that have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974.

j) Having unspent convictions where the assessment concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities.

k) An applicant or any member of their household has been responsible for any racial harassment or other hate crime. Racial harassment and Hate Crimes is defined as racist, religiously aggravated, faith, gender, age, disability, and transphobic or homophobic or gender re-assignment harassment or hate crime. A hate crime or racist incident is defined as any incident which is perceived to be racist or hate crime related by the complainant or any other person.

Note: This rule applies to applicants currently on the register as well as new applicants. An applicant's qualification to remain on the Housing Register will be kept under review during their time on the register. An applicant may be disqualified (or allowed to remain on the register but not be allowed to bid until the behaviour is resolved) at any time during the process should the CCP become satisfied that the rule relating to unacceptable behaviour should be applied to their case.

As a guideline any new application will normally only be reconsidered at the request of the applicant, and as a guideline the CCP will consider whether there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a period of 12 months.

Note: Where an applicant has resolved their behaviour to the satisfaction of the CCP it may still be the case that a CCP Housing Association Partner where the behaviour occurred might decide they do not want to consider rehousing their former tenant. However, this will not prevent an applicant from being considered for housing by another Housing Association.

The assessing officer will be guided by the following considerations:

1) The behaviour need not have led to possession, prosecution or other enforcement action by a statutory agency, provided that, on the balance of probability, the household is responsible

2) In normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer time-scale may be appropriate.

3) There must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats, or there might be a history of repeat offending.

The assessing officer will specifically consider:

a) The seriousness of the applicant's behaviour
b) The duration of the behaviour and/or the number and frequency of incidents
c) The length of time that has elapsed since the behaviour took place
d) Any facts that indicate that there has been no further cause for concern in the last 6 to 12 months
e) Any relevant vulnerability or support needs that may explain the behaviour
f) Whether there is meaningful engagement with support agencies
g) Critically, whether there has been a significant and sustained change in the applicant's behaviour, and
h) Whether they believe on the evidence that the behaviour is likely to still reoccur now or at the point a tenancy was offered or commenced

Applicants to whom the rule is applied will be written to and informed that:
a) That the unacceptable behaviour rule has been applied to their case and either they do not qualify, or that they qualify but cannot bid until the behaviour has been resolved
b) What they must do to resolve the problem
c) That for either decision i.e. disqualification or qualification but not allowed to bid, it is the applicant's responsibility to notify the CCP when they have, in their view, resolved the issue and that they will need to present evidence to back up their view.
d) Where an applicant is disqualified for unacceptable behaviour they will have a right to ask for a review of the decision made to disqualify them.

Note where an applicant is disqualified, any new application will normally only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of 12 months.

Appendix 1.6: How a request for a review will be administered

1. How a request for a review will be dealt with

2. A review must be requested within twenty-eight days of the date of the letter advising the applicant of the decision on their application. The CCP has discretion to extend this time limit, or consider a request made out of time, if it considers this would be reasonable. Any request for a review out of time should therefore state why the applicant considers that the 28-day time limit should be extended.

3. The request for review should be made by email or letter to a Cumbria Choice Review Requests email account or PO Box address.

4. As a first stage, the Housing Association or Partner who has assessed the applicant's case will consider the applicants concerns and provide a response to the applicant. If the applicant is still unhappy their concerns will then be treated under the formal review procedure set out below.

5. Once the informal consideration process has been completed and after receiving a response the applicant has indicated in writing or verbally that they wish the review to proceed the relevant Unitary Council's housing options service covering the area where the applicant has applied will conduct the review or may delegate this task to the CCP Partnership Manager to undertake the review on behalf of the relevant Council. Please note these reviews do not form part of the separate homelessness review process contained within section 202 of the 1996 Housing Act and they will not be subject to an appeal process pursuant to section 204 of the Housing Act 1996.

6. The applicant, or their representative, must give reasons why they wish to have the decision reviewed so that the CCP can ensure that the request falls under the statutory review request criteria.

7. Upon receipt of a request for a review the CCP will send an acknowledgement letter explaining the review process and procedure to be followed.

8. The officer undertaking the review will not normally have been involved in an original decision.

9. An applicant may be asked to attend an interview and, if so, can be accompanied by an advisor or friend.

10. Where it appears that the applicant needs an interpreter this can be arranged.

11. The review will be carried out and the decision and the reasons for it will be given to the applicant in writing within 56 days of the request being received. There is no right to request a review of this review decision.

