



Birmingham City Council

Housing allocation scheme



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1 The purpose and overview of this document

The Housing Act 1996 (Part 6), as amended by the Homelessness Act 2002 (*the Act*), requires all local authorities to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation.

The purpose of this document is to set out Birmingham City Council's (BCC's) housing allocation scheme.

The scheme has been drawn up with regard to the BCC's statutory duties and other BCC policies.

Statement on the protection of public funds

Birmingham City Council is committed to protecting the public funds entrusted to it. The allocation of social housing via this allocation scheme is considered to be the allocation of a public fund. BCC will seek to ensure that all allocations are in accordance with this scheme and that all applicants on the Housing Register are subject to thorough verification and identity checks to minimise losses to fraud and corruption.

1.1 What is an allocation?

The Act states that a local authority allocate housing accommodation when they¹:

- select a person to be a secure or introductory tenant of housing accommodation held by them,
- nominate a person to be a secure or introductory tenant of housing accommodation held by another person,
- nominate a person to be an assured tenant of housing accommodation held by a registered social landlord.

1.2 What is not an allocation?

Secure, introductory or demoted tenancies arising in the following circumstances are not covered by the allocation provisions of *the Act*² and, therefore, fall outside the scope of this document:

- succession to a tenancy on the death of the previous tenant; and
- assignment of a tenancy by way of mutual exchange; and

¹ s159 Housing Act 1996 as amended by the Homelessness Act 2002

² s160 Housing Act 1996 as amended by the Homelessness Act 2002

- assignment of a tenancy to a person who would be qualified to succeed to the tenancy on the death of the current tenant; and
- transfer of the tenancy pursuant to a Court Order under family law provisions or the Civil Partnership Act 2004; and
- allocation to an existing secure tenant, unless the allocation involves a transfer of accommodation for that person and is made on his/her application³; and
- where a person becomes a secure tenant on ceasing to be an introductory tenant.

1.3 The allocation scheme and the *Housing Register*

BCC operates a *Housing Register* (the Register), which is a list of people (*applicants*) who have applied to BCC for housing.

The purpose of this document is to set out:

- who is eligible to join the *Housing Register*
- who is eligible for an allocation
- how the *Housing Register* is maintained
- how BCC determines priorities within the allocation scheme using a *points scheme*
- how applicants are allocated properties
- how applicants can request a review of certain decisions made on their application.⁴

1.4 *Choice based lettings* and the allocation scheme

BCC currently uses three methods to allocate properties.

The majority of properties within BCC area boundaries are allocated through the traditional allocations method of a BCC officer selecting the applicant with the highest number of points who matches to, and is eligible for, the property. The way this happens is described in greater detail in section 5.1.

³ In some situations, BCC may proactively seek tenants who have not applied for re-housing and give them a transfer of property. These tenants will not be placed on the Housing Register and any lettings carried out in this manner are not allocations and therefore not subject to any of the procedures and rules set out in this document.

⁴ This is detailed at appendix 6.

A smaller number of properties are allocated via a *choice based lettings* scheme, known as *Urban Choice*. This method of allocating involves the applicant making an *expression of interest*, otherwise known as a *bid*, in a property that has been advertised. The way this happens is described in greater detail in section 5.3.

Some properties are allocated by neither of these methods. They are allocated as direct lets, as described in section 5.4.

1.5 Statement on choice and the expression of preferences

In making an application to join *Housing Register*, the majority of applicants⁵ are able to express a preference about the:

- area(s)⁶ of the city in which they would like to live⁷; and
- type of property⁸ they would like to be allocated.

Applicants may also express an interest in being allocated a property via a nomination to a *RSL* or choose not to be allocated in this way.

BCC also makes information about, and access to, other affordable housing options available: for example, affordable housing schemes are advertised through the BCC *CBL* website and a matching service is available in the city for those wishing to explore the option of a mutual exchange.

Applicants who require a property with adaptations to meet their housing needs are eligible⁹ for both adapted properties and properties that are not adapted, or may have some adaptations, but that are considered suitable for the adaptations the applicant needs.

2 The Housing Register

In order to be made an allocation, or to take part in the *choice based lettings* scheme, a person has to be on the BCC *Housing Register* and be eligible for an allocation.

This section sets out:

- how to make an application to join the Register
- who can join the Register

⁵ There are exceptions for those who have restrictions placed on them through the criminal justice system.

⁶ The city has been divided into more than 120 areas for allocation purposes; the application pack provides details of these.

⁷ In order to facilitate the discharge of the main housing duty there may be restrictions placed on the choice of areas for applicants with the points described in section 3.4.10.2.

⁸ Some property types are subject to allocation criteria; see sections 4.1 and 4.3.

⁹ Subject to the eligibility for an allocation criteria set out in section 2.4.

- who is eligible for allocation
- the types of information held on the Register
- the right to information and confidentiality
- how the Register is kept up to date.

2.1 Making an application to join the Housing Register

An application to join the Register must be made using a BCC Housing application form.

Application forms are available from any of the neighbourhood or housing offices listed in appendix two, or can be downloaded from the BCC website at www.birmingham.gov.uk/finding-a-home

Application forms, along with the relevant proofs required before an application can be processed, can be returned to any of the offices listed in appendix two.

Advice and assistance is available free of charge to customers who want to make an application, but cannot do so without help. This can be arranged by contacting any of the offices listed at appendix two.

A summary of the BCC housing allocation scheme is available on the BCC website and in leaflet form from the offices listed in appendix two.

2.2 Who can be included on the application form?

BCC will usually consider one person to be the *applicant*. Other people included on the application form will be considered to be either members of the *applicant's* household or members of a *host household*, with whom they currently live.

BCC will consider members of an applicant's household to be people who normally live with him/her, or who are reasonably expected to live with him/her as a member of his/her household. In order for a child to be included in an applicant's household the applicant, or another member of the applicant's household, must be the person with primary care responsibilities for that child. A child can only be included on more than one person's housing application form¹⁰ in exceptional circumstances.

Applications to join the Register are subject to verification checks for all household and host household members.

¹⁰ Where parenting duties fall equally on two parents or carers

2.3 Who is eligible to join the Housing Register?

Anyone aged 16 or over can apply to join the Housing Register.

Acceptance onto the Housing Register does not mean that the applicant is eligible for an *allocation* of housing. Some applicants will be ineligible for an allocation of accommodation: this is described further in section 2.4.

2.4 Who may be ineligible for an *allocation* of housing?

2.4.1 Persons subject to immigration control and certain persons from abroad.

BCC is required by *statute* to decide certain applicants are ineligible for an *allocation*. BCC will apply whatever law is in place at the time of application.

Eligibility can change with a change of immigration status, and therefore, eligibility for an allocation of housing will be kept under review. The applicant is responsible for informing BCC of any change in immigration status.

A housing officer will determine the eligibility of an applicant, based on immigration status, by applying the legislation and statutory instruments that are in place at the time of the application.

2.4.2 Applicants under 18 years

Applicants aged 16 or 17 are able to join the *Housing Register* but will not be made an allocation, or be able to bid for properties, until they reach the age of 18. The exceptions to this are situations where the applicant:

- is an offender and the Youth Offending Team in the Children, Young People and Families directorate has made a referral to the Housing Pathways Service
- is in the care of Birmingham City Council, or a care leaver
- has had a s17 statutory assessment¹¹
- has been referred from Supporting People funded accommodation by one of BCC's partners, such as St. Basil's
- is owed the full statutory homeless duty.¹²

¹¹ Children Act 1989

¹² s193(2) and s195(2) Housing Act 1996

2.4.3 Applicants ineligible on the grounds of unacceptable behaviour

*The Act*¹³ permits BCC to decide that an applicant is to be treated as ineligible for allocation as a result of his or her past unacceptable behaviour, or that of a member of his or her household. BCC has elected to use this power to make some applicants ineligible for allocation of accommodation where they meet the threshold for unacceptable behaviour as set out in statute.

The decision that an applicant is ineligible for an allocation may occur at the time of joining the *Housing Register*, at any time during the life of the application, at the time the applicant is allocated a property, or when the applicant has bid and has been short-listed for a property. A local housing manager will make the decision.

2.4.4 Carrying out the unacceptable behaviour test

BCC will carry out a two-stage test to decide whether an applicant is ineligible for an allocation of accommodation.

The first stage is to decide whether the two statutory conditions have been met. The statutory conditions are:

- that the applicant, or a member of his or her household, has been guilty of past unacceptable behaviour serious enough to make him/her unsuitable to be a tenant of BCC; and
- in the circumstances at the time his/her application is considered, he/she is unsuitable to be a tenant of BCC by reason of that behaviour.

In deciding this, the officer will investigate and take into account all circumstances including:

- whether one or more of the seven relevant grounds for possession exist for past behaviour¹⁴ **and**
- if so, would the court consider it reasonable to make an order for possession under Housing Act 1985 section 84 **and**
- if so, would the court make an **outright** order for possession.

If the officer decides that all of these apply then he or she will consider the second part of the stage one test: “whether the applicant is still unsuitable to be a tenant of BCC by reason of that behaviour”.

In deciding this, the officer will take into account:

¹³ S160A(7) Housing Act 1996 as amended by Homelessness Act 2002

¹⁴ For the relevant grounds for possession in Housing Act 1985 sch 2 see appendix 3.

- whether the circumstances that caused the behaviour have changed: for example, whether nuisance was caused by drug or alcohol problems that the applicant has since successfully resolved
- whether the member of the household responsible for the behaviour is still a member of the household
- whether BCC can accept any assurances from the applicant as to future behaviour.

If the officer considers that the applicant should be made ineligible for allocation then he or she will further consider:

- if the unacceptable behaviour is believed to be due to physical, mental or learning difficulties whether, with appropriate support, the applicant could maintain a tenancy
- the applicant's current circumstances, for example, health needs, dependents and any other relevant factors.

2.4.5 Informing the applicant and the right to review

When a decision has been made to make an applicant ineligible for allocation the applicant will be informed of this decision and the grounds for it, in writing.

A copy of the letter will be sent to the applicant's last known address and a copy will be retained on file.

The applicant will have the right to review on any adverse decision on eligibility for allocation. The review procedure is set out in appendix 6.

2.4.6 Repeat applications

A repeat application following the decision to make an applicant ineligible for allocation will only be considered if there has been a factual change in the applicant's circumstances. In instances where there has been no factual change, BCC will rely on its previous decision.

Where the applicant believes there is a factual change of circumstances a change of circumstances form should be completed and sent to one of the offices listed at appendix two, along with any supporting evidence.

2.5 Assessing applications

After BCC has decided that an applicant is eligible to join the *Housing Register*, the applicant's housing circumstances will be assessed by an officer in the team responsible for assessing needs. The applicant will be awarded points in line with the points system described in section three.

Should the initial assessment identify factors requiring further investigation, appropriate follow up action may be taken: for example, this may mean inviting the applicant to complete an application form for a health and care points award or carrying out a home visit to verify circumstances.

2.6 Notification of registration

Once an applicant has been registered, a letter will be sent to the applicant's contact address. The letter will set out the date of registration, the registration number and the number of points awarded, if appropriate. In addition, the letter will provide details of how to *bid* for properties where BCC's *Choice Based Lettings* scheme operates, including the applicant's PIN number and log-in identification.

2.7 Information held by BCC Housing and Constituencies Directorate

The minimum information BCC will hold on the Housing Register is:

- the name, age and gender of the applicant, all members of the applicant's household and members of any *host household*
- the address(es) and contact telephone numbers for the applicant
- the date on which the applicant joined the Housing Register
- the most recent date of amendment
- any risks associated with the applicant. The applicant will be notified of this at registration or at any time thereafter if the risk is identified after registration.
- details of any support worker or carer
- details of any support needs
- information about the applicant's, and his or her household's, ethnicity, faith and any disabilities. This is to enable BCC to understand the profile of its customers and to monitor allocations and housing needs for equalities purposes.

2.8 The right to information¹⁵

An applicant accepted onto the *Housing Register* is entitled to see his/her entry and receive a copy of it free of charge (computer print out or photocopy).

An applicant also has the right to request general information to assess how his/her application is likely to be treated under the housing allocation scheme

¹⁵ S166 and s167 Housing Act 1996 as amended by Homelessness Act 2002

and whether housing appropriate to his/her needs is likely to be made available to him/her and, if so, how long it is likely to be before accommodation becomes available for allocation to him/her.

BCC will publish a summary of its housing allocation scheme and provide a copy of it free of charge to any member of the public who asks for one. A summary is also available on the BCC website.

The full housing allocation scheme (this document) is available for inspection at any of the local housing offices listed in appendix two and is also available on the BCC website www.birmingham.gov.uk/finding-a-home

2.9 Confidentiality

All applications for housing accommodation will be dealt with in a confidential manner.

Information held under the scheme will not be disclosed to any third party, except where:

- the individual who is the subject of such confidential information has consented to disclosure to a third party
- BCC is permitted to disclose the information under data protection legislation
- there is a requirement in law to make such disclosures
- BCC considers that the applicant has given consent for any information held on an application to be shared with other social housing landlords, such as *Registered Social Landlords*, and other agencies.

2.10 Misrepresentation or withholding information

It is a criminal offence for anyone to try and obtain accommodation from BCC by knowingly and recklessly giving a false statement or knowingly withholding information.

Offences under these provisions are prosecuted in the magistrates' court and carry a maximum fine of level 5 on the standard scale.

Failure by an applicant to inform BCC of changes to his/her application, or deliberately withholding information relevant to, or misrepresenting his/her housing circumstances, may result in criminal prosecution.

An applicant considered by BCC to have been guilty of such behaviour will have his/her application subjected to the unacceptable behaviour test detailed in section 2.4.3 or to the less preference procedure detailed in section 3.5.

This may result in the applicant being considered as ineligible for allocation or receiving a reduction in points and thus in priority for housing.

BCC may seek possession of a tenancy that was granted as a result of a false statement and may also attempt to recover any costs incurred.

2.11 Keeping the Housing Register up to date

It is very important that the Housing Register is kept up to date in order to ensure a fair and transparent allocation scheme and that the best use is made of available social housing stock, and to assist in the avoidance of inappropriate allocations of housing.

2.11.1 Annual review of circumstances

BCC will contact all applicants on the Housing Register at least once each year, usually on the anniversary of the original date of registration.

The purpose of this is to check whether there has been any material change in circumstances that may affect an applicant's application status or the number of points awarded.

At annual review, the applicant is requested to complete and return the *annual application review form*. Help is available with completing the form from any of the offices listed at appendix two.

If the applicant does not respond within 28 days the application will be closed and a letter will be sent to the applicant advising of this. BCC may consider the reinstatement of an application up to 3 months after closure without loss of waiting time; see section 2.11.4 below for further details.

An applicant is able to request that correspondence relating to his/her application is sent to a nominated person for him/her to act on his/her behalf. This request must be made in writing; a copy of this will be kept on the applicant's file.

2.11.2 Cancelling an application by BCC

In addition to the circumstances detailed in 2.11.1 above, BCC may cancel an application and remove an applicant from the *Housing Register* in the following circumstances:

- an offer of accommodation has been made and the applicant has failed to respond to the offer or BCC has been unable to establish any contact with the applicant through any of the given contact details; or

- an officer of BCC has visited the applicant at the application address given and has had no response, either from the visit or the request to contact information left at the visit; or
- the applicant has failed to respond to a letter regarding the application when requested to do so, or within a reasonable time.
- at the applicant's request.

Before cancelling the application and removing the applicant from the Housing Register, a letter advising the applicant of the intention to remove him/her and his/her household from the Housing Register will be sent to the applicant's last known contact address 28 days before cancellation will take place.

2.11.3 Changes to the Housing Register between annual reviews

It is the responsibility of the applicant to ensure that any changes to his/her circumstances that may affect either his/her eligibility for allocation or his/her points award are reported to his/her assessing needs team, in writing, as soon as practicably possible. A standard form is available to applicants to assist with this.

Failure to do so may result in action being taken by BCC as detailed in section 2.10 above.

On allocation of accommodation, or on being successfully short-listed through the *choice based lettings* scheme, verification checks into the applicant's current circumstances will be made again to ensure that the allocation is being made in accordance with this published allocation scheme. Any material changes in circumstances, which may impact on eligibility for an allocation, eligibility for a particular size or type of property, or level of priority of the *Housing Register*, may result in the allocation being withdrawn and the application being reviewed in line with procedures described in section 3.

