

ALLOCATION POLICY

INTRODUCTION

This document sets out the policy and procedure for the allocation of Council nominations for housing. The services are currently provided by Eden Housing Association, following the large scale voluntary transfer of the Council's housing stock to the Association in September 1997.

The document sets out the procedure to be followed by the Association who will continue to work in partnership with the Council.

The present Housing Allocations and Transfer Policy has been established to prioritise applications so that housing can be allocated on the basis of need, and to reflect supply and demand of affordable rented housing in Eden District.

Any queries or problems arising out of the procedure and/or policy can be directed to

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PART 1

HOUSING REGISTER

STATEMENT OF POLICY

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It is the Policy of the Authority that people will be given the opportunity to express preferences about the housing accommodation to be allocated to them.

1. ADMISSION TO THE REGISTER

Anyone over the age of eighteen years old can join the housing register, except as set out below, irrespective of sex, marital status, ethnic origin, religion or disability. Applicants under the age of eighteen can apply if they are able to provide a guarantor, unless they are homeless or threatened with homelessness or there is some other good reason why the Council, at their discretion, should put the applicant on the Register.

Applications will be assessed with the assistance of home visits, where appropriate, to confirm details. This will also assist in deciding on an applicant's suitability for a vacancy.

Applicants are given points according to the Council's scheme set out in detail at 4 below. They are then housed in order of priority according to the points and suitability of the available housing. If at any given time two or more Applicants have the same points and accommodation arises which is suitable for them both and all other factors are equal, the applicant who has been on the Register the longest, is likely to be given priority.

2. ALLOCATION TO ELIGIBLE PERSONS

The Council will not allocate housing accommodation to:

- (a) A person from abroad who is ineligible for allocation for housing accommodation as detailed in Section 160a of The Housing Act 1996 when it comes into force.
- (b) A person who the Authority has decided is to be treated as ineligible for such an allocation;
- (c) To two or more persons jointly, if any of them is a person mentioned in paragraphs (a) or (b) above;
- (d) The Council can decide that an Applicant is to be treated as ineligible for allocation of housing accommodation by them if they are satisfied that -
 - 1) He or a member of his household has been guilty of unacceptable behaviour, serious enough to make him unsuitable to be a tenant of the Authority and
 - 2) In the circumstances at the time his application is considered, he is unsuitable to be a tenant of the Authority by reason of that behaviour.

The Authority would stress that the only behaviour which may be regarded by the Authority as unacceptable is –

- (i) Behaviour of the person concerned which would (if he were a secure tenant of the Authority) entitle the Authority to a Possession Order under Section 84 of The

Housing Act 1985 on any ground mentioned in part 1 of the Schedule 2 to that Act (other than ground 8) – generally fault grounds for example behaviour such as conduct likely to cause nuisance or annoyance;

- (ii) Behaviour of a member of his household which would, if he were a person residing with a secure tenant of the Authority, entitle the Authority to such a Possession Order.

If the Council decides that an Applicant for housing accommodation is ineligible or is to be treated as ineligible, then the Applicant will be notified of the decision of the Authority and the grounds for it.

Any person who is treated by the Council as ineligible may, if he considers that he should no longer be treated as ineligible by the Authority, make a fresh application to the Authority for the allocation of housing accommodation by them.

In addition to those persons listed above, the Council will not admit to the register those categories of person who are not “qualifying persons” for the purposes of section 161 (1)-(3) of the Housing Act 1996, and regulations made under that section (only if still in force).

Those persons are not listed here as it generally applies to persons not normally resident in the United Kingdom. In the event the Council considers a person is a non qualifying person they will be advised as to the Regulation which excludes them.

3. INFORMATION GIVEN

Applicants are advised that they commit an offence if they knowingly or recklessly make a statement which is false in a material particular or knowingly withhold information which the

Council have reasonably required the Applicant to give in connection with the exercise of their functions in allocating properties.

4. DETAILS OF THE POINTS SCHEME

SECTION 1 – Points awarded

The Applicant should note that they ought to provide all relevant available information to the Council to satisfy the Council that the applicant has either reasonable preference or additional preferences dealt with below. The Applicant should be aware that the information they provide to the Council may be checked, and that the Applicant will be expected to co-operate with the Council in their enquiries, including signing relevant authorities to allow the Council to contact third parties.

