

## Notice of a public

### **Decision Session - Executive Member for Housing & Safer Neighbourhoods**

**To:** Councillor Douglas (Executive Member)

**Date:** Thursday, 19 July 2018

**Time:** 2.00 pm

**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

## **AGENDA**

### **Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday 23 July 2018**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee (Calling In).

**Written representations in respect of items on this agenda should be submitted to Democratic Services by 5.00pm on Tuesday 17 July 2018**

#### **1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 1 - 2)  
To approve and sign the minutes of the meeting held on Thursday 21 June 2018.

3. **Public Participation**  
At this point in the meeting, members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday 18 July 2018**. Members of the public can speak on agenda items or matters within the Executive Member's remit.

To register to speak please contact the Democracy Officers for the meeting, on the details at the foot of the agenda.

#### **Filming, Recording or Webcasting Meetings**

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

[https://www.york.gov.uk/downloads/file/11406/protocol\\_for\\_webcasting\\_film\\_and\\_recording\\_of\\_council\\_meetings\\_20160809](https://www.york.gov.uk/downloads/file/11406/protocol_for_webcasting_film_and_recording_of_council_meetings_20160809)

**4. Extension of Mandatory Houses in Multiple Occupation (HMO) Licensing** (Pages 3 - 34)

This report outlines the new statutory duties regarding HMOs, proposing amendments to the existing HMO Implementation policy and changes to the fee structure to reflect the impact of those new duties on the service.

**5. Decision on Leaving North Yorkshire Home Choice and adopting a CYC Housing Allocation Policy** (Pages 35 - 128)

The report sets out a proposal to leave the North Yorkshire Home Choice partnership and agree a CYC Housing Allocations Policy. This is in order to better suit the needs of York and integrate a new Housing IT system.

**6. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Chris Elliott

Contact details:

- Telephone – (01904) 553631
- Email - Christopher.elliott@york.gov.uk

For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim (Polish)  
własnym języku.**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)**

** (01904) 551550**

City of York Council

Committee Minutes

---

Meeting	Decision Session - Executive Member for Housing & Safer Neighbourhoods
Date	21 June 2018
Present	Councillor Douglas (Executive Member)

---

### **1. Declarations of Interest**

At this point in the meeting, the Executive Member was asked to declare any personal interests not included on the Register of Interests or any disclosable pecuniary interests which they had on the business on the agenda. No additional interests were declared.

### **2. Minutes**

Resolved: That the minutes of the meeting held on 19 March 2018 be approved and then signed by the Executive Member as a correct record.

### **3. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

### **4. Homeless Review 2017/18**

The Executive Member considered a report which examined the activity governed by the Housing Act 1996, the Homelessness Act 2002 and the City of York Council's Homelessness Strategy 2013-2018 in respect of the financial year 2017-18. Its primary focus was to report on prevention work, trends of statutory homelessness and rough sleepers. The report identified the new duties placed on the local authority under the Homelessness Reduction Act 2017 and also identified the targets and priorities for 2018-19.

The Head of Housing and the Assistant Director, Housing and Community Safety, highlighted the significant achievements for 2017-18 which included:

- Number of homeless preventions stabilised at 616 cases

- Statutory homelessness decreased in York with number of accepted homeless households reduced to 90 (from 97 the previous year)
- A reduction in households in temporary accommodation to 49 (target 62)
- No families or individuals in B & B accommodation

Officers responded to queries raised by the Executive Member in relation to issues covered in the report. They advised that levels of youth homelessness had reduced as a result of the creation of a Youth Homelessness Worker who was experienced in dealing with issues for this cohort.

They advised that there was a national predicted increase in rough sleeping and the government had set a target to reduce this by 50% by 2022, York was working towards this target and a count undertaken earlier that week had identified 18 rough sleepers, which compared to 29 counted on an occasion towards the end of 2017.

They informed the Executive Member that some of the actions in the strategy were long term projects with significant resource implications. In relation to the mental health resettlement process, officers advised that they were in discussions with Tees, Esk & Wear Valley NHS Trust and they would report back to Members later in the year in relation to creating a planned path for those with mental health problems into independent living.

Officers confirmed that the refreshed Homeless Strategy, with a compressive set of actions, would be considered by the Executive that evening and Members would be asked to sign off the completed action plan for the 2013-18 Homeless Strategy and to approve the adoption and publication of the new 2018-23 Strategy 'Preventing Homelessness Together'.

Resolved: (i) That the progress made by the service be noted.

(ii) That the priorities and targets for 2018-19 as set out in paragraph 19 of the report be agreed.

Reason: To ensure the council continues to meet the statutory duties under the Housing Act 1996 (as amended) and the Homeless Reduction Act 2017 and supports the most vulnerable in society.

Councillor H Douglas, Executive Member  
[The meeting started at 2.00 pm and finished at 2.20 pm].



---

**Decision Session - Executive Member for Housing and Safer Neighbourhoods**

19 July 2018

Report of the Assistant Director, Housing and Community Safety

**Extension of Mandatory Houses in Multiple Occupation (HMO) Licensing****Summary**

1. This report outlines the new statutory duties regarding HMOs, proposing amendments to the existing HMO Implementation policy and changes to the fee structure to reflect the impact of those new duties on the service.

**Recommendations**

2. The Executive Member is asked to:
  - a) Note the new duties imposed on the council relating:
    - To the extension of the mandatory HMO licensing to smaller HMOs.
    - The introduction of two new conditions, the first one imposes minimum room sizes for sleeping accommodation and the second introducing a new condition regarding waste storage at a HMO property.
  - b) Approve Option 1 – The new duties imposed on us will result in an increased workload for our department. In response to this, we are proposing an altered implementation policy (annex 1) to include;
    - risk assessing application forms to determine the time of our visit within the 5 year period, prioritising non-compliant properties first
    - a refresh of our existing fees, taking into consideration the new duties placed on our teams

Reason: The Council has a statutory duty to implement the new legislation, by adopting the new HMO policy it will continue to raise standards in the poorest performing sector.

## Background

### Current position

3. City Of York Council operates the national mandatory licensing scheme for Houses in Multiple Occupation (HMO). All HMOs which are 3 storeys with 5 or more occupants who form more than 1 household are required to be licensed. We currently license 480 HMOs. Most are within the central wards of the city.
4. HMO licensing seeks to improve the condition and the management of the properties. Critically it doesn't seek to control the number and distribution of HMOs this is through Planning and specifically the Article 4 direction.

### Proposed New Duties

5. The Government, following over two years of consultation, has now:
  - Extended mandatory licensing to all HMOs<sup>1</sup> (other than section 257 HMOs and flats in larger purpose built blocks) that are occupied by 5 or more persons in two or more separate households.
  - Introduce mandatory condition in all licensed HMOs concerning minimum sleeping room sizes and maximum number of occupants<sup>2</sup>;
  - Introduce a mandatory condition in all licensed HMOs concerning the provision of refuse storage facilities.<sup>3</sup>
6. The above duty and provisions become effective from the 1<sup>st</sup> October 2018 however there are transition arrangements to give landlords time to comply with the new requirement and to rectify overcrowding. Councils must allow up to 18 months before they consider prosecuting the landlord for breach of the new licence conditions relating to room sizes. HMOs that are already licensed will have to comply with the condition only when their current licence expires and at the first renewal after 1 October this year.

---

<sup>1</sup> 23<sup>rd</sup> February 2018 laid an order advising that the law will be implemented on the 1<sup>st</sup> October 2018  
<http://www.legislation.gov.uk/uksi/2018/221/made>

<sup>2</sup> Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) England Regulations 2018 will be implemented on the 1<sup>st</sup> October 2018

<sup>3</sup> Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) England Regulations 2018 will be implemented on the 1<sup>st</sup> October 2018



7. The second new mandatory condition created by the regulations relating to household waste disposal facilities. A new mandatory condition will need to be included in HMO licensing to require landlords to comply with their local authority's refuse storage and disposal schemes. The purpose of the condition is because occupants living in separate households in HMOs tend to generate more rubbish than is seen in a single household property. While tenants should be responsible for properly disposing of their rubbish, they need adequate and accessible receptacles to do so. This mandatory condition of licensing will mean that councils will have to proactively require landlords to provide waste disposal facilities where there is a scheme.
8. We have also taken the opportunity to refresh other conditions having regard to changes in other pieces of legislation and judgements from the First Tier Property Tribunal. The Implementation Policy outlines the amendments to those conditions and the reason for those changes.
9. The other significant change is that due to the increase in volume of work that we are proposing to risk assess application forms to determine when we shall visit within the 5 year period. We are proposing to use the amended application process to ensure that we are prioritising visits having regard to safety and the new condition relating to room sizes. Where the application is deemed to have met the requirements will issue the licence with conditions.
10. The fees structure has been developed having regard to the additional resources it will take to licence properties, in particular the impact of the new conditions and recent Local Government Association(LGA) guidance<sup>4</sup>. The condition relating to setting minimum room requirements will mean that additional officer time will be required, this is not an exhaustive list but it will include assessing the application forms, inspecting properties taking physical measurements of each room and ensuring compliance including further monitoring visits. The LGA guidance advises that we need to ensure we apply a two stage fee
  - a) Stage 1 to charge a fee upon application – to cover the authorisation procedures
  - b) Stage 2 a subsequent fee to successful applicants to cover the cost of administering and enforcement of conditions

---

<sup>4</sup> <https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

See Appendix A for the full fee structure.

11. Where we find non-compliance with the provisions the matter will be investigated having regard to the proposed HMO policy and the enforcement policy, including the civil penalty policy adopted last year, where a fine can be considered up to a maximum of £30k.

### **Consultation**

- 12 There is no formal consultation process for extending the national mandatory HMO licensing scheme as we have a statutory duty to do so. However we have been working with a range of internal partners<sup>5</sup> and external partners<sup>6</sup> and the sector<sup>7</sup> to ensure that they are aware of the changes that have been proposed and to help shape the implementation policy.

### **Options**

- 13 **Option 1:** To extend mandatory HMO licensing, introduce the new conditions and adopt the new policy which provides a risk based approach to the subsequent inspection programme.
- 14 **Option 2:** To extend mandatory HMO licensing, introduce the new conditions but continue the process so that all properties are visited prior to issuing the licence.

### **Analysis of Options**

- 15 There are limited options available as the council has a duty to licence HMOs who fall within the new definition and to introduce the new conditions.
- 16 However under the new policy we are proposing that we don't visit every property before we issue the licence. Instead we collect a range of information to ensure that:
  - the property meets the minimum safety standards including the new room size provision
  - the licence holder meets the fit and proper test
  - Satisfactory arrangements are in place to manage the property.

---

<sup>5</sup> Internal partners include Planning, Council Tax, Neighbourhood Management Officers, Parking, Waste Strategy Building Control

<sup>6</sup> External Partners include – North Yorkshire Fire and Rescue Service, Regional Private Sector Housing Groups

<sup>7</sup> Others in the Sector include the York Residential Landlord Association, National Landlord Association and the Higher York Partnership

- 17 The intention is to issue HMO licences, where the application satisfies the above tests to enable the licence to be issued with any relevant conditions attached. A visit will then be programmed in to ensure that the conditions are met. During that visit a full assessment will be carried out having regard to the Housing Health and Safety Risk Assessment <sup>8</sup> as well as looking at matters relating to HMO licensing.
- 18 However at the application stage should we determine that standards are not being met we will visit before a licence issued. Again not an exhaustive list such visits will be triggered where:
  - a) the rooms sizes don't meet the legal minimum sizes or
  - b) that there are significant safety matters at the property (lack of fire detection at the property)
  - c) Where there is history of non- compliance by the licence holder or by the person managing the property
19. The second option of visiting each property before the licence is issued does not provide a risk based approach and will mean that the council will not be targeting those properties and licence holders who are not meeting the appropriate standards.
20. We are expecting to licence a minimum of 700 new properties under the new regime. To help applicants we are also introducing an online application tool.

## **Council Plan**

- 21 Licensing of HMOs is aligned to the three key priorities for the council
  - **a prosperous city for all** - where local businesses can thrive and residents have good quality jobs, housing and opportunities. Good quality HMOs can provide a good source of housing for residents on low incomes
  - **a focus on frontline services** - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities . Provision of poor quality housing including HMOs can have significant impact on the health and wellbeing of residents. Changes to the benefits system means

---

<sup>8</sup> Housing Health and Safety Risk Assessment – a legal tool to determine with there are any health and safety issues at the domestic dwelling

[https://www.york.gov.uk/info/20097/private\\_landlords\\_and\\_tenants/1067/housing\\_health\\_and\\_safety\\_rating\\_system\\_hhsrs](https://www.york.gov.uk/info/20097/private_landlords_and_tenants/1067/housing_health_and_safety_rating_system_hhsrs)

that this HMOs are the only option available to residents who are often the most economically vulnerable

- **a council that listens to residents** - to ensure it delivers the services they want and works in partnership with local communities. Licensing of HMOs means that we are tackling the sector which has been found to have the poorest standards. By raising standards in these properties it not only improves the properties for the tenants but also has a positive impact on the neighbouring properties.

## Implications

22. The report is for information only and there are no other implications at this stage for the following:

- **Financial.** The amendments to the fee structure income outlined in the proposed policy will cover the cost of the HMO licensing. Any income generated from the licensing scheme must **only** be used to cover costs incurred by the council to carry out the licensing function.
- **Human Resources (HR).** We have considered the additional resources required to licence the increase in the number of HMOs. These would be fully funded from the fee income
- **Equalities.** Attached is the One Planet York Assessment (Appendix B)
- **Legal.** We have a statutory duty to implement the extension of any Mandatory HMO licensing scheme.
- **Crime and Disorder.** The government is clear that this is part of their strategy to tackle poor landlord practises which has led to overcrowding, poor management of tenant behaviour, failure to meet the required health and safety standards, housing of illegal immigrants and intimidation of tenants when legitimate complaints are made. Although only a minority of landlords the impacts of their practises are disproportionate putting safety and welfare of tenants and risk and adversely affecting local communities
- **Information Technology (IT)** – We are working with ICT to procure a simple online solution which will provide 24/7 access to prospective licence holders
- **Property** – Additional desk space will be required in West Offices to accommodate additional staffing

- **Other – None**

### **Risk Management**

23. We have a statutory duty to implement the new laws. By revising our policy and providing adequate resources we will be able to ensure that we are managing the associated risks.

### **Contact Details**

**Author:**

**Ruth Abbott**  
Housing Standards and  
Adaptations Manager  
Housing Services  
01904 554092

**Chief Officer Responsible for the  
report:**

**Tom Brittain**  
Assistant Director Of Housing and  
Community Safety

**Report**  **Date** 20/06/2018  
**Approved**

**Wards Affected:** *List wards or tick box to indicate all* **All**

**For further information please contact the author of the report**

### **Background Papers:**

[Executive Report 15<sup>th</sup> March 2018 Review of the Evidence Base supporting the case for the extension of licensing of Houses in Multiple Occupation \(HMO\) across the city.](#)

### **Annexes**

Annex 1 Implementation Policy  
Annex 2 One Planet York Assessment

This page is intentionally left blank

## General Policy Statement

The council aims to encourage, support and regulate private landlords and agents to provide safe and well managed properties, free from category 1 hazards. Inform and support tenants around what they can expect<sup>1</sup>. Good quality Houses in Multiple Occupation (HMOs) provide a source of affordable and flexible housing for residents in the city.

This is the revised implementation programme for HMOs which are required to be licensed by law. From the 1<sup>st</sup> October 2018 all HMOs occupied by more than 5 unrelated occupants who form two or more households will need to be licensed, irrespective of the new storeys.

To support this aim and to ensure that we are complying with the new law we are changing how we licence Houses in Multiple Occupation, the changes reflect the:

- Housing Act 2004 and regulations/orders made there under
- Other legislation such as the Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015
- Best Practise from other councils
- First Tier Property Tribunal judgements,
- The councils wider strategic objectives in particular relating to sustainability

Where it relates to a new HMO then the proposed licence holder will need to ensure that the standards are achieved by complying with the licence conditions prior to a HMO being licensed and let.

The three tests being that the:

- 1) property is reasonably suitable for occupation as a HMO (**physical standards**)
- 2)management arrangements are satisfactory (**management standards**) **including having passed a recognised training qualification or to do so within a 18 month period of issuing the licence**

<sup>1</sup> Strategic Aim 2 Private Sector Housing Strategy

3) licensee and manager are fit and proper persons **(Fit and Proper test)** The applicant must be the most appropriate person to hold the licence.

The council is aware that enforcement action on its own is insufficient. We will continue to work in partnership with landlords/managing agents and letting agents and other partners. By offering a wide range of support/advice for example on our website, landlord training and events. We will also continue to offer further support and recognition to landlords who offer standards well above the minimum by supporting the YorProperty Accreditation Scheme and the Good Landlord Awards.

**Within three years the council will review the impact of these changes to determine whether there is a need to introduce a local Additional Scheme to extend licensing of HMOs further.**

#### HMO Licence – general

A licence will be valid for a maximum of five years and will specify the maximum number of occupants and households for the house and the number and occupancy levels within each room used as sleeping accommodation.

A licence will not relate to more than one HMO

It cannot be transferred to another person if the licence holder dies, the licence cease to be in force.

During the first 3 months beginning with the date of the licence holder's death the house will be treated as if a temporary exemption notice (TEN) has been served

A licence ends automatically after 5 years or after the period specified in the licence (if that is different).

Unless the HMO ceases to be licensable within that period or the council grants a temporary exemption notice on



the expiry of that period the HMO must be re-licenced or an Interim Management Order made in respect of it

A licence will be granted:

- Where the house is reasonably suitable for occupation as a HMO (**physical standards**) and
- The management arrangements are satisfactory (**Management Standards**) this includes the licence holder having attended a recognised training course or to do so within a 18 month period of issuing the licence.
- The licensee and manager are fit and proper persons (**Fit and Proper test.**) The applicant must be the most appropriate person to hold the licence

A property which meets the requirements of being the licensing of HMOs order will need to be licenced even if the property does not have the relevant planning permission. This does not mean that the property has the relevant planning permission.