2.11.4 Reinstating a cancelled application

Where an application has been cancelled due to the circumstances in sections 2.11.1 and 2.11.2, consideration will only be given to reinstating the application where:

- the applicant contacts a member of the assessing needs team at one of the offices listed in appendix two within three months of the cancellation date; and
- the applicant is able to provide evidence of good reason for not responding within the required timescales to either of the two annual review letters.

The decision on reinstatement will be made by a housing officer from the assessing needs team. Where a decision is made not to reinstate an

application from the original registration date, the applicant will be informed in writing and invited to make a new application.

2.11.5 Ineligible for an allocation at the applicant's request

The applicant may request that his or her housing application is made ineligible for allocation for a period of time.

This request must usually be made in writing by the applicant or from someone whom the applicant has authorised to act on his or her behalf.

In these instances, the applicant should state the approximate length of time he or she would like the application to be ineligible for offer and the reason for it.

In these circumstances, the assessing needs officer will send a letter of confirmation to the applicant and update the Housing Register to ensure that the applicant is not selected for an allocation during the relevant time period.

It is the applicant's responsibility to inform BCC when he or she would like to be available for allocation again. Until such contact is made, the application will remain in a no allocation status but will continue to attract any waiting time points to which the applicant is entitled.¹⁶

2.11.6 Other changes to the *Housing Register*

There are some circumstances, in addition to those above, where BCC is minded to review an applicant's circumstances or to make changes to his/her entry on the Housing Register.

These include circumstances when:

- the applicant accepts a council tenancy
- the applicant becomes a joint tenant with an existing tenant
- the applicant is assigned a tenancy
- the applicant is granted a secure tenancy on the death of a tenant
- the applicant accepts an *RSL* tenancy
- the applicant buys a property either through the Right to Buy or through the open market
- the applicant inherits a property

¹⁶ See section 3.4.26

- the applicant moves and fails to inform a BCC Housing and Constituencies office (as listed in appendix two) of his/her new address
- BCC discovers that the applicant has supplied false or incomplete information
- BCC receives notification from the estate that the applicant is deceased
- BCC receives information that may change an applicant's eligibility for an allocation, or the preference afforded to them under the points scheme.¹⁷

An officer from the assessing needs team will write to the applicant requesting information, as appropriate in the individual circumstances, or will write to inform him or her of the change made by BCC. Where a decision is made to close an application, remove eligibility, or reduce priority, the applicant will be informed in writing of the intention to do so and given the right to a review of the decision.¹⁸

3 Assessment and priority for housing

3.1 Overview

The Act requires all local authorities to have an allocation scheme for determining priorities.¹⁹

BCC operates a points-based system to assess the relative housing priority of applicants on the Housing Register. BCC uses the points scheme to ensure that overall, priority is given to the reasonable preference groups set out in *the Act*.²⁰

The reasonable preference categories set out in Part 6 of *the Act* are:

- a) people who are *homeless* (within the meaning of Part 7 of Housing Act 1996);
- b) people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any such authority under s192(3);

¹⁷ See section three

¹⁸ Review procedures are detailed in appendix 6

¹⁹ s167(1)

²⁰ s167(2)

- c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- d) people who need to move on medical or welfare grounds, including grounds relating to disability; and
- e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

BCC uses the points scheme to give reasonable preference to these groups by giving applicants within the categories more preference overall than others on the Housing Register.

This section sets out:

- how multiple needs are recognised;
- the categories of housing circumstances that are awarded points in BCC's allocation scheme;
- how the points are awarded;
- the categories of points that cannot normally be awarded together;
- the overarching banding system, which assists applicants in gauging relative position on the *Housing Register*; and
- when an applicant may have a reduction in the points award as a result of certain circumstances.

3.2 Cumulative housing need

The points system operates in such a way that an applicant can be given more than one category of allocation points.

Where an applicant's circumstances attract more than one category of points, these points are usually added together to give a points total.

Some categories of points cannot be awarded along with other categories to the same applicant. These are detailed below in the descriptions of the allocation categories. This is usually because an applicant and his/her household may have already had the same housing circumstances recognised through the award of a different category of allocation points.

Applicants will not be awarded points more than once in recognition of the same housing circumstances. Where there are two or more awards which may recognise the same housing conditions, for example an applicant had 50 points for domestic violence but then makes a homeless application due to

the domestic violence and is found to be owed the main homeless duty, then the higher points award will be given, not both.

Once an application has been assessed and the total number of points awarded, each application will be placed in a housing needs band from A to D. This banding is only used to help an applicant to understand his or her relative position on the Housing Register. It may also be used in the *CBL* scheme to indicate the level of priority required to *bid* for specified properties.

The band thresholds are detailed in appendix 4, along with the allocation points awarded for the category of need. It is important to note that applicants within a band do not all have the same points and they will be ordered within the band according to the individual points levels, and, notwithstanding the exceptions set out in section 5.4, allocations to properties will be made in points order, as described in sections 5.1 and 5.3.

3.3 Allocation points

BCC operates a points system to rank applicants on the Housing Register in terms of priority for re-housing in accordance with this allocation scheme.

Details of the number of points awarded for each category are held in the points table at appendix four.

The applicant with the highest points will generally be allocated the next available property that matches his or her requirements and preferences and for which he/she is eligible. More details on how properties are allocated can be found in section five.

3.4 Points categories

Details of the number of points awarded for each of the categories below can be found in the points table at appendix four.

3.4.1 Releasing a valuable *adapted property*

These points are available to an applicant who is the tenant of a *social rented unit* within BCC boundaries and who wishes to move from a property that has major adaptations or facilities that would make it suitable for allocation to another applicant on the Housing Register in need of an adapted property.

The points will be awarded once BCC is satisfied that:

- the adaptations in the property are not obsolete; and
- the property is adapted to such an extent that it could be used to meet the needs of an applicant on the housing register; and
- the applicant, or any member of his or her household, no longer needs the adaptations.

The assessment will be carried out by a housing officer, following a home visit and advice, where appropriate, from the Housing *occupational therapist*.

3.4.2 Releasing an under-occupied property

These points are available to an applicant who is the tenant of a *social rented unit* within BCC boundaries and who is currently under-occupying that property by at least one bedroom and wishes to move to a smaller property.

The points are not available to applicants whose current property is scheduled for sale, demolition or redevelopment.

Points can only be awarded where BCC will be given vacant possession of the under-occupied property on the applicant being allocated a smaller property. For example, if the tenant of the property wishes to move to a smaller property, but is currently living with other people who will not be moving with him/her, the points will not be awarded until BCC is satisfied that the other people in the household have made their own arrangements for re-housing. Whilst the other household members may be eligible to join the Housing Register, there is no guarantee that they will be eligible for an allocation or that they would have sufficient priority on the Housing Register to secure an allocation. Where circumstances are such that another resident of the under-occupied property provides support or care for the applicant, BCC must still be satisfied that alternative housing accommodation would be available to him/her on allocation to the applicant before points in this category can be awarded.

The number of points awarded in this category depends upon the size of the property being vacated and the size of the property the applicant and his/her household require (see table at appendix four).

The standard property eligibility rules are relaxed for re-housing applicants who have been awarded points in this category (see section four).

3.4.3 Statutory overcrowding

These points are available to an applicant whose household is overcrowded by either the Room Standard or the Space Standard as set out in the Housing Act 1985²¹. These standards are detailed in appendix five.

The points awarded are detailed in the table at appendix four. Points are awarded for being statutorily overcrowded and additional points are awarded according to the number of bedrooms lacking.

In assessing whether an applicant and his or her household are overcrowded according to the Room or Space Standard, BCC will not consider whether the overcrowding has resulted from *natural growth*. However, due consideration will be given to any deliberate worsening of circumstances which has given

²¹ Housing Act 1985 ss 325–326

rise to the overcrowding. See section 3.5 below, which details less preference.

A housing officer will carry out all assessments for statutory overcrowding and the points award will be authorised by a local housing manager. Visits may be carried out to verify the space standards claimed by the applicant. It should be noted that all rooms, excluding bathrooms, toilets and kitchens, are included in the statutory overcrowding calculations.

These points cannot be awarded along with any homeless points where the reason for homelessness is related to overcrowded conditions or with points for unsatisfactory housing conditions if the hazard relates to an overcrowded situation.

3.4.4 Overcrowding (non statutory)

BCC also awards points to an applicant whose household is overcrowded, but not to the degree that it is statutorily overcrowded.

Points are awarded according to the number of bedrooms required by the total number of people residing with the applicant, regardless of whether those people form part of the applicant's household (any *host household* is taken into account). This applies to single dwelling places only, not houses in multiple occupation, hostels or similar accommodation types. For example, an applicant who lives in a three bedroom property with mother, father, and three siblings, but who wishes to move alone into a one bedroom property, will have his/her overcrowding assessed according to the number of bedrooms required by the applicant, his/her mother, father and siblings in line with the rules set out below.

BCC applies the following rules²² when assessing non-statutory overcrowding:

- a) Each of the following categories should have a bedroom of its own:
- a *couple*
 - a person aged 18 or over
 - two persons of the same gender, up to and including the age of 17
 - two persons of opposite gender, up to and including the age of 9
 - a person up to and including the age of 17 who can not be paired with another occupier in the household, according to the rules above.
 - a household with an expectant mother will have the unborn baby taken into account in the calculation of overcrowding after proof of pregnancy has been received²³.

²² Based on the *Bedroom Standard* but more generous in that they take account of some space standards and apply a lower age for reaching adulthood.

²³ Rules on property eligibility when there is an unborn child can be found in section 4.2.1.

- b) Some bedrooms are not suitable for sharing according to the rules above due to the size of the room:
- Bedrooms under 50 square feet will not be included in the calculation.
 - Bedrooms more than 50 but less than 90 square feet will be classed as a single room, suitable for one person.
 - Bedrooms over 90 square feet will be classed as a double room, suitable for two people.

Overcrowding is assessed by a housing officer using information given on the application form and suitable verification checks, which may include a visit to the application address.

The applicant is responsible for informing BCC whenever anyone leaves or joins his/her household or any household with which he/she is living. When BCC finds out by some other means, for example, at the point of allocation through verification of current circumstances, the application may then be subject to a reduction in the number of points awarded (see section 3.5 on less preference).

These points cannot be awarded along with any homeless points where the reason for homelessness is related to overcrowded conditions, or with points for unsatisfactory housing conditions if the award relates to an overcrowded situation.

3.4.5 Demolition and regeneration (clearance)

These points are available to an applicant, who is the tenant, owner or leaseholder of a property in a designated clearance or regeneration area in Birmingham.

The points are awarded by a housing officer on the clearance team some time after BCC cabinet has approved the regeneration and clearance. The clearance team will determine at which time, post cabinet decision, the points will be added to an application. Factors influencing the decision may include: the number of households to be re-housed, the time available to achieve the re-housing, and any other clearance programmes already underway in the city.

In exceptional circumstances, for example where rehousing an applicant from a clearance area would be impossible to achieve due to family size or composition, the council will consider awarding clearance points to more than one household within the clearance property. This decision will be made by the clearance project manager.

Points in this category cannot be awarded along with leasehold expiry points, home closure points or decommission of Supporting People accommodation points (see sections 3.4.6 – 8).

3.4.6 Leasehold expiry

These points are available to an applicant who is currently a BCC tenant of a property for which BCC does not own the freehold and the lease is coming to an end.

The points will be awarded by a housing officer on the clearance team up to 12 months before the lease is due to expire.

Points in this category cannot be awarded along with clearance points (3.4.5), or homeless points (section 3.4.10) (where reason for homelessness is due to the end of the lease).

3.4.7 Residential home closure

These points are available to an applicant currently residing in a residential home in Birmingham and:

- BCC cabinet has approved the closure of the home, or
- closure of the home forms part of BCC's strategic plans for re-provision for that client group.

Additionally, in order to be eligible for this points category, the applicant must have been assessed as having the ability to live independently. The relevant social services directorate within BCC and a housing officer from the Housing Pathways Service will carry out this assessment and the assessment of any other support or housing needs.

3.4.8 Decommission of Supporting People funded, or other hostel accommodation

These points are available to an applicant currently residing in accommodation funded as part of the BCC Supporting People programme where the *commissioning body* has approved the *decommissioning* of the service.

Additionally, in order to be eligible for this points category, the applicant must have been assessed as having the ability to live independently. This assessment and the assessment of any other support or housing needs will be carried out by the specialist service relevant to the client group and a housing officer from the Housing Pathways Service.

The decision on awarding the points will be made by the housing officer from the Housing Pathways Service.

3.4.9 Health and Care

There are three categories of points awards that relate to the health and care needs of an applicant or any member of his/her household.

Points can be awarded for one or more of the categories if an applicant or any member of his household meets the criteria for them.

Points awarded in this category can be awarded along with any other points in the scheme with the exception of homeless main duty points where the reason for homelessness is due to the relationship between the last settled accommodation and the applicant's or any member of his/her household's medical condition and where the applicant has refused temporary accommodation and is staying at the address from which homelessness occurred.

The points awarded in the health and care category are detailed in the table at appendix 4.

How to apply

In order to be considered for any of the health and care points, the applicant must complete a health and housing priority application form and submit any documentation and evidence available in support of his/her application to the local assessing needs team or the clearance team if there is an active re-housing programme ongoing. Officers are then responsible for checking the form for completion and for initial screening to ensure that, broadly, the criteria are met.

The form will then be passed to the Health and Housing team in central allocations for assessment.

Who decides?

For all categories, the assessment is carried out by the Health and Housing Panel, which is made up of the allocations officer (Health and Housing), the allocations manager and one or more health professionals sitting in an advisory capacity. The health professionals may include a community physician, an occupational therapist or a mental health specialist.

The panel may decide to award urgent need points, high need points, support and care points, or not to award any points at all. The panel may also give a property type or location recommendation that is directly related to the information and evidence submitted on the health and care application form. For example, the points may be awarded for a property in a specific locality: if the applicant subsequently bids for a property in a different locality, or chooses a different locality for allocation selection, any allocation may be withdrawn and the points award reviewed.

3.4.9.1 Medical points

Urgent points award – criteria

- The applicant or a member of his/her household has a condition that severely restricts or otherwise impacts on his or her ability to live in the current accommodation, and/or the condition is being made significantly worse by the current accommodation, or
- The applicant or member of his/her household has a long-term and enduring mental health condition that is being made significantly worse by the current accommodation, and
- Where a health and social care specialist has stated that the current accommodation significantly increases the severity of the illness and or adversely impacts on his or her quality of life, or
- Where a consultant psychiatrist has stated that the current accommodation significantly and adversely impacts on the mental health of the applicant or any member of his/her household

High Points award – criteria

- An applicant, or member of his/her household, usually has a chronic condition, for example, a respiratory condition, severe asthma or emphysema, and that the condition is being made worse by the current accommodation, or
- An applicant or member of his/her household has a long term and enduring mental health condition that is being made worse by the current accommodation, and
- A health and social care specialist has indicated that the condition of the current accommodation and immediate environment is affecting the health of the applicant or any member of his/her household, for example, where the applicant has advised BCC of unsatisfactory housing conditions, such as damp or inadequate heating, and where there are no other remedies available, or
- A consultant psychiatrist or a CPN has stated that the current accommodation is having a detrimental impact on the mental health of any member of the household.

3.4.9.2 Mobility and access points

Urgent points award – criteria

- An applicant or member of his/her household has a serious disability and/or an acute deterioration of mobility or progressive mobility problems, which makes the present housing situation hazardous, and extremely difficult to mobilise within, and

where the occupational therapist has identified that:

- the current home is not fully adapted for the needs of any member of the household and that a wheelchair accessible property is needed
or
- that the bedroom, bathroom and toilet all need to be on one single level, but currently can only be accessed by stairs and there is no vertical or stair lift.
or
- the applicant or any member of his or her household requires an adapted property to meet the needs of the household but the current home cannot be adapted.