If, when points are added together, two Applicants are on the same number of points, the authority can determine priority by looking at –

- (a) The financial resources available to the person to meet his housing costs;
- (b) Any behaviour of a person (or of a member of his household) which affects his suitability to be a tenant;
- (c) Any local connection which exists between a person and the District of the Authority.

If all matters are equal, the person who applied first is likely to receive the nomination.

(a) Reasonable preference

The Council is required, when deciding priorities, to give what is called a “reasonable preference” on the Register to the following categories of people:

- (i) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- (ii) people who need to move on medical or welfare grounds;
- (iii) those owed a duty by the Council under Section 190(2) (intentionally homeless with priority need); 193(2) (Priority Need and not intentionally Homeless); or Section 195(2) (Threatened with Homelessness, not intentional and Priority Need) of the 1996 Act; or the Housing Act 1985 Section 65(2) or Section 68(2) (Subject to transitional provisions) or who are occupying accommodation secured by any such Authority under Section 192(3);
- (iv) 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).
- (v) people who are homeless (within the meaning of Part 7)

When the Council considers whether an applicant falls within one of the above reasonable preference categories it will consider that an applicant is living in insanitary, overcrowded and unsatisfactory housing conditions, if the applicant lives in a property where there is no bathroom or kitchen; it is lacking an inside WC; lacking cold or hot water supplies, electricity, gas or adequate heating; lack of access to the garden for children; overcrowding; sharing living room, kitchen, bathroom, WC with non family members; property in disrepair; property unfit; poor internal or external arrangements; under occupation; children in flats or maisonettes above ground floor. When the Council considers, in particular, whether an applicant needs to move on medical or welfare grounds, the Council will look at whether the applicant or any member of his family suffers from a mental illness or disorder; a physical or learning disability; a chronic or progressive medical condition (eg MS, HIV/Aids); infirmity due to old age; the need to give or receive care; the need to recover from the effects of

violence (including racial attacks) or threats of violence or physical/emotional or sexual abuse; ability to fend for self restricted for other reasons; young people at risk; people with behavioural difficulties; need for adapted housing and/or extra facilities (bedroom or bathroom); need for improved heating (on medical grounds); need sheltered housing (on medical grounds); need ground floor accommodation (on medical grounds); need to be near friends/relatives or medical facilities on medical grounds.

People falling within the categories listed above will be awarded 50 points under SECTION 1 (a) together with the points which they may be entitled to receive under the following provisions of the points scheme (sections b-o). In addition, the Council recognises that greater preference should be given to more severe cases of need particularly where an applicant falls within a number of different reasonable preference categories, or alternatively there are more people affected. Accordingly, in addition to the 50 points awarded when an applicant falls within one category of the reasonable preference categories, any applicant falling within two or more reasonable preference categories will accrue an additional ten points for each additional reasonable preference category they fall within. Further, if the application for housing is made by a household consisting of more than one person then an extra point will accrue for each individual person within the application, save that a single person with one child will accrue the same number of points as a couple with one child, i.e. an extra 2 points as opposed to an extra 1 point. If a single parent has 2 children, they accumulate 3 points, i.e. the same as a couple with 2 children and so on.

The Council are not required to give preference to an applicant if they are satisfied that –

- (a) He, or a member of his household, has been guilty of unacceptable behaviour (as defined on Pages 3- 4 of the Allocation Policy) serious enough to make him unsuitable to be a tenant and
- (b) In the circumstances at the time his case is considered, he deserves by reason of that behaviour not to be treated as a member of a group of people who are given preference.

(b) Additional preference

The Council is also required to give an additional preference to those people within SECTION 1(A)(i-v) above who have urgent housing needs. The Council will determine if additional preference is to be given and will have regard to those who need to move, for example because of urgent medical reasons, those who need urgent rehousing including victims of domestic violence and those subject to harassment.

People falling within this category will be awarded an additional 50 points, together with the points accumulated under SECTION 1 (a)(i-v) above and points to which they may be entitled under the following provisions of the points scheme sections Sections (c-o).

(c) Overcrowding (including caravan)

The Council considers a separate bedroom is required for:

- (i) couples living together as man and wife;
- (ii) a child over the age of one year old (which must be a separate room from any adults).

- (iii) two children of different sexes may not share a bedroom if at least one of them is over the age of 8 years old;
- (iv) a person whom a medical professional considers should sleep alone.