**Implementation Policy**

Previous Policy	Proposed Policy
<p>It is intended that following the receipt of the application form for a new HMO that an officer will visit the property. All matters relating to existing conditions relating to safety will need to meet before a licence will be issued. A full housing health and safety rating system inspection will be carried out at the same time. Any matters arising from that part of the inspection will be dealt with under Part 1 of the Act</p> <p>Where a property doesn't meet the new safety conditions and amenity standards but can do so within a six months period then a draft licence will be issued</p>	<p>All new HMO applications will be risk assessed to determine when to visit the property during the 5 year period. The risk assessment will have regard to</p> <ol style="list-style-type: none"> <li>1) The size of the sleeping rooms and whether they meet the new minimum legal standards</li> <li>2) Safety issues – in particular relating to fire safety, gas safety and electrical safety</li> <li>3) Level of amenities</li> <li>4) History of compliance with the landlord and any person managing the property. Including whether they have.</li> </ol> <p>Where it is determined that the property does not meet the</p>

<p>giving the licence holder six months to meet those conditions.</p>	<p>requirements relating to safety and/or room sizes. Then the property will be visited before a licence is issued to ensure that these safety matters are resolved and the appropriate action is taken having regards to our enforcement policy. Where the minimum room sizes are not met a licence condition will be issued having regard to the room size giving the licence holder up to 18 months to ensure that the room either meets the standard through building work or that it ceases to be used. NOTE the council does not intend to reduce the licensing fee in these circumstances. Where the property is safe and meets the minimum room size standards but lacks the level of amenities (bathroom and kitchen) in line with Appendix A. The licence holder will be normally be given up to 18 months to comply with these provisions.</p>
---	---

The Three Tests

**That the property is reasonable suitable and meets the physical standards**

Licence Condition	Reason for change
<p>All rooms used for sleeping accommodation will meet the minimum room sizes outlined in the regulations. Each room will specify the size of the room and the number of people who can occupy that the room</p>	<p>New Condition: To introduce and implement the conditions relating to the <u>minimum</u> room sizes for sleeping accommodation in line with the regulations The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.  NOTE the council can determine in certain circumstances, using the Housing Health and Safety Risk assessment that</p>

<p>Where gas is supplied to provide copies of the annual gas safety certificates at the application stage and on demand</p> <p>The licence holder must ensure that carbon monoxide detectors are fitted to all high-risk rooms, in accordance with EN50291. Where this is not being met the licence will be issued with a condition that the matter is required within a maximum of 28 days</p> <p>To provide a copy of the current electrical safety certificate for the fixed electrical wiring at the application stage. The electrical safety inspection should be done at intervals not exceeding 5 years. Where matters have been raised by the competent person as needing urgent or remedial the licence holder must have declared that the work must have been completed.</p> <p>To provide current copies of the Portable Appliance Tests (PAT) that a competent person has carried out those checks within two years of making the licence condition. To ensure throughout the period of the licence that the checks are carried out at least once</p>	<p>where <u>minimum</u> room sizes are insufficient require higher standards.</p> <p>No change</p> <p>Amended condition: Change in the timescale to reduce the period of the licence condition from 6 months to 28 days in line with time period specified in the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.</p> <p>No change</p> <p>No change</p>
---	---

<p>every two years. The licence holder must supply to the authority on demand a copy of the current PAT certificate.</p> <p>Where furniture is provide that the licence holder on applications confirms that it meets the Furniture and Furnishings (Fire Safety) Regulations 1988 as amended and that continues to do so throughout the period of the licence.</p> <p>To provide a copy of the comprehensive fire risk assessment for that property and details of the satisfactory means of fire escape and fire detection system.</p> <p>To provide copies of the Energy Performance Certificate for that property (EPC). The condition will ensure that the property complies with the Minimum Energy Efficiency Standards as per the regulations or that the Licence holder has registered the property on the PRS exemption register and provided the relevant evidence to support the exemption</p>	<p>No change</p> <p>Amended condition: to introduce word comprehensive for guidance on risk assessments and standards visit North Yorkshire Fire and Rescue  <a href="http://www.northyorksfire.gov.uk/businesssafety/legislation">http://www.northyorksfire.gov.uk/businesssafety/legislation</a></p> <p>Amended condition : to require landlords to provide full Energy Performance Certificates to ensure that they comply with the Minimum Energy Efficiency Standards so that properties with F and G ratings are not being let unless the license holder has registered their property on the Government website and has provided the relevant evidence to support the exemption.  <a href="https://prsregister.beis.gov.uk/NdsBeisUi/failover-landing">https://prsregister.beis.gov.uk/NdsBeisUi/failover-landing</a></p>
--	--

<p>To ensure that adequate heating is provided which is fully controllable by the tenants, and safely and properly installed and maintained. It should be appropriate to the design, layout and construction, such that the whole of the dwelling can be adequately and efficiently heated. The space heating may be centrally controlled but such systems should be operated to ensure that tenants are not exposed to cold indoor temperatures and should be provided with controls to allow the tenants to regulate the temperature within their unit.</p>	<p>No change</p>
<p>Conditions can be imposed restricting or prohibiting the use of occupation of particular parts of the house by persons occupying it where there are specific health and safety issues or where the minimum room sizes are not being met.</p>	<p>No change but this will be linked to the condition relating to minimum room sizes.</p>
<p>Conditions can be imposed requiring work to ensure facilities or equipment to be made available or to meet any such standards that the works are carried within such period or periods as may specify by in or determined under the licence.</p>	<p>No change</p>

<p>To provide details about facilities and equipment to be made available in the house for the purpose of meeting the kitchen, bathroom and personal washing facilities standards as per prescribed in the national standards as outlined in Appendix B. Should the standards not be met then a licence condition will be issued to provide the necessary standards within a period up to 18 months of issuing the licence.</p> <p>Conditions will be imposed requiring any such facilities and equipment provided to be kept in good repair and proper working order.</p>	<p>Amended condition: Where a property is not visited for any other purpose (room size or fire safety) and the property is deemed to be meet all other requirements apart from the amenity standards in appendix B then a licence condition will be issued giving up to 18 months to meet those standards</p> <p>No change</p>
<b>That the management arrangements are satisfactory</b>	
<b>Conditions</b>	<b>Reason for amendment or change</b>
<p>A system for tenants to report defects, including in emergencies and arrangements to respond to those requests.</p> <p>To provide a written statement of terms of the tenancy to the tenants within 28 days moving in to the HMO.</p> <p>A process for dealing with anti-social behaviour occurring within the HMO by tenants or their visitors.</p>	<p>No change</p> <p>No change</p> <p>No change</p>

<p>Arrangements in place for periodic inspections to identify where repair or maintenance is needed. Should be met and that the licence will be issued to ensure that they continue to be met.</p> <p>To keep smoke alarms in working order. To supply on demand with a declaration by the licence holder as to condition of the and positioning of such alarms</p> <p>The name, address and telephone number for licensee and manager is to be displayed in the common parts of the HMO.</p> <p>Copies the of a valid safety certificates safety (gas/electrical/ PAT testing) and a plan showing the internal layout of the property specifying the rooms to be displayed in the common parts.</p> <p>A copy of the licence and licence condition to be displayed in the common parts.</p>	<p>No change</p> <p>No change</p> <p>This will be deemed to be met if kept in a file for public viewing in the communal areas of the licenced property</p> <p>Amended condition: to include all relevant safety certificates to be displayed and a copy of the layout of the property specifying the rooms used for sleeping accommodation and the maximum number of occupants. This will be deemed to be met if kept in a file for public viewing in the communal areas of the licenced property</p> <p>Amended condition: to include the licence conditions to be provided at the house. This will be deemed to be met if kept in a file for public viewing in the communal areas of the licenced property</p>
--	--

<p>The licence holder must ensure that the exterior of the property is maintained in a reasonable decorative order and state of repair.</p> <p>The licence holder must ensure that the refuse is stored correctly at the property. That information about refuse storage and collection is given to the tenants at the start of the property including a copy of the refuse collection calendar and at the end of the tenancy the tenant is provided with information and guidance on the correct disposal of excess and bulky waste</p> <p>All other matters relating to the management of the HMO will be dealt with under the management regulations.</p>	<p>No change</p> <p>Amended condition: To ensure that licence holders are provide adequate storage at the property. That the refuse storage and collection is being properly managed by the licence holder by requiring the licence holder to give information to the tenant about the refuse storage arrangements and collection at the beginning, during and end of the tenancy in line with the council scheme</p> <p>No change</p>
<b>Fit and proper person test for licence holders and managers –No Changes</b>	
<p>A person will be considered fit and proper if the council is satisfied that:</p> <ul style="list-style-type: none"> <li>• They have no unspent convictions relating to offences involving fraud, dishonesty, violence or drugs, or sexual offences</li> <li>• They have no unspent convictions relating to housing or landlord and tenant law</li> <li>• They have not been refused a HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the approved code of practice under S197 of the Act within the last five years</li> </ul>	



- They have not been in control of a property subject to an HMO Control Order an Interim Management Order (IMO) or Final Management Order (FMO) or work in default carried out by a local authority
- They have not been subject to legal proceedings by a local authority for breaches of planning, compulsory purchase, environmental protection legislation or other relevant legislation.

The council will require all applicants to complete a self-certification form. The council will reserve the right to check the accuracy of the information with its partners

### Transitional arrangements

All existing HMOs which are required to be licenced from the 1<sup>st</sup> October 2018 for the first time will be treated in line with this policy statement. Where the licence holder does not comply with the provisions relating to room sizes they will be provided with a notification specifying the condition(s) and a time period by when the licence holder should comply with those conditions, this period must not exceed 18 months from the granting of the licence.

All existing licenced HMOs (3 storeys or more with 5 occupants) will need to comply with the new conditions from the time they make their first grant (renewal) after the 1<sup>st</sup> October 2018.

### Enforcement Policy

The policy is written in the context of York's Housing Strategy and Private Sector Housing strategy and must be read in conjunction with the latest enforcement policy.

### Fees

Fees for new applications for HMO required to be licensed from the 1<sup>st</sup> October 2018. In line with recent Court decisions – there will be two stages to the fee payment.

- The first fee payment will need to accompany the licence application.
- The second payment will need to be received where the application is complete enabling the council to carry out the necessary checks to enable the notice of intention to issue the licence but before the final decision to grant the licence is issued. At this point there will be a reduction to the second stage fee where the applicant

has already attended a recognised training course (reduction of £75) and/or is an active member of YorProperty (reduction of £85).

Band	Number of occupants	First stage fee Submitted with application form £	Second stage fee Submitted a draft notice of intention Stage £	Total Fee £
Band A	5/6 occupants	657	438	1095
Band B	7/9 occupants	765	510	1275
Band C	10/14 occupants	837	558	1395
Band D	15 +occupants	945	630	1575

#### Renewal of HMO fees

Band	Number of occupants	First stage fee Submitted with application form £	Second stage fee Submitted a draft notice of intention Stage £	Total Fee £
Band A	5/6 occupants	477	318	795
Band B	7/9 occupants	513	342	855
Band C	10/14 occupants	531	354	885
Band D	15 +occupants	585	390	975

In the case of licence holders applying for a subsequent licence for the same property (renewal) to charge a lower fee than the full HMO application licence fee if it is provided within time. Where an application is received and it's either incomplete or is outside of time to charge the full fee for an initial application. The other discounts relating to

HMO training and YorProperty apply.

Where the council has to do more than the normal administrative work and identifies an unregistered HMO and bringing it into the licensing regime there will be an additional charge based on the hourly enforcement rate. Note this applies only where the council makes a decision does not take formal enforcement action.

### Amenity Standards – Bathroom Facilities

The table below outlines the minimum facilities which should be provided

<b>Number of persons Sharing</b>	<b>1 bathroom with WC</b>	<b>1 bathroom and 1 separate WC</b>	<b>2 bathrooms with WCs</b>	<b>2 bathrooms, a separate WC, or a third bathroom</b>	<b>3 bathrooms with WC</b>
<b>3 or 4</b>	✓	✓	✓	✓	✓
<b>5</b>	x	✓	✓	✓	✓
<b>6</b>	x	x	✓	✓	✓
<b>7</b>	x	x	✓	✓	✓
<b>8</b>	x	x	✓	✓	✓
<b>9</b>	x	x	x	✓	✓
<b>10</b>	x	x	x	✓	✓

<b>11 - 15</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>✓</b>
----------------	----------	----------	----------	----------	----------

Where a separate toilet is provided the room should contain a wash hand basin with hot and cold running water. The wash hand basin should be correctly connected to waste drainage. The term bathroom means a room containing a bathing facility, which can either be a suitable bath or shower compartment or both.

### Amenity Standards- Kitchen Facilities

The table below outlines the minimum facilities which should be provided

<b>5 People</b>	<ul style="list-style-type: none"> <li>• 1 sink</li> <li>• 1 x 4 ring cooker</li> <li>• other amenities as detailed below</li> </ul>
<b>6-7 people</b>	<ul style="list-style-type: none"> <li>• 2 x sink or 1x sink and 1 x dishwasher</li> <li>• 2 x 4 ring cooker or 1x 6 ring cooker and microwave</li> <li>• other amenities as detailed below</li> </ul>
<b>8-10 people</b>	<ul style="list-style-type: none"> <li>• 2 x sink or 1 x sink and 1 x dishwasher</li> <li>• 2 x 4 ring cooker</li> <li>• other amenities as detailed below</li> </ul>
<b>11+ people</b>	<i>Please contact the Housing Standards and Adaptations Service</i>

**Other required kitchen amenities in a shared house**

Fridge with freezer space  $-0.075\text{m}^2$  or one 1 shelf per person

Worktops  $1.5\text{m} \times 0.5\text{m}$  for up to 5 sharers, additional  $0.5\text{m}$  work surface for each additional user up to  $3\text{m} \times 0.5\text{m}$

Electrical sockets 4 in addition to those used for major appliances (fridge, microwave, washing machine)

Dry food Storage  $0.08\text{m}^3$  or 1 shelf per person (the space in the unit under the sink is not acceptable)

Where cooker rings/hobs are provided they must suitably and safe located and suitably connected to the fixed electrical system.

This page is intentionally left blank

The 'Better Decision Making' tool has been designed to help you consider the impact of your proposal on the health and wellbeing of communities, the environment, and local economy. It draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services by considering the equalities and human rights implications of the decisions we make. The purpose of this tool is to avoid decisions being made in isolation, and to encourage evidence-based decision making that carefully balances social, economic and environmental factors, helping us to become a more responsive and resilient organisation.

The Better Decision Making tool should be used when proposing new projects, services, policies or strategies, or significant amendments to them. The tool should be completed at the earliest opportunity, ideally when you are just beginning to develop a proposal. However, it can be completed at any stage of the decision-making process. If the tool is completed just prior to the Executive, it can still help to guide future courses of action as the proposal is implemented.

**The Better Decision Making tool must be attached as an annex to Executive reports. A brief summary of your findings should be reported in the One Planet Council / Equalities section of the report itself.**

Guidance to help you complete the assessment can be obtained by hovering over the relevant question.

Please complete all fields. If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

#### Introduction

<b>Service submitting the proposal:</b>	Housing Standards and Adaptations
<b>Name of person completing the assessment:</b>	Ruth Abbott
<b>Job title:</b>	Housing Standards and Adaptations Manager
<b>Directorate:</b>	HHASC
<b>Date Completed:</b>	9th July 2018
<b>Date Approved</b> (form to be checked by head of service):	

#### Section 1: What is the proposal?

1.1	<b>Name of the service, project, programme, policy or strategy being assessed?</b>
	Implementation of the law relating to the mandatory extension of licensing of Houses in Multiple Occupation (HMO) across the city
1.2	<b>What are the main aims of the proposal?</b>
	The report advises the Executive Member for Housing and Safer Communities about the new duties relating to the extension of licensing to smaller HMOs and proposes amendments to the existing policy including a revised fee structure
1.3	<b>What are the key outcomes?</b>
	To ensure that we raise the standards in the worst performing sector but in a programmed way focussing on the poorest HMOs first in particular those which dont meet the new licence conditions relating to minimum room sizes, signicant safety issues and poor history of non-compliance

#### Section 2: Evidence

2.1	<b>What data / evidence is available to support the proposal and understand its likely impact?</b> (e.g. hate crime figures, obesity levels, recycling statistics)
	The extension of the national HMO licensing will be a mandatory requirement on the LA to implement.
2.2	<b>What public / stakeholder consultation has been undertaken and what were the findings?</b>
	None this has been completed by the national government

	<b>Are there any other initiatives that may produce a combined impact with this proposal?</b> (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)
2.3	N/A

---



### Section 3: Impact on One Planet principles

Please summarise any potential positive and negative impacts that may arise from your proposal on residents or staff.  
This section relates to the impact of your proposal on the ten One Planet principles.

For 'Impact', please select from the options in the drop-down menu.  
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

#### Equity and Local Economy

Does your proposal?		Impact	What are the impacts and how do you know?
3.1	Impact positively on the business community in York?	Positive	Raising the standards in the sector occupied by students, young professionals etc will support universities/research led businesses and other businesses attract and retain talent. In addition poor housing has an impact on health and by improving the conditions it will reduce any ill-health
3.2	Provide additional employment or training opportunities in the city?	Positive	Improving the sector used by a significant number of young people and students will support businesses /colleges of further education to improve the sector
3.3	Help improve the lives of individuals from disadvantaged backgrounds or underrepresented groups?	Positive	Due to the changes in the Local Housing Allowance shared properties are the only source of accommodation which is available for people on low incomes and benefits

#### Health & Happiness

Does your proposal?		Impact	What are the impacts and how do you know?
3.4	Improve the physical health or emotional wellbeing of residents or staff?	Positive	Improve the health and wellbeing of residents
3.5	Help reduce health inequalities?	Positive	The BRE research 2015 advised that this HMO sector as part of the PRS had the highest concentrations of hazards across tenures
3.6	Encourage residents to be more responsible for their own health?	Positive	There is significant body of evidence ( Marmot Review) which demonstrates that there is a strong link between a residents health and poor housing, By raising the standard of housing it will have a positive impact on a residents health and wellbeing
3.7	Reduce crime or fear of crime?	Positive	Entry by Intruders is one of the 29 HHSRS which is considered by officers as part of the HMO inspection programme
3.8	Help to give children and young people a good start in life?	Positive	A significant proportion of students and young adults under the age of 35 live in HMOs.

#### Culture & Community

Does your proposal?		Impact	What are the impacts and how do you know?
3.9	Help bring communities together?	Positive	Through licensing conditions and the subsequent inspection programme it aims to raise the property and management standards of the larger HMOs
3.10	Improve access to services for residents, especially those most in need?	Neutral	There is an opportunity to promote other services to new licence holders and tenants living in the sector
3.11	Improve the cultural offerings of York?	Positive	By having a healthy private rented sector and HMO attracts new residents and their visitors to the city.
3.12	Encourage residents to be more socially responsible?	Positive	There is a significant body of evidence that improving housing conditions improves neighbourhoods

#### Zero Carbon and Sustainable Water

Does your proposal?		Impact	What are the impacts and how do you know?
3.13	<b>Minimise the amount of energy we use and / or reduce the amount of energy we pay for?</b> E.g. through the use of low or zero carbon sources of energy?	Positive	Part of the licensing conditions aim to ensure that low cost energy efficiency measures are installed such as loft/cavity wall insulation
3.14	<b>Minimise the amount of water we use and/or reduce the amount of water we pay for?</b>	Neutral	This is not a licence condition

**Zero Waste**

Does your proposal?		Impact	What are the impacts and how do you know?
3.15	<b>Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?</b>	Positive	There is an opportunity to impose a new licence condition relating to refuse storage for all new licensable properties

**Sustainable Transport**

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	<b>Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?</b>	Unsure	Having a better understanding of the location of the properties which need to be licensed and the number of occupants will help to inform on street parking policy. However the law does not enable a licence condition to be imposed relating to this issue
3.17	<b>Help improve the quality of the air we breathe?</b>	Unsure	See above

**Sustainable Materials**

Does your proposal?		Impact	What are the impacts and how do you know?
3.18	<b>Minimise the environmental impact of the goods and services used?</b>	Neutral	

**Local and Sustainable Food**

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	<b>Maximise opportunities to support local and sustainable food initiatives?</b>	Neutral	

**Land Use and Wildlife**

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	<b>Maximise opportunities to conserve or enhance the natural environment?</b>	Neutral	
3.21	<b>Improve the quality of the built environment?</b>	Positive	By improving the physical standards of the properties
3.22	<b>Preserve the character and setting of the historic city of York?</b>	Positive	There are a few properties which are within the walls of the city by ensuring that the properties are well managed will help to preserve the properties
3.23	<b>Enable residents to enjoy public spaces?</b>	Positive	Improving the physical standards of the properties has a positive impact on the built environment

3.40		Additional space to comment on the impacts	
The implementation of the extension of Licensing of HMOs will be a national mandatory requirement which the council will have a duty to impose			

**Section 4: Impact on Equalities and Human Rights**

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.  
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

**Equalities**

Will the proposal **adversely impact** upon 'communities of identity'?  
Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

		Impact	What are the impacts and how do you know?
4.1	Age	Positive	There is a significant population of students/young adults whose only source of affordable housing is the shared house in multiple occupation. It is important to ensure that good quality accommodation is provided to ensure the health of the occupant, improve the neighbourhood and retain
4.2	Disability	Neutral	
4.3	Gender	Neutral	
4.4	Gender Reassignment	Neutral	
4.5	Marriage and civil partnership	Neutral	
4.6	Pregnancy and maternity	Neutral	
4.7	Race	Neutral	
4.8	Religion or belief	Neutral	
4.9	Sexual orientation	Neutral	
4.10	Carer	Neutral	
4.11	Lowest income groups	Positive	Due to the changes in Local Housing Allowance rates, shared housing is often the only source of accommodation available for people on benefits and low income. It is important that such properties are improved
4.12	Veterans, Armed forces community	Neutral	

**Human Rights**

Consider how a human rights approach is evident in the proposal

		Impact	What are the impacts and how do you know?
4.13	<b>Right to education</b>	Positive	Provision good quality accommodation supports a range of students to live in the city
4.14	<b>Right not to be subjected to torture, degrading treatment or punishment</b>	Positive	We are getting increasing number of referrals from partnering organisations which are linking the occupation of unlicensed HMOs with landlords who are linked to criminal activities including modern slavery
4.15	<b>Right to a fair and public hearing</b>	Positive	The introduction of the legislation provides the right of internal rights of appeal and also the right of appeals to first tier tribunals
4.16	<b>Right to respect for private and family life, home and correspondence</b>	Positive	The introduction of licensing will help support tenants to access information and direct support to ensure that they are living in properties which are both of a good physical standard but well managed
4.17	<b>Freedom of expression</b>	Positive	The introduction of licensing will help support tenants to access information and direct support to ensure that they are living in properties which are both of a good physical standard but well managed
4.18	<b>Right not to be subject to discrimination</b>	Neutral	
4.19	<b>Other Rights</b>	Positive	We are getting increasing number of referrals from partnering organisations which are linking the occupation of unlicensed HMOs with landlords who are linked to criminal activities including modern slavery

4.20	<b>Additional space to comment on the impacts</b>
<p>This is a mandatory tool which has been introduced nationally in recognition that the poorest conditions are found in this sector. By ensuring that we are implementing the provisions in a targeted manner will ensure that we are tackling the worst properties and poorest management practises first</p>	



**Section 5: Planning for Improvement**

5.1	<b>What have you changed in order to improve the impact of the proposal on the One Planet principles?</b> (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)
	<b>This is legal requirement which aims to raise the standards in the poorest performing sector</b>

5.2	<b>What have you changed in order to improve the impact of the proposal on equalities and human rights?</b> (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)
	<b>To ensure that the new implementation of the extension of the national HMO scheme is well promoted across the sector including tenants, landlords, agents and other stakeholders (both internal and external partners e.g. Planning team and the universities/employers)</b>

5.3	<b>Going forward, what further evidence or consultation is needed to ensure the proposal delivers its intended benefits?</b> e.g. consultation with specific vulnerable groups, additional data)
	<b>Implementation of the new HMO provisions will be an opportunity to collect evidence on the ground regarding the condition and management of the sector</b>

5.4	<b>Please record any outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal?</b> (Expand / insert more rows if needed)
-----	---

Action	Person(s)	Due date
Review Resources - JD/recruitment to implement scheme	Ruth Abbott	19/07/2018
Review processes and procedures	Ruth Abbott	19/07/2018
Develop marketing and communication plan	Ruth Abbott	19/07/2018
Implement new IT system to support Programme	ICT/Ruth Abbott	01/09/2018

**In the One Planet / Equalities section of your Executive report, please briefly summarise the changes you have made (or intend to make) in order to improve the social, economic and environmental impact of your proposal.**

This page is intentionally left blank



---

**Decision Session - Executive Member for Housing and Safer Neighbourhoods****19 July 2018**

Report of the Assistant Director – Housing &amp; Community Safety

**Decision on Leaving North Yorkshire Home Choice and adopting a CYC Housing Allocation Policy****Summary**

1. It is a legal requirement to have a Housing Register to allocate social housing.
2. York is currently part of the North Yorkshire Home Choice (NYHC) partnership and common allocations policy. The partnership was formed in 2011 and the policy amended in 2013.