High points award – criteria

- An applicant or member of his/her household has a housing need linked to a disability and or mobility problem that makes the present housing very difficult to cope with, and
- The Housing occupational therapist has identified that the current accommodation is partially suitable but:
 - the applicant or member of his/her household needs a major adaptation, such as a level access shower, or
 - the applicant or member of his/her household has significant difficulty managing stairs, or difficulty accessing the property, owing to stairs or slopes leading to doorways and the OT recommends a lift, ramped access or ground floor living, or
 - the applicant's ability to live independently would be improved by moving to a different locality or a different property type.

3.4.9.3 Medical care and support

This category does not attract urgent or high awards like those mentioned in 3.4.9.1 and 3.4.9.2.

Criteria

- The applicant is the main carer, of a friend or relative who has a medical condition or disability, and needs to move to provide care and support for that particular friend or relative and without that support the friend or relative would be at serious risk of harm or social exclusions; or
- An applicant or member of his/her household has a serious medical condition or disability and needs to move to receive medical treatment/care or support; and
- The applicant's health care specialist, Community Care assessment or relevant support agency recommends that it is essential for the applicant or member of his/her household to be re-housed in a different locality in order to receive medical treatment/care or support; and
- The treatment is **only** available at the location near to where the applicant wishes to move; and
- There are no alternatives to re-housing, for example, could the applicant, or the relevant member of the household, reasonably be expected to travel by public transport to the hospital or other medical facility for treatment, taking into account the nature and severity of the illness or disability, the distance from the current accommodation and the availability and frequency of public transport etc.

3.4.9.4 Other outcomes – property type or location recommendations

In addition to medical, mobility or care points, the Health and Housing Panel may also decide to give a property recommendation or location recommendation upon which the points award is conditional.

The property recommendation will be the most appropriate type of accommodation that would meet the needs of the person(s) with the health and care needs.

In some cases, the Health and Housing Panel may decide not to award medical or mobility points, but may still decide to make a property recommendation, based on the applicant's particular medical needs. Examples of applications which may receive a property recommendation, but no medical or mobility points award, are where the applicant or member of his/her household has a medical condition or disability, not currently impacted by their current accommodation, but needs to move out of that accommodation for other reasons, such as applicants with clearance points or homeless applicants to whom the main duty is owed who are living in *temporary accommodation* and who need to be re-housed into a specific type of property to ensure the accommodation offered is suitable.

3.4.10 Homelessness

The allocation scheme gives reasonable preference to the two reasonable preference categories that mention homelessness in *the Act*²⁴, namely:

- people who are homeless (within the meaning of Part 7)
- and
- people who are owed a duty by any local authority under section 190(2), 193(2) or section 195(2) or who are occupying accommodation secured under s192(3).

To fall within the first reasonable preference category, the applicant need not physically have made an application for homelessness assistance to any local authority.

The definition of homelessness within Part 7²⁵ provides that a person is homeless if he or she has no accommodation available for occupation in the UK or elsewhere, which he or she:

- is entitled to occupy by virtue of an interest in it or by virtue of an order of the court; or
- has an express or implied licence to occupy; or
- occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another to recover possession.

A person is also homeless if he or she has accommodation but:

- he or she cannot secure entry to it; or
- it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.

A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable to continue to occupy.

3.4.10.1 Homeless within the meaning of Part 7

These points are available to an applicant who is homeless but who is not, or not yet, owed a statutory duty by any local authority under any of the sections mentioned in the second reasonable preference category²⁶.

²⁴ s167(2) Housing Act 1996 as amended by Homelessness Act 2002

²⁵ ss 175-178 Housing Act 1996

²⁶ s190(2), s193(2), s195(2) or occupying accommodation secured under s192(3) Housing Act 1996

Applicants who are awarded points in this category cannot also be awarded points from any other homeless points category described in this document or move on points described in section 3.4.16.

Examples of when the housing officer may award the points, taking account of the definition of homelessness contained in statute, are where:

- the applicant is sleeping rough or living in a squat; or
- the applicant is staying in crisis accommodation, living in crisis accommodation such as a night shelter; or
- has no valid implied or express licence or tenancy agreement with a *temporary accommodation* provider or anyone else; or
- the applicant has been assessed by the homeless team as eligible for assistance, homeless and not in priority need; or
- the applicant was previously owed a duty under s190(2) of *the Act* and the applicant is still homeless after the duty has been fulfilled.

Where the council has reason to believe that the applicant is homeless or threatened with homelessness then a homeless application must be taken.

3.4.10.2 Homeless – Main Duty

These points are available to an applicant who has been found by a BCC homelessness officer to be owed the main housing duty under s193(2) of *the Act*, or who is owed the main duty by any local housing authority. Those owed a duty under s195(2) of *the Act* may also be awarded these points.

In the case of an applicant owed the duty by BCC, the points are awarded by a BCC homeless officer. However, the homeless applicant will also need to have completed a Part 6 application in order for a full housing needs assessment to be undertaken by an assessing needs officer.

An applicant owed one of the duties above by any other local authority may have his/her points reduced through BCC's power to give less preference to those with no local connection to Birmingham, or for any of the other less preference reasons. Applicants owed the duty by BCC will not be subject to the less preference reduction in points (see section 3.5 on less preference)

These points cannot be awarded with any other homeless points, or with any other points that would otherwise reflect the reason for homelessness – for example, an applicant who is homeless because it is not reasonable for him/her to continue to occupy accommodation available to him/her because of domestic violence cannot also be awarded points in the domestic violence category.

3.4.10.3 Homeless – duty under s190(2)(a) of *the Act*

These points are available to an applicant who is owed a duty under s190(2)(a) of the Housing Act 1996 by BCC or any local authority.

An applicant in this category has been found to be homeless, eligible for assistance, in priority need, but to have become homeless intentionally.

The applicant will usually be residing in *temporary accommodation* provided by BCC in recognition of that s190(2)(a) duty, whilst the applicant has a reasonable opportunity of securing his/her own accommodation.

The assessing needs officer will award the points on notification from the applicant that he/she is the beneficiary of this Part 7 duty.

These points cannot be awarded with any other homeless points and will be removed when BCC ceases to provide accommodation under s190(2)(a). It is the responsibility of the applicant to notify BCC assessing needs team of this, or any other change in circumstances (see section two and the section on less preference 3.5).

On removal of the points in this category the applicant may become eligible for the points described in section 3.4.10.1, depending upon whether the applicant has secured his/her own accommodation.

3.4.11 Ex Her Majesty's armed forces personnel

These points are available to an applicant who has served in Her Majesty's armed forces and who:

- has been discharged from armed service in the six months preceding the date of application; or
 - has a date for discharge within the next six months
- and
- has a local connection with Birmingham or lived in Birmingham prior to joining the armed forces
- and
- discharge documents (or equivalent) and certification of cessation of entitlement to occupy a service quarter documents have been provided to the deciding officer.

These points will be awarded by a housing officer on the Housing Pathways team following verification of the circumstances set out above.

These points cannot be awarded along with any homeless points (Section 3.4.10).

3.4.12 Former BCC service tenants

These points are available to an applicant who is currently residing in accommodation provided by BCC as part of the terms and conditions of employment, but where BCC require the property to be vacated because:

- the applicant is retiring from employment with BCC within the next 6 months and the on-site accommodation will be required for a new employee; or
- the site on which the accommodation is situated is to be redeveloped and there will be no future provision as part of that new development for the applicant²⁷; or
- the applicant's terms or conditions of employment are changing and he/she is no longer required to live on-site in accommodation tied to the job role; or
- the accommodation is due to be demolished due to structural defects and there will be no future provision of on site accommodation tied to the applicant's employment with BCC.

Applicants meeting any one of the criteria set out above will be awarded the points up to six months prior to the scheduled loss of accommodation.

These points cannot be awarded with homelessness points (section 3.4.10) or points for clearance (section 3.4.5), where the homelessness or clearance arises from the service tenant losing his/her service accommodation.

3.4.13 Child in Need

A child in need is defined under the Children Act 1989 as:

“A child who is unlikely to achieve or maintain or to have the opportunity of achieving or maintaining a reasonable standard of health or development without the provision of services by a local authority; the child's health or development is likely to be significantly impaired or further impaired without the provision of services by a local authority or the child is disabled.”

This points category is to recognise any additional housing needs of a child who is part of an applicant's household, or who is himself/herself the applicant, where those needs have not been recognised elsewhere in this allocation scheme.

These points are available to an applicant, or member of his/her household, when all of the following criteria have been met:

- a child has been assessed as a child in need following a statutory assessment by BCC Children, Young People and Families Directorate; and

²⁷ Providing points have not already been awarded under the clearance and demolition category at section 3.4.5

- the social worker who carried out the statutory assessment has made a referral to the Housing Pathways team using a multi agency proforma in line with agreed protocol; and
- the social worker has clearly indicated the aspect(s) of the child's development hindered by the current housing circumstances; and
- those housing circumstances have not already been reflected through the award of points from other categories of points available to the applicant in this allocation scheme; and
- the deciding officer from the Housing Pathways team is satisfied that the referral is appropriate and is in line with the duties of BCC housing as a corporate parent.

A housing officer from the Housing Pathways team decides whether to award the points in this category based on the criteria above.

These points cannot be awarded along with points from any of the other categories relating to referrals under the Children Act, or with any other points that are awarded in recognition of the same housing circumstances that have formed the basis of the child in need referral.

3.4.14 Fostering and adoption

These points are available to assist an applicant who needs more bedrooms because he/she has been approved by the relevant agencies to foster or adopt child/ren. This is in line with the Housing and Constituencies Directorate's duty to safeguard and promote the welfare of children and their families.

A housing officer from the Housing Pathways team is responsible for deciding whether to award these points. In order to reach a decision to award the points, all of the following criteria must have been met:

- a referral has been made to the Housing Pathways team by a social worker in the Fostering and Adoption section of BCC's Children, Young People and Families Directorate using the prescribed multi agency proforma. There should be sufficient evidence supplied with the proforma to support the statements held within it; and
- there has been a statutory assessment confirming the applicant has been approved to foster or adopt a child; and
- larger accommodation is required to continue or begin fostering or adoption arrangements; and
- in the opinion of the housing officer on the Housing Pathways team and the social worker, re-housing is the most appropriate solution in that it would address the needs of the applicant and the child.

It should be noted that the child does not have to be living with the applicant at the time of referral but the approval for fostering or adoption must be evidenced and the intention to adopt or foster the child must be apparent.

Unless under specific direction from the courts to instruct BCC to make provision for the applicant to be allocated a property large enough for the child to be given a bedroom of his/her own, the applicant will be eligible for a property suitable to meet the needs of his/her household in line with the standard property allocation criteria set out in section 4.

These points cannot be awarded along with any other Children Act related referral. The points cannot be awarded where the housing needs have already been recognised through the award of points from one of the other categories in this scheme. Where more than one points award could be applied, the category that would attract the most points will be awarded.

3.4.15 Care leavers

A care leaver is defined as a young person who has been assessed as a 'relevant child' under the Children (Leaving Care) Act 2002 by BCC's Children, Young People and Families Directorate.

These points are available to an applicant where all of the following criteria have been met:

- the applicant is a young person who has been referred to the Housing Pathways team by the 16 Plus Care Leavers Service; and
- the applicant and the 16 Plus Care Leaver personal adviser have reached agreement that the applicant will be ready for independent living, as support plan outcomes have been met, or will be met within 3 months; and
- there is evidence of a *pathway plan*; and
- there is a named aftercare adviser to support the individual care leaver.

Referrals can be accepted up to six months before the applicant leaves care or 6 months before his/her 18th birthday.

These points cannot be awarded along with move on points or any of the other Children Act related points in sections 3.4.13 and 3.4.12, nor with any main duty homeless points (section 3.4.10.2).

3.4.16 Move on

Birmingham has a number of direct access hostels and specialist accommodation providers that provide short term accommodation. Applicants

moving on from short-term accommodation (up to two years' duration) who are capable of independent living can be assessed for points in this category.

These points are available to an applicant who is:

- currently living in a direct access hostel in Birmingham who has low support needs and has already successfully completed a support plan; or
- currently living in short term (up to two years) Supporting People funded accommodation, or other BCC funded supported housing, and the applicant and the accommodation provider have reached agreement that the applicant will be ready for independent living within six months because support plan outcomes will have been met, or already have been met. These points can be awarded up to six months prior to completion of the support package.

The points will be awarded by an officer from the Move On team after he/she is satisfied that the applicant's capacity for independent living has been appropriately assessed by the accommodation or support provider.

On selection for an allocation, further checks may be made to verify that the applicant will be able to live independently with some floating or transitional support if required. Should the criteria not be met at the point of allocation (or short-listing where the applicant has placed a bid in the *CBL* scheme) the move on points may be removed, which may result in the applicant no longer having sufficient points to secure the allocation of that accommodation.

These points cannot be awarded with points from the homeless categories set out in section 3.4.10.

3.4.17 Unsatisfactory housing conditions

These points may be available to an applicant, and his/her household, who is living in unsatisfactory housing conditions, defined as category one or two hazards under the Housing Health and Safety Rating System.²⁸

The points may be awarded by a housing officer with responsibility for assessing needs after one of the following situations occurs:

- an applicant produces documentation from a local authority environmental health officer stating that the applicant's current accommodation is considered hazardous²⁹ to the applicant's, or any member of the applicant's household's, health; or

²⁸ Housing Act 2004 Part 1

²⁹ As defined by the Housing Act 2004

- a management order³⁰ has been served by any local authority on the accommodation in which the applicant currently lives; or
- an improvement notice has been served by any local authority where category one or two hazards have been identified in the applicant's current accommodation.

The points will not be awarded if there has been a subsequent remedial action to remove the identified hazards, or where the time period for remedial action has not yet elapsed.

The decisions on when the points will be added to an application will be taken by the housing officer in conjunction with the environmental health officer.

The housing officer will keep the case under regular review in liaison with the relevant environmental health department, to identify whether remedial action has taken place: where points have been awarded in this category and subsequent remedial action has taken place, the points will be removed from the application.

Where the category one or two hazards relate to circumstances that have already been recognised by the allocation scheme, the points for that particular hazard will not be added to the application. For example, if an applicant has already been awarded health and care points because of difficulty in managing stairs in the property, additional hazard points for stairs will not be awarded.

These points cannot be awarded along with homeless category points where the reason for homelessness is related to unsatisfactory housing conditions as described above. The points can not be awarded with clearance points if the reason for clearance relate directly to the hazardous conditions identified by the EHO.

3.4.18 Hardship

These points may be available to an applicant who needs to move to a particular locality in Birmingham to avoid hardship to himself or others.

An applicant will be awarded these points where there is sufficient evidence to show that:

- he or she, or a member of his or her household, **needs** to move to a particular locality in Birmingham to take up employment, education or training; or

³⁰ Housing Act 2004, Part 4 ss 101 – 147

- he or she, or a member of his or her household, **needs** to move to a particular locality to give or receive social care or support.

In reaching the decision to award hardship points, a housing officer with assessing needs responsibility will consider:

- any financial, social, physical or emotional hardship caused by the distance of the particular locality required from the applicant's current accommodation; and
- the availability of alternative support, care, employment, training or education within a reasonable distance to the applicant's current accommodation, taking into account the availability and frequency of public transport.

BCC will only award hardship points where there is a demonstrable **need** to move to a particular locality and not simply an aspiration or desire.

The award of these points may mean that the applicant is restricted from being considered for an allocation³¹ of accommodation outside of that particular locality. Should the applicant subsequently exercise his/her choice to be made an allocation, or to express an interest³², in other localities in the city the hardship points may be removed and the applicant informed of this in writing.

3.4.19 Welfare

- This points category is to assist an applicant, or a member of his or household, with specific support and social needs, to secure a firm foundation from which to build a stable life. The award of these points is usually only considered on referral from an agency. Appropriate agencies are those agreed by the Housing Pathways Service.

In carrying out the assessment the housing officer from the Housing Pathways Service will award the points where:

- the applicant, or member of his or her household, has low level or no support and social needs; and
- the applicant, or member of his or her household, is positively engaging with his or her support agency, for example, attending scheduled appointments; and

³¹ This includes an allocation made through the BCC *CBL* scheme.