For every bedroom the Applicant's present accommodation

falls short of this standard 10 pts

(d) Shared facilities

- (i) Single person sharing with unrelated or related family
 - All facilities 10 pts
 - Kitchen/bathroom/wc 2 pts each
- (ii) Couple – sharing with unrelated or related family
 - All facilities 10 points
 - Kitchen/bathroom/wc 2 points each
 - plus an additional allowance to reflect the fact that two people are affected. 2 points
- (iii) More than 2 people sharing with unrelated or related family shall be awarded the points under (ii) as appropriate, with an additional 1 point for each member of family over 2 in number. (eg 4 people will attract a further 2 points) A single parent with one child for these purposes will be given the same number of points as if they were a couple with 1 child. A single parent with 2 children will be given the same points as a couple with 2 children and so on.

(e) Lack of Basic amenities and disrepair

The extent of disrepair may require confirmation from the Environmental Health Officer. If one person is affected, award points as below –

If two or more persons are affected – award one additional point for each additional person affected thereafter to the total accumulated under this section, save that a single parent will be treated for points purposes as if they are in fact a couple (i.e. 1 point for themselves and 1 point for each child).

- | | | |
|------|--|------------|
| (i) | Lack of: | |
| | wholesome water supply | 5 pts |
| | internal wc for exclusive use
of occupants of accommodation | 5 pts |
| | bathroom with bath/shower and
wash hand basin supplied with
hot and cold water | 5 pts |
| | kitchen with hot and cold
water supply | 5 pts |
| | Adequate lighting/heating/
ventilation | 5 pts each |
| (ii) | Serious disrepair – including
structural instability,
inherent dampness, roof failure
defective windows | 5-10 pts |

- (iii) Unsuitable layout/situation
(to reflect applicant's
housing needs) 5 pts

(f) Caravans

For one person affected, points as below. For each additional person affected thereafter, add 1 point, save that a single parent will be treated for points purposes as if they are in fact a couple (i.e. 1 point for themselves and 1 point for each child).

Families living in caravans with dependent children
or elderly persons living in caravans (dependent on
type and condition) 5-10 pts

(g) Temporary/insecure accommodation

Persons occupying temporary or insecure accommodation, who do not fall within (h) below, will be awarded points as follows:

For one person affected points are as below. For each additional person affected thereafter, add 1 point to the total points accumulated under this section, save that a single parent will be treated for points purposes as if they are in fact a couple (i.e. 1 point for themselves and 1 point for each child).

- (i) licences 5 pts
(ii) hostel accommodation 5 pts
(iii) refuges 5 pts
(iv) accommodation scheduled to be
modernised or demolished 5 pts
(v) applicants about to leave

institutional care (this includes
Prison/Armed Forces/Hospital)

5 pts

- (vi) applicants facing eviction/
repossession for reasons beyond
their control

5 pts

- (vii) tied accommodation
if applicant wishes to, or is
required to, leave job or
accommodation for any reason
(unless in doing so applicant
renders himself intentionally
homeless)

5 pts

Should notice be given to vacate
premises (through loss of employment),
applicants will be treated as potentially
homeless and pointed accordingly.

(h) Homelessness

For one person affected add points as below. For each additional person affected thereafter add 1 point, save that a single parent will be treated for points purposes as if they are in fact a couple (i.e. 1 point for themselves and 1 point for each child).

- (i) threatened with homelessness 5 pts

- (ii) homeless and duty under The Housing Act
1996 S193(2) accepted 30 pts

(iii) homeless and no duty under The Housing Act 1996 having been accepted 7 pts

(i) Family separation

For one person affected add points as below. For each additional person to be rehoused with the applicant add 1 point, save that a single parent will be treated for points purposes as if they are in fact a couple (i.e. 1 point for themselves and 1 point for each child).

Families unable to live together due to lack of adequate housing, usually verified by a home visit 10 pts

(j) Medical factors

For one person affected, add points as below. For any additional person who is to be rehoused with the applicant, who is also affected by medical factors, add the points that person will accumulate by way of their ill health, disability or social stress. For each additional person who will be living with the applicant in their family unit who does not have their own ill health, disability or social stress, add 1 point. Please note that when accumulating points under this section a single parent will be treated for points purposes as if they are in fact a couple (i.e. 1 point for themselves and 1 point for each child).