**Recommendations**

3. The Executive Member is asked to:

Agree to option 1, leave the North Yorkshire Home Choice partnership and adopt the proposed City of York Council (CYC) allocations policy. Agree to retain a Choice Based Letting (CBL) system. The policy will not be implemented until the new Housing IT system is introduced but agreement is required in advance to inform the tender and design of the new IT system.

- Reason – The sub regional NYHC partnership and allocation policy no longer meets the needs of York which are at variance to the sub regional partners. The NYHC system is an administrative burden and York wishes to integrate the Choice Based Lettings system with the new Housing IT system.

**Background**

4. In 2011, in line with Government policy, Local Authorities were encouraged and supported financially to develop ‘Choice Based Lettings’ (CBL) policies and systems., CBL allows vacant properties to be advertised (mainly via web based system) and applicants to bid (express an interest) in the properties they want to live in. This policy initiative led

to the introduction of a North Yorkshire Home Choice Policy (NYHC) & Choice Based Lettings (CBL) system. NYHC is a sub regional partnership across North Yorkshire (excluding Harrogate) partnership which enables those accepted on to the register to bid for properties across the NYHC partner areas. This does not include Harrogate.

5. City of York Council hosts the scheme and employs the NYHC Coordinator (0.6 FTE), a joint funded post. NYHC is overseen by a Board and an operational group both made up of representatives of partners. This partnership utilises the same IT system (Abitas), operates the same lettings and allocation policy (with minor exceptions for participating organisations that have charitable status) and enables registered applicants to move freely across the partnership area with some restrictions of cross boundary movement for some applicants e.g. statutory homeless.
6. Housing Services carried out a review of the processing of housing application and of allocating social housing. The review used a systems thinking approach and identified a number of significant blockages in processes leading to duplication, waste and inefficiencies. It also identified that the existing process raises unrealistic expectations with customers
7. In March 2016 the Communities & Environment Policy & Scrutiny Committee reviewed the housing registrations service to understand the Council's policy, process, systems and application criteria and considered national good practice, visits and findings of the Housing Registrations Review. It finally considered the proposed changes to the Housing Registrations service, systems and policy and the implications associated with any change.
8. As a result of this review a revised registration system was introduced in York, moving away from an entirely on-line application process to face to face and telephone interviews prior to any application being made. This has been operating successfully since April 2016 and generates less waste and provides applicants with a more realistic picture of their housing options.
9. A report entitled 'Review of the Housing Registrations Service' was put in front of the Executive Member for Housing and Safer Communities on 16<sup>th</sup> October 2016 and it was agreed that officers could negotiate changes with the NYHC partnership provided that the final proposals were presented at a future Executive Member for Housing and Community Safety Decision Session.



### **Current position**

10. CYC are currently part of a sub regional choice based lettings system (North Yorkshire Home Choice NYHC)
11. The decision by CYC to explore leaving NYHC was discussed at NYHC Board and all other partners indicated a commitment to remaining within NYHC. There was no appetite from partners to divide into smaller partnership areas with York.
12. Following discussions with each Registered Social Landlord (RSLs), there is an ongoing willingness by partners to work with CYC either through NYHC or a stand alone allocations policy. The majority of RSL were willing to continue to advertise 100% properties though CYC although it is important to remember that nomination rights are generally around 75%.
13. That CYC is in the process of procuring a new Housing IT system which will link housing management, homelessness, building services and allocations. The NYHC system (Abitas) cannot currently perform this function.
14. The current arrangement is a partnership and involves a degree of compromise which does not always meet the needs of York as the York housing market has different demands and needs to the partners in the sub regional partnership, in particular around the demand for single persons accommodation and the high demand for 2 bedroom need. Changes to the policy must have consensus across the partnership, be accepted by decision making bodies within each partnership organisation and be fully consulted on. Over time a range of changes that York have wanted to make have been stymied as there is not consensus on moving forward with them e.g. changes to support the offer for care leavers.

### **Proposal**

15. Option 1 – To agree to leave NYHC and adopt a CYC allocations policy. To retain a choice based letting system. The policy, if agreed, will be implemented at a future date in line with the new Housing IT system and we remain a full partner in NYHC until this date. Agree that the Head of Housing can make minor changes to the attached policy e.g. grammatical, spelling or other errors and clarifying wording (but not substantive changes to provisions within the policy)

Option 2 – To reject the recommendations and remain with NYHC sub regional partnership and current allocations policy

## Analysis

16. The recommendation to leave NYHC is as a result of the service review, assessing the effectiveness of the process and an analysis of need. A considerable amount of staff and manager time is involved in hosting NYHC, attending meetings, training, negotiation and monitoring. This is important to ensure consistency in process and decision making across the partnership. There are occasions when York would not have made the same decision as a partner but were required to house that applicant.
17. There are limited vacancies and these need to be available to those most in housing need which has led to suggested changes such as removal of Good Tenant status, seeking to reduce the numbers in bronze band, greater 'penalties' for those refusing multiple offers or failing to bid and introducing direct lets for accepted homeless applicants.
18. Applicants from the sub region wishing to move into York would require a connection to York (e.g. close family, employment )
19. The previous discussion to withdraw from a Choice Based Lettings system is not considered in this report as while it may increase workplace efficiencies (voids) it would remove customer choice and transparency for public and applicants. A new IT system will better meet the needs of the service and applicants and be designed / purchased based on York specification
20. The consultation response was mixed. Of 160 public responses 45.63% wanted to remain part of NYHC while 54.37% did not want to stay or did not know. Virtually all respondents agreed with the proposed changes if CYC were to adopt a stand alone policy. This is not currently an option if we remain in NYHC. Of the 5 responses from agencies 2 wished to remain in NYHC, 2 wished to leave 1 did not reply. Staff consultation about the proposal to leave NYHC was about 65% in favour of leaving.
21. The proposed CYC allocations policy must be legal and take account of national requirements.
22. The Localism Act 2011 gives Local Authorities discretion around qualification to the register but there is a requirement that certain groups are give reasonable preference in an allocation policy
  - a) People who are homeless (within the meaning of Part 7 of the 1996 Act);

- 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 section 192(3);
- c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- d) People who need to move on medical or welfare grounds (including any grounds relating to a 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).
- f) Armed forces
- g) Right to Move initiative

23. The development of the proposed CYC allocation policy has taken account of reasonable preference and of the housing need in York, welfare benefit regulations, supply and demand for accommodation.

24. The proposed changes to policy include:

- Disqualification from the register including those with no housing need
- Clarification around those applicants who have a poor tenancy record including rent arrears
- Disqualification for refusing 2 offers of suitable accommodation
- An amended income and savings criteria.
- Extended disqualification for fraudulent applications
- Removing the ability to reapply for housing if already / recently a social housing tenant
- Local connection through 6 months employment, rough sleepers engaging with services for 6 months work.
- Changes to process, reducing the bidding period to Thursday – Monday
- Additional verification checks to reduce fraud and error
- Changing the review process from a 2 stage to a single stage process.
- Changes to banding for some customer groups including recognising overcrowding in a bedsit, giving higher priority to these without basic amenities and care leavers and removal of good tenant status.
- Greater clarification about direct lets (offers of property outside the choice based lettings bidding process), including direct lets to all statutorily homeless customers.
- Changing the age that children of same sex will be assessed as being expected to share a bedroom

- Ability to offer shared housing where appropriate.
- Incorporating persistent and targeted harassment (currently violence) into Management Transfer (emergency move via a direct let) criteria
- Specific provision to quickly house care leavers direct from care establishments, placement or through resettlement when ready to live independently and when returning from university as part of the Council's offer for care leavers.

The Local Authority would continue to provide detailed, realistic advice to anyone in the district in respect of housing options and opportunities

### Option 1 – to leave NYHC and adopt a CYC allocations policy

25. Migration: There is a degree of movement between York and other Local Authorities predominantly from York to Selby(28), but most households opt to remain in York (192). Withdrawing from NYHC would reduce choice for applicants wishing to leave York, unless they had a connection to the remaining partnership through family or employment

#### Migration data 1/4/17-31/3/18

	Craven	Hambleton	Richmondshire	Ryedale	Scarborough	Selby	York	LA To ↓
Craven	44	0	0	1	0	0	0	45
Hambleton	0	105	2	8	1	1	3	120
Richmondshire	0	5	77	3	2	2	0	89
Ryedale	0	5	1	53	6	5	9	79
Scarborough	0	3	1	4	305	0	3	316
Selby	0	1	1	2	0	120	6	130
York	1	10	0	12	4	28	192	247
LA From →	89	248	164	154	632	284	234	

26. There are some households who would no longer be able to register for social housing, because they had no need. Data indicates that approximately 300 households with no housing need and no risk of homelessness would be removed from the register
27. Analysis shows that in the period 01/06/17 until 01/06/18, four households aged under 60 were housed in York through the bidding process from Bronze band. Three of these were housed by Housing Associations and one by CYC.
28. Data shows that 97 tenants would no longer receive good neighbor status and any future housing transfer for them would be based on housing need based on the policy criteria.

## **Option 2 to remain in NYHC partnership and common allocations policy**

29. Under current policy the register would remain as is and no households would be removed. The number of vacant properties available to let would not change.
30. The good tenant criteria would remain. Over the last 12 months 19 good tenants were re-housed, incurring an additional £12,500 void loss (based on average void loss) by these tenants.
31. To remain in NYHC and retain the status quo would result in retaining the current allocations policy or any future NYHC allocations policy which would not give York the option to amend a policy to meet local needs
32. The future CYC housing IT system would not incorporate an integrated choice based lettings module and data links would need to be developed at additional expense.

## **Consultation**

33. Consultation took place in respect of the Housing Registration Review with staff and stakeholders (2016)
34. Consultation took place in respect of the question on remaining or leaving the NYHC partnership with staff, stakeholders and customers (2018) (Appendix 1)
35. Consultation took place on the proposed CYC allocation policy with staff, stakeholders and customers (2018) (Appendix 1 )
36. Statutory consultation with Registered Social Landlords (in accordance with Allocation of accommodation: guidance for local housing authorities in England 2012 (section 5.1 – 5.3). Consultees included Joseph Rowntree Housing Trusts, Yorkshire Housing, Railway Housing, Home Group, York Housing Association, Thirteen Group, Broadacres Housing Association and Accent. Findings were predominantly in line with recommendations, although a small number of amendments have been made to the draft policy to take account of concerns.
37. The NYHC Board have discussed the impact of York leaving the partnership

38. Discussions took place with RSL's regarding future partnerships with housing providers, who indicated continuing commitment to working with York regardless of which system / policy is used

### **Council Objectives**

39. The Housing Register is closely link to priorities within the Council Plan 2015-19:
- A prosperous city for all where local businesses can thrive and residents have good quality jobs, housing and opportunities
  - A focus on frontline services to ensure all residents, particularly the least advantaged can access services and community facilities

### **Implications**

The implications arising from this report are:

#### Financial

40. There are a number of direct implications as a result of this report, including the needs of the service which have been considered in the IT programme
41. That there may be a cost to leaving the NYHC partnership, but there is an annual cost of approximately £11,000 for IT (including host fees, license and data storage) plus £2500 staffing to remain in NYHC
42. A decision would need to be made about if / how much to charge partner agencies for advertising properties ad administering a housing register

#### Staff

43. The post of CBL coordinator is jointly funded and undertakes work on behalf of the NYHC partnership. Should CYC no longer participate in the NYHC scheme there will be employment implications in relation to this post. Discussions will continue to take place with the partnership and the employee regarding the future of this post.

#### Equalities Implications

44. An Equalities Impact Assessment was completed for the Housing Register

45. A community impact assessment has been completed for the review and concludes that the action plan addresses the needs of vulnerable groups, in particular in the following protected characteristics: age, disability, gender, gender realignment, pregnancy and maternity, race and sexual orientation.

### Legal Implications

46. There is a legal requirement to have an allocation policy under Part 6 of the 1996 Act.
47. Local Housing Authorities must give reasonable preference to certain applicants.
48. The Localism Act 2011 introduced significant amendments to Part 6. The main policy objectives behind these amendments are to enable housing authorities to better manage their housing waiting list by giving them the power to determine which applicants do or do not qualify for an allocation of social housing. Authorities will be able to operate a more focused list which better reflects local circumstances and can be understood more readily by local people.
49. The allocation policy and housing register and subsequent service delivery will take account of the General Data Protection Regulation (GDPR)
50. There is a legal right of review for a customer on any decision in respect of accessing the Housing Register and allocation of properties
51. Nomination agreements with Housing Associations will need to be updated
52. Agreement over the advertising and allocating of properties under the new system is finalised with partner Registered Social Landlords (discussions have already taken place with a number of them on this issue)

### **Risk Management**

53. The introduction of the new IT system and policy would need careful management to ensure a smooth transition, including adequate staff training and external publicity
54. There is some public concern that an allocations policy is biased towards those who are homeless, vulnerable and to some degree less able to

help themselves, resulting in problems within communities. The policy tries to take account of ensuring sustainable communities while at the same time following the legal requirements to give reasonable preference to certain groups.

**Contact Details**

**Author:**

**Denis Southall**  
Head of Housing  
Dept Name HHASC  
Tel No. 01904 551298

**Chief Officer Responsible for the report:**

**Tom Brittain** Assistant Director Housing and  
Community Safety

**Report  
Approved**

**Date**

**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

**Annexes**

- Annex 1 – Public consultation responses
- Annex 2 - Agency consultation responses
- Annex 3 – City of York Council Allocations Policy
- Annex 4 - Community Impact Assessment



Q1

**Are you:**

Answer Choices	Responses	
A City of York or Housing Association tenant living in York	46.91%	76
Applying for a Council or Housing Association property in York	7.41%	12
A stakeholder (work for a housing agency or organisation or with people that are homeless in York)	4.94%	8
A resident of the City of York	31.48%	51
A resident from outside the City of York	9.26%	15
	<b>Answered</b>	<b>162</b>

Q2

**Do you think we should remain part of North Yorkshire Home Choice?**

Answer Choices	Responses	
Agree	45.63%	73
Disagree	38.13%	61
Don't know	16.25%	26
	<b>Answered</b>	<b>160</b>

Q3

**Applicants with no housing need (those who currently live in adequate housing) cannot register for social housing. There are some exceptions, see Q4:**

Answer Choices	Responses	
Agree	55.10%	81
Disagree	32.65%	48
Don't know	12.24%	18
	<b>Answered</b>	<b>147</b>

Q4

**Exception: Applicants who are 60+, and who wish to move into Independent Living Communities (sheltered) or specific 60+ housing can register.**

Answer Choices	Responses	
Agree	93.33%	140
Disagree	3.33%	5
Don't know	3.33%	5
	<b>Answered</b>	<b>150</b>

Q5

**Applicants in rent arrears of over 8 weeks in either social or private tenancy cannot register for social housing in York. (People would be able to re-apply when arrears are below 8 weeks).**

Answer Choices	Responses	
Agree	74.32%	110
Disagree	21.62%	32
Don't know	4.05%	6
	<b>Answered</b>	<b>148</b>
	<b>Skipped</b>	<b>29</b>

**Applicants with historic housing related debt (former arrears, damage recharges, bonds and deposits) who have not maintained a payment plan for at least 13 weeks cannot register for social housing in York.**

Answer Choices	Responses	
Agree	79.87%	119
Disagree	11.41%	17
Don't know	8.72%	13
	<b>Answered</b>	<b>149</b>

Q7

**Applicants and joint applicants who own or part own a residential property, whether they currently live in the home or not, cannot register for social housing in York.**

Answer Choices	Responses	
Agree	79.19%	118
Disagree	15.44%	23
Don't know	5.37%	8
	<b>Answered</b>	<b>149</b>

Q8

**Single people and couples under 35 with their own bedroom in the family home have no housing need and therefore cannot register for social housing in York.**

Answer Choices	Responses	
Agree	31.54%	47
Disagree	61.74%	92
Don't know	6.71%	10
	<b>Answered</b>	<b>149</b>

Q9

**Applicants and/or dependents that have a combined household income and/or savings above the thresholds outlined below and are able to meet their own housing need cannot register for social housing in York. The proposed thresholds are: • Threshold for one bedroom property - £45,000• Threshold for two bedroom property - £55,000• Threshold for three bedroom property - £60,000**

Answer Choices	Responses	
Agree	71.81%	107
Disagree	16.78%	25
Don't know	11.41%	17
	<b>Answered</b>	<b>149</b>

Q10

**Applicants who provide false information or deliberately withhold information cannot register for a minimum of five years from the date of assessment. (Currently disqualified for 12 months).**

Answer Choices	Responses	
Agree	73.65%	109
Disagree	17.57%	26
Don't know	8.78%	13
	<b>Answered</b>	<b>148</b>

Q11

**Applicants should be removed from the register if they have refused two suitable offers of accommodation. (Currently applicants are removed if they have refused three suitable offers).**

Answer Choices	Responses	
Agree	48.65%	72

Disagree	48.65%	72
Don't know	2.70%	4
	<b>Answered</b>	<b>148</b>

Q12

**Applicants who are previous tenants, joint tenants or a named member of a household who has left the property cannot register for 12 months from the tenancy start date. (Currently someone can give up a tenancy and immediately re-apply to the register).**

Answer Choices	Responses	
Agree	59.73%	89
Disagree	26.85%	40
Don't know	13.42%	20
	<b>Answered</b>	<b>149</b>

Q13

**When an applicant disagrees with something about their application there is 1 right of review by a senior officer (there are currently 2 rights of review, the second being to NYHC Board). NB - There is still right to judicial review and complaint, ombudsman.**

Answer Choices	Responses	
Agree	47.65%	71
Disagree	40.94%	61
Don't know	11.41%	17
	<b>Answered</b>	<b>149</b>

Q14

**To prevent fraud and identify subletting, photographic evidence of all household members should be provided at application.**

Answer Choices	Responses	
Agree	82.67%	124
Disagree	11.33%	17
Don't know	6.00%	9
	<b>Answered</b>	<b>150</b>

Q15

**To prevent fraud, subletting and minimise risk the following checks are carried out on applicants and all household members over the age of 18 and individual applicants aged 16 and 17. Checks include: Police checks, tenancy checks, credit checks, medical condition confirmation, land registry checks, immigration status checks. (Currently we only do checks on applicants and not other adult family members).**