³² Through the *CBL* scheme

- it has been identified by the referring agency that without the support to access accommodation, the risk of re-offending or of falling back into a previous lifestyle is increased; or
- the current housing circumstances are undermining the applicant's, or a member of his or her household's, recovery or exit from the existing lifestyle; and
- in the case of a single person household, the applicant and his or her personal adviser from the aforementioned agency, have reached agreement that the applicant will be ready for independent living, as support plan outcomes will have been met within six months from the date of application; or
- ongoing statutory agency intervention is required.

On selection for an allocation further checks may be made to verify that the applicant will be able to live independently with some floating or transitional support if required. Should the criteria not be met at the point of allocation (or short-listing where the applicant has placed a bid in the *CBL* scheme) the welfare points may be removed, which may result in the applicant no longer having sufficient points to secure the allocation of that accommodation.

3.4.20 Witness protection

In order to protect witnesses of crimes BCC uses the West Midlands Witness Protection protocol to determine the level of urgency required in helping such a witness to secure alternative accommodation.

A referral to the Housing Pathways service from a police officer of the rank of Inspector or above from the West Midlands Police or a referral from the national witness protection scheme will be treated as follows:

National witness protection referral

Persons referred under this scheme will be considered for a direct let (see section 5.4).

Police tier 1

Persons that have scored 17 or more on the *SOCPA scorecard* and who are referred to the Housing Pathways service for accommodation will usually be treated as having made a homeless application under Part 7 of the Housing Act 1996, since such a high score indicates that there is a real threat of violence or of an attempt on the life of a witness to crime.

Where the person does not require or does not wish to apply for permanent housing via a homeless application under Part 7, interim accommodation may be provided.

Police tier 2

This category of referral from a West Midlands police officer of the rank of Inspector or above may result in a witness being awarded points in BCC allocation scheme.

These points may be available to an applicant if he or she, or any member of his or her household, has scored between 14 and 16 (inclusive) on the *SOCPA scorecard*.

Points from police referrals can only be awarded by housing officers or a manager in the Housing Pathways Service or by the head of housing needs. Local housing teams will need to refer enquiries from local police liaison officers regarding witnesses to crime to the Housing Pathways service.

Before reaching a decision to award the points in this category, the housing officer will investigate the circumstances of the case in conjunction with the police and will consider other remedies available.

3.4.21 Domestic violence

These points are available to an applicant where the following criteria are met:

- the applicant or a member of his or her household is a victim of *domestic violence*; and
- there is no immediate threat or threat within 28 days; and
- there is ongoing risk likely to impact after 28 days.

The points can only be awarded on approval by an assessing needs housing officer. In reaching a decision, the officer may consider the legal remedies available to, and tried by, the applicant as well as any risks that may have been identified by the police.

These points cannot be awarded alongside any points for homelessness, where the reason for homelessness was linked to domestic violence.

3.4.22 Harassment

These points may be available to an applicant where the following criteria are met:

- the applicant, or a member of his or her household, is a victim of non violent harassment; and
- the harassment is ongoing and has been sustained; and
- the applicant has done everything in his or her power to identify the perpetrator but is unable to do so; and

- *BASBU* and/or a housing management antisocial behaviour housing officer have been involved in the case and have been unable to identify the perpetrator and have confirmed to the housing officer responsible for assessing needs that they are unable to take any further action into the applicant's reports of harassment.

Points can only be awarded if the applicant is referred from *BASBU* or by an officer in the housing management ASB team. The decision to award the points is made by an assessing needs housing officer.

These points cannot be awarded alongside any homeless points (see section 3.4.10) where the reason for homelessness was linked to harassment.

3.4.23 Sharing facilities

These points may be available to an applicant who has to share facilities with others who are not a member of his or her household and are not members of a *host household* with whom he or she is living.

These points will usually be awarded only to applicants living in hostel accommodation or *houses in multiple occupation* (HMOs).

The decision to award the points is made by an assessing needs housing officer.

Points will be awarded for sharing a bathroom or toilet and for sharing a kitchen (see points table at appendix four).

These points will not be awarded with living with family and friends points described in section 3.4.24 since the criteria for each are mutually exclusive.

3.4.24 Living with family or friends

These points may be awarded to an applicant whose household is currently living with friends or family.

This award is assessed by an assessing needs officer.

Points are awarded to denote unsatisfactory housing conditions relating to sharing facilities, such as kitchen and bathroom. This is a one-off award for sharing any facilities with family or friends. It cannot be awarded with sharing facility points described in section 3.4.23 since the criteria for each are mutually exclusive.

3.4.25 Management points

These points may be awarded by the assessing needs senior officer panel.

Points may be awarded to address either:

- aspects of housing need that fall into one of the reasonable preference categories as described in *the Act*³³ but which have not been sufficiently recognised elsewhere in the allocation scheme due to the exceptional nature of an applicant's circumstances; or
- the need for BCC to make the best use of its existing housing stock.

The award of points in this category is rare. Applicants are not able to self refer their application: referrals are made from BCC housing managers after checks have been made to ensure that either:

- all of the allocation points available to the applicant have been awarded in accordance with the allocation scheme and that there are exceptional unrecognised housing needs that fall into one of the *reasonable preference* or additional preference categories; or
- the award of management points to facilitate a move for the applicant would support BCC's objective of making the best use of its existing housing stock.

Points awarded by the panel vary from 50 to 200, with 50 points being awarded for the least urgent cases and 200 for exceptionally urgent cases. The panel consists of senior officers from the Housing Needs section or from the housing management assessing needs function.

3.4.26 Waiting time

BCC recognises the length of time that an applicant has been waiting on the Housing Register with allocation points category, as described in sections 3.4.1 to 3.4.25 in this section, by annually giving waiting points for each of the allocation points categories he or she has been awarded.

One point per allocation points category will be awarded on the anniversary of the date the points were added to the application. For example, when Mr Jones was accepted onto the Housing Register in June 2006, he was not entitled to any points. In September 2006 he was awarded medical points and in January 2007 he was awarded hardship points. In September 2007 he was awarded one further point in recognition of the period waiting with a medical need and in January 2008 he was awarded another point to reflect his period of time waiting, with a need to move on hardship grounds.

Applicants are only given waiting points if they are in housing need, that is to say that they have one of the points categories detailed in the points table at appendix 4.

Applicants do not attract waiting time if they have had the number of points reduced because of any of the reasons detailed in section 3.5.

³³ s167(2) Housing Act 1996 as amended by Homelessness Act 2002

3.5 When BCC may reduce an applicant's points

The Act gives BCC the power to reduce the preference (points in BCC's allocation scheme) an applicant has been awarded³⁴.

The circumstances in which BCC may exercise its discretion to reduce an applicant's preference on the Housing Register are described in this section.

Less preference is given by reducing the total number of points an applicant has been awarded by either 90 per cent or 50 per cent, depending on the individual circumstances of each applicant.

Applicants have the right to request a review of a decision to give less preference for any of the reasons set out in this section (see appendix 6).

3.5.1 Financial resources available to an applicant to meet his or her housing costs³⁵

3.5.1.1 Equity and assets

An applicant and his/her household with assets or equity in a property with a net value of more than £50,000 will have this taken into account when his or her application is assessed.

In considering whether to reduce any preference for this reason, a housing officer will take into account all circumstances including:

- the alternative housing solutions that may be available to the applicant, for example, low cost home ownership, renting in the private sector, purchasing a property on the open market or funding adaptations to his or her current home; and
- the individual circumstances of the applicant and his or her household, for example, the number of dependents, income, age, vulnerability and health.

Where a housing officer decides to reduce preference on this ground the decision will be authorised by a local housing manager or equivalent. Points will be reduced by 90 per cent.

3.5.1.2 Income

The income of an applicant, and his or her partner where the applicant is part of a *couple*, will be taken into account when his or her application is assessed.

³⁴ s167(2)(A) Housing Act 1996 as amended by Homelessness Act 2002

³⁵ s167(2)(A)(a) Housing Act 1996 as amended by Homelessness Act 2002

Where there is a net income of between £30,000 and £50,000 per annum a 50 per cent point reduction may be applied and where there is an income over £50,000 per annum the reduction may be 90 per cent.

In considering whether to reduce any preference for this reason, a housing officer will take into account all circumstances including:

- the alternative housing solutions that may be available to the applicant, for example, low cost home ownership, renting in the private sector, purchasing a property on the open market or funding adaptations to his or her current home; and
- the individual circumstances of the applicant and his or her household, for example, the number of dependents, the nature and security of the income, age, vulnerability and health.

Where a housing officer decides to reduce preference by 90 per cent, the decision will be authorised by a local housing manager or equivalent.

3.5.2 No local connection to Birmingham

BCC may reduce the number of points an applicant may otherwise have been awarded if the applicant or a member of his or her household has no established local connection with Birmingham.

Local connection for these purposes is defined by s199 of the Housing Act 1996.

Where there is no established local connection an applicant's allocation points will be reduced by 90 per cent. If the applicant has no established local connection with any local authority area, then the points may not be reduced.

3.5.3 Behaviour which affects suitability to be a tenant

In considering whether to reduce an applicant's allocation points BCC may also consider any behaviour that affects his or her suitability to be a tenant.

Whilst an applicant may have passed the *unacceptable behaviour test* (see section 2.4.3 – 2.4.6) and be eligible for an allocation, a housing officer with responsibility for assessing needs may decide that the applicant's points should be reduced due to any behaviour of the applicant, or of any member of the applicant's household, which affects his or her suitability to be a tenant.

Preference may be reduced by 50 per cent, 90 per cent or may not be reduced at all, depending on the whole circumstances of each case. Where a housing officer decides that an applicant should have his or her preference reduced by 90 per cent, this decision will be subject to authorisation by a local housing manager or equivalent.

3.5.3.1 Types of behaviour

Examples of the types of behaviour a housing officer may consider as affecting an applicant's suitability to be a tenant include:

- the applicant has housing-related debt with any local authority or any other housing provider,
- the behaviour of the applicant, or any member of his or her household, has caused, or is causing, a nuisance to others
- the applicant, or any member of his or her household, has been, or is, a perpetrator of domestic violence or harassment
- the applicant, or any member of his or her household, has displayed threatening, violent or otherwise abusive behaviour towards a BCC employee or an employee of any other social housing provider
- the applicant has deliberately worsened his or her circumstances in order to gain priority on the Housing Register
- the applicant has deliberately withheld or misrepresented any information which would be relevant to the assessment of his or her housing circumstances and priority on the Housing Register
- the applicant, or a member of his or her household, has been a tenant of any local authority or social housing provider and has breached tenancy conditions which led to his or her eviction, or to him or her abandoning a property prior to court proceedings.

The list above contains examples of the behaviours that BCC consider as behaviour which may affect an applicant's suitability to be a tenant; it is not exhaustive and all of the circumstances will be considered.

3.5.3.2 Factors taken into consideration in reaching a decision

In considering whether to reduce any preference for this reason, a housing officer with the responsibility for assessing needs will take into account all the circumstances including other factors such as:

- the amount of money owed and the maintenance of any repayment plan. Where a payment plan has been maintained over a reasonable period of time, and the debt is less than £300, there will be no reduction in points. Where the debt is less than £300, but there is no agreed payment plan in place, the maximum reduction in points will be 50 per cent. Where the debt is over £300 and there is no agreed payment plan in place, the maximum points reduction will be 90 per cent. If there is an agreed payment plan and this has been maintained the maximum reduction in points that can be applied is 50 per cent.

- the severity of any of the examples of behaviour that would affect the suitability to be a tenant
- whether behaviour that has caused a nuisance can be substantiated by the ASB team, BASBU, an environmental health officer or the equivalent in any other local authority or other housing provider
- the length of time elapsed since the behaviour
- whether there has been any material change in circumstances since the behaviour took place
- whether there are health and or care issues in the household
- whether there are dependents in the household
- the extent of housing need
- any vulnerabilities within the household
- any alternatives to social housing provision for the applicant
- any support that may be available to the applicant, or member of his or her household, that may lead to an improvement in behaviour.

3.5.4 Informing the applicant

Where the decision has been made to reduce preference on the grounds set out above in sections 3.5.1 – 3.5.3 the applicant will be informed of this decision in writing. The letter will set out the:

- reason for the less preference decision
- percentage reduction in points applied
- applicant's new points total
- capacity within the allocation scheme for an applicant to request a review of a less preference decision (see appendix 6).

3.5.5 Removal of less preference

The reduction in points will be reviewed at least every 12 months at the anniversary of registration review (see section 2.11), or at such time that the applicant can demonstrate a material change of circumstances affecting the decision to award less preference, for example, the repayment of a housing debt.

It is responsibility of the applicant to inform BCC of any change in circumstances that may affect the reduction in points and to request that the decision is reconsidered in the light of that change.

3.5.6 Exceptions to less preference

There are certain circumstances in which BCC may decide not to reduce an applicant's preference on the Housing Register, even when the criteria for reducing preference have been met.

These circumstances are where:

- an applicant is owed the main homeless duty³⁶ by BCC
- an applicant has been awarded points for any of the categories detailed in sections 3.4.1, 3.4.2, 3.4.5 and 3.4.6.

4 Allocation criteria

This section sets out how BCC determines who can be allocated certain types of property, and the size of accommodation an applicant may be allocated under the scheme.

4.1 The size of properties

The size of accommodation an applicant may be allocated is usually determined by the number of people in the applicant's household and the age, gender and relationship of those people to each other. Only in the situations described in sections 4.2 and 4.3 will BCC allocate an applicant more bedrooms than are needed according to the *Bedroom Standard*.

BCC uses the *Bedroom Standard* to determine the number of bedrooms an applicant can be allocated under the scheme, or express an interest in, under any *Choice Based Lettings* scheme.

Under the *Bedroom Standard* each household should have enough rooms to Provide a bedroom for:

- each *couple* in the household
- each pair of same gender children under the age of 18
- each pair of opposite gender children under the age of 10
- a person not meeting any of the three categories of people above.

4.2 Exceptions

4.2.1 A household member is expecting a child

Where the applicant, or a member of the applicant's household, is pregnant and proof of pregnancy has been provided, the size of accommodation the

³⁶ S193(2) Housing Act 1996

applicant may be allocated, or may express a preference for under any *CBL* scheme, will be as if the child were already born.

Where there is a child³⁷ in the household who has not already been paired with another, according to the standard set out above at 4.1, the unborn child will be treated as being of the same gender and so able to share a bedroom with that child.

4.2.2 Applicants who will be releasing an under-occupied property³⁸

To make the best use of housing stock available and to encourage applicants to release larger family sized accommodation, and because there is a severe shortage of large family sized accommodation available for social rent in the city, an applicant who has been awarded points as set out in 3.4.2 of this document can be allocated, or bid³⁹ for, a property up to one bedroom in excess of that which the applicant, and his or her household, needs. For example, an applicant and his wife currently living in a 4 bedroom *social rented unit* in Birmingham can be allocated a 2 bed-roomed property, providing he has sufficient points on the Housing Register to secure that allocation.

4.2.3 Health or care circumstances

If an applicant, or a member of his household, has been awarded points in the health and care category, and the health professional employed by BCC to advise on health and care issues has recommended the provision of an additional bedroom, either for the storage of medical equipment, or because a person's particular medical condition means that person is unable to share a bedroom with anyone else, the applicant will be allocated, or will be eligible to *bid* for, a property in accordance with the recommendation.

4.2.4 Applicants who need four bedrooms or more

When calculating the size of a property that an applicant may be allocated or *bid* for (as outlined in section 4.1 above), the assessment of the number of bedrooms required by the household does not constitute an entitlement to a property with that particular number of bedrooms.

The supply of large accommodation available for allocation to people on the *Housing Register* is very limited, with very few properties with more than three bedrooms becoming available each year.

This means that if the rules in the *Bedroom Standard* set out in section 4.1 above were applied without any flexibility for larger families there would be little, if any, prospect of re-housing them from the *Housing Register*, even where there are urgent housing needs.

³⁷ Person under the age of 18

³⁸ For definition see section 3.4.2

³⁹ See section 5.3 on CBL

An applicant whose household needs a property larger than three bedrooms may be allocated, or is eligible to *bid* for, a property that does not have enough bedrooms for the household, as long as the allocation of that property would not result in statutory overcrowding⁴⁰. For example, an applicant who has six children under the age of 18 would usually be allocated a four or five bedroom property, depending on the age and gender of the children. However, if he or she chooses to be allocated, or *bid* for, a three bedroom, two living room property, he or she will be able to do so as long as statutory overcrowding would not occur. This choice does not impact on the applicant's opportunity of being allocated, or bidding for, a larger property, if one becomes available for allocation.