Ill health, disability or social stress aggravated by present housing conditions (may require confirmation from medical professional) 1-10 pts

(k) Distance from work

For 1 person affected, add points as below. For each additional person within the applicant's family unit add 1 point, save that a single parent will be treated for points purposes as if they are in fact a couple (i.e. 1 point for themselves and 1 point for each child).

Where difficulties are experienced through

inconvenience and/or inaccessibility of

accommodation from employment

5 pts

(l) Rural housing needs

For one person affected, add points as below. For each additional person within the applicant's family unit thereafter add 1 point, save that a single parent will be treated for points purposes as if they are in fact a couple (i.e. 1 point for themselves and 1 point for each child).

Applicants who need to reside in villages

which have less than 10 Registered Social

Landlord dwellings

5 pts

(m) Caring for relatives

If a family needs to move closer to a relative in order to provide or receive care/support

5 points

(n) Local connection

The following points will be awarded cumulatively, up to a maximum of 5:

- (i) born and/or bred in parish requested 5 pts
- (ii) born and/or bred in Eden District 1 pt
- (iii) continuous residence in the district for the last 5 or more

	years	1pt per year to a maximum of 5 pts
(iv)	family connections in the district for those living outside it	1 pt

In addition to the maximum of 5 points awarded above, add the following:-

For 1 person affected, add the points as above. For each additional person within the applicant's family unit thereafter add 1 point, save that a single parent will be treated for points purposes as if they are in fact a couple (i.e. 1 point for themselves and 1 point for each child).

(o) Special needs

For 1 person affected, add points as below. For each additional person within the applicant's family unit thereafter add one point, save that a single parent will be treated for points purposes as if they are in fact a couple (i.e. 1 point for themselves and 1 point for each child).

Unusual circumstances of need not covered by any of the above categories, such as

- (i) financial hardship due to excessively high rents;
- (ii) elderly households living in areas with poor access to amenities (shops, doctors, etc);
- (iii) elderly households living in large, difficult to manage properties;
- (iv) households with young children or elderly/disabled persons living above or below ground floor level without lift access;
- (v) households at risk through inability to cope in present housing

The above list is not exhaustive. All relevant factors will be taken into account.

If a household in this category is already entitled to a reasonable or additional preference, an additional 5-10 pts will be awarded.

If such a household is not already entitled to such a preference, 55-60 points will be awarded

SECTION 2 – Points deducted

The Council will normally deduct points from the totals accumulated in accordance with SECTION I above on the following bases. The Council has discretion not to deduct, or to deduct fewer points, if in its opinion the Applicant can demonstrate a good reason why, in the particular circumstances of his or her application, it would be unreasonable or unfair to apply the normal deductions.

Similarly, the Council has a discretion to add points back more quickly than indicated below if the Applicant demonstrates a good reason why in the particular circumstances, on his or her application, it would be unreasonable or unfair not to do so. Applicants may make representation in writing to the Council at any time concerning these matters.

Applicants should note that irrespective of their overall number of points (after deductions have taken place) that if an applicant falls within one of the reasonable preference or additional preference categories they will still retain a priority over others who do not.

(a) Rent arrears or Rechargeable Repairs or other housing expenses

Applicants who have rent arrears (whether in relation to their occupation of their current or a former property) and whether they held that property from the Council or from any Registered Social Landlords including, but not limited to, Eden Housing Association, Impact

Housing Association, Two Castles Housing Association and Home Housing Association and applicants who should bear the cost of repairs to their previous properties (rechargeable repairs) or owe any other housing expenses as a result of occupation of their previous property (eg water rates paid by the Landlord on the applicant's behalf) will have the following points deducted depending upon the amount owing.

(i)	Up to £249.99	6 pts deducted
(ii)	£250-£499.99	12 pts deducted
(iii)	£500-£1,000	18 pts deducted
(iv)	more than £1,000	24 pts deducted

If an Applicant brings the amount now owing down into a lower band, his/her points will be adjusted accordingly by adding back 6 pts to their point total. If any Applicant's amount owing increases and move into a higher band, then his/her points systems will be adjusted accordingly by deducting a further 6 points or more as appropriate.