Answer Choices	Responses	
Agree	76.67%	115
Disagree	14.67%	22
Don't know	8.67%	13
	<b>Answered</b>	<b>150</b>

Q16

**How long should someone live in York before they can register for housing? NB – someone fleeing domestic violence or accepted homeless is not subject to this criteria.**

Answer Choices	Responses	
6 out of 12 months or 3 out of 5 years (in line with homeless legislation)	39.58%	57
Currently live in City of York Council Local Authority and have been resident for minimum of 2 years	39.58%	57
Currently live in City of York Council Local Authority and have been resident for minimum of 4 years	20.83%	30
	<b>Answered</b>	<b>144</b>

**How long should someone work in York before they can register for housing? NB - Employment is defined as meaningful permanent full time or part time not casual or seasonal.**

Answer Choices	Responses	
Employed in City of York Local Authority area	39.16%	56
Employed in City of York Local Authority area for 6 months	60.84%	87
	<b>Answered</b>	<b>143</b>

Q18

**When should a rough sleeper who is not from York and does not have a job in York be able to register for housing?**

Answer Choices	Responses	
If there is evidence of rough sleeping for prescribed time of local connection (Q16 - Q17)	13.29%	19
If there is evidence of rough sleeping for prescribed time of local connection (Q16 - Q17) and engagement with services	50.35%	72
Should not get local connection	36.36%	52
	<b>Answered</b>	<b>143</b>

Q19

**Offenders who were tenants (no arrears or anti-social behaviour) before their conviction and the sentence is not tenancy related are given emergency band to ensure they are rehoused on release (currently are offered a direct let).**

Answer Choices	Responses	
Agree	58.33%	49
Disagree	26.19%	22
Don't know	15.48%	13
	<b>Answered</b>	<b>84</b>

Q20

**Applicants in the 'emergency band' will be subject to autobid or direct let if they have not made any suitable bids within 28 days (currently review / withdraw band).**

Answer Choices	Responses	
Agree	72.34%	102
Disagree	14.89%	21
Don't know	12.77%	18
	<b>Answered</b>	<b>141</b>

Q21

**When a child over the age of 1 lives in a bedsit with parent(s) they are awarded gold band for lacking 2 bedrooms.**

Answer Choices	Responses	
Agree	68.57%	96
Disagree	26.43%	37
Don't know	5.00%	7
	<b>Answered</b>	<b>140</b>

Q22

**When a child under the age of 1 lives in a bedsit with parent(s) they are awarded silver band for lacking 1 bedroom.**

Answer Choices	Responses	
Agree	69.72%	99
Disagree	27.46%	39
Don't know	2.82%	4
	<b>Answered</b>	<b>142</b>

**Applicants whose home permanently lacks basic amenities, not due to the failure of the applicant and that cannot be resolved via reasonable building / works or enforcement action, increase banding from silver to gold band.**

Answer Choices	Responses	
Agree	87.41%	125
Disagree	7.69%	11
Don't know	4.90%	7
	<b>Answered</b>	<b>143</b>

Q24

**Gold band to applicants where there are succession rights to a social tenancy but the property does not meet the housing need (usually too large).**

Answer Choices	Responses	
Agree	71.13%	101
Disagree	17.61%	25
Don't know	11.27%	16
	<b>Answered</b>	<b>142</b>

Q25

**Gold band to tenants where flexible tenancy is at an end and they require alternative accommodation.**

Answer Choices	Responses	
Agree	62.68%	89
Disagree	22.54%	32
Don't know	14.79%	21
	<b>Answered</b>	<b>142</b>

Q26

**Review all gold band applications after 56 days and if they have not placed any suitable bids the application goes to autobid or direct let.**

Answer Choices	Responses	
Agree	64.90%	98
Disagree	21.19%	32
Don't know	13.91%	21
	<b>Answered</b>	<b>151</b>

Q27

**When 2 children over the age of 1 share a single bedroom, they will be awarded silver band for lacking 1 bedroom**

Answer Choices	Responses	
Agree	63.45%	92
Disagree	27.59%	40
Don't know	8.97%	13
	<b>Answered</b>	<b>145</b>

Q28

**Silver band to applicants where the Local Authority has a duty to relieve homelessness under Homeless Reduction Act 2017.**

Answer Choices	Responses	
Agree	67.13%	96
Disagree	19.58%	28
Don't know	13.29%	19
	<b>Answered</b>	<b>143</b>

**Silver band applications from hospital / prison who are ready for independent living, to prevent homelessness.**

Answer Choices	Responses	
Agree	64.58%	93
Disagree	24.31%	35
Don't know	11.11%	16
	<b>Answered</b>	<b>144</b>

Q30

**Silver band to single / couples over 35 who share kitchen / bathroom facilities with separate households who will not be moving with them.**

Answer Choices	Responses	
Agree	57.93%	84
Disagree	32.41%	47
Don't know	9.66%	14
	<b>Answered</b>	<b>145</b>

Q31

**Bronze band to single / couples over 35 who share kitchen / bathroom facilities with family households who will not be moving with them.**

Answer Choices	Responses	
Agree	63.38%	90
Disagree	26.76%	38
Don't know	9.86%	14
	<b>Answered</b>	<b>142</b>

Q32

**Bronze band to applicants who have an assessed care need for accommodation in an Independent Living Community who would be otherwise adequately housed.**

Answer Choices	Responses	
Agree	67.61%	96
Disagree	19.01%	27
Don't know	13.38%	19
	<b>Answered</b>	<b>142</b>

Q33

**City of York Council and Housing Association tenants with no housing need are currently given priority to move if they are 'good tenants' (no rent arrears or nuisance for 3 years). Do you agree this should continue?**

Answer Choices	Responses	
Agree	69.72%	99
Disagree	21.83%	31
Don't know	8.45%	12
	<b>Answered</b>	<b>142</b>

Q34

**Bronze band to Forces personnel who are at risk of homelessness before 56 days (Homeless Reduction Act 2017)**

Answer Choices	Responses	
Agree	75.35%	107
Disagree	17.61%	25
Don't know	7.04%	10
	<b>Answered</b>	<b>142</b>

Q35

**That applicants accepted as statutory homelessness cases (full duty) are not given an area choice and only have a direct let other than in special circumstances. Previous policy gave the option to bid.**

Answer Choices	Responses	
Agree	70.29%	97
Disagree	15.94%	22
Don't know	13.77%	19
	<b>Answered</b>	<b>138</b>

Q36

**Applications from foster carers, those approved to adopt, or those persons being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority child are offered a direct let.**

Answer Choices	Responses	
Agree	67.63%	94
Disagree	23.02%	32
Don't know	9.35%	13
	<b>Answered</b>	<b>139</b>

Q37

**Housing First is a national initiative to help rough sleepers into housing. Housing First applicants must have intensive support and will be offered a direct let.**

Answer Choices	Responses	
Agree	74.29%	104
Disagree	12.14%	17
Don't know	13.57%	19
	<b>Answered</b>	<b>140</b>

Q38

**Management transfers (existing tenants who need to move) - To extend policy to be given a move for significant serious intimidating harassment which cannot be resolved through landlord management. (Currently only for threats or actual violence or racial harassment).**

Answer Choices	Responses	
Agree	84.17%	117
Disagree	6.47%	9
Don't know	9.35%	13
	<b>Answered</b>	<b>139</b>

Q39

**That families with 2 children same sex will be eligible for a 3 bedroom property when one child becomes 16 (currently 21).**

Answer Choices	Responses	
Agree	70.07%	96
Disagree	19.71%	27
Don't know	10.22%	14
	<b>Answered</b>	<b>137</b>

**Minimum standards, size/space in bedrooms, will be considered when assessing bedroom need.**

Answer Choices	Responses	
Agree	84.17%	117
Disagree	7.19%	10
Don't know	8.63%	12
	<b>Answered</b>	<b>139</b>

Q41

**That subject to affordability older people (60+) will be able to bid on 2 bed bungalows with 1 bed need. Property will be offered to someone with correct bedroom need if tie-break.**

Answer Choices	Responses	
Agree	73.38%	102
Disagree	21.58%	30
Don't know	5.04%	7
	<b>Answered</b>	<b>139</b>

Q42

**That shared housing for single / couples will be offered to under 35's.**

Answer Choices	Responses	
Agree	70.50%	98
Disagree	17.27%	24
Don't know	12.23%	17
	<b>Answered</b>	<b>139</b>

Q43

**To reduce the bidding cycle to Thursday - Monday. Current bidding cycle is Thursday - Tuesday.**

Answer Choices	Responses	
Agree	51.09%	70
Disagree	28.47%	39
Don't know	20.44%	28
	<b>Answered</b>	<b>137</b>

Q44

**Having looked at the proposed changes, do you think York should remain in NYHC?**

Answer Choices	Responses	
Agree	46.04%	64
Disagree	35.25%	49
Don't know	18.71%	26
	<b>Answered</b>	<b>139</b>



## Annex 2 – Agency Consultation Responses

City of York Council owns and manages around 7000 properties but demand for social housing is higher than supply. CYC are currently part of North Yorkshire Home Choice giving applicants from York access to housing across North Yorkshire (excluding Harrogate) but this also gives people from other Local Authorities access to properties in York.

### ADVANTAGES to NYHC partnership

- ❖ That residents of York can move to other areas in the partnership (eg Scarborough, Ryedale)
- ❖ That those with a local connection to another area do not need to complete several application forms
- ❖ That Selby DC, Ryedale DC, Hambleton DC, Broadacres Housing Association, Home Group, York Housing Association, Yorkshire Housing, Craven DC, Scarborough BC, Yorkshire Coast Homes, Richmondshire DC are all part of NYHC providing 100% of their vacant properties

### DISADVANTAGES to NYHC partnership

- ❖ Other applicants from North Yorkshire can move into York
- ❖ That the policy is difficult to change as different local authorities have slightly different needs, a stand alone York policy would be more responsive to York needs
- ❖ That the IT system no longer meets the needs of City of York
- ❖ That some other local providers may not offer 100% of their vacant properties via a CYC scheme

	Agree	Disagree	Don't know
Do you think we should remain in NYHC.160	45	38	16

If we do not remain within NYHC the following policy changes are being considered as CYC cannot house everyone who applies for housing and we hope the proposed changes would create a fairer system.

### Who can register for social housing

	Agree	Disagree	Don't know
Applicants with no housing need (those who currently live in adequate housing) cannot register for social housing. There are some exception see Q2 147	55	32	12
Exception: Applicants who are 60+, and who wish to move into Independent Living Communities	93	3	3

(sheltered) or specific 60+ housing? 150			
Applicants in rent arrears of over 8 weeks in either social or private tenancy cannot register for social housing in York? <i>(People would be able to re-apply when arrears are below 8 weeks)</i> 148	74	21	4
Applicants with historic housing related debt (former arrears, damage recharges, bonds and deposits) who has <b>not</b> maintained a payment plan for at least 13 weeks should not be able to register for social housing in York 149	79	11	8
Home owners, people who part-own their home or people applying/living with someone who owns a home, whether they currently live in the home or not, should not be able to register for social housing in York? <b>Without housing need Older people???</b> 149	79	15	5
That single people / couples under 35 living with own bedroom in family home have no housing need 149	31	61	6
Applicants and/or dependents that have a combined household income and/or savings above a certain threshold and are able to meet their own housing need should not be able to register for social housing in York? The proposed thresholds are: Threshold for one bedroom property - £45,000 Threshold for two bedroom property - £55,000 Threshold for three bedroom property - £60,000 Existing tenants do not have an income level threshold and the current threshold for applicants is £60,000, regardless of household size - 149	71	16	11
Applicants who provide false information or deliberately withhold information cannot register for a <b>minimum of five years</b> from the date of assessment? Currently disqualified for 12 months 148	73	17	8
Applicants should be removed from the register if they have refused two suitable offers of accommodation? Currently applicants are removed if they have refused three suitable offers 148	48	48	2
Applicants who are previous tenant, joint tenant or named member of a household who has left the property should be disqualified from applying for 12 months from the tenancy start date? Currently someone can give up a tenancy and immediately re-apply to the register. 149	59	26	13
When an applicant disagrees with about thir application there is 1 right of review by a senior officer (currently 2, the second being to NYHC Board which we will no longer be part of), <i>NB - There is still right to judicial review and complaint, ombudsman.</i> 149	47	11	17
To prevent fraud and identify subletting, do you agree or disagree <i>that photographic evidence of all household members should be provided at application</i> 150	82	11	6
To prevent fraud, subletting and minimise risk the following checks are carried out on applicants and all household members over the age of 18 and individual applicants aged 16 and 17. Checks include: Police checks, tenancy checks, credit checks, medical condition confirmation, land registry checks, immigration status checks. (Currently we only do checks on applicants and not other adult family members). 150	76	14	8

**Local connection**

<p>How long should someone live in York before they can register for housing?  <i>NB – someone fleeing domestic violence or accepted homeless is not subject to this criteria</i></p>	<p><b>6 out of 12 months or 3 out of 5 years (in line with homeless legislation)</b></p>	<p><b>Currently live in City of York Council Local Authority and have been resident for minimum of 2 years</b></p>	<p>Currently live in City of York Council Local Authority and have been resident for minimum of 4 years</p>
<p>What criteria should apply to someone who works in York before they can register for housing?  <i>NB Employment is defined as meaningful permanent full time or part time not casual or seasonal</i></p>	<p>Employed in City of York Local Authority area</p>	<p><b>Employed in City of York Local Authority area for 6 months</b></p>	
<p>When should a rough sleeper who is not from York and does not have a job in York gain local</p>	<p>If evidence of rough sleeping for prescribed time</p>	<p><b>if evidence of rough sleeping for prescribed time of local connection (previous question) and engagement with services</b></p>	<p>Should not get local connection</p>

**Priority for housing. NB Banding is only awarded to applicants who are eligible or qualify for the register.**

	<p>Agree</p>	<p>Disagree</p>	<p>Don't know</p>
<p>To prevent fraud, subletting and minimise risk the following checks are carried out on applicants and all</p>			

household members over the age of 18 and individual applicants aged 16 and 17? Checks include: Police checks, Tenancy checks, Credit checks, Medical condition confirmation, Land registry checks, Immigration status checks Currently only do checks on applicants and not other adult family members.			
Offenders who were tenants (no arrears or anti-social behaviour) before their conviction and the sentence is not tenancy related are given emergency band to ensure they are rehoused on release. Currently are offered a direct let. 84	58	26	14
Applicants in emergency band will be offered autobid or direct let if they have not made any suitable bids within 28 days, Currently review / withdraw band. 141	72	14	12
When 2 children over 1 share a single bedroom this is overcrowding 145	63	27	8
When a child over 1 lives in a bedsit with parent(s) they are awarded gold band for lacking 2 bedrooms 140	68	26	5
Where a child under 1 lives in a bedsit with parent(s) they are awarded silver band for lacking 1 bedroom 142	69	27	2
Applicants whose home permanently lacks basic amenities, not due to the failure of the applicant and that cannot be resolved via reasonable building / works or enforcement action increase banding from silver to gold band 143	87	7	4
Gold band to applicants where there are succession rights to a social tenancy but the property does not meet the housing need (usually too large) 142	71	17	11
Gold band to tenants where fixed term tenancy is at an end and they require alternative accommodation 142	62	22	14
Review all gold band applications after 56 days and if they have not place any suitable bids options to autobid or direct let 151	64	21	13
Silver band to applicants where the Local Authority has a duty to relive homelessness under Homeless Reduction Act 2017 143	67	19	13
Silver band applications from hospital / prison who are ready for independent living, to prevent homelessness 144	64	24	11
Silver band to Single / couples over 35 who share kitchen / bathroom facilities with separate households who will not be moving with them..145	57	32	9
Bronze band to Single / couples over 35 who share kitchen / bathroom facilities with family households who will not be moving with them 142	63	26	0
Bronze band to applicants who have an assessed care need for accommodation in an Independent Living Community who would be otherwise adequately house 142	67	19	13
City of York Council and Housing Association tenants with no housing need are currently given priority to move if they are 'good tenants' (no rent arrears or nuisance for 3 years). Do you agree this should continue? 142	69	21	8
Bronze to HMF with valid cessation notice but outside remit of Homeless Reduction Act 2017 142	75	17	7

**The following applicants will be offered a direct let (no option to bid)**

	Agree	Disagree	Don't know
Statutory homelessness cases (full duty) in accordance with this policy. No area choice other than in special circumstances. Previous policy gave the option to bid but new Homeless Reduction Act ensure we work with people sooner to relieve their homelessness and only if relief fails would direct let be activated 138	70	15	13
Applications from foster carers, those approved to adopt, or those persons being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority child 139	67	23	9
Housing First which is an national initiative to help complex individuals into housing with intensive support 140	74	12	13

**Other changes**

	Agree	Disagree	Don't know
Management transfers (existing tenants who need to move) - To extend policy to be given a move for significant <b>serious intimidating harassment</b> which cannot be resolved through landlord management (Currently only for threats or actual violence or racial harassment) 139	84	6	9
That families with 2 children same sex will be eligible for a 3 bedroom property when one child becomes 16 (currently 21) 137	70	19	10
Minimum standards will be considered: statutory overcrowding 139	84	7	8
That subject to affordability older people 60+ will be able to bid on 2 bed bungalows with 1 bed need. Property will be offered to someone with correct bedroom need if tie-break 139	73	21	5
That shared housing for single / couples will be offered to under 35's 139	70	17	12
To reduce the bidding cycle to Thursday – Monday 137	51	28	20

	Agree	Disagree	Don't know
Having looked at proposed changes do you think we should remain in NYHC. 139	46	35	18

# City Of York Council Allocations Policy



CITY OF  
**YORK**  
COUNCIL

## Contents

<b>Section 1. Introduction and Background .....</b>	<b>8</b>
1.1 Our Vision for the Service .....	8
1.2 Aims and Objectives .....	8
1.3 Meeting our Obligations .....	8
1.4 Information sharing, confidentiality and data protection .....	9
1.5 Equality and Fairness.....	9
<b>Section 2. Joining the Housing Register.....</b>	<b>10</b>
2.1 Who is eligible to apply.....	10
2.2 Qualification .....	10
2.3 Local Connection .....	13
2.4 Exceptions to Local Connection criteria .....	14
2.5 Giving false information / deliberately withholding information .....	14
2.6 Deliberate worsening of circumstances.....	14
2.7 Joint Applications .....	15
2.8 Multiple Applications .....	15
2.9 Existing Tenants and their Households.....	15
2.10 New applications following non qualification or ineligibility decision .....	16
2.11 How to apply .....	16
2.12 Verifying Information .....	16
2.13 Confirming Registration.....	17
2.14 Change of Circumstances .....	17
2.15 Keeping the register up to date .....	17
2.16 Right of Review and Complaints .....	18
<b>Section 3. Assessing Housing Need .....</b>	<b>18</b>
3.1 Housing Need .....	18
<b>Section 4. Choosing a property .....</b>	<b>21</b>
4.1 Advertising and the lettings cycle .....	21
4.2 Adapted properties for people with disabilities .....	22
4.3 The bidding cycle .....	22
4.4 Short listing and selection .....	22
4.5 Direct Offers/Officer Allocation .....	23
4.6 Overlooking a bid .....	24
4.7 Viewing properties and receiving offers.....	24
<b>Section 5. Feedback, Monitoring and Development of the Scheme .....</b>	<b>24</b>



5.1	Monitoring .....	24
5.2	Publishing Feedback on lettings.....	25
<b>Appendix 1:</b>	<b>Names and Addresses .....</b>	<b>26</b>
<b>Appendix 2:</b>	<b>Advice and Information .....</b>	<b>27</b>
<b>Appendix 3:</b>	<b>Non Qualifying Criteria (serious unacceptable behaviour).....</b>	<b>28</b>
<b>Appendix 4:</b>	<b>Right of Review .....</b>	<b>31</b>
<b>Appendix 5:</b>	<b>At Risk of Homelessness .....</b>	<b>32</b>
<b>Appendix 6:</b>	<b>Homeless Applicants.....</b>	<b>34</b>
<b>Appendix 7:</b>	<b>Management Transfer (emergency move) .....</b>	<b>35</b>
<b>Appendix 8:</b>	<b>Defining Overcrowding and Housing at Height.....</b>	<b>36</b>
<b>Appendix 9:</b>	<b>Property Need .....</b>	<b>37</b>
<b>Appendix 10:</b>	<b>Overlooking a Successful Bid.....</b>	<b>39</b>
<b>Appendix 11:</b>	<b>The Offender Initiative.....</b>	<b>42</b>
<b>Appendix 12:</b>	<b>Resettlement.....</b>	<b>43</b>
<b>Appendix 13:</b>	<b>Young People’s Support and Trustees.....</b>	<b>44</b>
<b>Appendix 14:</b>	<b>Housing First .....</b>	<b>46</b>
<b>Appendix 15:</b>	<b>Armed Forces .....</b>	<b>47</b>
<b>Appendix 16:</b>	<b>Health &amp; Wellbeing.....</b>	<b>49</b>
<b>Appendix 17:</b>	<b>Sensitive Lets .....</b>	<b>53</b>
<b>Appendix 18:</b>	<b>Senior Management Decisions .....</b>	<b>54</b>
<b>Appendix 19:</b>	<b>Hardship Grounds.....</b>	<b>55</b>

## **Glossary of Terms**

### **Adapted Properties**

Adapted properties are homes designed or significantly adapted to meet the needs of people with physical or sensory disabilities, for example major changes to bathing facilities and / or access into or within the property.