4.2.5 When a property is *low demand*

This situation occurs when a property cannot be allocated using the usual rules because there are no applicants on the *Housing Register* who are requesting a property of that size, type and location who also fulfil any of the allocation criteria that apply to that property.

In instances where there are no applicants on the *Housing Register* who fulfil all the criteria, then the criteria may be relaxed. The allocation officer will not apply the standard criteria to the search for an applicant and will apply criteria that are incrementally relaxed.

For example, where there are no applicants on the *Housing Register* who have requested a two bed high rise flat and who also meet the criteria set out in section 4.1, the allocation officer will search for the highest pointed applicant who is requesting a high rise flat in the area, but who, under ordinary circumstances, would be eligible only for the allocation of a one bed property, and will allocate the property to the person with the highest number of points.

4.2.6 Nominations to *RSLs*

Exceptions relating to the selection of an applicant from the *Housing Register* for nomination to a RSL are described in section 5.1

4.2.7 Eligibility for those moving for reasons described in sections 3.4.5 – 3.4.8

Applicants awarded points in one of the categories described in sections 3.4.5, 3.4.6, 3.4.7 and 3.4.8, who were eligible for the allocation of a house at the time that the points were awarded, but who subsequently have had a child turn 18 years of age and there are no other children in the household, may still be made an allocation of a house. This rule does not apply if there has been any other change in household composition, for example, children leaving the household.

⁴⁰ See appendix five and section 3.4.3

4.3 Types of properties

BCC has a range of property types that become available for allocation. In most cases, properties are allocated to applicants who meet the property size criteria described in sections 4.1 and 4.2, who have indicated on their application forms, or through subsequent contact with BCC, that they have a preference to live in that property type, size and location and who have the highest number of points on the Housing Register for that location, property type and size.

The allocation of properties through the BCC *choice based lettings* scheme operates in a slightly different way and this is described in section 5.3.

The following rules are applied to make the best use of the stock available and to best meet the housing needs of specific groups.

4.3.1 Houses

Houses will usually only be allocated to applicants with at least one *child* in the household. There are rare exceptions to this: an applicant who would be releasing an under-occupied *social rented unit* under the rules of this allocation scheme may be eligible for allocation to a house. For example, a single person household giving up a five bedroom house would be eligible for the allocation of a two bedroom house.

Other instances may include:

- on the medical recommendation from the medical assessment panel or the Housing occupational therapist
- special circumstances surrounding a clearance household, for example where a child has become 18 after the property was approved for clearance by Cabinet.

4.3.2 Properties that have major adaptations

Only an applicant who needs, or who has a member of his or her household who needs, a property with major adaptations, and who has been assessed by a BCC occupational therapist as needing such a property, may be allocated, or is able to *bid*, for a property that is either built to lifetime home standards or has *major adaptations*.

Prior to an offer of accommodation being made to the applicant, an occupational therapist may also visit the property to assess its suitability⁴¹ for the applicant with the most points who has been assessed as needing a property with those particular adaptations.

⁴¹ This may be suitability in its current state or with some additional adaptations

Where there is no one suitable on the *Housing Register* in need of the specific facilities the property offers, the property may be allocated in the usual way to applicants without a need for adaptations.

4.3.3 Properties designated for older people

BCC has a number of properties that become available for allocation that are allocated to older people who fulfil the criteria set out below.

The properties are of various types and include high rise and low rise flats, bungalows with alarm links and purpose built accommodation for older people, with linked corridors and extensive communal facilities.

There are broadly two types of accommodation set aside for older people from the Housing Register in Birmingham: *sheltered* accommodation and *Extra Care* accommodation. In order to be allocated either of these, an applicant must have undergone a support needs assessment by a member of the Older Persons team. This is in addition to the application process described in section one of this document.

Applicants with children under 18 are not usually allocated, or are not able to *bid* for, a property in a sheltered housing scheme.

4.3.3.1 Sheltered high rise flats

These are properties in a high rise block of flats, where the block has been converted into a sheltered housing scheme with floating support provided by support officers.

To be allocated one of these properties, the applicant is usually aged 50 or over and must have undergone a support needs assessment. There is no requirement that the applicant has a support need, although the assessment must have been carried out.

The properties in these high blocks have one or two bedrooms. Single applicants or couples may be allocated, or may *bid* for, a one bedroom flat. Applicants who need two bedrooms⁴² will be given priority for the two bedroom flats.

If there is no one on the Housing Register who meets all of the criteria for allocation to a two bedroom flat, the property may be allocated to an applicant whose household consists of the applicant and his or her *partner*.

Only where there is no one meeting all of the above criteria will single person households be considered for an allocation to a two bedroom sheltered high rise property.

⁴² See sections 4.1 and 4.2

Where a property in a sheltered high rise block has major adaptations for disabled people, the criteria governing allocation to those in need of adapted properties (section 4.3.2) are also applied and the age restriction will be lifted, providing a support needs assessment has been carried out as described in this section.

4.3.3.2 Category one schemes

A category one scheme is usually low rise flats or bungalows, or a combination of both, which was purpose built for older people. The properties are often dispersed around a communal area.

To be allocated one of these properties, the applicant must be aged 55 or over and have undergone a support needs assessment. Applicants with or without a support need (following assessment) may be allocated, or will be able to *bid* for, category one sheltered accommodation.

Applicants with children will not be allocated, or will not be able to *bid* for, a property in a category one scheme.

Where a property in a category one scheme has major adaptations for disabled people, the criteria governing allocation to those in need of adapted properties (section 4.3.2) are also applied. The age restriction may be lowered to enable BCC to best meet the needs of the applicant, providing a support needs assessment has been carried out as described in this section.

4.3.3.3 Category two schemes

These are properties which are purpose built for older people and which have extensive communal and other facilities which are usually accessed without having to go outside.

Usually only applicants aged 55 or over with a support need can be allocated a property on a category two scheme. The support needs assessment must have been carried out by a member of the Older Persons central assessment team.

Where there are two bedroom properties, the same household size criteria apply as to the allocation of two bedroom high rise flats set out in section 4.3.3.1 above.

Where a property has major adaptations for disabled people, the criteria governing allocation to those in need of adapted properties (section 4.3.2) are also applied. The age restriction may be lowered to enable BCC to best meet the needs of the applicant, providing a support needs assessment has been carried by the Older Persons team out as described in section 4.3.3.

4.3.3.4 Extra Care Housing

An Extra Care scheme is purpose-built housing for older people who usually have care needs as well as support needs.

Applicants who wish to be considered for an allocation for an Extra Care scheme will usually have to be aged 60 or over and will have had a care assessment carried out by a social worker from the Adults and Communities Directorate.

The care assessment will determine the number of hours of care an applicant needs per week. This information, along with the total number of allocation points an applicant has been awarded,⁴³ is taken into account when allocating accommodation in an Extra Care Scheme. Applicants will be categorised according to the level of care required. Allocations to Extra Care are not currently part of the BCC *CBL* scheme.

To retain a balance, when a property becomes available for allocation in a scheme, the scheme manager will examine the overall balance of current care needs in the scheme and determine which care category the property should be allocated to. The property will then be allocated to the applicant with that category of care need who has the highest number of points on the Housing Register and who has chosen to be considered for allocation for that Extra Care scheme.

4.3.4 Properties funded for specific groups of applicants

From time to time, BCC may receive funding from central government or another agency to assist in meeting the housing needs of a particular client group, for example, people who are owed the main housing duty⁴⁴.

Where a property has been brought into the management of BCC or purchased by BCC using this type of funding, the property may only be allocated to the highest pointed applicant, who meets the allocation property type and size criteria, and who has been awarded points for that particular allocation points category.⁴⁵

4.3.5 Properties allocated as a direct let⁴⁶

Very rarely, a property may be allocated as a direct let and the usual allocation criteria described in section 4 above are not applied.

Whilst the majority of direct lets will still be allocated according to the property type and size restrictions described above, sometimes an applicant who has been left in occupation of a property after the death of the previous tenant

⁴³ See section 3

⁴⁴ Housing Act 1996 s193(2)

⁴⁵ For allocation points categories see section 3

⁴⁶ See section 5.3

may be allocated a property type or size outside of the allocation criteria described in the section 4 above.

5 How properties are allocated

5.1 Traditional allocation method – selection by BCC

BCC has a team of allocation officers and assistant allocation officers responsible for allocating properties in accordance with the allocation scheme.

The majority of properties are allocated by the method set out in this section; however, BCC operates a pilot *CBL* scheme in the Urban Choice Area. The method for allocating properties under the *CBL* scheme is described in section 5.3 below.

Allocations are only made to applicants on the Housing Register who are eligible for an allocation⁴⁷.

When a property is determined to be available for allocation,⁴⁸ the allocations officer will seek to match the property to the applicant with the highest number of points who meets the allocation criteria described in section 4 above.

Where more than one applicant has the same number of points, date of registration will be the deciding factor in who is allocated the property, so that the applicant who has been on the *Housing Register* longest would receive the allocation.

The allocations officer will also take into consideration whether the applicant with the highest points has already refused an offer of the same type of property in the same area and take account of the refusal reasons given.

In the case of nominations to RSLs, the allocation officer may apply additional allocation criteria in order to comply with the individual RSL's allocation policy. Offer and viewing arrangements for RSL properties lie with the individual RSLs.

On allocation, the applicant will be invited to view the property before deciding whether or not to accept the offer. This may not be until some time after the applicant has been allocated the property and advised of the offer, either because repair work is being carried out or because the property is still occupied. The applicant may decide to refuse the offer at any time before viewing.

If an applicant refuses the offer of accommodation, the allocation officer will carry out a new search of the Housing Register, applying the same criteria as

⁴⁷ See section 2.4

⁴⁸ This may be before a property is empty but after a valid notice to quit has been received, or at any time after it become empty.

above and set out in section 4, selecting the applicant with the highest points that matches the criteria.

5.1.1 Allocation to TMO properties

There are a number of TMOs operating in Birmingham.

For those TMOs that deliver allocations BCC will refer the applicant with the highest points for the property. The TMO may meet the prospective applicant prior to the formal offer of accommodation being made to explain the purpose of a TMO. If the applicant refuses the offer of accommodation further offers will be selected in accordance with section 5.1 of the scheme.

5.2 Offers and refusal of offers

There are no limits to the number of offers an applicant may receive, except in the following circumstances:

Homeless applicants owed the main housing duty⁴⁹

Applicants awarded points in this category will receive one final offer of suitable accommodation in discharging the main housing duty. After duty is discharged, the homeless main duty points will be removed but the applicant will remain on the Housing Register and eligible for allocation with any other allocation points arising from the Part 6 application.

Applicants with clearance or demolition points⁵⁰

Applicants awarded points in the clearance category will usually be made up to three offers before legal proceedings are commenced under the Housing Act 1985 to gain possession of the property. Clearance points may be removed at any time after legal proceedings have begun. When a court hearing date is set the applicant may be selected for a direct let, as detailed in section 5.4.

Direct lets⁵¹

An applicant will usually only be made one offer of accommodation as a direct let. If the offer is refused, the case will be reviewed and the applicant may have to wait on the Housing Register until such time that he or she has sufficient points to secure an allocation by the methods described in 5.1 or 5.3. For those for whom an allocation by those methods is not suitable, because of licence restrictions or witness protection for example, the case may be referred back to the referring agent for review.

⁴⁹ Section 3.4.10.2

⁵⁰ Section 3.4.5

⁵¹ See section 5.4 for description

5.3 The Urban Choice *Choice Based Lettings Scheme* – self selection by applicants

The Urban Choice CBL scheme is a partnership between BCC, Midland Heart housing association and Family housing association.

BCC allocates some of its properties in the areas in and surrounding Handsworth, Lozells and Winson Green.

Properties that are to be let through *CBL* are advertised weekly on the Urban Choice website www.urbanchoice.org.uk, at the Urban Choice office, and in the Urban Choice property newsletter.

Applicants on the Housing Register, who are eligible for an allocation, receive a PIN number and log-in to enable them to express an interest in, or *bid* for, advertised properties.

Applicants can place a *bid* during the advertising cycle, which runs from Wednesday to midnight on Sunday. Applicants can bid for more than one property, but will be asked to express the order of preference to assist in the short-listing process. Occasionally properties are advertised outside of the standard weekly advertising cycle. This is usually when a property has already been advertised, but has not been let because of a lack of bids.

Bids can be placed via email, the website, SMS text, personal visit to any of the offices listed at appendix two and by telephone through the voice recognition service.

Applicants are restricted to bidding for properties for which they meet the allocation criteria as detailed in the property advertisement. This is to ensure that applicants do not waste time or raise their expectations by bidding for properties they cannot be allocated, for example, because they are too small or too large for the needs of his/her household.

Short-listing for BCC properties, and for *RSL* properties which are offered to BCC for nomination, is carried out by an allocations officer or assistant allocations officer.

Up to six applicants are short-listed for each property. Any applicant who has *bid* for a property but who does not meet the allocation criteria⁵² as detailed in the property advertisement will not be short-listed.

Short-listing under the *CBL* scheme means that the six applicants with the highest points of all those that have placed *bids* for that specific property will be invited to view the property. Where an applicant has placed more than one *bid* in the same advertising cycle, and would be in the top six most highly pointed cases for more than one property, the applicant will be invited to view

⁵² See section 4

one property only and that will be the property that he or she has stated would be his or her preference.

Applicants are contacted on the day that short-listing takes place, usually a Monday, and invited to view the property on the following Wednesday. Due to the short timescales involved, contact is made by telephone, voicemail, SMS text or email. If the applicant has not confirmed that he or she is able to attend the viewing by midday on Tuesday, the invitation to view will be withdrawn and the next applicant on the short-list will be contacted and invited to view. Applicants may be required to bring proof of current housing circumstances and proof of identification with them to any viewing in order to ensure that there has been no material change of circumstances that may affect his or her position on the short-list.

Where an applicant's circumstances cannot be verified, or where it is evident that there has been a material change in circumstances, the property will not be offered to him/her. The applicant may also have his or her points reduced in accordance with the less preference policy.⁵³

When contacting an applicant to invite him or her to view a property, the officer will inform the applicant of his or her position on the short-list. The applicant may then choose to withdraw the bid without any penalty. All applicants who have been short-listed to view a property will be given the same appointment time; that is to say that all applicants will view the property together. For this reason, applicants may only bring one other person to a viewing. The property will be offered to the applicant with the highest number of points who is still interested in the property after viewing it.

Where BCC is aware that the applicant may be vulnerable and holds details of any support worker, the allocations officer will attempt to contact the support worker providing the applicant has given his or her permission in writing.

Certain applicants are not able to participate in the *CBL* scheme. This usually happens where an applicant is subject to risk management procedures by one of the Multi Agency Protection Panels and has restrictions placed on him or her through the terms of a licence. This decision will be made by the Housing Pathways manager, the policy manager (Housing Needs) or the head of Housing Needs.

Lettings history will be published on the Urban Choice website, at www.urbanchoice.org.uk and in the newsletter. The website will give details of:

- the properties let from the most recent advertising cycle for which the information is available,
- the number of *bids* that were made,
- the number of points the successful applicant had and the date of registration of that applicant onto the *Housing Register*.

⁵³ See section 3.5

This information can be used by applicants to help them understand the relative demand for properties in particular areas and the level of points (and Band category) that may be needed to secure an allocation to that property type and location.

5.4 Exceptions – *Direct Lets*

There some occasions where allocations will be made outside of the provisions set out in section 5.1 and 5.3.

These are often known as ‘management moves’, ‘direct lets’ or ‘direct offers’.

For the purpose of this document they are described as direct lets.

5.4.1 What is a direct let?

As the name implies, a direct let is an allocation to an applicant from the *Housing Register*, where the allocation is not made to the applicant with the most points, nor will the applicant necessarily meet the allocation criteria described in section 4.

Allocations of this nature will be kept to a minimum in order to maintain a fair and transparent allocation scheme, with the majority of allocations being made to applicants that fall within the reasonable preference categories as set out in the Housing Act 1996⁵⁴.