Appendix 1.7: Further operational and procedural details covering:

a) Advertising properties
b) The bidding and selection process
c) Offers of accommodation
d) Feedback on lettings

Advertising properties

It should be noted that in certain circumstances, a participating Housing Association might apply their own rules regarding the allocation of accommodation, for example an association may wish to apply its own test of affordability. The aim of all CCP partners is to keep these individual association rules to a minimum. Where there are rules set by an individual Housing Association that differ from the common policy, the intention is to set these out in a link to the on-line policy.

Properties will be advertised in an easy to read format. They will usually include a picture of the property or scheme in which it is located. Property adverts will include details of the property and will indicate suitable household size as well as giving information about the local area. The properties will clearly indicate which housing organisation is the Landlord.

Properties may be advertised during the 4-week notice period given by an outgoing tenant. If the notice is subsequently withdrawn by the tenant the property will unfortunately be unavailable to let.

Direct offers will be made in accordance with the criteria set out in section 1 plus lettings to extra care housing and some sheltered schemes. Otherwise all categories of properties will be advertised. General needs properties; properties that have been adapted for those with disabilities; properties that are specifically for the elderly and which may have a warden and/or an emergency call system. Adverts will clearly indicate any restrictions on bidding (e.g. where properties have been adapted and/or are specifically for people with disabilities) and will detail any particular criteria that apply (e.g. where full occupancy is required, affordability criteria etc.)

Bids from applicants will only be accepted if they meet all of the eligibility criteria for the property. However if their situation is changing imminently, once evidence has been provided, they will also be accepted.

The bidding and selection process

Properties are advertised on a weekly cycle. Applicants may express an interest through bidding on any advertised property that meets their needs. For applicants in bands A or B they are able to place up to 3 bids each week. For applicants in band C they are able to place unlimited bids in order to improve their prospects of obtaining an offer of a lower demand property in the circumstances where there may be several lower demand properties advertised in that cycle.

Bids can be made in a number of ways: on the website using the username and password; by telephoning or visiting the office of a partner organisation; by mail; by proxy bidding.

Applicants are able to check their position on the list at the time of the bid, together with the total number of bids already placed. This allows applicants to make decisions about their choice of property and the likelihood of being successful. Within the bidding period, applicants may withdraw bids and make further bids.

Only the applicant whose bid is successful will be contacted unless they refuse the offer made or are ineligible to be offered the property.

So far as is possible the CCP will use the banding system and waiting time within the band to allocate accommodation. However, there may be times when a direct letting will need to be made to a property using the criteria set out in 'Policy on Choice' detailed in Section 1. In these circumstances, a property will not be advertised. The aim is that no more than 15% of properties available to let should be allocated through a direct letting in order to preserve the integrity of the choice based letting process. However, in the circumstances of a national emergency such as the Covid-19 pandemic, Choice Based Lettings may be suspended, or a much higher percentage of lettings may be made directly.

The highest bidder is awarded priority in descending order between Band A, Band B, and Band C.

Within bands, priority is awarded according to an applicant's waiting time within that band and this is based on their registration date. However, there may be other reasons why it would be necessary or advisable to reject a bid that would otherwise have been successful: for example where there was restrictive labelling for the property advertised or where the property would not be suitable for that particular applicant. In the circumstances where the landlord who has advertised the property has decided that it would not be suitable, despite the applicant meeting the bidding criteria, there should be a discussion with the local authority's Housing Options Team before the bid is rejected.

Unless a property is advertised with restrictions, applicants who are members of the scheme can bid for any property in Cumbria regardless of where they live in Cumbria. However, when drawing up the shortlist applicants will be ranked first by local connection to Cumbria, then by Band (using the local connection criteria set out in Qualification rule 1 section 2 of the policy). For properties subject to Section 106 agreements and local lettings policies, priority will be awarded to applicants with a local connection as defined within the Section 106 agreement.

In the circumstances where there are two households with the same Band and registration date that bid for a property a decision to offer the property will be based on the household who is assessed as being most suitable for that property.

Where the property advert has indicated specific requirements such as age or accessibility, only those applicants meeting those requirements will be eligible for an offer.

Offers of accommodation

This section sets out the procedure that will apply to making an offer of accommodation once an applicant has been selected from a shortlist of successful applicants bidding for that property.