### **Adopters and Fosterers**

Adopters or prospective adopters approved by the Local Authority who are accommodating, or are likely to accommodate, a looked after child or a child who was previously looked after by a local authority.

Foster carers must be approved by the Local Authority or prospective foster carers where initial assessment of their suitability is positive, and who are accommodating, or are likely to accommodate a looked after child or a child who was previously looked after by a local authority. It also includes extended family who are approved as foster carers for their relative under the Fostering Regulations, 2011 or where a residence order is granted by court under (1989 Children ACT) and supported by Children's Social Care or Special Guardianship cases (2002 Adoption and children Act) and supported by Children's Social care.

It does not include private foster carers or non-agency adoption arrangements.

### **Advocate**

A responsible person who has been given approval to act on behalf of an applicant such as a support worker or a family member.

### **Applicant**

A person who applies to register on the choice based lettings scheme, including tenants of a local authority or a housing association.

### **Assisted Bidding**

Where an appropriate person, with the consent of the applicant, submits bids on their behalf.

### **Associate or Participating Landlord**

A landlord who allocates some or all of their properties in the York area through this policy (formal nominations via a local authority) but have their own allocations policy for their own lettings. See appendix 2 for full list.

### **Automated Bidding**

Where the computer system automatically submits a bid for an applicant.

### **Bands**

The system for setting out the different priorities of housing need.

### **Bidding**

The way in which registered applicants express an interest in an advertised vacancy. In this context bidding has nothing to do with money.

### **CBL - Choice Based Lettings**

A system for letting affordable housing, supported by the Government and the Homes and Communities Agency, which allows housing applicants more choice by advertising vacancies and inviting applicants to express interest in being the tenant.

### **Common Allocation Policy**

A shared set of rules on how properties will be advertised and let providing consistency across all partner landlords.

### **Common Housing Register**

The single shared list of applicants eligible to use the Choice Based Lettings scheme. In order to bid for a property, the applicant must be on the Common Housing Register.

### **Direct Offer**

Where a property is offered to an applicant without the applicant being required to bid..

### **Eligibility**

Assessment of whether an applicant has a right to access social housing in accordance with relevant legislation.

### **Emergency Prohibition Order**

These are statutory notices served under the Housing Act 2004 where a Local Authority is satisfied a Category 1 hazard exists and that the hazard involves an imminent risk of serious harm to the health and safety of the occupier/s.

**Essential Need (support)** – where a person is required (needs) to live close to a family member to provide / receive fundamental support regularly and without which the person requiring support would need residential care or an enhanced package of support from social care.

### **Flexible Tenancies**

Under the Localism Act 2011 a Local Authority can utilise flexible tenancies. These are council tenancies let on a fixed term agreement (i.e. not secure and not for life.)

### **Housing Need**

Applicants are assessed as having a housing need if the accommodation they currently occupy is unsuitable – as a result of ill health, overcrowding, lacking facilities or the applicant is otherwise deemed to be in a reasonable preference group. Housing need is banded as Emergency, Gold, Silver or Bronze Band.

### **Housing Related Debt**

Monies owed to a landlord, such as a local authority, housing association, arms length management company or for temporary housing accommodation provided under homeless duties, hostels or supported housing projects, in respect of current or former tenancies. It can also include other debts such as re-chargeable repairs, court costs, support charges and prevention fund monies (eg bonds, rent in advance). Debts written off as part of bankruptcy will be disregarded.

DEBT means TRUE debt and does not include arrears where the housing provider is in receipt of regular housing benefit payment or direct debit / standing order which clear the rent account. Housing related debt does not include council tax debts.

### **Local Connection**

Connection to a particular area because of residency, employment, family or a main source of support.

### **Localism Act 2011**

Legislation which has amended powers and duties of a Local Authority regarding the allocation of properties.

### **Locality.**

Local Authority area in which the applicant currently lives.

### **Local Lettings Initiative (LLI)**

A time limited policy, which is introduced to take account of local circumstances. Examples of this may be where a new housing development becomes available or where there is severe anti-social behaviour concentrated in a particular area. This means that these properties will be let outside of the policy. Each scheme will establish the criteria that will be used. These criteria will vary dependant upon the circumstances that led to the LLI. Each new CYC LLI must be signed off by the Assistant Director for Housing and Community Safety in consultation with the Executive Member for Housing and be indicated in adverts. Associate Landlord properties advertised by CYC will also contain details of properly approved LLI's that relate to specific properties or developments

### **Low-cost Home Ownership**

Options enabling home seekers who are unable to afford to buy a property on the open market to get on the property ladder. Schemes include part rent and part buy or buying a percentage of the equity at a discounted price.

### **LSVT – Large Scale Voluntary Transfer**

Former council housing which has been transferred to a housing association or housing company.

### **MAPPA (Multi Agency Public Protection Arrangements)**

This is a multi agency approach to re-housing offenders based on risk assessment. The MAPPA process identifies the level of risk the offender poses to the public. Access to the Common Housing Register for applicants subject to MAPPA can only happen when a senior officer has given authorisation based on a risk assessment.

### **Mutual Exchange**

Where two or more tenants swap their homes. Each tenant agrees to move into the others home on an 'as seen' basis.

### **Nomination Agreement**

An agreement which sets out the way in which local authorities and housing associations work in partnership to help those in housing need. They usually state a percentage of properties that the housing association will make available to applicants nominated by the local authority.

### **Priority Band Date**

The date when the application changed bands, which maybe a later date than the date on which the application was originally made – this date may be used as a tiebreaker to decide who receives an offer of accommodation.

### **Qualification**

Assessment of whether an applicant qualifies to join the register under the qualification criteria set by the City of York Council.

**Reasonable Preference Category**

The phrase used in the Housing Act 1996, Localism Act 2011 & Homelessness Act 2002 to describe those types of housing need that should be given priority in a local authority's allocations policy.

**Registration Date**

The date a complete application, with all required supporting information, is received – this date may be used as a tie- breaker to decide who receives an offer of accommodation.

**Resettlement Programme**

A structured programme for rough sleepers, young people and people in mental health supported housing to develop independent living skills.

**Sensitive Let**

Where an individual property is advertised subject to additional checks. See Appendix 17

**Supported Housing**

Specific accommodation schemes for particular groups of people, for example people with learning disabilities or mental health issues, where support is provided. Some schemes are short term (up to 2 years) with the aim of people moving on to live more independently.

**Support Package**

Some applicants must have a support package in place if they are to be eligible for the Common Housing Register. A support package enables a vulnerable tenant to live independently. The receiving landlord must be satisfied that the support package is sufficient to meet the applicant's needs and includes with it a strategy for non - engagement by the applicant.

**Tie-breaker**

The method used to decide between two or more applicants who have the same level of housing need.

## **Section 1. Introduction and Background**

### **1.1 Our Vision for the Service**

To provide general needs (with support where appropriate) housing within the City of York Council Local Authority Area to those with an assessed housing need who are able to live independently, and to help create sustainable, mixed communities where people wish to live.

We will achieve this by working with applicants to provide a comprehensive housing advice service covering a whole range of housing options across the City of York Council area.

### **1.2 Aims and Objectives**

- To meet the legal requirements for the allocation of social housing as set out in the Housing Act 1996, Homelessness Act 2002, Localism Act 2011 and the Homeless Reduction Act 2017
- To encourage and support balanced and sustainable communities
- To make the housing process, fair, easy to use and transparent
- To give applicants realistic information about the availability of social housing across the City of York Local Authority area and work with them to look at all their available housing options
- To prevent homeless and reduce placement in temporary accommodation
- To ensure accessibility for all those in housing need, particularly the more vulnerable

### **1.3 Meeting our Obligations**

This policy has been developed paying due regard to the Codes of Guidance issued to Housing Authorities in England in exercising the functions under 167(A) and 167(2) of the Housing Act 1996.

City of York Council will ensure that the policy is compatible with obligations imposed by other existing legislation, in addition to Part 6 of the Housing Act 1996 as detailed below:

- The Human Rights Act 1998
- The Freedom of Information Act 2000
- Children's Act 1989
- Crime and Disorder Act 1998
- Homelessness Act 2002
- The Equality Act 2010
- Localism Act 2011
- Anti Social Behaviour, Crime and Policing 2014
- Homeless Reduction Act 2017
- Social Housing (Council or Registered Social landlord) Housing Act 1985 is let as only or principal home. (check if RSL)
- Children and Social Work Act 2017
- The General Data Protection Regulation and the Data Protection Act 2018

**1.4 Information sharing, confidentiality and data protection**

All information received relating to an applicant's housing application will be treated as confidential in accordance with the Data Protection Act 1998 and General Data Protection Regulations 2018. Information will only be shared in accordance with City of York Council's Data Protection registration and the consent given by the applicant as part of the application process. Information will not be given to third parties unless consent has been given by the applicant; however consent will not be required where there is a public safety interest or to prevent fraud. By submitting an application, the applicant is agreeing to information sharing with associated and participating landlords.

**1.5 Equality and Fairness**

City of York Council will ensure its policies and practices are non discriminatory and will aim to promote equal opportunity by preventing and eliminating discrimination. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. City of York Council will take measures to ensure that people with disabilities have equal access to housing opportunities.

## Section 2. Joining the Housing Register

### 2.1 Who is eligible to apply:

An applicant may be ineligible for an allocation of accommodation under s.160ZA(2) or (4) Part 6 Housing Act 1996:

- Persons from abroad may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act
- A person subject to immigration control is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2))
- Regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4))
- The Secretary of State may by regulation prescribe other classes of persons from abroad ineligible for an allocation of housing in addition to those described above.
- Applicants who do not have recourse to public funds or who cannot prove they have recourse to public funds or those not habitually resident
- British citizens not habitually resident

Applicants aged 16 and 17 years are only eligible to join the register if they meet the following conditions:

- They are a looked after child under section 20 of the Children's Act 1989 or are care leavers with a relevant support package and trustee and are ready for independent living as agreed with Social Services and confirmed by City of York Council's Housing Department

**OR**

- They are homeless / have a housing need and have an appropriate support package to enable them to sustain their tenancy and they have an identified trustee who can hold a tenancy on their behalf until they reach the age of 18. Trustees can be a person or an organisation and will not have a financial liability

Applicants who lack mental capacity

Applicants who have been assessed as not capable of applying for or sustaining a tenancy. may not be eligible to apply for housing due to mental capacity. A Best Interest meeting would be required to determine whether registering for social housing is in the customers best interest.

### 2.2 Qualification

The Housing Act 1996 states that the allocation of accommodation may only be to persons who are defined as a "qualifying person" (s.160ZA(6) and 7) and these requirements are in addition to eligibility in respect of persons from abroad (s160ZA(2) and (4)).



The Localism Act 2011 gave local authorities greater freedom to set their own housing policies and decide who should qualify for access to their housing register. This means that they are able to make best use of their housing stock, better manage their waiting list and help those in greatest housing need.

- Certain applicants and their household members who apply, including current tenants who wish to transfer, **may not qualify** to join the City of York Council's Housing Allocations Register in the following circumstances:
- **MAPPA:** Applicants subject to Level 2 or 3 MAPPA arrangements may not qualify to join the register if determined by a senior manager in Housing, in conjunction with representatives from a MAPPA meeting as part of a risk management plan
- **NO HOUSING NEED:** Applicants with no housing need other than those who are:
  - 60+ who have assessed care needs and wish to move into Independent Living Community (ICL) accommodation or specific 60+ housing
  - Members of HM Forces
  - Applicants at risk of homelessness where there is a duty under the Homeless Reduction Act 2017 and who would otherwise qualify for the register
- **BEHAVIOUR:** Applicants whose behaviour is such that if they had been a secure tenant of the Local Authority there would have proven grounds for possession under schedule 2A of the Housing Act 1985. Examples of such behaviour include: serious nuisance to neighbours such as drug dealing, noise nuisance, violence, domestic violence, intimidation, keeping weapons etc. This list is not exhaustive but should be related to 'person, property or locality' in line with the Act, including breach of injunction powers of the court in respect of under 18's'
- **ARREARS:** Applicants who owe current rent to a social housing provider or a private landlord that is in excess of 8 weeks payable rent that is not due to delayed benefit payments (universal credit housing elements or housing benefit)
- **DEBTS:** Applicants who have outstanding historic housing related debt and have made no payment arrangement
- **LOCAL CONNECTION:** Applicants with no local connection to the City of York Council Local Authority area (see 2.3)
- **HOME OWNERS:** Applicants and joint applicants who own or part own a residential property, whether they currently live in the home or not, cannot generally register for social housing if their housing needs can be met in the current accommodation or they are able to meet their own housing needs from the sale of their property. The policy recognises that some older people aged 60+, or with exceptional needs under 60, cannot stay in their own home and need to move to alternative accommodation, in particular to specialist Independent Living

Community (ICL) accommodation<sup>1</sup>. A full assessment in these circumstances will be made as to whether or not they have sufficient resources to meet their own housing needs elsewhere and if the type of accommodation they require can be sourced outside of social housing. Where it cannot and they are accepted onto the register they will by law need to 'dispose of' their owned property when taking up a tenancy

- **INCOME AND SAVINGS:** Applicants or people who are part of an application who have a combined household annual income above the criteria and are able to meet their own housing need. Affordability assessments will take account of statutory payments (eg court fines, child maintenance). The policy will be amended if the income levels are updated

1bed need	£45,000pa
2 bed need	£55,000pa
3 bed + need	£60,000pa

Where a person or household has savings in excess of £16,000

There is a maximum income level of £80,000 for shared ownership schemes.

Income criteria does not apply to transfer applications. See 2.6.

Savings / capital exclude any lump sum received by a member of the armed forces as compensation for an injury or disability sustained on active duty.

- **SOCIAL HOUSING TENANTS:** Applicants who are current tenants, previous tenants, joint tenant or were a named member of a household but are reapplying to the register in their own right within 12 months of the previous tenancy start date, unless there is a key change in circumstances such as health needs or under occupation which is assessed, supported and approved by a Senior Housing Manager (Senior Manager decision)

If a joint tenancy is terminated by 1 tenant then the tenancy ends

An individual cannot hold 2 social tenancies

Applicants who are introductory/starter/demoted tenants unless there is a key change in circumstances which is assessed, supported and approved by a Senior Housing Manager

- **APPLICANT ACTIONS:**  
Where the action(s) of the applicant or household members is deemed to be unacceptable:
  - Applicants who have deliberately worsened their housing circumstances

---

<sup>1</sup> Social Care assessment required to confirm need for care and ILC with support.

with the intent of increasing their priority (housing need) on the register will not qualify for a minimum of 12 months from the date of the assessment outcome. This includes those who have disregarded advice on their Personalised Housing Plan (Homeless Reduction Act 2017) (Appendix 5)

- Applicants who provide false information or deliberately withhold information will not qualify for a minimum of 5 years from the date of the assessment outcome. (see 2.5) Applicants who refuse 2 suitable offers of accommodation will not qualify for a minimum of 12 months from the date of the 2<sup>nd</sup> refusal. Suitable offers include those made via autobid and direct offers. Suitability will generally consider property size, location and any declared medical needs.
- Applicants accepted as homeless (full duty) will only receive 1 offer
- Where there is an identified housing need and the applicant has not placed any bids in a 12 month period. The customer will be contacted and, if there is no valid reason for not bidding, will be removed from the register and cannot reapply for a further 12 months. Exceptional circumstances (eg when requiring an adapted property) will be taken into account before disqualification

### 2.3 Local Connection

Due to high demand for Social Housing in the York Local Authority area, City of York Council have agreed to restrict access to the register to those people who have a recognised connection to the area. To have a Local Connection, applicants will need to meet one of the following criteria:

- Currently living in the City of York Council Local Authority (CYC LA) Area and have been resident for a minimum of 6 out of last 12 months or 3 out of last 5 years (in line with homeless legislation)
- Has a close family member residing in the CYC Local Authority Area who has done so for the last 5 years. Close family member is categorised as mother, father, adult son, adult daughter, adult brother, adult sister with whom there is a close relationship
- Are employed in the CYC Local Authority Area and have been for 6 months. Employment is defined as meaningful, permanent full or part time employment but cannot be casual, seasonal or voluntary. Applicants who have a zero hours contract will need to prove regular paid hours of employment to be assessed as qualifying
- Existing tenants applying under the government criteria Right to Move who have reasonable preference under s166(3)(e) because of a need to move to the local authority area to avoid hardship or need to move because the tenant works in the local authority area or need to move to take up an offer of work (6 month employment criteria waived)
- Has an essential need to live close to another person to provide or receive care or support, where that person currently lives in the CYC LA area and has been resident for the last 5 years
- Care leavers placed in an out of area placement as defined in the Childrens Social Care Act 2017 or returning from University or other education or vocational institution and have not had settled accommodation for a substantial period unrelated to this – see Appendix 20.
- If there is evidence of rough sleeping in York for 6 months and engagement with

services and all housing options have been explored. It is envisaged that by working with individuals intensively there should be nobody sleeping rough on the streets for long periods of time

**Residence in a hospital, prison, approved premises, mental health hospital, residential schools, and student accommodation, including shared accommodation sourced through student services, which is not their principal home and short term holiday lets does not gain residency qualification or a local connection.**

#### **2.4 Exceptions to Local Connection Criteria**

Where applicants meet one of the following criteria they may be accepted as having a local connection:

- Households accepted by a senior manager under the National Witness Protection Scheme, fleeing domestic violence or hate crime
- Households accepted as homeless under Housing Act 1996 for whom a Local Authority has accepted a full duty to house where there is no referral to another Local Authority
- Members of the armed forces and reserve forces that meet the following criteria:
  - Members of the armed forces and former service personnel where the application is made within 5 years of discharge
  - bereaved spouses and civil partners of members of the armed forces leaving services family accommodation following the death of their spouse or partner
  - Serving or former members of the reserve forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Other exceptional cases as agreed by a Senior Manager

#### **2.5 Giving False Information / Deliberately Withholding Information**

Sections 171 and s214 Housing Act 1996 makes it a criminal offence for anyone applying for housing from a housing authority to:

- knowingly or recklessly give false information or knowingly withhold information which is relevant to their housing application

Anyone found guilty of such an offence may be fined up to £5,000 and could lose the tenancy if they have been re-housed as a result of providing false information or deliberately withholding information.

Applicants who are found to have made fraudulent claims or provided or withheld information will have their application cancelled and will not qualify to apply to join the register for a minimum period of 5 years.

#### **2.6 Deliberate Worsening of Circumstances**

Whilst the policy is intended to make sure that those with urgent housing needs are housed more quickly, it does not want to reward applicants who deliberately worsen

their housing circumstances in order to get into a higher band or higher priority; each case will be assessed individually.

Any applicant who deliberately worsens their circumstances will have their application cancelled and will not qualify to apply to join the register for a minimum of 12 months.

## **2.7 Joint Applications**

Joint applications can be accepted. However where two or more people apply and only one applicant is eligible, a tenancy can only be granted to the eligible person. For Houses in Multiple Occupation (shared houses) individual applicants will be offered a sole tenancy of their room.

## **2.8 Multiple Applications**

Multiple applications are not allowed, a person can not exist on two applications. They must decide which application they wish to be on and be removed from all others.

## **2.9 Existing Tenants and their Households**

Existing City of York Council tenants and household members thereof over 18 (excluding those in temporary accommodation) can apply to move and will have their qualification and priority assessed in the same way as other applicants. The income and savings criteria do not apply for City of York Council tenants.

