

Housing Allocation Policy



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1. Introduction

This policy sets out the Council's strategic approach for allocating social housing. It involves stock owned and managed by the Council and (properties allocated through nominations agreements¹. The latter are owned and managed by private registered providers (also known as housing associations) and are allocated through a nominations agreement.

For the purposes of clarity, the allocations policy covers the stages in the process from applying to join the housing register (also known as the waiting list) including assessing eligibility and qualification criteria through to the letting of a property.

The number of properties that become available each year is substantially less than the increasing number of people seeking social housing. Only those with the greatest need will be housed through the allocations system. Up to date information about current wait times is available through the Council's website [Housing demand statistics - Bury Council](#).

This policy meets the requirements of Section 167 of the Housing Act 1996 to have an allocation policy for determining the priorities and procedure to be followed in allocating social housing accommodation. It also takes account of the Localism Act, 2011, and the Homelessness Reduction Act 2017, as well as statutory and non-statutory guidance such as (i) the allocation of accommodation statutory guidance for local authorities 2023 and (ii) improving access to social housing for victims of domestic abuse statutory guidance in 2021 and 2022.

As a Council, improving the lives of children in our care is our top priority. In response to the Care Review and the updates to the Homeless Code of Guidance we have renewed our commitment to increasing the number of care leavers in safe, suitable accommodation and reducing the number of care experienced young people at risk of homelessness. To achieve this the Council has:

- Updated it's Joint Housing Protocol to strengthen ways of working between Housing and Children's Services.
- Recognised that the Council must have regard to care leavers' vulnerability and the lack of parental support and stability that would ordinarily be provided and therefore commits to never making a care leaver intentionally homeless.
- Increased governance around housing support for Care Leavers through the Council's Corporate Parenting Board which attendance form the Cabinet Member for Housing and the Director of Housing.

The policy is available on the Council's website and is updated on a regular basis with a fundamental review every three to five years or when there is a need for a significant change because of, for instance, major legislation.

¹ Some private registered providers maintain their own housing registers and allocations policies for properties that are not part of nominations agreements.

This document is organised primarily on the basis of the allocations process. It consists of sections on aims, allocations and lettings process, applications, eligibility, qualification criteria, housing register, banding, property size, lettings process, local lettings, direct lets, succession, equality impact assessment, reviews & appeals, and exceptional circumstances.

2. Aims

The aims of the allocation policy are to:

- Meet housing need and support the most vulnerable - this is because need greatly outstrips supply.
- Ensure a people-focussed lettings service that embraces diversity and equality.
- Make best use of the Council's housing stock.
- Make best use of the Council's nomination rights to private registered providers' properties.
- Meet, wherever possible, people's aspirations.
- Contribute to sustainable communities.
- Support people in work or seeking work.

3. Allocations Process

The allocations process is set out below. It meets the aim of having a people-centred service. The five key points are:

- Advice is available for the first step of fully completing an application form to join the housing register.
- Housing options advice is available to non-qualifying applicants.
- People on the housing register can attempt to meet their aspirations through the lettings system – Bury Home Options.
- People who are in urgent / emergency need of housing may be offered a direct let by the Council of a suitable property rather than using Bury Home Options.
- People can request a review or make an appeal on decisions made by the Council on, for instance, eligibility, qualification, and banding and property size.

The policy meets the consumer standards on allocations of the Regulator of Social Housing (RSH). The two principles are:

- Putting current and prospective tenants at the centre of the RSH's expectations
- Allocations and lettings must be achieved in a fair and transparent manner that takes the needs of existing and prospective tenants into account.

The three relevant RSH specific expectations are:

- Allocating homes that are designated, designed, or adapted to meet specific needs in a way that is compatible with the purpose of the housing.
- Develop and deliver services to address under-occupation and overcrowding in their homes.
- Fair, reasonable, simple, and accessible appeals process for allocation decisions.

4. Applications

The first stage in the allocations process is the completion of an application form.

This is completed online. Help and advice is available from the Council ([see Housing Register - Bury Council](#)). It is vital that it is fully completed along with downloading any additional documentation that is required. An application will not be processed if there are information gaps.

The application form (and additional information) establishes whether the applicant is eligible and meets the qualification criteria to join the housing register. It also determines the banding and property size / type requirement to meet the needs of the applicant.

The Council will consider every application within a reasonable time depending on the complexity of the individual case. If the application is successful, it will be backdated to the date when the fully completed application was submitted.

If the application to join the register is refused, there is an opportunity to request a formal review of the decision.

It is an offence for anyone, in connection with the exercise by a housing authority of its functions to:

- Knowingly or recklessly give false information.
- Knowingly withhold information which the housing authority has reasonably required the applicant to give in connection with the exercise of those functions.

The circumstances in which an offence is committed could include providing false information:

- On an application form for social housing.
- In response to a request for further information in support of the application.
- During review proceedings.