The circumstances in which a direct let may be made are described below.

5.4.2 Direct let to an applicant left in occupation of a BCC property following the death of a tenant.

Following the death of a secure, introductory or demoted BCC tenant and where no other member of the tenant’s household has a right to succeed to the tenancy, BCC may consider the allocation of that property, on application, in the following circumstances:

A)

- The property was the principal or only residence of the applicant at the time the tenant died; and
- The applicant would have qualified as a potential successor, in accordance with the Housing Act 1985, if succession had not already passed.
- The applicant had been living with the tenant for a minimum of the year prior to the tenant’s death; or
- The applicant had been providing care for the tenant.

⁵⁴ s167(2) Housing Act 1996 as amended by Homelessness Act 2002

Or

B)

- The applicant has accepted responsibility for the dependants and needs to live with them in order to do so and does not have suitable alternative accommodation available to him or her.

Additionally, the applicant must be eligible for an allocation.⁵⁵

Decisions on a direct let for this reason will be made by an officer with the delegated authority; the district housing manager with a responsibility for assessing needs, the policy manager (Housing Needs), the head of Housing Needs, or the assistant director (Housing Management).

In reaching a decision, the officer will take into account the best use of the housing stock and an allocation of the property is unlikely to be made where there would be under-occupation of the property, or where the property was adapted or built for a person with specific needs, and the applicant does not need such a property.

The officer may also consider any behaviour that may affect the applicant's suitability to be a tenant⁵⁶ and the financial resources available to the applicant.⁵⁷

A different property may be allocated to the applicant if he or she has sufficient priority for such an allocation in accordance with this allocation scheme.

The applicant will be informed of the decision and the reasons for it in writing. There is no right to review of a decision not to grant the applicant a tenancy as a direct let in these circumstances.

Where the decision is to grant a tenancy, the tenancy granted will be an *introductory tenancy*.

5.4.3 Relationship breakdown

Where a joint or sole tenant of a BCC property has served a valid notice to quit, an officer of the same designation as described above in section 5.4.2, may consider granting a sole tenancy to the remaining and former joint tenant, or to a remaining occupier of the property who had been living in the property with the former tenant as a part of a *couple*.

In the granting of a tenancy for this reason the remaining occupier must be on the *Housing Register* and eligible for an allocation.⁵⁸

⁵⁵ See section 2.4

⁵⁶ See section 3.5.3

⁵⁷ See section 3.5.1

⁵⁸ See section 2.4

In reaching a decision the officer will take into account:

- whether granting the tenancy will be the best use of housing stock; and
- whether the applicant caused the departure of the tenant through any incident of threatening behaviour, violence or abuse; and
- any behaviour which may affect the applicant's suitability to be a tenant⁵⁹ and the financial resources available to the applicant⁶⁰; and
- the individual circumstance of each case, such as whether the applicant has caring responsibilities, length of residence in the property and the re-housing options available to the occupier were he or she to be evicted from the property, for example, the number of allocation points he or she is likely to be awarded.⁶¹

Alternatively, a different property may be allocated to the applicant if he or she has sufficient priority for such an allocation in accordance with this allocation scheme.

The applicant will be informed of the decision and the reasons for it in writing. There is no right to review of a decision not to grant the applicant a tenancy as a direct let in these circumstances.

Any tenancy granted in this way will be an introductory tenancy.

NB

If the tenancy was a joint tenancy and the *couple* are married, have a civil partnership or have children, the Family Court has jurisdiction to decide that a joint tenancy should transfer to a sole tenancy in one of the partner's names. A transfer following a court's decision is not subject to the allocation scheme.⁶²

5.4.4 Court orders

If a solicitor or barrister from BCC's Legal Services team advises that BCC should attend a court hearing with an offer of an allocation of accommodation, a direct let will be considered by one of the designated officers described below.

Decisions relating to direct lets as a result of a court hearing or instruction will be made by the appropriate head of section: head of clearance, land and property, head of Housing Needs, head of the Housing Pathways Team, head of Housing Management or district housing manager assessing needs or an officer of equivalent seniority.

⁵⁹ See section 3.5.3

⁶⁰ See section 3.5.1

⁶¹ See section 3.4

⁶² s160(2)(e) Housing Act 1996

This may occur when BCC is seeking possession of a property scheduled for clearance or demolition, or in child protection cases.⁶³

In all cases the person for whom the offer is intended must be on the Housing Register and eligible for an allocation: otherwise the letting of a property to such a person would not be considered to be an allocation and so would be outside of this allocation scheme, for example a ruling from Family Court.

5.4.5 Exceptional circumstances

In exceptional circumstances, applicants on the Housing Register and who are eligible for an allocation may be made given a direct let.

Decisions relating to direct lets in exceptional circumstances will be made by the head of Housing Needs, the policy manager (Housing Needs), the district housing manager, Assessing Needs or the assistant director (Housing Management).

Direct lets authorised as exceptional circumstances will usually feature one of the following characteristics:

- A referral to BCC has been received from the national witness protection scheme. The Housing Pathways service manager is responsible for collating relevant information surrounding the request for assistance and passing this to the head of housing needs for a decision on whether a direct let is the best course of action. In this instance, the Housing Pathways manager is responsible for managing the case and safeguarding the identity of the witness.
- A referral has been made by the BCC Children, Young People and Families directorate indicating a child at risk. The child must have undergone a statutory assessment, assessed as a child at risk, and there must be evidence to suggest that re-housing will remove the child from risk.
- A referral has been made by a Birmingham Multi Agency Public Protection Panel. Before authorising a direct let, the head of housing needs will have considered implications for public safety, including the management of risk, alternatives, and how they would impact on risk management. Any agreement to the direct let of a specific property will be subject to licence conditions and approval by the relevant statutory agency.
- An applicant has requested consideration to be given for a move to accommodation that would clearly and demonstrably result in BCC making the best use of the housing stock available to it. For example, two applicants, both of whom are tenants of a *social rented unit* in

⁶³ See section 3.4.5

Birmingham, have requested to move into one property and the resulting empty properties would better enable BCC to meet the needs of others on the *Housing Register*. This decision can only be authorised by the head of housing needs or the assistant director (Housing Management). Consideration will not be given to the release of two one bed-roomed properties where the need is for accommodation with two bedrooms or more, unless one of the properties has major adaptations and a move to another adapted property is not required.

The list above is not exhaustive but indicates the type of circumstances in which a direct let for exceptional circumstances is made.

All direct lets will be monitored to assess impact on the overall transparency of the allocation scheme and the need to ensure that, overall, those applicants entitled to a reasonable preference⁶⁴ receive it and that the scheme meets statutory and other legal requirements.

⁶⁴ s167(2) Housing Act 1996

Appendix one: glossary of terms

Glossary of key terms used in this policy; all words or terms explained in the glossary are in *italics* in the policy document.

This section contains a list of words and terms used in this document. These explanations are not meant to be legal definitions.

The Act

This refers to The Housing Act 1996 as amended by the Homelessness Act 2002.

Adaptations

Adaptations are alterations to a home, ordinarily funded by the local authority, that make it accessible or suitable for a tenant with physical challenges or disabilities. These may often be very specific to the needs of the current occupant but the council will seek to reuse such facilities wherever possible.

Adapted property

A council or RSL owned property that has had some of its standard features changed, or which has additional features and fittings, in order to make the property suitable for a person with physical disabilities. Adapted properties are not necessarily wheelchair accessible – levels of adaptations vary considerably from property to property.

Allocation

Where an applicant from the Housing Register has his or her details matched to an empty BCC or RSL (via nomination) property and an offer of a secure, assured or introductory tenancy is made. When an applicant bids for a property and is successfully short-listed for and is offered a tenancy (as above), this is also an allocation.

Applicant

A generic term used to denote someone who has been accepted onto BCC's Housing Register. This may be either:

- an existing introductory or secure tenant of Birmingham City Council who wishes to transfer to a RSL or another Council owned accommodation; or
- a person who is not yet a BCC tenant but who would like to become a tenant of BCC or sometimes of another social housing provider in Birmingham.

Application form

The form that both tenants and new applicants have to fill out in order to apply for housing and appear on the Housing Register. The form collects information about the applicant, the applicant's household and other information to assess his or her housing needs. A person cannot be admitted to the Housing Register without applying by completing the form and providing proof of identification.

Application review form

Birmingham City Council will write to its applicants on the Housing Register on the anniversary of the application, to check that they wish to remain on the register and also the accuracy of the information held. The applicant is required to complete the application review form. If the applicant does not respond to the annual review request within 28 days of the request, the application may be cancelled.

Assured shorthold tenancy

One kind of tenancy granted to a tenant, usually in the private sector or sometimes by a RSL. At the end of a fixed term, for example six months, the landlord does not have to renew the tenancy, but the tenancy will continue unless or until the landlord or the tenant ends it. Applicants are advised to seek advice on tenancy types.

Assured tenancy

A kind of tenancy granted to a RSL or private tenant. Assured tenancies are long term and do not end after a fixed period. They are more secure than assured shorthold tenancies. Applicants are advised to seek advice on tenancy types.

Barthel Assessment

An assessment carried out by social services to assess the care needs of vulnerable adults.

BASBU

Birmingham Antisocial Behaviour Unit (BASBU) is a specialist central team within the BCC; it tackles antisocial behaviour across Birmingham. The role of BASBU is to investigate cases of antisocial behaviour in partnership with other council departments and agencies, such as West Midlands Police, registered social landlords and other voluntary organisations.

BCC

Birmingham City Council, a local authority in the West Midlands, made up of several different directorates, responsible for different statutory functions often

relating to the delivery of local services and protecting vulnerable adults and children.

Bedroom Standard

Bedroom standard is that used by the General Household Survey as an indicator of occupation density. A standard number of bedrooms is allocated to each household in accordance with its age/sex/marital status composition and the relationship of the members to one another. A separate bedroom is allocated to each married or cohabiting couple, any other person aged 21 or over, each pair of adolescents aged 10 – 20 of the same sex, and each pair of children under 10. Any unpaired person aged 10 – 20 is paired, if possible with a child under 10 of the same sex, or, if that is not possible, he or she is given a separate bedroom, as is any unpaired child under 10.

The calculated standard for the household is then compared with the actual number of bedrooms available for its sole use. Bedrooms converted to other uses are not counted as available unless they have been denoted as bedrooms by the applicant. Bedrooms not actually in use are counted unless uninhabitable.

The Bedroom standard does not count rooms smaller than 50 square feet but does state that two people can share any bedroom larger than 50 square feet. This allocation scheme uses the bedroom standard as a guide but is more generous in its assessment of overcrowded conditions by applying some space standards.

In Birmingham we have adopted the bedroom standard but have applied more generous principles in that 18 is taken as the age a child reaches adulthood as opposed to 21. We have also introduced some space standards.

Bid

Where an applicant expresses an interest in a property he or she is interested in through the choice based lettings scheme. If the applicant is shortlisted, he or she will be given the opportunity to view a property.

Change of circumstances

If an applicant's circumstances change, for example, he or she changes address or has a child, the applicant must inform the housing service. The applicant will be asked to complete a change in circumstances form and, in some cases, a new application form.

Child

A person under the age of 18.

Choice based lettings (CBL)

CBL is a method of allocating properties to applicants. Eligible applicants take an active role in choosing a property advertised under the scheme and then expressing an interest in being allocated it – or ‘bidding for it’. Properties are still allocated according to the person with the highest points on the Register, but only those who have placed a bid will have an opportunity of being short-listed for it.

Clearance

Birmingham City Council may decide that a property is to be demolished or redeveloped and require vacant possession of the property to do this. Tenants in a clearance area are given priority on the Housing Register for re-housing. Where suitable offers of alternative accommodation have been refused Birmingham City Council may seek possession of the property under Schedule 2 Housing Act 1985.

Commissioning Body

The Commissioning Body is made up of representatives from the council, health and probation services. Its role is to strategically direct and scrutinise the Supporting People programme.

Council tenant

When referred to in the allocations scheme document, a council tenant is someone who has signed a tenancy agreement with Birmingham City Council.

Couple

Two people living, or wanting to live, together of the same or opposite sex, who are married or have entered into a civil partnership, or who will live together as if they were married or had entered into a civil partnership.

Cumulative housing need

A holistic assessment of the applicant and applicant’s household’s housing circumstances. Often also known as multiple housing need.

Decommissioning

Decommissioning is where, following assessment from the Commissioning Body of a Supporting People service, a recommendation can be made that there is not a continuing need for that service. This can be for a number of reasons. For example, where demand is low, serious concerns about the performance or quality of services resulting in default or breach of contract, or where it reflects strategic priorities.

Demand

Demand is measured by the number of people who are requesting re-housing in a certain property type and in a particular location. The more people requesting to be re-housed in a specific area, the greater the demand.

Demoted tenancy

Demoted tenancies were introduced by the Anti-Social Behaviour Act 2003. They act as a one-year probationary council tenancy. Councils use demoted tenancies to take action against tenants who have been involved in antisocial behaviour. Demoted tenants can be evicted much more easily than secure council tenants. The secure tenancy is terminated with effect from the date specified in the demotion order.

Deliberate worsening of circumstances

An applicant who is found to have deliberately worsened their housing circumstances in order to obtain a higher housing priority, for example, giving up other accommodation to move in with someone else, causing overcrowded circumstances and so gaining more points under this allocation scheme.

Disabled Person's Housing Register (DPHR)

This list is used by the council and RSLs in Birmingham to allocate properties to people who are waiting for homes that have adaptations. Anybody who needs an adapted home, or who lives with someone who needs to move to an adapted property because they use a wheelchair or have mobility problems, must complete the DPHR form for assessment. As part of the assessment, the applicant may be assessed by an occupational therapist.

Domestic violence

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who have been intimate partners or family members.

Eligible

Applicants have to satisfy certain rules to be eligible for an allocation of accommodation and to be allocated certain property types.

Expression of interest

Where an applicant selects a property that has been advertised through a CBL scheme and decides he or she would like to be considered for an allocation to the property. This expression of interest can be made through the website, email, telephone text messages or personal visit. Often also known as a bid.

Extra care accommodation

A type of accommodation for older people usually over the age of 60. Extra care schemes may provide care for people in addition to support that may be offered by a support officer.

Extra care schemes are managed as a partnership between the housing department or Registered Social Landlords and the Adults and Communities directorate. The care needs of an applicant to an Extra Care scheme are assessed by the Adults and Communities directorate before an allocation to the scheme can be made.

Harassment

Any unwanted behaviour directed at an individual or group that is offensive or objectionable to the recipient. It is behaviour or conduct calculated to interfere with the peace and comfort of individuals or groups, which has the effect of hurting, intimidating, humiliating, ridiculing them or undermining their confidence.

Homeless

An applicant is considered to be homeless when he/she meets the definition contained in the Housing Act 1996 Part 7. This definition includes those who are threatened with homelessness within a 28-day period.

Homeless application

Under homelessness law, anyone who is homeless or threatened with homelessness can make a homeless application to the council. The council will assess their situation and decide whether they are eligible for assistance, and, if so, whether they pass the four homelessness tests or hurdles: homelessness, priority need, intentionality and local connection. This will determine the kind of help the council is legally obliged to offer, which can range from advice and assistance to an offer of permanent accommodation.

Home Office Scorecard

Produced by the Home Office, the Scorecard assesses the risk of intimidation to an individual who has witnessed a crime. The applicant's circumstances are assessed against a points system and given an overall total. This points total is then matched against the Risk of Intimidation scale and the individual's circumstances will be categorised into one of three tiers: low, medium or high.

Home Options

A multi agency advice and homeless prevention scheme that provides specialist help relevant to individual circumstances. Home options interviews are available at the offices listed in appendix 2.

Host household

People with whom the applicant and his/her household are living, but who are not moving with the applicant. In many cases the host household consists of relatives or friends of the applicant or a member of his/her household

Household

This can be a single person or a group of people who live, or want to live, together. This does not include people who want to share a property and then live separately within it.

House in multiple occupation (HMOs)

A property that is shared by three or more tenants, who form two or more households and who share kitchen, bathroom or toilet facilities.

Housing debt

An amount of money owed to Birmingham City Council for current or former tenancy arrears, court costs, housing benefit overpayments or on a sundry account, eg rechargeable repairs.