Where it becomes apparent that a tenant who is registered on the CYC register is no longer qualifying, their application will be closed and they will be advised in writing of why they no longer qualify.

Tenants who have been accepted onto the register may not be allowed to move if their current property is suitable and has been adapted to meet their needs, unless the person in the household who required the adaptations no longer requires the adaptations or the property they are moving to also includes all the adaptations they require or they have significant housing need.

Existing tenants are encouraged to use Home Swapper to facilitate a move of area. They will only be allowed to move through this scheme where there are no breaches of tenancy and the property meets their assessed housing need in terms of bedroom need in line with this policy and will be dependant on their tenancy allowing this.

Applicants from temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current arrears in excess of 8 weeks payable rent where this is not due to delayed benefit payments (universal credit housing elements or housing benefit) or are in breach of their temporary accommodation/licence/tenancy conditions where court action /eviction is imminent.

Some lettings of secure tenancies are exempt from the requirements of Part 6 of the Housing Act 1996 and this allocations policy will not apply to:

- Succession on death of a tenant into current property
- Assignment by way of exchange (a mutual exchange)
- Assignment to a person who would be qualified to succeed if the tenant had died immediately before the assignment into current property
- Transfers of tenancy under the provisions of matrimonial and related domestic

legislation

- Extension of fixed term tenancies into current property

## 2.10 New applications following non qualification or ineligibility decision

Applicants who have previously been deemed not to be eligible and/or not to qualify to register may make a fresh application if they consider that they should now be treated as eligible or qualifying or the relevant time period has elapsed. It is the responsibility of the applicant to show that his or her circumstances have changed (s160A (11) Housing Act 1996) or that the relevant period of non qualification has elapsed.

## 2.11 How to Apply

Applicants, including transfer applicants, should contact the Housing Registrations Team to discuss applying for housing in York. This will enable staff at first point of contact to establish if the customer is likely to be eligible and qualify for social housing in York.

The purpose of the application process is to correctly identify if there is a housing need and establish whether the applicant has any need that may require additional support as well as help in applying for housing and in maintaining a tenancy should they be offered a property.

All current tenants will be advised to register online to facilitate a mutual exchange. Currently this is done via Homeswapper.co.uk. The CYC Mutual Exchange policy is a separate policy but uses similar criteria for determining property size.

All applicants will be assessed under eligibility and qualification criteria. Only if these criteria are met would the applicant then be registered, verified and a housing needs assessment take place.

## 2.12 Verifying Information

At the point of application **all applicants and all household members over the age of 18 and individual applicants aged 16 and 17** will be asked to provide supporting evidence to verify their identity and personal circumstances. This will include(list not exhaustive):

- 2 copies of identification for the main applicant and joint applicant and any household member aged 18 or over, one of which must include confirmation of National Insurance Number and proof of address
- Persons from abroad will require proof of right to remain, work permits and documentation
- Proof of child benefit / residency of child and principle home of the child where appropriate
- Tenancy references
- References or supporting information from other organisations or service providers
- Home visits
- Police checks
- Credit checks
- Landlord references
- Medical condition confirmation

- Land registry checks
- Immigration checks
- Affordability assessment
- Photographic evidence of applicants

Additional information and documentation may be required dependant on circumstances. It is the responsibility of the applicant(s) to supply all relevant information and documentation as requested by City of York Council's Housing Teams.

Failure to supply any requested documentation will result in the application not being registered.

Further verification is likely to be required during the application/allocation process. Applicants will be required to provide up to date information within a very short timescale at point of a successful offer (48 hours). Should they not be able to provide the requested information/documentation in the requested timescales, they are likely to have the offer of a property withdrawn.

### **2.13 Confirming Registration**

Where possible an application will be completed at interview. If all verification documents are not available, applicants will be given 48 hours to provide the information. Thereafter the application is cancelled.

Once the application has been fully assessed and has been made active, the applicant(s) will receive confirmation which will include:

- Registration Date (date the application and all documentation were received)
- Housing Need band that their application has been awarded
- Priority Band date (if this is different to registration date due to a change in initial banding)
- Confirmation of size (number of bedrooms) and types of properties they are eligible for
- Their username, unique reference number and password for the website (they will need this to check their application details and to place bids)

### **2.14 Change of Circumstances**

Applicants must keep the Council informed of any change in circumstances that could affect their application.

Further verification will take place at point of offer of a property and if the applicant has not advised the Council of a change in circumstances then they may not be considered for the property.

### **2.15 Keeping the register up to date**

It is the responsibility of applicants to update their application and notify the Housing Registrations Team of any changes. Failure to do so could result in an offer of a property being withdrawn if the application is not up to date. All applicants will be reminded every 12 months (from date of registration) to check their application and update information.

Applicants who have not placed a bid or placed inappropriate bids during the last 12 months will be removed from the register.

## **2.16 Right of Review and Complaints**

Applicants have the right to request a review decision around any aspect of their application such as:

- Access to the register by either eligibility or qualification
- Banding
- Property allocation
- Cancelled application

A review will be undertaken by a Senior Housing Officer who has had no previous (direct) involvement with the application. An applicant should request a review, in writing, within 21 days from receipt of a decision letter. The Council will respond within 56 days.

Where an applicant is not happy with the way in which their application has been administered they can make a complaint through the City of York Councils Complaints Procedure.

## **Section 3. Assessing Housing Need**

### **3.1 Housing Need**

Once their application has been fully assessed, all applicants will be informed of what property type, size (bedroom need) and any restrictions to property type and floor level related to their circumstances that they are eligible for.

- Where children have a permanent/principal home elsewhere they will not be included on the application for a second home, this includes cases of shared care.
- Where adult children reside in residential care they will not be included on an application
- Where a carer is to be considered part of an application Adult Social Care or a recognised assessor of care needs must provide evidence of the need for overnight / 24 hour on site care
- Where applicants wish to have their housing needs assessed taking into account health and wellbeing issues, proof will be required from medical professionals working with them of the impact their current housing is having on their condition, without this health and wellbeing will not be able to be assessed
- Affordability assessments will be completed prior to a property being offered
- Future CYC Tenancy policies may require new tenants to be given a fixed term tenancy that will be subject to review and may not be extended dependant on circumstances
- Partner agencies tenancy policies will indicate tenancy type



## Emergency Band

Emergency Band is intended to meet the needs of applicants in extreme circumstances. Those who are awarded Emergency Band could have their banding reviewed every 28 days and may be subject to autobid or a direct let if it was determined that the applicant had not been bidding on suitable properties. Applicants eligible for Emergency Band may include:

- Applicants unable to return to their home from hospital because their current home is permanently unsuitable (cannot be adapted to meet their needs or requires major adaptations to meet their needs which are not feasible)
- Applicants who are unable permanently to access key facilities in their home where major adaptations work can not be undertaken
- Offender initiative. Previous social housing tenants in the CYC area who meet specific criteria (Appendix 11)
- Care leavers at point of leaving care, foster home or supported housing with an agreed trustee and support package relevant to offer and are assessed as being ready for independent living.. NB. If a care leaver is homeless or in supported housing they will be banded accordingly (Appendix 20)

## Gold Band

Those who are awarded Gold Band could have their banding reviewed after 56 days and may be subject to autobid or a direct let if it was determined they have not been bidding on suitable properties. Applicants eligible for Gold Band may include:

- Applicants who need to move on from approved accommodation who are eligible for and have completed a programme of resettlement<sup>2</sup>(Appendix 12)
- Applicants who are presently under-occupying a home owned by City of York Council and are assessed as requiring a property with at least 2 fewer bedrooms than their current accommodation
- Applicants who are overcrowded and require two or more bedrooms to relieve the overcrowding. Bedroom size will be taken into consideration (Appendix 8)
- Applicants occupying a CYC bedsit (defined as one living / kitchen / sleeping area) with a child over one year old or more than one child will be deemed overcrowded lacking 2 bedrooms (Appendix 8)
- Where current accommodation is assessed as having a serious impact on or seriously compromising an applicant's health and or wellbeing and a move of property would significantly improve the applicant's health. This is not directly related to a prognosis of illness but based on the impact current accommodation is having on an applicant's health.(Appendix 16)
- Applicants who have been assessed as having a need to move to prevent proven hardship. Hardship includes provision or receipt of care and or support, Right to Move scheme and severe financial hardship (Appendix 19)
- Applicants whose home permanently lacks basic amenities, not due to the failure of the applicant and that cannot be resolved via reasonable building works or enforcement action and whose application is supported by the Housing

---

<sup>2</sup> A backdate of time is added to the date of continual engagement in the resettlement process. If someone disengages and then re-engages, the backdate would be to the date of re-engagement.

## Standards and Adaptations Team

- Where, a valid succession right exists to a City of York Council property but the property does not meet the housing need. Legal action will be taken to recover possession if 2 suitable offers are refused (secure housing clause 15A on original property.)
- Applicants where a fixed term tenancy is at an end and they require alternative accommodation. Legal action will be taken to recover possession if 2 suitable offers are refused
- Applicants where the Local Authority has a duty to relieve homelessness under Homeless Reduction Act 2017 who are eligible and qualify for the register and where there is reason to believe priority need and unintentionally homeless (as defined in Housing Act 1996) (Appendix 5)

## Silver Band

- Applicants presently under-occupying a home owned by either City of York Council who are assessed as requiring a property with at least 1 less bedroom than their current accommodation
- Applicants who are overcrowded and require one more bedroom to relieve the overcrowding. Bedroom size will be taken into consideration (Appendix 8)
- Applicants occupying CYC bedsits (defined as one living / kitchen / sleeping area) with a child under the age of one year old (Appendix 8)
- Where current accommodation is assessed as having a detrimental impact on or is compromising an applicant's health or wellbeing and a move to a different property would see some health improvements. This is not directly related to a prognosis of illness but is based on the impact current accommodation is having on the applicant's health.(Appendix 16)
- Single people / couples who share kitchen / bathroom facilities with separate households<sup>3</sup> who will not be moving with them (e.g. shared house)
- Applicants from hospital / prison who are ready for independent living
- Applicants where the Local Authority has a duty to prevent homelessness under the Homeless Reduction Act 2017 who are eligible and qualify for the register (Appendix 5)

## Bronze Band

- Applicants who have an assessed support / care need for accommodation in an Independent Living Community who would otherwise be adequately housed and who are eligible and qualify for the register
- Her Majesty's Forces with valid cessation notice but outside the remit of Homeless Reduction Act 2017
- Single people / couples who share kitchen / bathroom facilities with family members who will not be moving with them (e.g. live with parents)

## No Band (direct let) –see 4.5

---

<sup>3</sup> Separate households do not include family members.

## Section 4. Choosing a Property

### 4.1 Advertising

Choice based lettings gives applicants the opportunity to express an interest in vacant properties. The information provided on adverts allows applicants to make an informed choice about where they would like to live.

Choice based letting works by advertising available properties each week and inviting bids or expression of interest from applicants on the housing register.

To allow applicants to make an informed choice, adverts will provide information on the property location, the type of property including the number and size of bedrooms, type of heating, if the bathroom has a bath or shower, entrance type, whether there is a garden, driveway and any policy on pets. Information will also be provided about weekly rent, service charges, rent in advance and tenancy type.

Some properties may have restrictions and these will be made clear in the advert. Some restrictions include:<sup>4</sup>

- Specially adapted or designed properties for those with a physical disability or mobility needs
- Legal conditions including s106 planning, where there is usually a legal requirement that a successful applicant must meet a specific connection. The connection may be defined in different ways and will be clearly stated
- Where the property has a minimum age criteria or specific assessed need such as bungalows, older persons accommodation or Independent Living Communities
- A specific connection to a parish, rural settlement or area.
- In rural areas, settlements of 3000 or less as listed in the Housing (enfranchise)(designated protected areas)(England) 2009, the first advert will be made to applicants with a connection to the parish. Where there are no successful applicants, the property will be made available to the wider register.
- A sensitive let where additional checks may be required on potential tenants to address or manage a specific local issue.
- A local letting initiative which allows landlords to allocate particular accommodation to people of a particular description, used to address a wide range of issues such as creating balanced and mixed communities, improving community stability and preventing problems on newly developed or recently developed estates

Where an applicant bids on a property but does not meet the advertised criteria their bid may be overlooked or skipped in favour of an applicant that meets the requirements.

---

<sup>4</sup> This is not an exhaustive list

Properties may be advertised during the previous tenant's four week notice period and may be withdrawn from the scheme if the tenant decides not to move.

Not all properties will be advertised. Some will be subject to officer allocation (direct lets) where required to meet specific needs of an individual, resolve an exceptional circumstance or to ensure balanced communities.

#### **4.2 Adapted properties for people with disabilities**

Adapted properties are homes which have been designed or significantly adapted to meet the needs of people with physical or sensory disabilities. Adapted homes may be subject to direct let where appropriate. When adapted properties are advertised, they will be advertised giving priority to those applicants with a need for the adaptations. This should ensure that those applicants who are assessed as needing this type of accommodation are given the widest possible choice whilst ensuring the best use of stock across the CYC area. If there are no suitable applicants requiring adapted properties the property will be re-advertised with no criteria.

**If an applicant is offered an adapted property but did not require the adaptations, then neither the applicant nor the council will be allowed to remove any of the adaptations and if the property were required in the future for a household who needed the adaptations, the applicant would be required to move.**

#### **4.3 The Bidding Cycle**

Available properties will be advertised Thursday through to Monday. Applicants can bid for up to 3 properties per week. The applicant's place on the bidding list can change throughout the cycle. Applicants placing bids must be available to arrange a viewing and potentially begin a tenancy within the following 1 to 2 weeks of the cycle closing.

#### **4.4 Short-Listing and Selection**

Applicants will only be considered for accommodation that has been assessed as meeting their housing needs. This includes number of bedrooms, property type, floor level, age restricted properties and bungalows.

Tie Breakers (short listing ranking):

- 1) Band
- 2) Property (property size and bedroom size, person size, floor level, adapted properties, Independent Living Community etc)
- 3) Debt (i.e. former or current rent arrears or other housing related debt) Where 2 applicants are in the same band, with same property need, the property will be offered to the applicant with no housing related debt. (see also Appendix 10 overlooking a successful bid)
- 4) Time (i.e. the length of time an application has been in the band on the register) Where 2 applicants are in the same band, with same property need, the property will be offered to the applicant who has been in the band the longest

At the end of an advertising cycle applicants will be placed in tie break order and the applicant with the highest assessed housing need, who meets the property size and

type, has no housing related debt and who has been registered / in their priority band for the longest period of time will be top of the short list and made an offer of property. Applicants cannot generally be considered from a lower band unless all tie breaks have been considered and there is no-one that meets the criteria. Exceptions to tie break order may occur if, for example, there are restrictions on who can be allocated a property due to conditions contained in a Section 106, a planning or legal condition, or a local lettings initiative or where the property has adaptations. Any such restrictions will be clearly noted in the property advert.

#### 4.5 Direct Offers/Officer Allocation

In general applicants will bid for properties, however in some circumstances a property will not be advertised but will be offered directly to an applicant. Any direct offer request should be submitted by a senior manager on the appropriate form.

##### **Direct offers (no band) will always be made to:**

- Applicants who are assessed as being statutory homeless under part 7 of the 1996 Housing Act and are owed the full duty. These applicants will receive **one suitable offer only**. No area choice is allowed but consideration should be given to individual circumstances, including education, employment etc.
- Management transfers (Appendix 7)
- Need to move because of flood or fire to City of York Council's own properties, resulting in the tenant needing to be re-housed permanently
- City of York Council tenant whose home is subject to demolition or major refurbishment.
- Applicants owed a duty by the local authority under the Rent (Agricultural) Act 1976
- Applicants under the National Witness Protection Scheme
- Applications from foster carers, those approved to adopt, or those persons being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority
- Housing First with agreed support package(Appendix 14)

##### **Direct offers can be made by request of the applicant or as a result of inappropriate bidding or management decision in the following cases:**

- Following review of emergency and gold band where the applicant has not made any bids or has made inappropriate bids
- MAPPA cases where deemed necessary by a senior manager to manage risk to the public and/or enable a move on from prison / high support unit if not appropriate for resettlement
- The offender initiative described in Appendix 11.
- Applicants who have fully completed a programme of re-settlement with a re-settlement project named, approved and identified by one of the partner landlords. Such applicants will be persons who would have been unlikely to sustain a tenancy unless they had been through a re-settlement process
- Where, for City of York council tenancies a valid succession right exists but the property does not meet the housing need. Legal action will be taken to recover possession if 2 suitable offers are refused (secure housing clause 15A on

original property or Assured ground 9). Direct let can be activated after 28 days

- Any other management case where the issue is of a specialist nature including assisting Social Services and housing management and / or an emergency

#### **4.6 Overlooking a bid**

In certain clearly defined circumstances the top bidder for a property may not receive an offer and their bid will be overlooked. There are clear monitoring and reporting requirements for this – see Appendix 10 for further details.

#### **4.7 Viewing properties and receiving offers**

When an applicant has been short listed they will be contacted to arrange a viewing of the property. There may be occasions when more than the one applicant(s) on the short list is invited to view and this will be made clear to applicants when the viewing is arranged.

Where an applicant is top of a short list for more than one property they will be asked to choose which property they would like to view. Applicants cannot view more than one property in any given bidding cycle.

At this point verification of current circumstances will be undertaken and applicants will be required to provide up to date documentation within 48 hours of it being requested. If applicants cannot provide the required documentation they will be overlooked for the offer.

Applicants will be allowed 48 hours from the viewing in which to decide if they wish to accept the offer of a property or not.

Where an applicant has refused a reasonable offer this will be logged. If an applicant has refused 2 reasonable offers, their application will be closed and they will not qualify for the register for a period of 12 months. Should they still be interested in social housing they will need to reapply after 12 months has elapsed and their application will be assessed on their current circumstances.

CYC and participating landlords offer a variety of tenancies including introductory, starter and fixed term.

CYC and participating landlords have differing requirements regarding rent in advance payments and pets policy.

## **Section 5. Feedback, Monitoring and Development of the Scheme**

### **5.1 Monitoring**

City of York Council will monitor the scheme on an ongoing basis to ensure that:

- The scheme is meeting its objectives
- The Policy complies with the duty to give reasonable preference whilst also allowing other groups to access affordable housing

- The scheme is providing equality of opportunity
- Applicants are satisfied with the scheme

## **5.2 Publishing Feedback on lettings**

Applicants can / will only be contacted if they are invited to view a property.

Lettings results will be published on the website and in the property booklet and will include the following information as a minimum:

- Property reference
- number of bids
- banding allocated to or direct let

Final draft

## **Appendix 1: Names and Addresses**

**City of York Council housing register is managed by:**

### **City of York Council**

West Offices  
Station Rise  
YORK  
YO1 6GA  
Phone: 01904 551550

E mail: [housing.registrations@york.gov.uk](mailto:housing.registrations@york.gov.uk)

**Associated Landlords that advertise properties via City of York Council Choice Based Lettings system include:**

Accent Foundation  
Broadacres Housing Association  
Home Group  
Joseph Rowntree Housing Trust  
Thirteen Group  
Railway Housing Association  
York Housing Association  
Yorkshire Housing



## Appendix 2: Advice and Information

If you are homeless or at risk of homelessness please contact the Housing Options Team, which provides advice about housing issues and homelessness. The Housing Act 1996 has been amended and now includes new duties under the Homeless Reduction Act 2017.

Attend one of our drop-in sessions from 8:30am to 5:00pm, Monday to Friday, in West Offices. Please note you must arrive before 3:30pm to be seen on the day.

### City of York Council

West Offices  
Station Rise  
YORK  
YO1 6GA  
Phone: 01904 551550

E mail: [housing.options@york.gov.uk](mailto:housing.options@york.gov.uk)

[https://www.york.gov.uk/info/20094/homelessness/868/housing\\_options\\_-\\_help\\_and\\_advice](https://www.york.gov.uk/info/20094/homelessness/868/housing_options_-_help_and_advice)

If you're fleeing domestic violence or domestic abuse, contact:

- IDAS in York on tel: 01904 646630
- Free 24-hour local helpline on tel: 03000 110 110
- Free 24-hour national helpline on tel: 0808 2000 247

If you are experiencing active domestic violence, call the police on tel: 999

If you are interested in shared ownership or discount for sale please speak to the Housing Registration team:

### City of York Council

West Offices  
Station Rise  
YORK  
YO1 6GA  
Phone: 01904 551550

E mail: [housing.registrations@york.gov.uk](mailto:housing.registrations@york.gov.uk)

[https://www.york.gov.uk/info/20012/housing/1819/affordable\\_home\\_ownership](https://www.york.gov.uk/info/20012/housing/1819/affordable_home_ownership)

## **Appendix 3: Non Qualifying Criteria (serious unacceptable behaviour)**

### **1. Introduction**

- 1.1 The policy recognises the Government's commitment to encouraging inclusion and social stability and will use this policy to encourage access for all applicants in housing need, including those that are socially disadvantaged. This will be achieved by ensuring that each application is treated on its individual merits and by making available mutually agreed programmes of support to vulnerable applicants in conjunction with other statutory and/or voluntary organisations.