5. Eligibility

Under the housing legislation, the Council cannot allocate housing to anyone (or jointly with someone) that is not eligible to join the Housing Register. Those ineligible are outlined in Section 160ZA of the Housing Act 1996 as persons:

- Who are subject to immigration control, or who do not satisfy resident requirements as detailed in the Code of Guidance on allocations (October 2023).
- Prescribed by the Secretary of State as being ineligible.

Where two or more people apply and one of them is eligible, the Council may grant a tenancy to the person that is eligible providing the qualification criteria are met. In addition, while ineligible family members cannot be granted a tenancy, they may be considered when determining the size of property, for which they can bid.

If the application is refused on eligibility grounds, there is an opportunity to request a formal review of the decision.

6. Qualification Criteria

The Council will register all qualifying persons on the housing register.

The Council gives reasonable preference, because of their housing need under Section 166A(3) of the Housing Act, 1996, to five categories, and these are those:

- Who are homeless within the meaning of Part 7 of the Housing Act, 1996 (including those who are intentionally homeless and those not in priority need)
- Who are owed a particular statutory duty under certain provisions of homelessness legislation eg prevention duty
- Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- Who need to move on medical or welfare grounds, including grounds relating to a disability
- Who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others).

In addition, the Council, as required by statutory regulations, positively supports four categories of applications:

- Those who are or are related to current and former armed services personnel².
- People who are seeking to move for work-related reasons³.
- People affected by domestic abuse⁴.
- Children and young people leaving care⁵ where:
 - The child or young person is registered as child in care within Bury
 - The child or young person is registered as child in care within Bury but has been living elsewhere and is now returning to the borough.

² See statutory guidance (2020) [Improving access to social housing for members of the Armed Forces - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431147/Improving_access_to_social_housing_for_members_of_the_Armed_Forces_-_GOV.UK_(www.gov.uk))

³ See statutory guidance (2015) [Right to Move and social housing allocations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431147/Right_to_Move_and_social_housing_allocations_-_GOV.UK_(www.gov.uk))

⁴ See statutory guidance (2021) [Delivery of support to victims of domestic abuse in domestic abuse safe accommodation services - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431147/Delivery_of_support_to_victims_of_domestic_abuse_in_domestic_abuse_safe_accommodation_services_-_GOV.UK_(www.gov.uk))

⁵ See statutory guidance (2000) [Children \(Leaving Care\) Act 2000 \(legislation.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431147/Children_(Leaving_Care)_Act_2000_(legislation.gov.uk))

In relation to applicants who are or are related to current and former armed services personnel, the Council is committed to the Greater Manchester Armed Forces Covenant⁶. This includes a Greater Manchester-wide commitment to addressing homelessness and providing, where appropriate, social housing.

For people affected by domestic abuse, the Council is committed to ensuring that those who need to escape from domestic abuse are given as much support and assistance as possible so that they are able to re-build their lives. This includes:

- Adopting a broad definition of domestic abuse including economic and financial abuse
- Providing safe accommodation e.g.
 - Specialist safe accommodation
 - Dispersed accommodation.
 - Sanctuary schemes.
 - Move on accommodation.
- Adopting an appropriate allocations process including direct lets.
- Providing an appropriate tenancy type.

In the case of care leavers, the Council follows the principles set out in the government's 'joint housing protocol for care leavers – good practice advice'⁷ which covers arrangements for achieving planned, supportive accommodation transitions to independent living; identifying homelessness risk early and acting to prevent it; provide a quick, safe, joined up response for care leavers who do become homeless; and have in place joint arrangements for robust scrutiny when intentional homelessness decisions for care leavers are being considered. This will be delivered through:

- Providing help and support to the Children's Team in terms of accessing suitable types of accommodation, including commissioning additional accommodation where necessary.
- Supporting care leavers to prepare for transition into adult life, with each young person having a plan to identify suitable housing options and ensure they develop the skills needed for the next step in their lives.
- Accessing and successfully managing longer term move-on and support options either through social housing, supported accommodation or private rented accommodation as appropriate.
- Taking account of the housing needs of care leavers aged 16-21/25 through early identification of need via membership of the Corporate Parenting Board.
- The contribution to joint planning that is made by key services such as Adult Social Care, mental health services, housing related support providers, the Youth Offending Service and the National Probation Service.

⁶ See [Armed Forces Covenant - Greater Manchester Combined Authority \(greatermanchester-ca.gov.uk\)](https://www.greatermanchester-ca.gov.uk)

⁷ [Joint housing protocols for care leavers: good practice advice - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Whilst applicants may satisfy the qualifying criteria, the Council will give low priority to individuals that do not meet certain conditions expected of tenants. Each case will be assessed on its merits, but in drafting these principles, the Council's main aims are to:

- Ensure that bad behaviour is not rewarded, by the allocation of a valuable and scarce resource.
- Prevent those who have a prior history of not properly maintaining a tenancy from accessing social housing.
- Ensure that no-one is set up to fail. Anyone who needs support to manage a tenancy must have that in place before they are granted a tenancy.
- Not penalise those who have a good previous track record as a tenant.