Housing Needs Review Panel (HNRP)

The Housing Needs Review Panel hears statutory reviews on applications to join the Housing Register, decisions to make applicants ineligible for an allocation or to award less preference. This panel also considers appeals from applicants who have had their request for medical priority refused.

Housing Options

Providing the applicant with advice on private, public and specialist housing in order for them to select the most appropriate for them.

Housing Pathways service

The Housing Pathways service deals with most vulnerable client groups referred to the council from other agencies. This team is dedicated to the housing needs of the most vulnerable client groups needing accommodation and is situated within the Housing Needs section, covering the whole city. This includes offenders. The service is responsible for processing and monitoring all cases referred via the Single Point of Referral Pathway to the housing service. Client groups include 16/17-year-olds, care leavers, ex-armed forces and ex-offenders.

Housing register

A database of all individuals or households who have applied to a local authority or RSL for the allocation of a social rented unit. It is often known as a waiting list.

Immigration status

This defines the applicant's residency status in the UK. Some groups of people will not be eligible for an allocation due to their immigration status. These groups of people are defined by the Secretary of State within housing law.

Ineligible for an allocation

Section 160 (A) of the Housing Act states that certain descriptions of people are ineligible for an allocation of accommodation. These are people from abroad, unless they are re-included by order of the Secretary of State, and those who the local authority decides to treat as ineligible due to unacceptable behaviour.

Intentionally homeless

If someone is called intentionally homeless it usually means that a local authority, in carrying out its statutory function set out in part 7 of the Housing Act 1996, has decided that the person deliberately caused his or her homelessness through actions or lack of actions.

Introductory tenancy

Introductory tenancies were introduced by the Housing Act 1996 (as amended). They are like a trial period for the first 12 months of a new tenancy and carry fewer legal rights than secure tenancy. Introductory tenancies are intended to help local authorities deal more effectively with new tenants who break the conditions of their tenancy. Introductory tenants can be evicted more easily than secure tenants. If there are no problems during the 12 month trial period the introductory tenancy will automatically become a secure tenancy.

Joint tenants

Where two or more people are tenants of the same property, and share contractual responsibility for the tenancy.

Local connection

A person defined within section 199 Housing Act 1996 who is currently, or has previously, resided for a specified period of time in a local authority district. A local connection may also be established if the applicant has family connections in the local authority district.

Local lettings policies

Local lettings policies are used to enhance the sustainability of defined communities by giving preference for offers of accommodation to particular customer groups. These may include customers outside of the reasonable preference categories. Local lettings policies will be evidence-based, and be approved for particular property descriptions in defined geographic areas following consultation. Local lettings policies will be reviewed annually.

Where operating local lettings policies, overall, reasonable preference for allocations will be given to applicants in the reasonable preference categories; and local lettings policies will not discriminate unjustifiably, directly or indirectly, on racial or other equality grounds.

Low demand

A property is classed as low demand when it cannot be allocated using the standard allocation rules because there are no applicants on the Housing Register who would meet the allocation criteria usually applied.

Mutual exchange

A mutual exchange is an assignment of a secure or assured tenancy. An exchange cannot therefore take place where any of the parties proposing the exchange is an introductory tenant, a non-secure licensee or an assured shorthold tenant. It is not an allocation.

Natural growth

Natural growth is one of three instances where overcrowding is allowed and the household cannot be prosecuted. Natural growth is also refers to when a household is being assessed under statutory overcrowding standards and children within the household reach one of the specified ages within the standards. BCC does not take into account natural growth when assessing statutory overcrowding for the award of allocation points.

Nomination

A type of allocation defined in the Housing Act 1996. Where a local authority puts forward (nominates) an applicant from the Housing Register to a registered social landlord, a co-operative or a community association for re-housing into a property owned by the provider.

Notice of Seeking Possession

A formal notice that Birmingham City Council may serve on one of its tenants. A notice of seeking possession must be issued before the council can seek to gain possession of the property at court. The grounds on which a notice may be served are listed in the Housing Act 1985 for secure council tenants.

Occupational therapist (OT)

Occupational therapists specialise in helping people to reach their maximum level of function and independence in all aspects of daily life. They work with children and adults of all ages, whose difficulties may be congenital or the result of an accident, illness, ageing or lifestyle.

The council uses an occupational therapist to assist with medical/care and DPHR assessments concerning medical conditions, mobility, disabilities and welfare. Occupational therapists also give the housing service guidance on what type of property would be suitable for an applicant, in particular where the applicant requires adaptations.

Partner

One of two people living, or wanting to live, together of the same or opposite sex, who are married or have entered into a civil partnership, or do, or will, live together as partners.

Pathway Plan

An agreed plan between the client and key worker, which accounts for the specific needs of the client, for example support. This planned approach supports the client's move towards independent living.

Permitted number

The legal maximum number of persons (as defined by the Housing Act 1985) that can live in a property before it is overcrowded.

Points award

This is the number of points allocated to a housing application under the Allocations Scheme.

Priority band

Applicants are placed in priority bands to signify the urgency of their housing needs.

Qualifying person

Only people who are qualifying persons may be put on the Housing Register. The Secretary of State may prescribe who is or is not a qualifying person. Asylum seekers and others not entitled to claim benefits are excluded from the list.

Reasonable preference

The s167 of the Housing Act 1996 (as amended by the Homelessness Act 2002) requires that Birmingham City Council give reasonable preference to 5 categories of applicants on the Housing Register. These are explained in section three in the main document.

Registered social landlords (RSLs)

RSLs are social landlords that are registered with the Housing Corporation that are run as businesses but don't trade for profit. Most RSLs are housing associations, but there are also trusts and co-operatives that provide social housing. They aim to provide good, low cost accommodation for people who really need it.

Birmingham City Council has a nomination agreement with most RSLs with properties within Birmingham. The types of tenancies they grant are usually assured but are sometimes assured shorthold.

Residential home

Accommodation that is used by people who are not able to live on their own, but do not yet need the level of continuous nursing care that a nursing home offers. There are different types of residential homes in Birmingham, each one specialising in care or support to specific client groups, for example, older people or people with physical or learning disabilities.

Service tenants

Service tenants are people employed by Birmingham City Council whose current accommodation is 'tied' to their job. When the employment comes to an end, the accommodation will no longer be available for use by the former employee or his household and he/she will be required to leave. There are special rules about this and the directorate for whom the person worked should seek advice and guidance of re-housing options.

Sheltered accommodation

This type of accommodation is allocated to people who require assistance and/or support from a support officer or scheme manager in order for them to maintain independent living.

Social rented unit

Housing of an adequate standard, which is provided to rent at below market cost for households in need by local authorities or registered social landlords (RSLs).

Sole/single applicants

BCC will treat all applications to the Housing Register as if there is one applicant. All others that are included on the application who wish to move with the applicant are considered by BCC to be part of the applicant's household.

This is the case even if the applicant has a partner or is married. The reason for this is for ease of administration of the Housing Register for BCC. It does not mean that, if an allocation is made and accepted, that BCC would not consider granting a joint tenancy to a couple.

When considering the financial resources available to an applicant, any partner's income may be taken into account in the assessment even though the partner is not called the applicant. This is because usually on allocation and acceptance of a tenancy the type of tenancy offered will be a joint tenancy.

Sole tenant

Where a single person is the tenant of a property, and the contractual responsibility for the tenancy is vested with them.

Statute

A statute is a formal, written law of a country, written and enacted by parliament, for example, the Housing Act (1996). A statute is made up of many parts called 'sections' or 'provisions'.

Statutory review

Applicants who have had their application to join the Housing Register refused, who have been removed from the Housing Register or who have received an unfavourable decision on a homeless application (including the decision to discharge homeless duty), have the right by law (Housing Act 1996) to appeal against the decision.

This document does not deal with homeless reviews, only reviews carried out as part of BCC's part 6 functions.

Statutory Unacceptable Behaviour Test

The statutory unacceptable behaviour means behaviour that, had the person been a secure tenant of a housing authority at the time (ie the applicant does not have to have been), would have entitled the housing authority to a possession order under s.84 of the Housing Act 1985, Schedule 2 in relation to grounds one to seven. The grounds include breaches of tenancy, non-payment of rent and also antisocial behaviour. If an applicant is guilty of

unacceptable behaviour serious enough to make them unsuitable to be a tenant of a housing authority then they will not be eligible for an allocation.

Succession

The Housing Act 1985 (as amended) states that if a tenant dies, the tenancy of the property will pass to his or her spouse or civil partner. It can also be passed to another member of their family providing they were living with the tenant as their only or principal home at the time of the tenant's death, and had lived with the tenant for the twelve months prior to the tenant's death. Family members include a person living with the tenant as husband or wife including same sex couples, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece.

There can only be one succession. If the deceased tenant had taken over the tenancy following the death of a previous tenant, there cannot be a second succession.

Successors

A person who is entitled to succeed to a council tenancy upon the death of the previous tenant, as set out in the Housing Act 1985 s87. A successor succeeds to the same type of tenancy that the deceased tenant held. It is not an allocation under Part 6 of the Housing Act 1996.

Supporting People

The Supporting People Programme is a fund supplied by central government and managed by the local authority, which pays for housing related support to vulnerable client groups such as older persons and those with disabilities.

Temporary accommodation

Birmingham City Council uses several types of temporary accommodation to house homeless people whilst homeless investigations are carried out, to satisfy the legal requirement to house intentionally homeless people for a reasonable period or to house priority need and non-intentionally homeless people until a suitable offer of permanent accommodation can be made from the Housing Register. Temporary accommodation includes both council-run and voluntary hostels, respite accommodation, dispersed hostels and tenancies given on a non-secure basis, which do not satisfy requirements to discharge homeless duty.

Tenant Management Organisation (TMO)

A Tenant Management Organisation (TMO) is a means by which council tenants and leaseholders can collectively take on responsibility for managing their homes. The resident members of the TMO create an independent legal body and usually elect a tenant-led management committee to run the organisation. The services managed by the TMO vary with local

circumstances but may include day-to-day repairs, allocations and lettings, tenancy management, cleaning and caretaking.

Urban Choice

Urban Choice is the choice based lettings scheme in Birmingham. It is currently operating in only a small area of the city. There are three partners who let some of their properties through this CBL scheme: Midland Heart Housing Association, Family Housing Association and Birmingham City Council.

Appendix two: local housing offices and neighbourhood offices

Local housing offices	
<p>Bloomsbury</p> <p>Tel 0121 464 1550 Fax 0121 359 2608 Housing 0121 464 1054 Rent arrears/antisocial behaviour 0121 464 1547 and 0121 464 1548</p> <p>Postal address Bloomsbury Estate Management Board 4 Medway Tower, Cromwell Street Nechells, Birmingham B7 5BD</p>	<p>Edgbaston</p> <p>Applications and transfers team 0121 303 5245</p> <p>Postal address Housing Services, Edgbaston District, Stonebrook Offices, Stonebrook Way, Weoley Castle, Birmingham B29 5UT</p>
<p>Erdington</p> <p>Antisocial behaviour team 0121 303 7048 Applications and transfers team 0121 303 6520 Lettings team 0121 303 7062 Estate management team 0121 303 7048 Rent team 0121 303 9261 Repairs – Inspace Partnership 0800 073 3333 Email erdington@birmingham.gov.uk</p> <p>Postal address Erdington District Housing Team 599–603 College Road, Kingstanding, Birmingham B44 0AY</p>	<p>Hall Green (Hall Green and Moseley and Kings Heath wards)</p> <p>Applications and transfers team 0121 303 4005 Email hallgreen@birmingham.gov.uk</p> <p>Postal address Housing Team, 29–33 The Fold, Kings Norton, Birmingham B30 9BL</p>
<p>Hall Green (Kings Norton)</p> <p>Estate management team 0121 303 5416 Rent team 0121 303 5421 Repairs – MITIE 0800 073 6688 Email sellyoak@birmingham.gov.uk</p> <p>Postal address Housing Team, 29–33 The Fold, Kings Norton, Birmingham B30 9BL</p>	<p>Hall Green (Selly Oak)</p> <p>Estate management team, Cotteridge 0121 303 4197 Estate management team, Yardley Wood 0121 303 8905 Repairs – MITIE 0800 073 6688 Email sellyoak@birmingham.gov.uk</p> <p>Postal address Housing Team, 29–33 The Fold, Kings Norton, Birmingham B30 9BL</p>

Local housing offices	
<p>Hodge Hill</p> <p>Antisocial behaviour team 0121 303 7267 Applications and transfers team 0121 303 7271 Lettings team 0121 303 1561 Estate management team 0121 303 7250 Rent team 0121 303 1563 Repairs – Mears: 0800 073 3333 Email hodgehill@birmingham.gov.uk</p> <p>Postal address Hodge Hill Housing Team, The Mirfield Centre, off Scholars Gate, Lea Village, Birmingham B33 0DL</p>	<p>Ladywood East</p> <p>Antisocial behaviour team 0121 303 5660 or 0121 464 5197 Applications and transfers team 0121 303 5668 Lettings team 0121 675 1396 Estate management team 0121 303 5667 Rent team 0121 303 0410 Repairs – Inspace Partnership: 0800 073 3333 Email ladywood@birmingham.gov.uk</p> <p>Postal address Ladywood East District Housing Team, 1st Floor, New Aston House, Alma Street, Newtown, Birmingham B19 2RL</p>
<p>Ladywood West</p> <p>Antisocial behaviour team 0121 303 5660 Applications and transfers team 0121 303 0443 Lettings team 0121 675 1394 Estate management team 0121 303 0419 or 0121 303 0404 Rent team 0121 303 1262 Repairs – Inspace Partnership: 0800 073 3333 Email ladywood@birmingham.gov.uk</p> <p>Postal address Ladywood West District Housing Team, 1st Floor, New Aston House, Alma Street, Newtown, Birmingham B19 2RL</p>	<p>Northfield</p> <p>Antisocial behaviour team 0121 464 4700 Applications and transfers team 0121 464 5607 Lettings team 0121 464 5606 Estate management team 0121 464 7297 Rent team 0121 303 8227 Repairs – MITIE 0800 073 6688 Email northfield.housing@birmingham.gov.uk</p> <p>Postal address Northfield District Housing Team, First Floor, Northfield Neighbourhood Office, Northfield, Birmingham B31 1PG</p>
<p>Perry Barr</p> <p>Antisocial behaviour team 0121 303 6525 Applications and transfers team 0121 303 6520 Lettings team 0121 303 7062 Estate management team 0121 303 6525 Rent team 0121 303 5402 Repairs – Inspace Partnership 0800 073 3333 Email perrybarr@birmingham.gov.uk</p> <p>Postal address Perry Barr District Housing Team, Tamebridge House, Level 3, Aldridge Road, Birmingham B42 2TZ</p>	<p>Sutton Coldfield</p> <p>Antisocial behaviour team 0121 303 5485 Applications and transfers team 0121 303 6520 Lettings team 0121 303 7062 Estate management team 0121 303 1442 Rent team 0121 303 7030 Repairs Inspace Partnership 0800 073 3333 Email sutton.housing@birmingham.gov.uk</p> <p>Postal address Sutton Coldfield Housing Team, The Council House, King Edward Square, Sutton Coldfield B73 6AN</p>

Neighbourhood offices	
<p>Acocks Green</p> <p>3 Botteville Road Acocks Green, Birmingham B27 7YE</p> <p>Tel: 0121 303 0596 Fax: 0121 464 2706 Email: adviceline@birmingham.gov.uk</p>	<p>Bartley Green</p> <p>Monmouth Road Bartley Green Birmingham B32 3LX</p> <p>Tel: 0121 303 5250 Fax: 0121 303 5240 Email: adviceline@birmingham.gov.uk</p>
<p>Birchfield</p> <p>3 Trinity Road Aston Birmingham B6 6AH</p> <p>Tel: 0121 303 6500 Fax: 0121 464 4934 Email: adviceline@birmingham.gov.uk</p>	<p>Bromford</p> <p>Cameronian Croft Bromford Birmingham B36 8UB</p> <p>Tel: 0121 303 7300 Fax: 0121 303 7310 Email: adviceline@birmingham.gov.uk</p>
<p>Castle Vale</p> <p>Community Campus Spitfire House 10 High Street Castle Vale B35 7PR</p> <p>Tel: 0121 675 4829 Fax: 0121 675 2986 Email: adviceline@birmingham.gov.uk</p>	<p>Cotteridge</p> <p>9 Pershore Road South Cotteridge Birmingham B30 3EE</p> <p>Tel: 0121 303 4950 Fax: 0121 303 4853 Email: adviceline@birmingham.gov.uk</p>