All bids for a property are checked. Ineligible bids for a property will be excluded from consideration once selected and, prior to an offer being made, the Council or Housing Association landlord for that property will carry out a further verification of their eligibility and priority. In certain situations the offer will not be made, or if made may be withdrawn if:

- Since joining the scheme an applicant has become ineligible.

- On verification of the applicants' details, the priority band has been incorrectly awarded due to the information received by the applicant, or due to mistakes in the assessment of the application itself.

- The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.

- The landlord has evidenced housing management reason not to offer the property.

If an applicant does not reply to an invitation in writing, by letter or email or text, to view a property within 2 working days of receiving an offer then the offer will be deemed to have been refused and the property will be offered to the next applicant on the shortlist who qualifies for that offer.

A suitable and reasonable offer of accommodation is defined in appendix 4 of the policy.

There may, unfortunately, be exceptional circumstances where following a viewing or notification of offer an offer may still be withdrawn. This can be done up to the point when a tenancy agreement is signed. Examples of reasons when a property offer may be withdrawn are:

- The property is not suitable for the households needs
- The property fails to become available
- There is an issue and concern for community safety
- It comes to light that information has been withheld
- It comes to light that that the household or member of the household has a property related debt
- The offer has been made in error
- The households circumstances changed
- The property is required for an emergency
- It transpires that the rent would not be affordable

There must be clear grounds recorded by the council or a partner housing association on the IT operating system if a decision is taken to refuse or bypass an applicant who is top of any shortlist. Where an applicant has been refused or bypassed because they have failed a verification check or that their circumstances have changed they should be informed of the reason and how it now effects their application.

For all other reasons for example, issues of public safety, risk, or sustainability of the tenancy, an applicant, upon request, will be informed of the reason behind the decision to refuse or bypass them.

Feedback on Lettings

A main aim of the Cumbria Choice scheme is to operate an open and transparent lettings system.
The result of lettings made through the scheme will be published on the Cumbria Choice website and at the end of the property advert newssheet.

Appendix 1.8: Assessing whether an applicant qualifies for a priority band A or B on the basis of medical priority

The assessment: Awarding Medical Priority for significant Medical Conditions that are being made worse by an applicant's housing circumstances

The framework that will be applied to assess medical impact cases

This appendix provides detailed operational guidance to help officers to make their decisions on whether medical or welfare impact priority should be awarded.

Applicants will be asked for information and any supporting documentary evidence, regarding how their health or welfare are affected by their current home, or why the applicant's health cannot be managed in their current accommodation. They will be asked to complete medical information questions set out in the on-line application form.

On receipt, the assessing officer will consider whether any supplementary information is needed from any other relevant professional, who may be able to explain the impact the applicant's current accommodation is having on their medical condition or disability.

While this information is being provided, and pending the assessment of medical priority, eligible and qualifying applicants who have another statutory housing need will be registered and placed in a band according to that need. Where no other housing need exists, the application will remain as pending until any medical priority is determined

The assessing officer supported, where necessary, by a senior officer, will normally make a decision whether or not to award a priority based upon the information provided. They will use the guidance notes and assessment framework in this appendix to help them make a decision.

If the assessing officer is of the view that it would be beneficial to obtain an opinion from an independent Medical Advisor, or Occupational Therapist they will make a referral. A Medical Advisor will not normally be asked to carry out a medical examination and their opinion will be based on the information provided by the applicant and any supporting information from a medical professional and any information submitted by any organization supporting the applicant.

Applicants are not required to provide any supporting medical evidence in support of their application before an assessment is made although where this is available they should provide it in support of their case.

Where the assessing officer believes that further medical information is required before they can make an assessment they may request it from a relevant medical professional dealing with the applicant.

It is important to note that the assessing officer is not making a medical opinion. The role of the officer is to consider evidence re the impact of an applicant's current housing circumstances on any medical condition or disability.

Medical priority will not normally be awarded in the following circumstances:

a) Where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied
b) Health problems that are not affected by housing or cannot be improved by moving
c) Where a move would only make a marginal improvement to the applicant's condition
d) Medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame.
e) Where another reasonable course of action is available to the applicant to resolve their difficulties.
f) Time-related medical problems (e.g. pregnancy-related problems or a broken leg)
g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact).
h) Overcrowding not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for being overcrowded).
i) If the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.