### **2. Statutory and regulatory guidance**

- 2.1 The Code of Guidance (Allocation of Accommodation June 2012) and Localism Act 2011 explain that Local Authorities may wish to adopt criteria which would not qualify individuals who otherwise satisfy the reasonable preference criteria e.g. antisocial behaviour..' In summary, an applicant or member of the household will not qualify for the register if the applicant or a member of his/her household has been guilty of unacceptable behaviour that is such that had they been a secure tenant of the Council they would have possession under absolute of discretionary grounds within Schedule 2 and 2A of the Housing Act 1985).

### **3. Assessing qualification**

- 3.1 CYC recognises that whilst it wishes to promote balanced and sustainable neighbourhoods, denying access to social housing might result in broader social exclusion for the households involved. CYC recognises there is excessive demand on social housing and as such has identified certain categories of applicants that will not qualify for the CYC Register. Applicants will not automatically be non qualifying if their circumstances 'fit' a defined category; each case will be judged on its own merits and efforts will be made to resolve any issues which prevent applicants from joining the Register.

For the purpose of this document, not qualifying means that an applicant has been denied access to the Housing Register and is unable to participate in the choice based lettings scheme on the grounds of their (or a member of their household's) unacceptable behaviour or personal / housing circumstances.

- 3.2 CYC will consider an application to join the register where a history of unacceptable behaviour is proved if the applicant is attempting to modify that behaviour with the help of a recognised support agency and that agency will continue the support if / when the applicant is housed.
- 3.3 CYC will ensure that the process for assessing qualification is both fair and effective in the management of the housing stock. In reaching a decision on whether or not an applicant does not qualify on the grounds of unacceptable behaviour, all relevant information will be taken into account, including whether the behaviour could have been due to a physical or learning disability or mental health problems.

- 3.4 Where an applicant's behaviour is not serious enough for them not to qualify for the register, it will still be considered in deciding the level of priority received within the priority band. For example, where there are low or moderate rent arrears the applicant would be overlooked for offers of accommodation where there are other competing applicants with the same level of need who do not have housing related debt.
- 3.5 This policy applies to existing tenants applying to transfer and new applicants applying to join the register.

#### **4. Examples of serious unacceptable behaviour**

- 4.1 For the purpose of this document, examples of the type of unacceptable behaviour that will be considered in deciding whether or not to allow an applicant access to the register include domestic violence, racial harassment, drug offences, serious noise nuisance, intimidation and any other acts of unacceptable behaviour. Unacceptable behaviour also includes serious breaches in tenancy conditions which would make the applicant unsuitable to be a tenant, for example serious rent arrears, acts of antisocial behaviour that have or are likely to cause serious nuisance to neighbours and / or the use of a property for illegal or immoral purposes.
- 4.2 Applicants who have relevant unspent convictions for serious criminal offences which may threaten the stability of a community will have their housing needs assessed and all factors will be taken into account before a decision is made regarding their qualification to join the register. CYC will work collaboratively with the police, probation, prison service or any other relevant support agency in an effort to resolve an applicant's non-qualification and improve their chances of being integrated back into the community through a planned and managed approach.

Where there has been a criminal conviction, disqualification ends when the conviction is spent.

- 4.3 Where an applicant (or a member of the household) has a history of antisocial behaviour or has breached their tenancy conditions, all relevant facts will be considered before a decision is made (as per section 2) regarding their qualification to join the register. Where antisocial behaviour has been committed by a person who was, but is no longer, a member of the applicant's household, the behaviour will be disregarded provided the applicant is not guilty themselves of unacceptable behaviour. CYC will collaborate with other agencies, such as social services and health services, to try to resolve an applicant's non-qualification.
- 4.4 Applicants who owe current rent whether to a social housing provider or a private landlord that is in excess of 8 weeks payable rent where this is not due to delayed benefit payments (universal credit housing elements or housing benefit)

#### **5. Grounds for lifting non qualifying status**

- 5.1 The basic principle for lifting the non qualifying status will be evidenced material change in the applicant's circumstances. For example:

- Where an applicant has been guilty of unacceptable behaviour, the applicant has demonstrated a material change in their behaviour
- The applicant has in place a recognised support package that addresses previous misconduct and will continue once housing has been offered under the scheme
- The relevant conviction has become spent
- Addressing arrears and debts. An affordability assessment may be required.
- The relevant disqualification period has expired

5.2 A fresh application will need to be made by the applicant where they have previously been disqualified and feel that their behaviour should no longer be held against them as a result of changed circumstances.

## **6. Notifying the applicant of the decision and the right to review**

6.1 All applicants will be notified if they are not eligible or do not qualify, the reasons why, the period of exclusion and their right to request a review of the decision (Appendix 4). Applicants will also be notified of what actions they can take to remedy their ineligibility or non-qualification and a signposting / referral service to other support or independent advice agencies will be offered, if applicable.

## Appendix 4: Right of Review

City of York Council (CYC) operates a single stage review process.

All applicants have the right of review in respect of a **decision made regarding their housing application, including:**

- Access to the register by either eligibility or qualification
- Banding
- Property allocation
- Cancelled application

### Review Process

The review will be carried out by a senior officer within CYC, who will have not have had direct involvement in the original decision.

The request for a review should be submitted to the Housing Registrations Manager within 21 days of the date of the original decision letter. The reviewing officer will advise the applicant, in writing, of the review decision within 56 days.

### For clarification:

A **complaint** is when you feel that you have not received an acceptable service e.g. where phone calls have not been returned. If you believe this has occurred and you want to take further action you should contact CYC complaints and compliments team 'Have Your Say'.

## Appendix 5: At Risk of Homelessness

All applications are subject to eligibility and qualification criteria. Applicants who have negligently or deliberately placed themselves at risk of losing their home will be subject to the provisions in this policy for deliberate worsening of circumstances (2.21).

The following are examples of when an applicant is at risk of homelessness

- They live in tied accommodation linked to their employment and that employment is coming to an end
- They have received a valid, legal, written 'notice to quit' from their private landlord giving appropriate notice and the customer has engaged with their local Housing Options Service. The Officer must be satisfied that the landlord intends to implement the notice
- They have been served with a valid section 21 notice
- One party to a joint secure, introductory, assured or assured shorthold tenancy has given notice, ending that tenancy for the other parties and the landlord is not willing to transfer the tenancy to remaining parties or provide suitable alternative accommodation
- The tenant of a property has died, remaining parties in the property have no right of succession, and there is no offer of suitable alternative accommodation or transfer of tenancy
- The valid service of a Compulsory Purchase Order or Emergency Prohibition Order
- The applicant's home is due to be demolished
- The applicant has lost their home due to their landlord having the property re-possessed
- Termination of an Agricultural Tenancy under the terms and administrative processes of the Agricultural Tenancies Act 1976
- The applicant has been asked to leave by family or friends with whom they live

If the Housing Options Worker is satisfied or has reason to believe a person is homeless, there is a duty on Local Authorities to prevent homelessness or help relieve homelessness. Each applicant will have a housing assessment and personal housing plan and be expected to work towards remaining in or finding alternative accommodation.

All prevention / relief and homeless cases should be managed to case work level in accordance with Homeless Reduction Act 2017 and Ministry of Housing, Communities and Local Government (MHCLG) criteria (HClic)..

**Homeless Prevention:** During the **56 day** 'prevention duty' under the Homeless Reduction Act 2017 the main focus is to prevent homelessness by assisting someone to remain in their current home or move to alternative accommodation in a planned way. If an applicant who is

at risk of homelessness is eligible, qualifies and has a local connection, the applicant will be banded according to current housing need or placed in **silver band** as a homeless prevention category. The personal housing plan and bidding history will be frequently reviewed to ensure the applicant is bidding for all suitable properties. If the applicant has not been bidding or following the agreed personal housing plan then additional measures could be used including **the automated bidding system or the discharge of duty due to non co-operation**.

**Relief of Homelessness:** During the **56 day** 'relief duty' under Homeless Reduction Act 2017 when an applicant who is at risk of homelessness is eligible, qualifies and has a local connection, is believed to be in priority need and unintentionally homeless they will be banded according to current housing need or placed in **gold band** as a homeless relief category. The personal housing plan and bidding history will be frequently reviewed to ensure the applicant is bidding for all suitable properties. If the applicant has not been bidding or following the agreed personal housing plan then additional measures could be used including **the automated bidding system or the discharge of duty due to non co-operation**.

For those who are actually homeless, eligible and believed to be in priority need there is a duty to accommodate in temporary accommodation.

## **Appendix 6: Homeless Applicants**

The Homeless Reduction Act 2017 requires Local Authorities to help people remain in their own home or to find alternative accommodation (56 day prevention duty and 56 day relief duty). When this is not possible and the duty ends, there is a requirement to make a decision under the Housing Act 1996 Part 7.

If the decision under Housing Act 1996 is that an applicant is eligible, homeless, in priority need, unintentionally homeless and has a local connection they will be deemed to be statutorily homeless. This means that they will be entitled to one reasonable offer of accommodation, which will be made in accordance with sections 193(7) and 202 of the Housing Act 1996, meaning that the offer will be made in writing and will be subject to the right of appeal. **Applicants who are statutorily homeless will be offered 1 direct let.** Any direct let request must follow the agreed procedure so that these allocations can be audited.



## Appendix 7: Management Transfer (emergency move)

A management transfer can be agreed for persons in imminent danger and is subject to the discretion of the designated or senior manager within CYC.

A management transfer will be considered for a tenant of CYC if there is evidence to show that they are experiencing harassment of a serious, targeted and persistent nature (as defined in the table below) which the tenant could not reasonably have prevented or avoided through their own actions and where there are no other appropriate ways of resolving the problem without resulting in a serious risk of harm.

serious	<ul style="list-style-type: none"> <li>• violence used <b>or</b></li> <li>• threats of violence which is evidenced and likely to be enacted <b>or</b></li> <li>• extensive property damage, making the property uninhabitable <b>or</b></li> <li>• harassment based on race, sexuality or disability <b>or</b></li> <li>• significant, serious, intimidating harassment which cannot be resolved through landlord management</li> </ul>
<b>and</b> targeted	<ul style="list-style-type: none"> <li>• specifically aimed at the individual or household <b>or</b></li> <li>• related exclusively to the property <b>or</b></li> <li>• not experienced by others in the immediate neighbourhood</li> </ul>
<b>and</b> persistent	<ul style="list-style-type: none"> <li>• a series of repeated and recent incidents over a defined period of time and / or a likelihood of repetition assessed by police / other agency</li> </ul>

The aim of a management transfer will be to move the household to a place of safety. If the request is accepted, the applicant will be made one direct offer. Any direct let request should be submitted by a senior manager on the appropriate form.

The offer will usually be for a “**like for like**” property. Any further housing needs (usually overcrowding) will be addressed through the allocation policy and prioritisation in accordance with 3.2. If the tenant is already registered for a transfer on the basis of other housing needs they will retain their existing registration/priority band date.

## Appendix 8: Defining Overcrowding and Housing at Height

The following assumptions are made on overcrowding<sup>5</sup>:

The bedroom standard allocates a separate bedroom to each:

- Married or cohabiting couple
- Adult aged 16 years or more
- Pair of children 0 - 16 years of the same sex
- Pair of children aged under 10 years regardless of sex

A room intended as a bedroom but used for another purpose will still be classified as a bedroom.

Discretion can be exercised by staff to adjust the number of bedrooms required if:

- The bedrooms in the property are particularly large or small and account will be taken of room sizes using the statutory overcrowding guidance
- A child requires their own bedroom due to disability
- An applicant needs a bedroom for a carer or to facilitate specialist medical treatment
- An applicant needs a bedroom for a fostered/adopted child

In cases of joint custody of a child or children, recent case law states that only in exceptional circumstances, such as where children have special needs, will it be reasonable for children who already have an existing home with one parent to be provided with another home to live with the other parent.

In cases where any child has a home elsewhere but chooses to live with another adult (e.g. sibling) this will be discounted when considering overcrowding.

If an applicant with children wishes to apply for or is offered a property with the living accommodation at first floor or above, this is acceptable and is seen as a legitimate applicant choice or offer.

An unborn child is not considered part of the family until born in respect of bedroom need.

Further guidance on overcrowding can be found under the Housing Act 1985 (part 10) section 325 and 326.

---

<sup>5</sup> Overcrowding: As directed by the Allocation of Accommodation: guidance for housing authorities in England



Some flats and bungalows are classed as Independent Living Communities. This type of accommodation is generally intended for people who are aged 60 or over and/or need support to help them maintain their independence.

Exceptions are made to allocate bungalows and Independent Living Communities to people under 60 where there are evidenced mobility issues / health needs. Applicants will be assessed as to whether they need this type of accommodation.

Where landlords have different housing stock profiles, they may individually determine size criteria which will be shown on the advert. Generally, this means that applicants will match the size criteria but in certain areas or for certain properties they will be allowed to bid for a larger property. A financial assessment may also be required to confirm affordability. Some 3 bedroom houses will only have 1 double and 2 single bedrooms and would need to be advertised accordingly.

\*Joint tenancies between two adults not recognised as a couple, for example a brother and sister, would be eligible for a 2 bedroom property.

\*\*Where a couple are 60+ who require separate bedrooms for health reasons (medical evidence required). Where a couple 60+ are only entitled to a 1 bedroom property but would like a 2 bedroom property they may be considered if they meet the affordability assessment and there are no applicants who meet the property size criteria.

\*\*\* Joint tenancy between 3 individuals not in a relationship would be eligible for a 3 bedroom property.

Consideration needs to be given to the issue of bedroom size when advertising a property (eg. a 3 bedroom property with 1 double room and 2 single rooms must be advertised as 3 bedroom, 4 people) and allocated appropriately.

## Appendix 10: Overlooking a Successful Bid

There will be circumstances where allocations staff will need to, or will have discretion to, overlook a successful bidder. Allocations staff will be provided with procedural guidance on this.

1. The **mandatory grounds** for overlooking a bid are:

### 1.1 Debt

Housing related debt includes debts to other social landlords, temporary accommodation, hostel or supported housing (excluding council tax) usually for arrears of rent or rechargeable repairs. It is debt in respect of former, not current tenancies.

A successful bid **must be overlooked** if the applicant has housing related debt. An exception to this can only be made if:

- the applicant has a repayment agreement in place and that agreement has been maintained successfully for thirteen weeks prior to the successful bid being made
- and**
- the repayment agreement is current

Where debt is owed to a private landlord the applicant must evidence a willingness to repay.

In all cases a financial assessment may be required to confirm affordability.

### 1.2 MAPPA

Such applicants can be overlooked if the property is not suitable on the advice of North Yorkshire Police Public Protection Unit or National Probation Services or Community Rehabilitation Company (CRC) and should then be dealt with by a direct offer as per 4.5. Should such an applicant have made a successful bid and the IT system has not filtered out such bids, then staff can overlook the offer.

### 1.3 Health and safety or illegality

A successful bid that creates a risk to life, poses a serious health and safety risk, or creates a situation that is illegal, such as statutory overcrowding, will be overlooked.

### 1.4 Charitable Status

Some housing associations have charitable status which place restrictions on who can be housed. A successful bid will be overlooked if the applicant does not meet the charitable criteria of the housing association.

### 1.5 Support

Where there is no relevant support package in place if required.

## 1.6 Restrictions

Where there are restrictions in place as outlined in the policy. For example, where a band has been awarded to prevent hardship for employment and the property is not close to the place of employment.

## 1.7 Application

Where the applicant is found to be no longer eligible or qualifying or circumstances have changed within the household that changes banding / property need or where the applicant did not provide the information as requested to confirm verification.

2. The **discretionary grounds** for overlooking a bid will include:

### 2.1 Existing tenants of social landlords and supported housing

Existing tenants will normally be overlooked if they are in breach of their tenancy conditions ( this would generally include owing payable rent of up to 8 weeks or any other debts to their landlord) or their property has been specifically adapted. If the tenant has arrears over 8 weeks, they would not qualify for the register, unless due to a benefit arrear.

For example, an exception could be made to rent arrears if the tenant is under-occupying the property and is affected by a reduction in Housing Benefit because of their under-occupation and the landlord considers a move to a smaller property to be the best option.

Also those in temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current arrears and / or service charges. Contact with the relevant manager should be made where arrears are low level.

### 2.2 Disability

Where a household with disabilities are potentially being let a property which can not reasonably be adapted for them, a bid may be overlooked. It may not be reasonable to adapt properties where a major structural alteration is required such as:

- an extension
- a through floor lift
- door widening

The need for minor adaptations such as stair lifts, adjustments to baths or showers, grab rails etc should generally not exclude the successful applicant from receiving the offer; however staff will exercise their discretion if funding is not available for these adaptations.

### 2.3 Adapted properties

Where the successful bidder has secured an adapted property without having any need for that adaptation. Staff can re-advertise for one further cycle in this instance.

### 2.4 Terms of the advert

Where the successful bid does not comply with the terms of the advert, including pet policy

Instances when a successful bidder has been overlooked must be recorded. If there is no bidder that meets the terms of the advert, the property can be re-advertised.

## 2.5 Affordability

Where, following an assessment, it is determined that the applicant will not be able to afford to sustain the tenancy.

## 2.6 Adopters/foster carers

If not a suitable location for social services.

**In exceptional circumstances a senior manager can override both mandatory and discretionary grounds to allocate a property / re-house an applicant.**

Final draft

## **Appendix 11: The Offender Initiative**

- A tenant of one CYC who is sent to prison for longer than 13 consecutive weeks can apply and bid on properties 4 weeks before release from prison. or can receive a direct offer' on release from prison, provided they meet the criteria below. That the tenancy was given up promptly on their imprisonment
- There were no rent arrears or damage to the property
- There was no anti-social behavior related to the conduct of their tenancy
- That the individual satisfies the acceptable behavior test on their release

Any direct let request should be submitted by a senior manager on the appropriate form.

Final draft



## Appendix 12: Resettlement

### Definition

Only customers who are assessed as needing resettlement services will be referred for 'permanent beds in supported housing projects'. The ongoing assessment and support process will identify the long term housing options, including private rented sector or social housing via resettlement category. All other applicants will be offered advice and support in accordance with the Homeless Reduction Act 2017 and helped to access alternative accommodation.

The resettlement criteria are defined as: *Where the applicants have completed an intensive or approved resettlement programme (as determined by the nominated officer). This will usually be for 12 months, but will in any case be for a minimum of 6 months.*

Resettlement Projects in York are identified in the staff guidance notes and may on occasions change due to decommissioning / change of contracts.

. Applicants resident in supported accommodation who can evidence a **completed** programme of accommodation based supported housing and training attract a Gold Band status under this scheme, as noted above, providing they meet the eligibility and qualification criteria set out in this policy.

The minimum standard required before a programme of resettlement can be considered complete will include evidence of support around the following areas:

- Health and related issues
- Money Management
- Engagement, training and social inclusion
- Practical Skills,
- Personal Skills
- Tenancies Work
- Making Safe

### Ongoing Support

There is an expectation that the applicant will require ongoing support. In particular, when they first move into independent accommodation they should be referred to the appropriate organisation and this should be noted in the request for resettlement criteria.

### Joint Applications

In the case of joint applications, both applicants will need to meet the resettlement criteria.

A list of participating projects is available from Housing Options. These may change over time due to contractual / procurement changes.

## **Appendix 13: Young People's Support and Trustees**

### **Minimum Required Standard for Support Packages and Trusteeships (Young People 16 and 17 years old)**

The housing support package must be assessed by a housing professional or Pathway team. In general this will be based on information gathered from supported housing / foster placement / Staying Put scheme. A housing support package is required as a condition of access to the register, with the applicant attending regular support sessions prior to commencement of the tenancy. The support package must be provided until the applicant's 18<sup>th</sup> birthday or for a minimum 6 months, whichever is longer. Support can be continued after this if necessary. Support must be available in the Local Authority area in which they live or where they are moving to.