Neighbourhood offices	
Edgbaston 21 Tylney Close Edgbaston Birmingham B5 7ND Tel: 0121 303 4988 Fax: 0121 303 4827 Email: adviceline@birmingham.gov.uk	Erdington Civic House 101 Sutton New Road Erdington Birmingham B23 6RE Tel: 0121 303 0820 Fax: 0121 303 4486 Email: adviceline@birmingham.gov.uk
Frankley Frankley Community Library New Street Frankley B45 0EU Tel: 0121 464 7319 Email: adviceline@birmingham.gov.uk	Handsworth 12 Dawson Road Handsworth Birmingham B21 9HS Tel: 0121 675 5317 Fax: 0121 675 5306 Email: adviceline@birmingham.gov.uk
Handsworth Wood 13 College Road Handsworth Birmingham B20 2HU Tel: 0121 464 4237 Email: adviceline@birmingham.gov.uk	Hawkesley 50 Hawkesley Square Kings Norton Birmingham B38 9TU Tel: 0121 303 2173 Fax: 0121 303 5025 Email: adviceline@birmingham.gov.uk

Neighbourhood offices	
<p>Kings Heath</p> <p>38 Silver Street Kings Heath Birmingham B14 7QU</p> <p>Tel: 0121 303 5009 Fax: 0121 303 5005 Email: adviceline@birmingham.gov.uk</p>	<p>Kingstanding</p> <p>20 Rough Road Kingstanding Birmingham B44 OUY</p> <p>Tel: 0121 303 7733 Fax: 0121 303 7743 Email: adviceline@birmingham.gov.uk</p>
<p>Ladywood</p> <p>St Vincent Street West Botany Walk Ladywood Birmingham B16 8ED</p> <p>Tel: 0121 464 0567 Fax: 0121 303 0427 Email: adviceline@birmingham.gov.uk</p>	<p>Maypole</p> <p>Idmiston Croft Druids Heath Birmingham B14 5NJ</p> <p>Tel: 0121 303 7111 Fax: 0121 303 7148 Email: adviceline@birmingham.gov.uk</p>
<p>Newtown</p> <p>New Aston Road Newtown Shopping Centre Newtown Birmingham B19 2SE</p> <p>Tel: 0121 303 5649 Fax: 0121 303 5655 Email: adviceline@birmingham.gov.uk</p>	<p>Northfield</p> <p>1a Vineyard Road Northfield Birmingham B31 1PG</p> <p>Tel: 0121 464 7850 Fax: 0121 464 7867 Email: adviceline@birmingham.gov.uk</p>

Neighbourhood offices	
<p>Perry Beeches</p> <p>174 Beeches Road Perry Barr Birmingham B42 2HN</p> <p>Tel: 0121 303 0390 Fax: 0121 464 1022 Email: adviceline@birmingham.gov.uk</p>	<p>Perry Common</p> <p>599 College Road Kingstanding Birmingham B44 0AY</p> <p>Tel: 0121 303 1880 Fax: 0121 464 4867 Email: adviceline@birmingham.gov.uk</p>
<p>Quinton</p> <p>Four Dwellings Site Quinton Road West Quinton Birmingham B32 2RJ</p> <p>Tel: 0121 303 5500 Fax: 0121 303 5520 Email: adviceline@birmingham.gov.uk</p>	<p>Saltley</p> <p>54 Highfield Road Washwood Heath Birmingham B8 3QU</p> <p>Tel: 0121 303 1859 Fax: 0121 303 1876 Email: adviceline@birmingham.gov.uk</p>
<p>Shard End</p> <p>Shustoke Road Shard End Birmingham B34 7BB</p> <p>Tel: 0121 303 5859 Fax: 0121 303 2958 Email: adviceline@birmingham.gov.uk</p>	<p>Small Heath</p> <p>349 Coventry Road Small Heath Birmingham B10 0SN</p> <p>Tel: 0121 303 8929 Fax: 0121 303 8925 Email: adviceline@birmingham.gov.uk</p>

Neighbourhood offices	
Sparkbrook Greencoat House 261 Stratford Road Sparkbrook Birmingham B11 1QS Tel: 0121 303 9110 and 0121 303 9124 Fax: 0121 303 9118 Email: adviceline@birmingham.gov.uk	Sparkhill 641 Stratford Road Sparkhill Birmingham B11 4DY Tel: 0121 303 0722 Fax: 0121 303 0721 Email: adviceline@birmingham.gov.uk
Stechford 189 Meadway Kents Moat Birmingham B33 8NB Tel: 0121 303 1487 Fax: 0121 303 1483 Email: adviceline@birmingham.gov.uk	Sutton Coldfield Sutton Coldfield Council House King Edwards Square B73 6AN Tel: 0121 303 1439 Fax: 0121 303 1438 Email: adviceline@birmingham.gov.uk
Wardlow Road Refugee Centre Wardlow Road Nechells Birmingham B7 4JH Tel: 0121 464 3555 Fax: 0121 464 2998 Email: adviceline@birmingham.gov.uk	Yardley Wood 201 School Road Yardley Wood Birmingham B14 4ER Tel: 0121 303 7534 Fax: 0121 303 1671 Email: adviceline@birmingham.gov.uk

Appendix three: Statutory Unacceptable Behaviour Test

Ground for Possession – Statutory Unacceptable Behaviour Test

The Housing Act 1996 as amended by the Homelessness Act 2002 permits BCC to decide that an applicant is to be treated as ineligible for allocation as a result of his or her past unacceptable behaviour, or that of a member of his or her household.

Section 160A(8) provides that the only behaviour which can be regarded as unacceptable for these purposes is behaviour by the applicant or by a member of his household that would, if the applicant had been a secure tenant of the housing authority at the time, have entitled the housing authority to a possession order under s.84 of the Housing Act 1985 in relation to any of the grounds in Part I of Schedule 2, other than Ground 8 (i.e. grounds 1 – 7).

Below are the relevant grounds for possession as contained in the Housing Act 1985, schedule 2, grounds 1 – 7.

Ground one	Rent lawfully due from the tenant has not been paid or an obligation of the tenancy has been broken or not performed
Ground two	<p>The tenant or a person residing in or visiting the dwelling-house:</p> <p>(a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or</p> <p>(b) has been convicted of:</p> <p>(i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or</p> <p>(ii) an indictable offence committed in, or in the locality of, the dwelling-house.</p> <p>Ground 2A</p> <p>The dwelling-house was occupied (whether alone or with others) by a married couple or a couple who are civil partners of each other.</p> <p>(a) one or both of the partners is a tenant of the dwelling-house,</p> <p>(b) one partner has left because of violence or threats of violence by the other towards:</p> <p>(i) that partner, or</p> <p>(ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and</p> <p>(c) the court is satisfied that the partner who has left is unlikely to return.</p>

Ground three	The condition of the property or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default, the tenant or a person residing in the property and, in the case of an act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.
Ground four	The condition of furniture provided by the landlord for use under the tenancy, or for use in the common parts, has deteriorated owing to ill-treatment by the tenant or a person residing in the property and, in the case of ill-treatment by a person lodging with the tenant has not taken steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.
Ground five	The tenant is the person or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by the tenant.
Ground six	<p>The tenancy was assigned to the tenant, or to a predecessor in title of his who is a member of his family and is residing in the property, by an assignment made by virtue of section 92 (assignments by the way of exchange) and a premium was paid either in connection with that assignment or the assignment which the tenant or predecessor himself made by virtue of that section.</p> <p>In this section 'premium' means any fine or other like sum and any other pecuniary consideration in addition to rent.</p>
Ground seven	<p>The property forms part of, or is within the curtilage of, a building which, or so much of it is held by the landlord, is held mainly for purposes other than housing purposes and consists mainly of accommodation other than housing accommodation, and:</p> <p>The property was let to the tenant or a predecessor in title of his in consequence of the tenant or predecessor being in the employment of the landlord or of:</p> <ol style="list-style-type: none"> 1. Local authority 2. A new town corporation 3. An urban development corporation 4. The Development Board for Rural Wales 5. Governors of an aided school <p>and</p> <p>The tenant or a person residing in the property has been guilty of conduct such that, having regard to the purpose for which the building is used, it would not be right for him to continue in occupation of the property.</p>

Appendix four: points table and band thresholds

Category	Document section	Points
Releasing a valuable adapted property	3.4.1	150 points
Releasing an under-occupied property 4 bed property	3.4.2	150 plus 10 points for every bedroom given up ⁶⁵
Releasing an under-occupied property 3 bed property	3.4.2	120 plus 10 points for every bedroom given up
Releasing an under-occupied property 2 bed property	3.4.2	90 plus 10 points for every bedroom given up
Statutory overcrowding	3.4.3	100 base points plus 40 points per bedroom lacking
Overcrowding (non statutory)	3.4.4	40 points per bedroom lacking
Demolition and regeneration (clearance)	3.4.5	140 points
Leasehold expiry	3.4.6	140 points
Residential home closure	3.4.7	140 points
Decommission of Supporting People funded accommodation	3.4.8	140 points
Health and Care – Medical – Urgent points award	3.4.9.1	100 points
Health and Care – Medical – High Points award	3.4.9.1	50 points
Health and Care – Mobility and access – Urgent points award	3.4.9.2	100 points
Health and Care – Mobility and access – High points award	3.4.9.2	50 points
Health and Care – Medical care and support	3.4.9.3	50 points
Homelessness – Homeless within the meaning of Part 7	3.4.10.1	30 points
Homelessness – Homeless – Main Duty	3.4.10.2	140 points
Homelessness – Homeless – duty under s190(2)(a) of the Act	3.4.10.3	30 points
Former Her Majesty's armed forces personnel	3.4.11	80 points
Former BCC service tenants	3.4.12	80 points
Child in Need	3.4.13	80 points

⁶⁵ For example if an applicant is releasing a four bed but wants to move to a two bed he will receive 160 points; if he wants to move to a one bed he will receive 170 points.

Category	Document section	Points
Fostering and adoption	3.4.14	80 points
Care leavers	3.4.15	80 points
Move on single persons	3.4.16	50 points
Move on from mother and baby accommodation	3.4.16	80 points
Unsatisfactory housing conditions	3.4.17	20 points per category 1 hazard 10 points per category two hazard
Hardship	3.4.18	50 points
Welfare	3.4.19	50 points
Witness protection – Police Tier 2	3.4.20	50 points
Domestic violence	3.4.21	50 points
Harassment	3.4.22	50 points
Sharing facilities	3.4.23	20 points bathroom/toilet 20 points kitchen
Living with family or friends	3.4.24	30 points
Management points	3.4.25	Range 50 – 200
Waiting points	3.4.26	1 point per category of allocation points for every year waiting in need.

Number of points	Equivalent band
More than 250 points	Band A
Between 100 and 250 points	Band B
Between 1 and 99 points	Band C
No points	Band D

Appendix five: Statutory Overcrowding

Statutory Overcrowding is defined within the Housing Act 1985, part X. The Act states that a property is overcrowded when the number of persons sleeping in the property contravenes *either* the room standard or the space standard.

Rooms that can be included as sleeping accommodation

A room is included as sleeping accommodation if it is of a type normally used as either a bedroom or as a living room. This includes bedrooms, living rooms, dining rooms, studies etc.

This does not include kitchens (or kitchen area of the room if the property has a kitchen/diner), bathrooms or hallways.

All rooms must be of useable shape and proportion.

Rooms with a ceiling height of less than 2.1m are not taken into account, except in the circumstances detailed below which relate to rooms with sloping ceilings:

- any floor area where the ceiling height is less than 1.50m high are excluded from the calculations
- over the remainder of the floor area, the average ceiling height should be calculated. Only where the average ceiling height is of 2.3m or more and at least 50% of that remaining floor area counts as habitable space.

The room standard

The room standard is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of opposite sexes who are not living together as husband and wife must sleep in the same room. For this purpose:

- (a) children under the age of ten shall be left out of account, and
- (b) a room is available as sleeping accommodation if it is of a type normally used in the locality either as a bedroom or as a living room.

The space standard

The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation. For this purpose:

- a) Children under the age of one year are *not* taken into account.

- b) Children aged between one and nine are counted as half a person.
- c) A room is defined as sleeping accommodation if it is normally used as either a bedroom or as a living room.

The space standard is contravened when there are more than the permitted number of persons sleeping in any room shown in either table one and two below. Table one gives the room ratio to the number of persons, and table two gives the room size ratio to the maximum number of persons who can sleep in the room.

No account shall be taken for the purposes of either table of a room having a floor area of less than 50 square feet.

Table one

Number of rooms	Maximum persons permitted
1 room	2 persons
2 rooms	3 persons
3 rooms	5 persons
4 rooms	7½ persons
5 or more	2 in each room

Table two

Floor area of room	Maximum persons permitted
Over 10.2m ² Over 110 sq ft	2 persons
8.36m ² – 10.2m ² 90 to 110 sq ft	1½ persons
6.5m ² – 8.36m ² 70 to 90 sq ft	1 person
4.66m ² – 6.5m ² 50 to 70 sq ft	½ person
Less than 4.66m ² Less than 50 sq ft	0 persons

Appendix six: the review procedure

Reviews – Housing Needs Review Panel (HNRP)

There is a legislative requirement for local authorities to consider requests from applicants who are dissatisfied with specific decisions that have been taken on their application to the Housing Register. In addition to the statutory requirements, the council considers it to be a matter of good practice to ensure that all applicants have a channel for their housing applications to be reconsidered, even those to whom the statutory right does not apply. Reconsideration of housing applications is called reviews and is assessed by the Housing Needs Review Panel (HNRP).

The HNRP's function is to reconsider decisions reached on applications made under Part VI of the Housing Act (i.e. applications for the *Housing Register*), which are separate and distinct from homeless applications.

The panel comprises:

- review officers – involved in the preparation and investigation of the case (and not involved in the original decision).
- senior officer – role is to chair the panel and vested with final decision making power
- specialist advisers – invited on ad hoc basis where specialist advice is required.

This internal review procedure gives the council an opportunity to ensure, as far as possible, that all decisions are fair, reasonable, accurate, consistent and will stand up to legal challenge in the courts.

Some examples of decisions applicants can seek a review of include (but not exhaustive):

- ineligibility for an allocation
- points awards⁶⁶
- decisions to award less preference
- medical decisions (points awarded, property recommendations).

There is no set format for an applicant to request a review, other than it must be in writing, for example, an email or letter. To assist the customer in seeking a review, the housing service has a standard Housing Needs Review Form. This form includes guidance notes to assist the customer in the review submission. This form is available from any of the offices listed in appendix two. Therefore applicants are encouraged to use the HNRP Form.

⁶⁶ Except management points which can only be awarded by senior managers

When a review is received by the HNRP, the applicant will be sent an acknowledgement letter confirming the reason for the review and the date it was received.

Requests for a review should be made in writing within 21 days of receipt of a decision letter. The HNRP aims to hear all reviews within 56 days of receipt. However there may be some instances where 56-day timescale will be required to be extended. The extension will be agreed with the applicant and will only be sought where the review cannot be concluded in the given timescale due to further information being required; or where the complexity of the case requires input from other specialists.

The HNRP considers the information (both old and new) relating to the applicant's case and decides either:

- 1) That the decision is correct – Uphold the original decision because it was correctly made in accordance with legislation and policy; or
- 2) That the original decision is wrong and they substitute their own decision – Overturn the original decision because it was not made in accordance with legislation or policy; or
- 3) That more information is required in order to reach a decision and they decide how this information is obtained and who is responsible for obtaining it.

Where a decision has been reached, the applicant will be notified of the HNRP's decision in writing (statutory notification letter) including:

- 1) What information was taken into consideration;
- 2) How the final decision was reached by the HNRP;
- 3) How it affects their housing application;
- 4) Information on what the applicant should do if they are not happy with decision of the HNRP. There are no further review rights once a HNRP decision has been made. The decision can only be pursued further by judicial review on a point of law.