Applicants who require support to live independently with their medical condition will be placed in a priority band for their medical need but will be suspended from bidding until an appropriate package of support has been agreed. If no appropriate support package has been agreed the applicant will not be offered accommodation whilst a support plan/package is pursued.

Each individual on the application with a health or welfare problem will be assessed. If there is more than 1 member of the household whose health and/or welfare is being affected by their housing, their application will be awarded the need relating to the severest problem.

Where an applicant has been placed in bands A or B as a result of a medical need this may be reviewed on a regular basis to ensure the award is still relevant.

The review will determine whether the level of priority is still appropriate. The review may involve a phone-call to the applicant and/ or support agency, an email, or a home visit.

Once the assessment has been completed the applicant will receive a letter or email advising them of the outcome, and if a priority band is awarded what that band is.

Where an applicant already registered notifies a change of medical circumstances that are impacted by their current housing the applicant's priority will be re-assessed using the same process.

This section below quotes examples of when Bands A or B could be awarded. These are just examples and an assessment will be made on the facts of the case.

Band A: Covers urgent and immediate medical impact problem

This top category band A will be reserved for exceptional cases where an applicant's health is seriously at risk (including a risk to life) due to the associated medical and housing difficulties that are inherent in their existing accommodation.

Band B: Covers serious medical impact problem

A band B award also reflects urgent medical impact cases that have a clear relationship with the applicant's existing housing circumstances.

The detail for the operational guidance that used to assess medical cases

1. The applicant will be asked to indicate on their on-line application form whether they or anyone in their household has an illness or disability that is affected by their current accommodation.
2. If the information returned on the on-line form does not clearly address the impact of the applicant's current housing on their condition, the assessing officer will contact the applicant to ask them specifically to describe how the current housing is impacting on the condition described (a standard letter/form will be used).
3. The email/letter will explain that where supporting information from a health professional is available, the applicant should provide this information to support their application, but that we do not, as a matter of course, require an applicant to submit a medical report, or obtain letters from their GP before an assessment will be progressed. We do not wish to create further work or costs for doctors or applicants by insisting that medical reports are produced before an application can be considered.
4. It is expected that the majority of cases can be assessed by the assessing officer by using this guidance and where necessary taking advice from a senior officer. Only where relevant and appropriate will advice from an independent medical advisor or OTT be sought.
5. Depending on the seriousness of the circumstances claimed the case might be referred to an independent medical advisor or OTT to provide advice on the possible impact of any medical or disability condition to help address the impact of the applicant's current accommodation on that condition.
6. In the circumstances where the assessing officer believes there may be an urgent and immediate need, due to the severity of the impact of their current housing on an applicant's disability, the case can (with a senior officer's approval) be submitted to the relevant Council's Occupational Therapy Team (OTT) for a more detailed assessment. In order to do this the OTT may visit the home of the applicant and consider any supporting information and may recommend whether Band A or B priority should be awarded, based upon the severity of the case and the urgency of the need for re-housing.
7. The OT may also make recommendations re the type of housing that the applicant may need.

8. Where priority is awarded applicants will only be considered for the type of accommodation assessed as being required. For example, if it is assessed that an applicant needs to move to a bungalow because due to their condition they need to use a wheelchair, they will only be considered for suitable properties that meet this need.
9. There will be occasions when advice, or clarification, from a GP or hospital consultant may need to be sought. For example, where it is claimed that an applicant's housing circumstances is severely affecting their mental health.
10. Where the information indicates that the applicants condition is not so urgent and immediate that they are unable to live in their current home, or that there is insufficient evidence that the medical condition would be significantly improved by alternative housing no award of priority band A or B will be made.
11. The following list sets out some of the circumstances that may qualify for an award of priority banding:

a) An applicant's inability to manage stairs, control temperature, etc.
b) Where an applicant is confined to their existing accommodation due to the physical nature of that accommodation
c) Where an applicant's accommodation is having a significant or exceptional impact or is causing an applicant's mental or physical health.
d) An applicant's restricted ability to fend for him/herself in the accommodation which may put them at significant risk due to the physical nature of the accommodation
e) The need for adapted housing and/or extra facilities
f) The need for sheltered or supported housing due to the impact of their current housing on a medical condition.
g) The need for alternative housing as part of a care plan