With those principles in mind, the following persons are likely to be deemed unsuitable for registration on the housing register – though each case is considered on its merits:

- Those with a history of rent arrears (with the Council or any other landlord) of, or exceeding, two calendar months – unless they have an agreed payment plan in place and making payments on a regular basis.
- Those with a history of unacceptable behaviour, such as conduct by the applicant or a member of the household which would, if the applicant were a secure tenant of the Council, entitle the Council to an order for possession. In particular, those who have been evicted from previous accommodation because of their behaviour, or that of members of their household or who have had any form of injunction relating to anti-social behaviour imposed on them.
- People who have previously failed to maintain accommodation offered to them, or who have caused deliberate damage to any such property.
- People who are incapable of managing a tenancy. This may include:
 - Children aged below 16.
 - Applicants aged between 16 and 25 who are considered vulnerable unless they are engaging in a suitable care and support package.
 - People who require extensive social or medical care / package in order to manage a tenancy unless a suitable care and support package is in place.
- House owners - unless they can demonstrate health or support needs that would be best met by social housing through, for example, retirement living or extra care.

Where an existing tenant loses their tenancy due to arrears, anti-social behaviour, or a failure to maintain their property - and cannot be disqualified because the homeless duty applies, the Council reserves the right to place the tenant on licence in another property. During this period, the tenant will be disqualified from joining the housing register (or be suspended if they are already an applicant) until such time as the debt is cleared or they can demonstrate that their behaviour has improved. This action does not stop the tenant receiving housing advice or support to find alternative accommodation.

In deciding whether an applicant with extensive social or medical / care needs can manage a tenancy, the Council will be advised by medical professionals and other

relevant agencies as appropriate. Where such applicants need support to sustain their tenancy and/or live independently, the Council must be assured that a suitable care package, or appropriate support, is in place before the applicant can be considered for registration on the housing waiting list.

Where an older applicant applies for retirement living options, there will be a presumption against accepting applications from individuals already living in a sheltered housing scheme or property designated for older people unless it can be shown that the existing accommodation is no longer suitable for their needs. It will be at the discretion of the Council as to whether to accept such applications.

An applicant may become ineligible or cease to be a qualifying person if any of the criteria for disqualification comes to apply to them while they are on the register.

Where an applicant is, or becomes ineligible, or deemed not to be a qualifying person, they will be notified in writing of the decision, the grounds for it and their right to a review.

If a person is found to be ineligible, they may make a new application if and when the grounds for ineligibility no longer apply.

Individuals who do not qualify for social housing can still be offered advice to access an alternative housing solution. This could include private rented accommodation, supported housing, low cost home ownership, or help to remain in their current home.

7. Housing Register

The Council is not legally required to maintain a Housing Register but has chosen to do so to assist in assessing housing need. It contains details of all those eligible and who meet the criteria to qualify for social housing.

The full register is not open to the public due to data protection. Applicants can however check their own details, to ensure the accuracy of information held.

Those on the housing register are contacted annually by the Council to confirm that they wish to remain on the register, and to ensure that their details are correct. If the applicant does not respond, they will be excluded from the housing register. If this happens, and the applicant still wish to be on the housing register, they will need to start the allocation process again by completing an application form.

It is also vital that applicants inform the Council of any changes in circumstances as soon as possible. This could affect banding and property eligibility and might lead to the withdrawal of a tenancy offer for a property.

8. Banding

The need for social housing outstrips supply. In order to provide a fair system for allocating property, the Council prioritises people with the highest need and those who are most vulnerable. This is achieved through a banding system consisting of six bands. Those in the lowest bands (Bands 5 and 6) are unlikely to obtain a property⁸.

In line with the qualification criteria, the Council's banding policy meets the requirements for reasonable preference groups.

Within each band all other relevant factors being equal, allocations are made in date order, priority being given to the applicant with the earlier or earliest preference date.

The banding system involves three steps:

- Assessment of housing need: The Council decides what, if any, further information or follow up action is required to determine the priority of individual cases, and this may include seeking further advice from medical or other professional agencies
- Assessing housing and care needs
- Ascertaining local connection: The Council will consider whether the applicant has a local connection with Bury.

Assessment of medical needs will only be considered for applicants, or a member(s) of their household, where current housing arrangements adversely impact on health, the ability to access basic amenities, or if the applicant is homeless and requires a particular type of housing due to their medical need. The process is as follows:

- The Council assesses priority initially on the declaration made as part of the application and completed medical self-assessment submitted by the applicant.
- If the self-assessment shows a high (or overwhelming) medical need for rehousing, the Council may request that the applicant provides corroborating evidence from a medical professional (occupational therapy, psychiatric reports, and specialist or hospital consultant letters/reports). It is not necessary to obtain a letter from a GP.
- The Council may also conduct a home visit, to assess housing conditions and verify statements made in the application before awarding a banding.