If an Applicant reaches a written agreement to repay the amount owing, 6 points will be added back to his/her points total for each period of twelve months (from the date of the agreement) that he/she keeps to the terms of the agreement. If, during a period of twelve months, the agreed payments bring the total into a lower band, the 6 points referred to above will not be added back at the end of that twelve month period, but 6 points (to reflect the lower band) will be added back to the total as of the date on which the lower band is entered (see below). In the event that the number of points added back become equal to the points deducted in the band in which the Applicant lies there will be no further adding back of

points unless the Applicant moves to a lower band. In no circumstances will points added back ever exceed the points deducted.

For the avoidance of doubt, in the event that the amount owing is repaid in full, all points deducted under this Section will be added back, either as described above if the amount owing is paid by instalments, or immediately if the amount owing is cleared immediately.

In the event that an Applicant fails to comply with a written agreement and has had points added back previously because of keeping to the agreement, points will be deducted at the time of the breach as below, the figures stated below relate to the amount owed at the time of the breach of the agreement

(i)	Up to £249.99	6 pts deducted
(ii)	£250-£499.99	12 pts deducted
(iii)	£500-£1,000	18 pts deducted
(iv)	more than £1,000	24 pts deducted

The Applicant should note that it is their responsibility to produce evidence of a written agreement with their previous Landlord and to produce evidence of the repayments referred to. In the absence of such written evidence, points will not be added back.

The Applicant should note that once they are allocated a new tenancy, the Landlord has the discretion to ask, within the new tenancy, that the rent arrears continue to be paid as part of the new tenancy conditions.

The Applicant should note that if the Applicant applies to be allocated a property and the applicant has, within their household, a person who is to be housed with the applicant, that person or people within the household will be subject to the same checks as the Applicant under this section and the same deductions will be made against the Applicant's points if there are rent arrears, rechargeable repairs or other housing expenses as if the Applicant had the rent arrears or rechargeable repairs themselves.

EXAMPLES

Example 1

The Applicant owes £1200 arrears. They will have 24 points deducted. They reach an agreement to pay back at £10 per week. After 20 weeks the arrears fall to £1000 so 6 points are added back. The Applicant pays for a full 12 months and a further 6 points are added back. The arrears are now £680. The applicant has 12 points still deducted but is in a better position than someone owing £680 who has no agreement to pay back who will have 18 points deducted.

Example 2

The Applicant owes £700 by way of rent arrears and damage to the property. 18 points are deducted. The applicant pays £10 per month to the arrears for 12 months. He still owes £580 but the points deducted are reduced to 12. If the applicant pays £10 for a further two months and then breaks the agreement, 6 points will be added back again, making an 18 point deduction.

Example 3

The Applicant owes £230. 6 points are deducted. No agreement is reached to pay back. The points remain deducted. An agreement is reached to pay back which is complied with for six months. No points are added back. The Applicant then complies with an agreement to pay back £1 a week for two and a half years. After one year, the points deducted will be nil. After two years the points deduction will still be nil. After two and a half years when the applicant breaks the agreement, 6 points will be again added back.

(b) Anti-social behaviour

Applicants should note that the Council has the power to exclude from the Register certain applicants who for example are guilty of unacceptable behaviour; if the applicant is allowed on the Register however, points deductions will apply.

Applicants who have engaged in anti-social behaviour will have the following points deducted. An applicant will be taken to have engaged in anti-social behaviour if:

- (i) he/she has been convicted of:
 - (a) an arrestable offence committed in the locality of his/her current or former accommodation, or committed in any Council or RSL premises, or committed against any Council or RSL officer (whether or not in Eden district); or
 - (b) any breach of any anti-social behaviour order (whether or not in Eden district);
- (ii) he/she has been convicted of using his/her current or former property for illegal or immoral purposes (whether or not in Eden district);

- (iii) he/she has
- (a) been convicted of an offence that, at the Council's discretion, is likely to affect the Applicant's suitability as the tenant;
 - (b) had an injunction or anti-social behaviour order made against him/her that, at the Council's discretion, is likely to affect the Applicant's suitability as the tenant;
 - (c) or been found by the court, in committal proceedings, to have breached an injunction or undertaking that, at the Council's discretion, is likely to affect the Applicant's suitability as the tenant; or
 - (d) given an undertaking to the Court or been served with notice seeking possession under section 84 of the Housing Act 1985 (under Ground 2 – nuisance or annoyance; Ground 2a – Domestic Violence; Ground 3 – Condition of the dwelling house having deteriorated); or under Housing Act 1988 (under Ground 13 Condition of dwelling house having deteriorated; Ground 14 Nuisance or annoyance; Ground 14a Domestic Violence) within the last twelve months, or has had a possession order made against him in respect of his/her current or former property in relation to (or including) any anti social behaviour committed by him/her or any member of or visitors to his/her household (whether or not in the Eden District), to also include domestic violence and substantial deterioration of the premises. in relation to (or including) any anti-social behaviour committed by him/her, or any member of or visitors to his/her household (whether or not in Eden district), to include also domestic violence and substantial deterioration of premises. For the avoidance of doubt this specifically