When assessing whether to award band A or B or no band, the assessing officer will follow the 5-stage process set out below:

1. Is the medical/disability issue serious enough for a priority banding to be considered?
2. If the medical condition is serious enough for a priority banding to be considered the assessing officer should then decide if there is a direct link between the identified medical problem and the applicant's current housing accommodation/situation, i.e. on the facts obtained (from the applicant and any medical information or reports submitted including any advice from an independent medical advisor or OTT) is the officer accept that the applicant's current housing accommodation/circumstances is making their medical condition substantially worse, or will make it worse.
3. In practical terms the officer should consider the adverse effect this has on the applicant's ability to manage day-to-day tasks in their current home. The applicant's current housing accommodation/circumstances may be impacting on their medical condition or disability but not to the extent that an award of band A or band B priority should be granted under the criteria adopted for the policy. The examples listed for an award of band A or band B should be used to guide the officer when making their decision.
4. Before making an award the assessing officer needs to be satisfied that there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly improved through the provision of alternative accommodation.

5. If the officer is satisfied that the impact on the identified medical condition/disability would be removed or significantly improved they would then decide whether to award Band A or B depending on the severity of the impact and using the examples below to guide them.

More extensive examples to help the assessing officer to decide if band A should be awarded on medical or disability grounds

These examples are intended to guide the assessing officer on the threshold set for a band A or band B priority award, or whether no award should be made. They will also serve to help an applicant understand the threshold for a priority award to be given.

The following are examples of cases that may qualify for Band A award. It may apply to the applicant or a member of their household:

1. Applicants who have a progressive, chronic or life threatening medical condition and cannot be discharged from hospital because they do not have any accommodation, or their accommodation is unsuitable for example, because they cannot access toilet and/or bathing facilities in the property. This will include cases that cannot be discharged from hospital due to their accommodation being unsuitable.
2. Applicants who have a progressive, chronic or life threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user.
3. An immediate life threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage
4. A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care
5. A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care
6. The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g. applicant has severe mental health problems that are significantly exacerbated by their accommodation;
7. A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities, or have difficulty accessing facilities inside and outside of their accommodation and require housing into suitable accommodation
8. Where their current property leaves a person at risk of infection, e.g. where an applicant is suffering from late-stage or advanced AIDs
9. Due to limited mobility a person is unable to access essential parts of the property e.g. bathroom/toilet.
10. A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.
11. Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service.

12. Veterans who have actively served in the armed forces and are suffering from severe post-traumatic stress disorder or serious illness directly related to service in the forces
13. People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care.
14. People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs
15. Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability
16. Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition
17. Someone with a medical or disability who's housing has rendered them housebound
18. Where a move would avoid the need for another service (e.g. Social Services) from having to provide a significant level of support. This might include for example residential care; overnight care provision, or other support with similar resource implications
19. Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. This will involve an assessment of the layout of their current accommodation, for example the number and nature of steps, stairs or other hazards that may increase the risk of serious injury
20. Where it is impossible for the person to use essential facilities within the home and no adaptation is possible
21. The applicant or household member requires significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective.

More extensive examples to help the assessing officer to decide if band B should be awarded on medical or disability grounds

1. Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation
2. Applicants who have significant mobility issues and would benefit from a move to accommodation that has level access showering facilities
3. Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition
4. Applicants who have a medical need for an additional bedroom for example, because they have been assessed as requiring an 'overnight carer', or they need more space to accommodate a substantial amount of medical equipment.
5. Applicants whose housing is unsuitable for severe medical reasons, or due to a disability, but who are not housebound, or whose health, or safety is not at such a risk level to require immediate urgent housing may be awarded band B
6. Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without long term settled accommodation.

7. A person whose disability means that re-housing would help them to overcome physical barriers created by their current accommodation that they struggle with e.g. stairs and steps.
8. A person with a severe disability requiring some adaptations to their property that cannot be provided for in their current accommodation.
9. Where an applicant can access their home, but struggles to access normal day-to-day facilities within it (e.g. bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort. This would include cases where an adaptation is possible but cannot be undertaken in a reasonable period of time. (Note: any priority would be removed if an adaptation is completed, or work started)
10. An applicant is suffering from a long-term mental illness that is being exacerbated by their accommodation. There will normally not only be GP involvement, but other specific mental health support already provided.
11. Where an applicant is only not housebound due to significant support that is available to enable them to get out of their accommodation
12. An applicant or member of their household with a terminal illness, or long term medical debilitating condition, whose current accommodation is not necessarily having a significant impact on their condition but where it is agreed by the Council that their quality of life would be significantly improved by moving to alternative more suitable accommodation, or accommodation that is nearer to support that is essential for their wellbeing.