If an applicant or a member of their household has a substantial or permanent physical disability, the Council will seek advice from an occupational therapist as regards to specific housing needs. Examples include applicants who:

- Require wheelchair accessible property (such as a property that is already adapted for a wheelchair or is suitable for adaptation to the level required)

⁸ Band 5 consists of those people who have low or reduced priority, while Band 6 consists primarily of those who have refused the offer of a suitable property

- Require accessible property (such as a property which is already adapted to mobility standards or is suitable for adaptation to the level required)
- Have low level mobility needs (eg they require a general let property where potential for further adaptations is restricted to make best use of resources).

The Council will seek to match applicants with specific needs to properties that have already been adapted for that purpose.

Tenancies will be granted for as long as the applicant (or the member of the household for whom the adaptation is intended) continues to live at that property. The Council reserves the right to work towards relocating households from adapted properties when the intended recipient no longer requires the adaptation or no longer lives at that address.

If the applicant or someone in their household has to move home because of multiple welfare or social needs, which are not covered by the banding categories, the Council has discretion to award a higher banding priority for that application and these applications are assessed by the social needs panel. The applicant must however be able to demonstrate the presence of multiple needs. Examples include a family member with multiple welfare or care needs (eg an individual with disabilities suffering harassment in their current location), living with a long term medical condition in an overcrowded property that has damp problems, single frail, elderly person with mobility problems facing eviction, and more than one family member with welfare or care needs.

The Council aims to give local people priority for homes. Those who meet the local connection criteria will be placed in Bands 1 – 4 or 6 according to their level of housing need. If the applicant does not have a local connection, their application will be placed in Band 5. To have a local connection, the applicant or a member of their household must demonstrate one or more of the following:

- Have been living in Bury (through choice) for the previous 24 months or at least 3 out of the last 5 years
- Currently have permanent employment within the Borough
- Have close family living in the Borough for the last 5 years (for example parents or children)
- Have special reason for needing to live in the Borough (for example to care for a relative or receive care from their family).

The local connection criteria will not apply to:

- Care leavers from Bury who have been living away and now wish to return to the borough.
- People suffering from or fleeing domestic abuse (including those living in refuges).
- Members of the Armed Forces, who are serving away from the area and wish to re-establish their link with Bury.

The banding system comprises six bands:

- Band 1: Urgent housing need
- Band 2: High housing need
- Band 3: Medium housing need
- Band 4: Low housing need
- Band 5: Limited or reduced priority
- Band 6: Unreasonable refusal of a suitable offer.

When applicants' needs have been assessed, the results will be notified in writing, together with the grounds for the decision and notification of the right to a review. There is an opportunity to request a formal review of the decision.

Band	Band Code	Description	Additional information
1 Urgent housing Need	1A	Homeless and/or in priority need	Council's duty depends on whether the person became homeless intentionally. This category will also be used to support Bury's Care Leavers.
	1B	Urgent medical need	Critical need e.g. delayed transfer of care
	1C	Urgent welfare need	Critical need e.g. children in care being prevented from rejoining their family
	1D	Life-threatening circumstances – general	This includes victims of domestic abuse, serious racial harassment, homophobic attacks, and victims of crime
	1E	Life-threatening circumstances - transfers	
	1F	Council has accepted a responsibility to rehouse	Examples include redevelopment schemes, compulsory purchase, and closure orders
	1G	Members of the armed forces	See statutory guidance (2020) Improving access to social housing for members of the Armed Forces - GOV.UK (www.gov.uk)
	1H	Exceptional cases	Council exercises this power where there is an exceptional need
	1I	Multiple need	Applicants matching three or more factors in bands 1-4 will be moved up one band
	1J	Referral accepted by the Council under Part VII of the Housing Act	Housing need
	1K	Tenant incentive scheme	Applicants awarded priority to move properties