#### **Relevant Trustees**

Minors, including 16 and 17-year-olds, cannot legally be bound by contracts or hold a legal estate in land. The exception to this rule is that minors can be bound by a "contract for necessities" and so can be legally bound to pay rent. Therefore, a minor can hold an *equitable* tenancy providing a trustee is appointed to hold the legal estate. The Trustee is merely holding a legal estate on trust until the minor reaches 18 and is legally permitted to hold an estate in land.

**All new applicants under 18 can only be offered an Equitable Tenancy provisional on a suitable Trustee and support package.**

**Trustees do not have a financial responsibility.** CYC has discretion to which organisations and individuals it deems able to exercise this function, provided the Trustee is:

- A responsible adult **or**
- An organisation, where that organisation has as part of its remit the provision of support to young people, providing the organisation is not also the landlord of the property concerned **or**
- A named individual within an organisation, where that organisation has as part of its remit the provision of support to young people, providing the organisation is not also the landlord of the property concerned

Wherever possible a Trustee who is a responsible adult should:

- Be a friend or relative
- Have a stable 5 year housing history
- Have no debts to LA (Council Tax or rent) / Housing Association
- Be able to attend the tenancy sign up

An individual accepted as a Trustee must attend the sign-up stage of a tenancy, along with the landlord, support worker and the Tenant. Where an organisation is accepted as a Trustee, a representative of that organisation should attend the sign-up stage of the tenancy wherever possible, along with the landlord, support worker and the Tenant. If the Trustee is

unable to sign, they should complete the necessary paper work immediately following the sign up.

There is no obligation on the Trustee to attend any future events relating to the tenancy.

The Trustee and Tenant would be jointly served with any court proceedings and paperwork and invited to attend court, but the Trustee is not required to appear at court.

The trust would automatically end on a young person's 18<sup>th</sup> birthday, when the young person would sign for an appropriate tenancy, in accordance with the landlord's policy.

In case of joint Equitable Tenants where both are under 18, an individual Trustee is required for each equitable tenant until each tenant becomes 18.

Final draft

## **Appendix 14: Housing First**

Housing First is for applicants with complex needs who are eligible and qualify to register but who are unable to be re-housed via the traditional resettlement route. The charity Shelter defines Housing First as a programme which only demands that service users pay rent, abide by the tenancy conditions, and agree to a visit by a support worker (usually) once a week. Comprehensive support services are offered and brought to the service user. Typically, the support services will involve multi-disciplinary specialism's including: physical and mental health workers, drug and alcohol treatment workers, employment support workers and peer workers. These are either employed within the Housing First agency, or brokered from community-based services. Access to the support can also go beyond that normally associated with traditional floating support schemes, and may be available 24 hours a day, seven days a week.

Housing First in York is only available to customers engaging with intensive, multi disciplinary support (eg Making Every Adult Matter – MEAM customer group or Mental Health Housing First programme)

Housing First customers will be offered a direct let. Any direct let request should be submitted by a senior manager on the appropriate form.

[http://england.shelter.org.uk/professional\\_resources/policy\\_and\\_research/policy\\_library/policy\\_library\\_folder/housing\\_first\\_-\\_a\\_good\\_practice\\_briefing](http://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/policy_library_folder/housing_first_-_a_good_practice_briefing)

## Appendix 15: Armed Forces

### Armed Forces is Defined As:

- a) Serving in the regular armed forces<sup>6</sup> or who has served in the regular armed forces including those existing members of the regular armed forces who are suffering from a serious injury, illness or disability as a result of their service who may need to move out of their existing accommodation to suitably adapted social housing before they complete their service or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
- b) Serving or has served in the reserve forces<sup>7</sup> and suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- c) Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service

For this purpose “the regular forces” and “the reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006(2).”

The definitions a) and b) above extend to applications from former service personnel, where the application is made within 5 years following discharge.

It is recognised that bereaved spouses and civil partners (as in c above) of service personnel who are required to leave service families accommodation following the death of their spouse or partners are likely to experience similar issues to service families on discharge from the forces. The Regulations are intended therefore to protect bereaved spouses and civil partners **from the time they are required to leave service families accommodation until they are able to obtain alternative settled accommodation.**

---

<sup>6</sup> “the regular forces” means the Royal Navy, the Royal Marines, the regular Army or the Royal Air Force

<sup>7</sup> “the reserve forces” means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force,

## **Statutory Instrument 2012 No. 2989 The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012**

*Made*

November 29 2012

*Coming into force in accordance with regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 166A(7) of the Housing Act 1996(1).

In accordance with section 172(2)(2) of the Housing Act 1996 a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

### **Citation and commencement**

1. These Regulations may be cited as the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 and come into force on the day after the day on which they are made.

### **Amendment of section 166A(3) of the Housing Act 1996**

2. Section 166A(3)(3) of the Housing Act 1996 (Allocation in accordance with allocation scheme: England) is amended as follows—

(a) in the sentence following the end of paragraph (e) (beginning with “The scheme may also be framed”) for “people within this subsection” substitute “people within one or more of paragraphs (a) to (e)”;

(b) at the end of that sentence, insert—

“The scheme must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more of paragraphs (a) to (e) and who – (i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service,

(ii) formerly served in the regular forces,

(iii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person’s spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or

(iv) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service.

For this purpose “the regular forces” and “the reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006(4).”.

## Appendix 16: Health & Wellbeing

Health and Wellbeing awards are to assist those with health issues to move to a property that more appropriately caters for their needs. Any Health and Wellbeing award **must** secure a health gain.

The following simple rules apply when a CBL officer assesses if an application should be given a Health and Wellbeing award:

- No priority can be awarded if moving home will not secure a health gain. If a customer has a terminal illness and their accommodation suits their health needs they will receive no health award
- The Emergency Band is for a narrow range of extremely severe health needs where the applicant's housing is an issue for them
- There will be no award of Gold Band unless the applicant's condition is severe and enduring (permanent) and the condition must be compromised by the home or its environment. A move must improve their health and wellbeing
- Applicants who are already housed in an adapted property will not normally be banded on Health and Wellbeing grounds unless it is impractical to further adapt the property to meet their needs
- Applicants who are given a health award based on needing an adapted property can bid on un-adapted properties without loss of priority provided that
  - The property can be reasonably adapted for them
  - The funds are available for those adaptations
  - There is little or no prospect of the applicant's current home being adapted for them**and** moving home would constitute a health gain.
- Applicants with disabilities are only restricted in the properties they can be considered for where the property in question cannot be reasonably adapted for them. A successful bid on a property that cannot be reasonably adapted or will not attain a health gain can be skipped in favour of the next applicant on the short list.

A minor adaptation will usually be seen as a preferable alternative to rehousing. A health and wellbeing award will not normally be given if the issues of the applicant can be successfully addressed in their current accommodation by minor adaptation. A minor adaptation could be successful installation of a stair lift, grab rails to external doors and bathing areas etc.

There are three categorisations of Health or Wellbeing need (plus support needs)

Priority Band	Circumstances/Definition	Comments
<b>Emergency</b>	<p>1. Applicant unable to return to their home from hospital because their current home is permanently un-suitable. This must be a long term issue.</p> <p>2. Applicant unable to access key facilities in their home without major adaptation works.</p>	<p>We expect this to be confirmed in writing by a Social Services Authorised Senior officer. If they provide this, the customer is fast tracked to the emergency band.</p> <p>A joint assessment by the local authority and Registered Social Landlord. We expect that the possibility of informal aids and adaptation will be considered in terms of 'creating' a bedroom and a bathroom where required.</p> <p>Questions that will be considered are:</p> <ul style="list-style-type: none"> <li>• Is the nature of the condition short term only?</li> <li>• Is there a downstairs toilet and downstairs bedroom or space adaptable as a bedroom?</li> <li>• Can reasonable external access to the property be made?</li> <li>• Is it likely that the applicant's home can be made suitable with a minor adaptation? If so, how to signpost applicant to help?</li> <li>• What can be achieved in terms of adaptation or provision of additional services to the home and what these might cost?</li> </ul>



<p><b>Gold Band</b></p>	<p>1. Applicants with a severe and enduring/permanent illness whose health and/or wellbeing is significantly compromised by their home or environment.</p> <p>2. Applicants who need to move to a specific locality so that proven hardship can be prevented.</p>	<p>A move must give a considerable health gain. If there is no health gain then no gold band will be awarded. The illness must be of a serious nature and must be enduring / permanent / life long with no prospect of the condition improving. The condition must be likely to stay the same or deteriorate further.</p> <ul style="list-style-type: none"> <li>• Questions that will be considered are: Is the illness serious and enduring?</li> <li>• Does the physical structure of the property or its environment significantly compromise the serious and enduring condition?</li> <li>• Is there any easier solution than re-housing the applicant, such as a minor adaptation?</li> <li>• Could any medical treatment that the applicant needs be brought to the applicant's home?</li> <li>• Can the customer reasonably access any on-going medical treatment (such as dialysis) having considered availability of patient transport?</li> <li>• Will re-housing the applicant secure any improvement to their health or well being?</li> <li>• Will moving closer to a carer (or the carer moving closer to them) achieve a health gain in respect of the serious and enduring illness?</li> </ul>
<p><b>Silver</b></p>	<p>1. Applicants who have a health or well being issue,</p>	<p>As above, "does re-housing achieve a health</p>

<b>Band</b>	which will be removed or improved by a move as assessed by the relevant trained Officer.	gain?" is the key consideration.  Questions that will be considered are: <ul style="list-style-type: none"> <li>• Can the applicant secure an improvement to their health or well being through re-housing?</li> <li>• If so, what form of housing (and where) will secure such an improvement?</li> <li>• Could the health issue be eased or relieved by minor adaptation?</li> </ul>
-------------	--	--

### Accommodation Panels

CYC may at times have specific partnership / working arrangements with cross agency bodies who typically consider the needs of groups with special needs such as:

- People with mental health needs
- People with learning disabilities
- People with physical disabilities
- People eligible for Independent Living Schemes (including with Extra Care)

These arrangements may involve the agency or panel nominating an applicant to the register. It may be that applicants such as these have a high health or well being need. The nominating body will have to provide substantial evidence outlining the level of need within the terms of the lettings policy.

The receiving landlord will have, on a case by case basis, the opportunity to initiate dialogue with the panel and be privy to all documentation surrounding the case if appropriate and necessary.

## **Appendix 17: Sensitive Lets**

It is necessary on occasions for housing managers to allocate a property outside of the CYC policy to facilitate the management and community cohesion of a specific property / area.

Sensitive lets relate to a property where for example:

- The previous tenant has caused significant neighbour nuisance for a variety of reasons and where it has taken considerable time to resolve the problems
- Where there has been significant drug related nuisance
- Where there has been significant noise nuisance within a block of flats or the immediate neighbourhood

Targeted allocation of a property could reduce such issues by ensuring the next tenant will be unlikely to cause a similar nuisance.

Where a senior officer (as part of the specific procedure for sensitive lets) agrees that an individual property should be let outside the normal allocations policy, the property will be advertised as a Sensitive Let and the advertisement will clearly state that applicants will be subject to further checks.

## **Appendix 18: Senior Management Decisions**

Any decisions using management discretion should be recorded on a standard pro-forma and retained in line with retention policy.

Senior management decisions include direct offers, sensitive lets, mandatory and discretionary reasons for overlooking a bid. If a direct let is requested it should be submitted by a senior manager on the appropriate form.

Final draft

## Appendix 19: Hardship Grounds

### People who need to Move on Hardship Grounds

If an applicant indicates they need to move to a particular location within York to take up an offer of employment, education or training, or to be near family or friends to give or receive support, the officer will ask the applicant to provide written confirmation of their housing need.

Applicants in this category will only be given a priority if it is unreasonable to expect them to commute from their existing home e.g. there is no reliable bus route or train service and they are experiencing unreasonable financial hardship travelling to work. Right to Move is deemed a hardship ground.

Evidence of employment, education or training opportunity is required along with financial information demonstrating hardship.

Applicants who need to move to another location to give or receive support must provide written confirmation of the address of family members they need to live close to and their needs via another professional organisations e.g. health professional, social services. A health & wellbeing assessment may be required to determine the type of property that would best suit the applicant's needs. If the assessment concludes that priority should be awarded, then appropriate banding will be awarded under this Allocations Policy.

Examples of circumstances that may result in the award of Gold Band are:

- The applicant has an identified need for Independent Living Community accommodation and there is no such provision in the area in which they live. The applicant would require residential care or a higher level of care package unless they are re-housed.
- The applicant needs to receive essential daily care from a relative and without re-housing they would require residential care or a higher level of care package
- The household includes a person who needs to access specialist medical treatment on a permanent or indefinite basis and they are unable to do so, or it is unreasonable to expect them to do so, from the area in which they currently live.
- The household includes a person who is unemployed and they have been offered permanent employment in an area to where they are unable to reasonably travel
- The household provides essential daily care to someone in another part of the region and they cannot deliver that care effectively from their current location and without this, residential care or a higher level of care package would be required
- The household includes a member with a disability or learning difficulty who needs to access specialist education or training facilities and cannot do so from their present home
- Right to Move

Applicants would be restricted to applying for accommodation within the specific York Local Authority Area where the employment / training / family member is located.

## Appendix 20: Care leavers

For those leaving care in a planned way emergency banding is awarded. This is higher priority than gold band and the care leaver would get to bid on available properties.

As it reflects an 'urgent status' for the applicant the banding status would be reviewed after 28 days. If no bids had been made the emergency status would be removed unless there was a valid reason not to do so e.g. the young person had not been in a position to bid or there were no suitable properties available within the 28 day period.

The same criteria for joining the register applies as with all other applicants.

The same tie breaks within band would be applied e.g. for rent arrears and are moving in a planned way etc as well as

Where a direct let is refused or emergency banding status withdrawn the care leaver's application will be placed in gold band and the start date of the application backdated to the 16<sup>th</sup> birthday.

For those care leavers deemed as statutory homeless or accessing the resettlement process gold band will be awarded and they would follow this pathway through to settled housing. The start date of the application for these applicants will be the same as the date of their 16<sup>th</sup> birthday.

In all cases where applicants present as a care leaver, if the young person has had long term stable accommodation / lived independently / worked etc e.g. held a sole / joint tenancy for 12 months or more for example they should be dealt with as a standard applicant.

This does not include accommodation while at University or similar educational or vocational establishment. A care leaver returning from such an establishment will be placed in emergency band as above.

**SECTION 1: CIA SUMMARY**
**Community Impact Assessment: Summary**
**1. Name of service, policy, function or criteria being assessed:**

Housing

Replacement of North Yorkshire Home Choice allocations policy with City of York Allocations Policy

**2. What are the main objectives or aims of the service/policy/function/criteria?**

To allocate homes owned by City of York Council, managed by City of York Council and nominated to City of York Council through a choice based letting scheme.

Allocations must be fair, recognise reasonable preference and special circumstance when needed.

The policy must be clear in determining the order of priority of candidates when expressing an interest in a particular property advertised as being available to let.

**3. Name and Job Title of person completing assessment:**

Ann-Marie Douglas Temporary Accommodation Manager.

**4. Have any impacts been Identified? (Yes/No)**

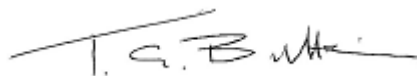
Y

**Community of Identity affected:**

As below

**Summary of impact:**

Positive overall as the policy recognises priority based on need and allocates homes in a fair and transparent manner

**5. Date CIA completed: 10.07.18**
**6. Signed off by:**


7. I am satisfied that this service/policy/function has been successfully impact assessed.

**Name: Tom Brittain**

**Position:** Assistant Director, Housing and Community Safety

**Date:** 10.07.18

8. Decision-making body:	Date:	Decision Details:
<p>Send the completed signed off document to <a href="mailto:ciasubmission@york.gov.uk">ciasubmission@york.gov.uk</a> It will be published on the intranet, as well as on the council website.</p> <p>Actions arising from the Assessments will be logged on Verto and progress updates will be required</p>		



## Community Impact Assessment (CIA)

**Community Impact Assessment  
Title:**

**City of York Council Allocation Policy**

What evidence is available to suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? **For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people.** NB. Lack of financial resources alone is NOT justification!

### Community of Identity: Age

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Policy recognises specific needs of older people by identifying process for allocating homes specifically on the basis of age / age related health issues	Standard of living Identity, expression and self respect Health Productive and valued activities	<b>P</b>	<b>None</b>

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
<p>Some homes designated for older people and most allocations to Independent Living Communities</p> <p>Emergency band takes account of people not being able to return to their previous home for age related health reasons</p>	N/A	Recognises specific needs of older people	Housing Options and Support Service Manager	On implementation of policy

**Community of Identity: Carers of Older or Disabled People**

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
<p>Hardship provision in policy takes account of need for carers and carer needs.</p> <p>Room criteria recognises live in care / overnight care</p>	<p>Quality and locality of care</p> <p>Support for independent living</p>	P	None

<b>Details of Impact</b>	<b>Can negative impacts be justified?</b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
Carers can be included in assessment of property size and need to move to be nearer care is taken account of	N/A	To support quality of life and independent living	Housing Options and Support Service Manager	On implementation of policy

**Community of Identity: Disability**

<b>Evidence</b>	<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>	
Policy gives priority to those experiencing problems from property related issues affecting mobility / health through health and wellbeing assessments	Standard of living Identity, expression and self respect Health Productive and valued activities	<b>Y</b>	<b>None</b>	
<b>Details of Impact</b>	<b>Can negative impacts be justified?</b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
Customers with health and wellbeing needs including disability receive reasonable preference.	N/A	To ensure that customers are adequately housed with adaptations and support as needed	Housing Options and Support	On implementation of policy

			Service Manager	
--	--	--	-----------------	--

**Community of Identity: Gender**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Policy and supporting policies ensure no gender bias. Protected characteristics will be monitored to ensure discrimination does not occur		Standard of living Identity, expression and self respect Health Productive and valued activities	<b>P</b>	<b>None</b>
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
Allocation based on housing need which is factually determined and recorded, through published criteria that is auditable	N/A	To ensure that no bias including gender bias is experienced in the allocation of homes	Housing Options and Support Service Manager	On implementation of policy

**Community of Identity: Gender Reassignment**

Evidence	Quality of Life Indicators	Customer Impact	Staff Impact
----------	----------------------------	-----------------	--------------

			(N/P/None)	(N/P/None)
Policy and supporting policies ensure no gender bias. Protected characteristics will be monitored to ensure discrimination does not occur		Standard of living Identity, expression and self respect Health Productive and valued activities	<b>P</b>	<b>None</b>
<b>Details of Impact</b>	<b>Can negative impacts be justified?</b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
Allocation based on housing need which is factually determined and recorded, through published criteria that is auditable		To ensure that no bias including gender bias is experienced in the allocation of homes	Housing Options and Support Service Manager	On implementation of policy

### Community of Identity: Marriage & Civil Partnership

<b>Evidence</b>	<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
All forms of marriage and civil partnership recognised and acknowledged in policy	Standard of living Identity, expression and self respect Health Productive and valued activities	<b>P</b>	<b>None</b>

Details of Impact	Can negative impacts be justified?	Reason/Action	Lead Officer	Completion Date
Allocation based on housing need which is factually determined and recorded, through published criteria that is auditable		To ensure that no bias including gender bias is experienced in the allocation of homes	Housing Options and Support Service Manage	On implementation of policy

**Community of Identity: Pregnancy / Maternity**

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)	
		N	None	
Details of Impact	Can negative impacts be justified?	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Race**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Housing Strategy, NYHC policy			N	None
Details of Impact	Can negative impacts be justified?	Reason/Action	Lead Officer	Completion Date
If English is not the first language customers may not understand the implications of the agreement.	Y	Language Line is available for staff to use Interpreter services are available The Temporary Accommodation Agreement can be translated in written form upon request.	Housing Options and Support Service Manage	On implementation of policy

**Community of Identity: Religion / Spirituality / Belief**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
			None	None

Details of Impact	Can negative impacts be justified?	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Sexual Orientation**

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)	
Policy and supporting policies ensure no gender bias. Protected characteristics will be monitored to ensure discrimination does not occur	Standard of living Identity, expression and self respect Health Productive and valued activities	<b>P</b>	<b>None</b>	
Details of Impact	Can negative impacts be justified?	Reason/Action	Lead Officer	Completion Date
Allocation based on housing need which is factually determined and recorded, through published criteria that is auditable	N/A	To ensure that no bias including sexual orientation bias is experienced in the allocation of homes	Housing Options and Support Service Manage	On implementation of policy





This page is intentionally left blank