excludes a Possession Order made in respect of rent arrears and this section (iii)(d) will only be invoked where there has been anti social behaviour, at the Council's discretion, likely to affect the applicant's suitability as a tenant.

Points will be deducted as follows:

- (i) notice seeking possession served in relation only to anti-social behaviour, domestic violence or substantial deterioration of the property or an undertaking given to the Court in respect of such matters (so long as, at the Council's discretion the matters are of relevance to the person's suitability as a tenant)
20 pts deducted

- (ii) injunction, anti-social behaviour order, possession, conviction (so long as, at the Council's discretion the matters are of relevance to the person's suitability as a tenant)
30 pts deducted

- (iii) Where a prosecution (except for breach of an anti-social behaviour order) or an application for an injunction or for committal has been commenced but not concluded, or a notice seeking possession under Section 83 of The Housing Act 1988, Section 8 or 21 of the Housing Act 1988, has been served but proceedings not commenced or concluded, an interim deduction of 20 points will be made. If no proceedings are issued within 12 months or the proceedings do not result in anti social behaviour, conviction, injunction, finding of any breach or the Notice Seeking Possession does not result in a Possession Order the 20 points will be added back to the applicant's total.

Similarly all deductions under this Section (iii) will only be made so long as at the Council's discretion, the matters are of relevance to the persons suitability as a tenant.

If an undertaking has been given to the Court 20 points will be deducted.

Points will be deducted at the highest applicable level, but not cumulatively. Thus a person convicted of an attack on a neighbour, and then also made subject to an injunction and evicted would have 30 not 90 points deducted.

For each period of twelve months following the date of the most recent anti social behaviour, conviction, injunction, finding of any breach or Possession Order (or where applicable since the imposition of an interim deduction), 5 points will be added back to the applicant's total, provided there is no further Order (of any type), conviction, injunction or finding of any breach or Notice Seeking Possession served during that time, provided always that no further points will be added back once the number of points added back is equivalent to the points that were deducted in the first instance.

Should there be a further Order (of any type), conviction, injunction, finding of any breach or the Notice Seeking Possession is served during the currency of any deduction, further points will be deducted so that either the total deducted reverts to the original total deduction, or the total deducted is that applicable to the current Order (of any type), conviction, injunction, finding of any breach or Notice Seeking Possession served, whichever is the higher.

This will not apply, however, if the further Order (of any type), conviction, injunction, finding of any breach or Notice Seeking Possession is served relates exclusively to the same

conduct as that in respect of which an earlier Order (of any type), conviction, injunction, finding of any breach or service of Notice Seeking Possession.

The Applicant should note that if the Applicant applies to be allocated a property and the Applicant has, within their household, a person who is to be housed with the Applicant, that person or people within the household will be subject to the same checks as the applicant under this section and the same deductions will be made against the applicant's points if that other person had engaged in anti-social behaviour as if the Applicant were responsible for that anti-social behaviour.

EXAMPLES

Example 1

An applicant is served with a Notice Seeking Possession but Court proceedings have not been determined. 20 points are deducted from the points total. If proceedings are taken and are successful as far as the applicant is concerned, the 20 points are added back. If the proceedings are unsuccessful as far as the applicant is concerned the deduction will become 30 points.

Example 2

An Applicant was convicted of an offence three years ago and had 30 points deducted. They have been of good conduct since and therefore will have had points added back totalling 15. They will then have minus 15 points. An injunction unconnected to the original offence is taken against the person, and therefore the total will revert back to a deduction of minus 30 points.

Example 3

An Applicant was served with Notice seeking Possession within the last 12 months but proceedings have not been issued. The points deduction will be 20 points. Once the year period has elapsed, the deduction will revert to nil.