2 High housing need	2A	Statutory overcrowding	Current accommodation does not meet existing space or bedroom standards
	2B	Category 1 hazard under the housing, health, and safety rating system (HHSRS)	Applicants (especially vulnerable applicants) are at risk from category 1 hazards
	2C	Leaving supported accommodation ⁹	Applicants assessed by key worker as ready to move on to independent living
	2D	High medical need to move	Evidence that a move to more suitable accommodation will improve a critical health condition or welfare issue
	2E	High welfare need to move	
	2F	Under-occupancy	Tenants affected by Welfare Reform Act, 2012
	2G	Band 2 – Assessment required	Transitional arrangement from previous policy
	2H	Multiple need	Applicants matching three or more factors in bands 1-4 will be moved up one band
	2I	Relief duty owed under homelessness reduction legislation	Applicants assessed and in priority need
	2J	A bed every night (ABEN) accommodation	Applicants assessed as ready to move on to other accommodation
	2K	Prevention duty owed under homelessness reduction legislation	Applicants assessed and in priority need
3 Medium housing need	3A	Unintentionally homeless but not in priority need	Applicants assessed as unintentionally homeless but not in priority need
	3B	Insecure tenants served with a notice of seeking possession (NISP)	Applicants who have been served with a NISP through no fault of their own
	3C	Households living apart	Household who would normally live together
	3D	Medium medical need	Evidence that a move to more suitable accommodation will improve a significant health condition or welfare issue
	3E	Medium welfare need	
	3F	Overcrowding	Household where current accommodation is two-bedroom short
	3G	Under occupancy	2-bedroom under-occupying and not affected by Welfare Reform Act,

⁹ This is not applicable to Care Leaver who retain their priority status throughout.

			2012, and 1-bedroom under occupying affected by the Act
	3H	Band 3 – Assessment required	Transitional arrangement from previous policy
	3I	Multiple need	Applicants matching three or more factors in bands 1-4 will be moved up one band
	3J	Relief duty owed – non-priority	Applicants assessed and a non-priority relief duty owed
	3K	Prevention duty owed non-priority	Applicants assessed and a non-priority prevention duty owed
4 Low housing need	4A	Low medical need	Evidence that a move to more suitable accommodation will improve a moderate health condition or welfare issue
	4B	Low welfare need	
	4C	Older Applicant living above ground floor level with no lift access	Older Applicant defined as over 60 years of age
	4D	Overcrowding	Low level of overcrowding as defined in the bedroom standard
	4E	Intentionally homeless with priority need	Applicants assessed as in priority need but have made themselves intentionally homeless
	4F	Under occupancy	1-bedroom under-occupying but not affected by the Welfare Reform Act, 2012
	4G	Band 4 – Assessment required	Transitional arrangement from previous policy
5 Limited or reduced priority	5A	No local connection	Housing need but no local connection
	5B	Unreasonable refusal of a suitable offer	Suitable offer made but Applicant has rejected the property and offer has been withdrawn
	5C	Alternative to suspension from the housing register	Actions by applicants (eg previous debts, anti-social behaviour, poor tenancy management)
	5D	Sheltered properties only	No housing need but willing to consider sheltered accommodation
	5E	Non-priority and intentionally homeless	Assessed as non-priority and intentionally homeless
6 Assessment of need	6A	Awaiting homelessness decision	
	6B	Awaiting other decision(s)	
	6C	Not ready to move from supported accommodation	Living in supported accommodation but is not ready to move to independent living
	6D	Band 6 – Assessment required	Transitional arrangement from previous policy

9. Property Size and Type

The following table sets out the size and type of property that applicants on the Housing Register is entitled to bid for. Generally, two children of the same gender will be expected to share a bedroom.

Household Type / Size	Property Size / Type
Single person	1 bed
Single person with staying access to child or children	1 or 2 bed
Single person over 55	Bedsit, 1 bed, bungalow, ground floor flat, retirement living or extra care housing
Couple no children	1 bed
Couple with at least one partner over 55	1 bed, bungalow, ground floor flat, retirement living or extra care
2 person household with special needs (includes single person with resident carer)	2 bed, bungalow, ground floor flat, retirement living or extra care
Couple or single parent with 1 child	2 bed
Couple or single parent with 2 children	2 or 3 bed (depending on age and sex of children)
Couple or single parent with 3 children	3 bed or more (depending on age and sex of children)
Couple or single parent with 4 or more children	3 or more (depending on age and sex of children)

Notes:

- Bungalows will be allocated to applicants who are either aged 60 or over, or who have a proven medical need for ground floor accommodation.
- Bungalows adapted to meet the needs of wheelchair users or severe mobility problems will be offered to those who have been assessed as needing that type of property.
- Retirement living units will only be allocated to applicants aged 60 or over, or 55 and above in the case of extra care housing.
- There are very few homes with 4 beds or more and these are only available in certain parts of the Borough. Larger families can bid for anything above 3 beds but are advised to work with the Council to explore all their housing options.
- Where a child has 2 principal homes due to joint custody arrangements, the Council may allow the applicant on receipt of written evidence to this effect to bid for homes with one more bed than they would otherwise be eligible for
- Where official joint custody has not been decided, but an applicant has requested an extra bedroom, a decision will be based on which parent receives child benefit. If that parent is not the applicant, then a bedroom for that child will not be awarded. Proof of who receives child benefit will be required to facilitate this approach.
- Separate space for a resident carer will only be considered where there is clear evidence that the care is not provided by a member of the household (or someone

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who would otherwise live with the applicant). The Council will request evidence from adult social care or children’s services to support such applications.