Appendix 2 – Definition of Terms

Accessibility – Used here the term refers to how 'user friendly' the service is to all people who may want to use it.

Adapted Property – Property that is suitable for those with a physical disability i.e. where a stair lift has been fitted.

Automatic Bidding – Within the ICT system a means of expressing an interest in a property for someone, without making the bid themselves.

Banding Scheme – The method by which customers are prioritised for social housing (previously 'points schemes').

Bidding – The term used to describe people who register an interest in a property (no money is involved in making the bid).

Choice Based Lettings (CBL) – The system of letting property that gives customers choice in where they live through advertising property.

Housing Register – One list for all of Cumbria of people applying for social housing (previously 'housing waiting lists').

Applicants – Those people applying to the scheme for housing.

Effective Date – The date used to decide between customers in the same Band to establish who has waited longest.

Fully Occupied – Bedrooms in the property that are being fully used in terms of the household occupying the property in accordance with the table in Appendix 6. When they are not fully used the property could be considered under occupied.

Hard to Let – Low demand property where it takes longer to find a tenant.

Housing Options – A term used to describe a service that advises customers of all their choices and includes mutual exchanges, low cost home ownership and renting in the private sector.

Letting Policy – The means by which it is decided how property will be offered to customers.

Local Lettings – Policy made in local areas (to tackle specific, identified housing management issues) on how property will be offered that differs in some part from the overall scheme policy.

Management Discretion – Property that is offered directly to an identified person without being advertised.

Partnership – The name for the Council's and housing associations that have funded, developed and continues to operate the scheme.

Proxy Bidding – a Local Authority or Registered Provider places bids on the customer's behalf.

Social Housing Providers – The term for a variety of housing organisations that provides not for profit housing and included local authorities, housing associations.

Appendix 3: How any local lettings policy will be applied and reviewed

Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities.

They will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development, or may be applied to a parish or a village in a rural area). Each local lettings policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan or the need to provide housing for local people in rural villages and parishes, or evidence from the Unitary Council's internal departments i.e. environmental health).

The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.

1) Age restrictions.
2) Prioritising applicants who are key workers, as defined by the CCP.
3) Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
4) Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
5) Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
6) Ensuring that there is a balance of working and non-working households allocated to a scheme.
7) Enhanced local connection restrictions relating to a specific parish.

New developments will normally have local lettings policies (depending on the planning permission or agreement reached these may apply to first lettings only or be ongoing) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.

In order to ensure a reasonable mix of household sizes and types, and families with children of different ages, a local lettings policy will normally be used for new developments larger than four properties. The local authority may set restrictions on the number of lettings, which can be made to families with young children, for example, or the number of families who are not working.

How will a local lettings policy be assessed and agreed?

The process for agreeing local letting policies may differ across the Cumbrian region. In some areas the decision is made by the Council and in other areas the decision is for the stock holding CCP partner in consultation with the Council.

There must be a clear evidence base for adopting a local lettings policy. The following framework will be used to decide whether a local lettings policy is appropriate:

1) That there is a clear definition of the objective to be achieved by that particular local lettings policy.
2) That there is a clear evidence base to back up the need for a local lettings policy.
3) That any potential equality impact has been considered.
4) How long the local lettings policy is intended to operate.
5) When the local lettings policy should be reviewed.

A written record of each policy adopted or rejected should be kept.

It is the intention that local lettings policies will be fluid with new policies being added as are required and existing policies being deleted once the objective for that policy has been met. Local lettings polices must be approved by the exceptions panel before they are applied.

All local letting polices will be reported to the CCP Board who will discuss any polices where there is any dispute over the wish to apply a local letting policy.

The intention is for all current local lettings policies to be listed as a link to the on-line version of this policy so the public can see which polices are in operation at any point in time. In addition any property advert will state whether there are any local lettings restrictions or criteria.

Appendix 4: Definition of a reasonable offer

A refusal of an offer of the correct size and type will normally be considered unreasonable.

Guidance on reasonable and unreasonable refusals:

1) Property size

The property must be the appropriate size for the household's needs at the time of making the offer. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.