Example 4

An injunction was made against the Applicant three years and one month ago, giving them an initial deduction of 30 points. 15 points have been added back, the applicant will currently have a deduction of 15 points. A Possession Order is then made in respect of the same conduct and also to conduct which took place before it. No additional deduction is made.

(c) Applicants who have deliberately/unreasonably worsened their housing circumstances

Applicants who have deliberately or unreasonably worsened their housing circumstances will be subject to the following deductions:

- (i) if homeless or threatened with homelessness, where points have been given for homelessness under SECTION 1(h) these points will be deducted.
- (ii) in all other cases, the deduction will be the number of points awarded under SECTION 1 ((c) to (o)) above for the conditions which have been deliberately/unreasonably worsened.

(d) Refusal of offers

Points will not be deducted if offers are refused. Both persons who are on the Register as a result of homelessness or those threatened with homelessness should note that the refusal of a reasonable offer will affect the Council's obligations to them under the Homelessness Laws and may mean if a reasonable offer is refused, the Council may no longer be under a duty to continue to accommodate the person in temporary accommodation.

(e) False Information

Applicants commit an offence if they knowingly or recklessly make a statement which is false in a material particular or knowingly withhold information which the Council have reasonably required the Applicant to give in connection with the exercise of the Council's functions to allocate housing. The points that were given to the applicant as a result of the false statement will be deducted. In addition, the Council will deduct 50 points from the applicant's points. For each period of twelve months following the date of the false statement, 10 points will be added back to the Applicant's total, provided always that no further points will be added back once the number of points added back is equivalent to the points that were deducted in the first instance. The Council views the provision of false information by Applicants as serious and indeed it is a criminal offence.

5. DECISION MAKING

The Council's housing register is administered by Eden Housing Association. Decision about the items referred to in this policy will be taken by the following people.

Who deals with Applications? – The Customer Service Officer, Housing Officer or Housing Manager.

Who deals with decisions on eligibility? – The Housing Manager.

Who allocates the points? If no discretionary points are to be awarded, the Customer Services Officer will do that. If discretionary points are to be awarded, the Housing Officer or Housing Manager will award them.

Who deducts points? – The Housing Officer or Housing Manager.

Who communicates this to the Applicant? – The Customer Services Officer, the Housing Officer or Housing Manager.

Who conducts appeals? – See 6 below.

Who monitors the register? – The Customer Services Officer, the Housing Officer or Housing Manager monitors the Register.

Who revises the Register? – The register is updated 12 monthly by the Customer Services Officer.

Who decides what properties are available and allocates them? – The Housing Officer or Housing Manager allocates.

6. APPEALS

If an Applicant feels aggrieved by an allocation decision, or the number of points awarded to the application or a decision that the Applicant's name should not be placed on the Register, or should not be given any preference under the Scheme because of unacceptable behaviour

serious enough to make him unsuitable to be a tenant of the Housing Association, then an appointment can be made to see the Council's Housing Officer. If the Applicant is still dissatisfied, then a formal appeal in writing should be made to the Director of Technical Services. This may then be considered for submission to the Council's Housing Appeals Board. A member of Eden District Council will not, at the time the allocation decision is made, be included in the decision making body, where the housing accommodation in question is in his electoral division or Ward, or the person to whom the housing may be allocated resides in that division or Ward.

On review the Applicant has a right to be informed of the decision on the review and the grounds for it.

7. REVIEWS AND CANCELLATIONS

The policy and points scheme contained in this document are subject to periodical review which will take account of changes in the local housing situation.

All applications are revised annually and re-pointed where circumstances have changed. If an application is cancelled, then 28 days notice will be given stating the reasons for the cancellation. If the Applicant disagrees with the cancellation then they have a right to request a review of this decision within 21 days of the cancellation.

8. RIGHT TO REQUEST INFORMATION

The Applicant has a right to request general information so that he can assess how his application is likely to be treated under the Allocation Scheme including in particular whether he is likely to be regarded as a member of a group of people who are to be given a reasonable preference or additional preference, and whether housing accommodation appropriate to his

needs is likely to be made available to him and if so, how long it is likely to be before such accommodation becomes available for allocation to him; to be notified in writing if the Council feel that he is not to be given preferences and the grounds for it has the right to request the Authority to inform him of any decision about the facts of his case which is likely to be or has been taken into account in considering whether to allocate housing accommodation to him and he has the right to request a review of the decision and to be informed of the decision on the review and the grounds for it.

25.05.04