- Separate space for potential foster children will be considered from applicants who have been approved as foster parents by the Council.

The Council has a limited supply of family sized accommodation and adapted properties. In order to free up these properties to meet expressed demand, there is an under-occupation policy and associated incentive scheme.

The Council will identify under-occupied properties and agree, in consultation with the tenant, a property exchange. This is subject to the under occupying household vacating the property when an allocation has been made to them. The Council will provide options to encourage residents to downsize but will not force them to move if they do not wish to. These provisions apply to secure tenants who:

- Occupy a general needs family property with two or more bedrooms.
- Occupy a property that has been adapted for disabled access.
- Agree to transfer to smaller accommodation (or a non-adapted property) in line with their needs and provide vacant possession of their present home.

Discretion will be applied to allow downsizing to smaller properties, but with flexibility to allow down-sizers to obtain properties, technically larger than their needs. For example, a single tenant living alone in a four bedroom house may be unwilling to downsize to the one bedroom property which they would ordinarily qualify for under the assessment of property size. In such cases, it will be at the discretion of the Council to allow an additional bedroom to be awarded, particularly where the tenant has the need to accommodate dependent children or live-in carers. However, the tenant must appreciate the implications on their welfare benefit and any change must be accompanied by a test of affordability.

Tenants affected by the changes of the Welfare Reform Act 2012, will be given priority to downsize their accommodation.

An applicant will be notified in writing of the property size and type for which they have been assessed as eligible, together with the grounds for the decision and notification of the right to a review. There is an opportunity to request a formal review of the decision.

10. Allocations Process

The allocations process (also known as the lettings process) is normally through Bury Home Options. The vast majority of properties are made available through this system. It enables people on the housing register the opportunity to express preferences about the housing accommodation to be allocated to them, which are appropriate to their housing need as set out in the banding scheme and the assessment of property size.

There are a series of steps:

- Each available property will be advertised weekly on the Bury Council Housing website and other media throughout the borough.
- Applicants express an interest on advertised properties on-line (or through a key/support worker where appropriate), and there is no restriction on the number of bids that an applicant can make.
- Where a person or household has been accepted as homeless and is resident in temporary accommodation but fails to bid on suitable properties that become available, the Council reserves the right to bid on their behalf.
- Expression of interest (through bids) are registered by the Council.
- At the close of each weekly cycle, successful bidders will be determined in accordance with the priority banding.
- Where there is more than one successful bidder for the same property based on priority need, the Council will take into consideration the length of time on the housing register.
- Housing provider will contact the successful bidder.
- References are taken and the applicant's information updated.

A successful bid made through Bury Home Options will count as one suitable offer. 'Suitable' is defined as:

- Fit and available to live in.
- Affordable.
- Meets any specific needs relating to medical conditions or disability.
- Adequate size without causing statutory overcrowding.

Where a bid has been successful but the applicant declines a suitable offer of accommodation their application will be placed in Band 6.

Homeless applicants have a statutory right to request a review of the suitability of accommodation offered to them, regardless as to whether they accept the offer or not although any such review is outside of the review procedures under this policy. Pending a review of the decision their application will be placed in Band 6.

Any offer of accommodation may be withdrawn where:

- Applicant has made a false declaration or failed to provide the Council with up-to-date information on their circumstances; a false declaration will also result in their application being cancelled.
- Property details at the time that the written offer was made were incorrect and it was subsequently discovered that the size and type of the property is not, in fact, suitable to the applicant's needs; this will not affect the applicant's right to bid on future properties.
- Applicant's circumstances change between the initial application, the offer and/or the signing of the tenancy agreement (resulting for example in a significant

- reduction or increase in the level of need, or that the applicant has ceased to be eligible or a qualifying person).
- If the references taken at the time of the offer demonstrate that the applicant has ceased to be a qualifying person or has housing related debt, the Council may withdraw the offer and revise the applicant's priority.
 - Property is no-longer appropriate for that person.
 - Property is required in an emergency to meet the Council's civil contingency responsibilities.
 - Property is no longer available to let due to circumstances beyond the Council's control, for example. because a tenant has rescinded their notice of termination.

Bids for properties will not be accepted from individuals who:

- Have not been accepted onto the Housing Register.
- Have been removed from the Housing Register.
- Are not capable of independent living or sustaining a tenancy.
- Can only sustain a tenancy if they are provided with support, and support is not currently being provided and has not been allocated.
- Are in Band 6.
- Have had their right to bid suspended by the Council - circumstances where this may apply includes:
 - Failure to provide relevant information in their application or subsequent information has come to light that the applicant may no longer be a 'qualifying person', or their housing circumstances have changed.
 - Repeated failure to attend viewings of properties for which they have bid and been shortlisted - 'repeated failure' in this instance is defined as not attending viewings, without good reason, on three consecutive occasions.
 - Refusal without good reason, of a formal written offer of property for which the applicant or their representative has made a successful bid.