It is the applicant's responsibility to ensure that they register any change in their circumstances that will affect the number of bedrooms to which they are entitled.

Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the lettings standard, this will normally be considered to be an unreasonable refusal unless the applicant provides new medical information at the offer stage that is accepted by the CCP.

2) Property type

It will not be considered to be a reasonable refusal due to a dislike of the property type. Therefore an applicant cannot reasonably refuse an offer because for example, it is in a tower block, it does not have a garden or a particular heating system, it is on a wrong floor, or does not have a lift. If the applicant states medical grounds for refusing the property, these should already have been disclosed and considered as part of the assessment of their application, unless new information is submitted that is accepted by the CCP.

Where specialist accommodation is offered to a household inappropriately, this is considered to be a reasonable refusal. This may be for example:

a) Offers of wheelchair standard housing to households which do not have wheelchair users
b) Offers made to disabled applicants which are unsuitable for their needs, for example where they are unable to open a door entry system because the doors are too heavy
c) Offers of sheltered housing where the applicant is not of the appropriate age.

3) Property condition

Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the voids team decides to withdraw the property from letting for further works to be carried out.

4) Area of choice

Where the offer is not within one of the applicant's specified areas, the refusal will not be considered to be reasonable. It should also be noted that where an applicant is made a direct offer such as: where the applicant has been assessed as being statutory homeless and are owed a statutory homeless duty, area of choice will not apply.

5) Racial harassment

Where an applicant from a black or ethnic minority household refuses the property prior to viewing because the previous tenant was rehoused as a result of racial harassment, or there is a known problem of racial harassment in the vicinity of the property, the refusal is considered reasonable.

6) Choice of landlord

An applicant receiving a direct offer cannot choose whether they are rehoused by the Council or by a Housing Association or a specific Housing Association. Therefore, any refusal of Housing Association property because, for example, there is no Right to Buy, or Right to Acquire, or the rent is higher than another social landlord will not be considered to be reasonable (unless in the example of the rent level the assessment is that the offer is unaffordable for the applicant in question).

7) Pets

One of the conditions of the tenancy agreement is that a tenant must obtain the written consent of the landlord before keeping domestic pets.

Any intention to keep a pet must comply with the Council’s or partner Housing Association’s tenancy terms and conditions, which means that permission must be sought and agreed prior to signing the tenancy agreement for the property. Therefore any refusal on the basis that permission has not been granted to keep a pet is not reasonable.

Appendix 5: Contact Details for all Partner Organisations

Accent Housing Limited
3rd Floor, Scorex House
1 Bolton Road
Bradford
BD1 4AS
Tel: 0345 678 0555 Email: AccentLettings@AccentGroup.org

Housing Landlord Service
Westmorland & Furness Council
Town Hall
Duke Street
Barrow-in-Furness
LA14 2LD
Tel: 01229 876578 Email: housing@westmorlandandfurness.gov.uk

Eden Housing Association
Blain House
Bridge Lane
Penrith
CA11 8QU
Tel: 01768 861400 Email@ enquiry@edenha.org.uk

Home Group
1 Strawberry Lane
Newcastle Upon Tyne
NE1 4BX
Tel: 0345 141 4663 Email: Cumbriachoice@homegroup.org.uk

Riverside Housing Association
English Gate Plaza
Botchergate
Carlisle
CA1 1RP
Tel: 0345 111 0000 Email: ProcessingNorth@Riverside.org.uk

South Lakes Housing
Bridge Mills Business Centre
Stramongate
Kendal
LA9 4BD
Tel: 0300 303 8540 Email: CBL@southlakeshousing.co.uk

Castles and Coasts Housing Association
5 Paternoster Row
Carlisle
CA3 8TT
Tel: 0800 085 1171 Email: cs@castlesandcoasts.co.uk

Appendix 6 - Household Type and Property Size – ***This will need to be amended according to the overcrowding rules that the CCP want to adopt as discussed in overcrowding section of the section 4 banding table***

This table provides guidance on the size of home that different types of household can bid for on Cumbria Choice. This is supplemented by the more detailed information which each housing provider places in individual advertisements and in guidance published on the Cumbria Choice website.