If the grounds for failing to view properties or refusing an offer are not considered by the Council to be justified, any bids will be rejected, and the applicant will be placed in Band 6 for 12 months ie their application is paused. After this period, the applicant may request a reassessment of their application under this policy. Where relevant information is missing or has been withheld, suspension from bidding will last until the application is updated and/or reviewed by the Council. If the applicant is found to have deliberately misled the Council for personal gain, the applicant will be removed from the Housing Register.

Where the applicant is restricted from bidding, they will be notified in writing together with the grounds for the decision, any conditions that will need to be met before the restriction is lifted, the date when the suspension expires (if appropriate) and notification of the right to a review. A restriction on bidding is not the same as suspension from the Housing Register. Applicants restricted from bidding can still count this period as time on the waiting list; persons suspended from the Housing Register cannot.

There is an opportunity to request a formal review of a decision.

Tenants can look to swap homes through a process known as a ‘mutual exchange’. Tenants may be able to swap their home with another Bury Council tenant, a council tenant from another area, or a housing association. Mutual exchange is strongly recommended for existing tenants who wish to move but are in a low band. The Council can provide further information on mutual exchange.

Mutual exchange may not be possible if:

- The property identified is much larger than the tenant needs, has been adapted for people with special needs or is designated for use by a particular group such as older people.
- The property does not meet a tenant’s medical needs.
- Swap would cause overcrowding.
- Condition of either property is unacceptable.
- Either of the tenants involved in the exchange have broken the conditions of their tenancy agreement, such as missing rent payments or causing anti-social behaviour.

11. Local Lettings

The law enables the Council to allocate particular accommodation to people of a particular description, whether or not they fall within the “reasonable preference” categories, provided that the Council is able to demonstrate that it gives overall priority to applicants from the “reasonable preference” categories when allocating homes under this policy. This is the statutory basis for ‘Local Lettings Policies’ (LLPs) which may be used to achieve a wide variety of housing management and policy objectives.

The Council does use LLPs to achieve a wide variety of housing management and policy objectives. Each have their own criteria to ensure fair and transparent allocation of properties to the intended beneficiaries of the LLP. The Council may introduce and discontinue LLPs as housing management and policy objectives change. The LLPs are listed in “Schedule LLP” to this policy and each currently live LLP is appended to Schedule LLP setting out its policy objective and allocation criteria. Each LLP has been subjected to an Equality Impact Assessments to ensure it is compliant with the law.

12. Direct Lets

There are specific circumstances where Bury Home Options is unsuitable in meeting the needs of certain applicants. To address this situation, the Council reserves the right to use direct lettings. It enables a flexible but consistent approach to meet specific circumstances to be adopted on a case by case basis. Each case is approved by the Head of Service.

Circumstances where direct lets may apply include:

- Safeguarding or protection of applicants and existing tenants for reason of domestic abuse, harassment or hate crime or where the Multi Agency Public Protection Arrangements (MAPPA) or the National Witness Mobility Scheme has recommended that an applicant should not bid for fear of being identified.
- Applicants who present with complex needs.
- Applicants that have been under-occupying and require re-housing to a smaller property due to hardship or affordability issues.
- Allocating homeless households to temporary accommodation through the Homeless Accommodation and Support Service.
- Applicants requiring specially adapted properties.
- Re-housing tenants who are vacating a specially adapted property or large family home in favour of an applicant on the Housing Register to whom the property is more suited.
- Retirement living accommodation, extra care units or properties designated for elderly applicants that fail to attract bids.
- Long-term stayers in supported accommodation and tenants in supported accommodation with the right to move on accommodation.
- Other situations such as civil contingency emergencies, meeting the Council's obligations and the allocation of general needs properties that fail to attract bids.

The Council will exercise extra sensitivity where applicants have complex or special needs and may directly let properties in these cases; particularly if anti-social behaviour could result. Such decisions will be made on a case by case basis.

The Council recognises that some groups can have greater difficulty integrating into communities. In the interests of community cohesion, the Council will exercise extra sensitivity where applicants have complex or special needs and may directly let properties in these cases; particularly if anti social behaviour could result. Such decisions will be made on a case by case basis and approved by the Head of Homelessness and Housing Options or Housing Director.

The Council has traditionally made a small number of direct offers to applicants aged 55 and over who, because of their personal circumstances, or other special reason, should in the Council's view receive such an offer. The Council reserves the power to continue to make such offers to extra care and retirement living options where it considers it appropriate to do so.

When direct letting properties, the Council will make one suitable offer which as far as possible matches the size and type of property to the needs of the applicant and is not in an area known to be unsafe for the household. If the applicant decides to refuse the offer, they must give their reasons for refusal in writing.

If the grounds for refusal are not considered by the Council to be reasonable, the offer will be withdrawn and the applicant placed in Band 6 for 12 months, after which period, the applicant may request their application to be reassessed under this policy. For the avoidance of doubt, this is not an automatic suspension from the Housing Register. Applications will remain registered provided the applicant

continues to meet the eligibility and qualification criteria; the onus however will shift onto the applicant to bid for properties.

An applicant will be notified in writing of any reduction in banding together with the grounds for the decision and notification of the right to a review. Where applicants are not satisfied with the offer, rather than refuse and have their housing need priority removed, they may accept the offer subject to review. Further information about reviews is set out below.

13. Succession

A person may have a legal right to succeed to a tenancy if a tenant dies. This is known as succession and the person who takes on the tenancy is called a 'successor'. To qualify to be a 'successor' the applicant has to meet certain conditions:

- They must live in the property as their only or main home at the time of the tenant's death
- They are the tenant's spouse or civil partner
- They are an immediate family member and have been living with the tenant for at least 12 months prior to the tenant's death.

If the property does not meet, or exceeds, the housing needs of the person taking over the tenancy, the Council has the right to offer them another suitable property. A tenancy can only be succeeded to once.

Applications to take over a tenancy must be made in writing within one month of the tenant's death. If no application is received within the timescale, the tenancy will be ended. If more than one person qualifies to take over the tenancy, the housing provider will determine the most suitable successor.

If an occupant has no legal right to succeed to a Council tenancy when the tenant dies, they may still be granted a tenancy by the Council (as a non-statutory succession). This will only be authorised in exceptional circumstances. To qualify for a non-statutory succession, the applicant must:

- Have lived with the former tenant at the time of her/his death
- Have occupied the property as her/his only or principal home for a substantial continuous period prior to the former tenant's death and
- Be a family member of the former tenant, as defined above.

Due to the shortage of specially adapted accommodation, members of the deceased tenant's household (including partners and those applying for a non-statutory succession) will not be allowed to stay in the property if it has been specially adapted and the successor(s) do not require those adaptations.

In the case of sheltered housing or other properties designated for older people (eg extra care), whilst the husband wife or civil partner will be entitled to succeed, this right will not apply to other potential successors if they are under the age of 60 (or under the age of 55 for extra care).

If any succession has the effect of creating under occupation, the successor(s) will be encouraged to relocate to a property that meets the bedroom standard.

14. Equality Impact Assessment

The Council is committed to equality of opportunity to promote diversity and combat discrimination on the basis of race, gender, age, religion or belief, disability, sexual orientation, or caring responsibilities. The Allocations Policy strives to ensure that each application is treated on its merits and reasonable preference is given to applications according to housing need.

The allocations policy will be subject to an equality impact assessment when significant changes are proposed. It will also be applied to local lettings schemes.

The Council will monitor the impact of this policy by measuring:

- Applications made to join the Housing Register
- Length of time on the Housing Register
- Number of bids made through Bury Home Options
- Lettings made through Bury Home Options
- Number of current residents downsizing
- Refusal decisions
- Review requests.

The equality characteristics of each element will be recorded and analysed to minimise the risk of discrimination against any group.

15. Reviews and Appeals

A formal review can be requested if, for instance, the Council:

- Refuses an application to join the Housing Register or considers an applicant not to be eligible or a qualifying person.
- Allocates a banding that the applicant considers is inappropriate to their level of need or reduces their banding.
- Disagrees with the applicant's assessment of medical need.
- Allocates the applicant to a property type or size that they consider to be unacceptable.
- Restricts the applicant from bidding for properties.

A review must be requested within 21 days of the Council informing the applicant of its decision. All requests must be in writing to: Head of Service, Bury Council, Town Hall, Knowsley Street, Bury, BL9 0SW.

It is important that the information provided in the letter of appeal includes:

- Why the Council should review its original decision
- What outcome the applicant wants from the review
- Any new information.

A manager who was not involved in the original decision will carry out a formal review. They will look again at the information supplied and discuss the issues with the person who made the original decision to understand why that conclusion had been reached. The person conducting the review may also want to talk to the applicant directly to verify statements or seek additional information.

We will inform of the outcome within 8 weeks of the applicant requesting the review. We will also tell you the reason(s) for that decision.

If the applicant is unhappy about the way the review was handled, this will be dealt with through the Council's formal complaints process.

16. Exceptional Circumstances

The Head of Service has discretion to overrule individual decisions throughout the allocations system in exceptional circumstances. They may include:

- Household has an exceptional housing need which is not adequately addressed by the banding scheme.
- Use of direct lets.
- Applicant or someone in their household has to move home because of multiple welfare or social needs, which are not covered by the banding categories.
- Downsizing applications.
- Non-statutory tenancy succession.
- Approval of an existing tenant in sheltered housing or other supported accommodation wishing to move to a different unit because it no longer meets their needs.
- To use discretion with hard to let properties including working outside of a local lettings policy to ensure we are meeting the demand and rental income is maximised