Household	Bedsit	1 bed	2 bed	3 bed	4 bed	5+bed
Single person			D	D		
2 Adults (couple including same sex couples)			D	D		
2 Adults (non couple)			 *	D		
Single 1 child				D		
Single 2 child						
Single 3 Child						
Single 4 or more children						
Couple 1 child				D		
Couple 2 child						
Couple 3 child						
Couple 4 or more children						

NB *Households with access to children will not be able to include them as part of the household when looking at eligibility for property size. See section 2.1 Households with access to children/joint custody.*

Key



Number of bedrooms allowed for this household type



Number of bedrooms allowed for this household type, subject to the ages of the children.
Two children under the age of 10 are usually expected to share a bedroom.
Two children of the same sex are usually expected to share a bedroom until they are 16.
Once a child is 16 a separate bedroom is allowed.

D

Allowed by discretion only when stated in the advertisement.
This is most likely to apply in one of the following circumstances:

- There is low demand for the type of property in the location
- There is lack of supply of smaller homes in the location
- A local lettings or s106 policy applies

*

Some providers may only allow households with children to bid on houses

Appendix 7 - Right to Move Qualifying Criteria

To meet the Allocation of Housing (qualification criteria for the Right to Move - England) Regulations 2015, a local connection may not be applied to existing social tenants seeking to transfer from another local authority area in England who: -

- Have reasonable preference under Section 166(3)(e) because of a need to move to the local authority's area to avoid hardship, and
- Need to move because the tenant works in the local authority area, or
- Need to move to take up an offer of work

QUALIFYING CRITERIA

This applies to existing social housing tenants: -

- Who need to move within a local authority area or to another local authority area to avoid hardship, and
- Who need to move because the tenant works in the local authority area, or
- Who need to move to take up an offer of work?

What the local authority should take into account: -

Need to Move:

Tenants must need to move, not simply want to move. Factors to consider in determining `need` are: -

- The distance and/or time taken to travel between home and work.
- Availability and affordability of transport as against earnings.
- Nature of the work and whether similar opportunities are available nearer home.
- Other personal factors, for instance medical conditions, child care
- Length of work contract.
- Would failure to move mean a lost opportunity to improve employment circumstances or prospects?

Work:

`Work` only qualifies as `work` if it is not: -

Short term:

- Consider whether the work is regular or intermittent (particularly relevant for the self-employed).
- Consider the period of employment – a contract of less than 12 months could be considered short-term.

Marginal:

- Less than 16 hours per week could be considered marginal

- Consider the level of earnings.

Voluntary:

- Unpaid, or expenses only.

Ancillary:

- That is, if the person works occasionally in another local authority area, but main place of work is a different area, the work is excluded.

Verification and Evidence

The tenant must be able demonstrate that he/she has a genuine job offer and that he/she has a genuine intention to take it up.

Appropriate evidence could include: -

- A formal offer letter.
- A contract of employment.
- Wage/salary slips covering a certain period, or bank statements (zero hour contracts).
- Tax and benefits information, for example proof of receipt of working tax credit.

Appendix 8: The revised Equality Impact Assessment June 2020

A copy can be emailed on request.

An Equality Impact Screening Assessment on the changes made to the policy as part of the local connection amendments is available on request by email.

Appendix 9: Local Connection following Local Government Reorganisation (LGR) and the formation of 2 new Unitary Council's

From 1st April 2023, the six established Cumbrian authorities transitioned to become two new Unitary Council's, Westmorland and Furness Council and Cumberland Council under LGR. Following the reorganisation, Westmorland and Furness Council are host authority for the Cumbria Choice allocations policy.

The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 require that Westmorland & Furness Council and Cumberland Council reviewed its allocations policy within 24 months after reorganisation (Regulation 12 (5)). This review has been carried out and the changes incorporated throughout the policy document but are summarised below:

Local connection preference is awarded to applicants based on the geographical area upon which they have that connection when registering and being shortlisted for properties. Following local government reorganisation, the Cumbria Choice policy required some amendments to ensure local connection reflects the new geographical footprint of the two Unitary authorities.

From 1st April 2023, applicants will have a local connection to either of the two new Unitary Council areas instead of those previously defined by district (with the exception of those young people to whom the Council's owe a statutory duty, see page 17 of this policy document).

The changes will not affect S106 agreements or local lettings policies and the additional considerations/restrictions associated with these.

An Equality Impact Screening Assessment on the changes made to the policy as part of the local connection amendments is available on request by email.