

London Borough of Newham Draft Allocations Policy Summary

This is a summary of the London Borough of Newham is undertaking a project to revise its current Housing Allocations Policy. The current policy is available on the Councils website at: <https://www.newham.gov.uk/Pages/ServiceChild/Housing-allocations.aspx>

The allocation of this scarce resource is crucial for the Council to alleviate the impacts of the housing crisis on Newham residents. Newham currently has over 27000 applicants on the Housing Register and some 4500 families in temporary accommodation.

Applicants have long wait times including for those with high needs; the average wait time for a household with a 'reasonable preference' which identifies housing need, is around 13 years.

Given the scale of the housing crisis in Newham, the Council should be making the best use of its limited stock. It is therefore proposed that the allocations policy prioritise those in highest need as set out in this summary document.

This policy summary outlines the following:

- Eligibility
- Categories of applicants
- How to apply to join the register
- How the council allocates properties
- How bids are prioritised
- Rehousing in exceptional circumstances
- Reduced Priority
- Reasonable Offers and Refusals

ELIGIBILITY

Persons over 18 years of age and who have been living in Newham for 3 years continuously prior to registration, can normally join the Housing Register.

There are some exceptions that do not qualify to join the register, including:

- Those who own their own home
- Those without the required immigration status
- Those whose previous behaviour as a tenant of the Council, or the behaviour of a member of their household, has not been acceptable and there are reasonable grounds to believe that the applicant will not be a suitable future tenant.
- Deliberate and serious fraud

There are some exceptions to the eligibility rule requiring applicants to live continuously in Newham for 3 years at the point of application. These include:

- Newham residents placed outside Newham in temporary accommodation by the Council
- Members of Gypsy, Roma and Traveller communities
- Survivors of domestic violence or abuse
- Time spent unavoidably outside Newham in a hospital, prison, care home, foster placement, or analogous institutions
- Any other exceptional circumstances at the discretion of the Head of Housing Services

The Council will, in exceptional circumstances and in accordance with relevant government guidance, exercise its discretion when making decisions regarding applications to join the Housing Register and in the conduct of reviews of decisions made in accordance with this policy.

HOW TO APPLY TO JOIN THE REGISTER

Follow the link below and complete the housing register application form.

At some point you will need to show valid documents that confirm your details were correct when you made your application, and that what you told us is still correct.

<https://www.newham.gov.uk/Pages/ServiceChild/Housing-register.aspx#Applytojointhehousingregisternbsp>

CATEGORIES OF APPLICANTS

Those eligible to join the register will have their application for housing assessed and will be placed into one of the categories laid out below, and based on the information you have provided in your application. You will be placed into one of the following categories:

- **Direct Offers or Enhanced Bidding.** These will be offered a property or will be able to bid for properties before they are offered to the wider waiting list. This group includes those in need of emergency rehousing (medical, welfare, safety), transfers who could free up under occupied or specialist properties, decants and those eligible

for special schemes (for example: care leavers, hostel move-on, fostering and adoption).

- **Priority Home-seekers.** These are all applicants who meet one of the ‘reasonable preference’ criteria in the Housing Act. i.e. they have some form of housing need (for example: overcrowding, unsanitary, medical welfare, risk of homelessness).
- **Home-seekers.** These are applicants who are eligible to join the register but have no defined housing need. Applicants in this category do not start to accrue waiting time on the list until the point at which they have a defined housing need. They are not eligible to bid for properties.

HOW ARE VACANT PROPERTIES ALLOCATED?

The council operates a Choice Based Lettings Scheme. All available properties are advertised each week. Those eligible can bid for up to two available properties

HOW ARE BIDS PRIORITISED?

Bids are prioritised as set out in the table below:

Priority	Description	Type of bidding
1st priority	Members of the Armed Forces. Where more than one applicant meets the criteria the tie breaker is waiting time on the Housing Register.	Enhanced Bidding (or direct offers)
2nd priority	Additional Preference Group (emergency re-housing & acute multiple needs). Bids are ranked within this group according to the date the emergency or multiple needs was awarded, then by waiting time on the Housing Register.	
3rd priority	Urgent decants Bids are ranked within this group firstly according to the relative urgency of the scheme and secondly according to the length of time decant status has been awarded.	
4th priority	Under-occupation transfers & transfers from adapted properties. Bids are ranked within this group firstly by the number of bedrooms the tenant is occupying and secondly according to the date of application on the Register.	
5th priority	Less urgent decants. Bids are ranked within this group firstly according to the relative urgency of the scheme and secondly according to the length of time on the Register	
6th priority	Those severely overcrowded (more than one bedroom) with one other reasonable preference, in order of the length of time since notifying of a priority need	Priority Homeseeker
7th priority	Applicants in the Priority Home-seeker or Transfer ranked according to their waiting time on the Housing Register since notifying of a reasonable preference	

8th priority	Those applicants in the Priority Home-seeker or Transfer groups with reduced priority (ie they have significant assets, owe the council money etc).	
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REHOUSING IN EXCEPTIONAL CIRCUMSTANCE

The Head of Housing Needs has delegated authority from the Council to agree re-housing outside policy in exceptional circumstances. This will normally apply where there are special cases not covered by normal allocation rules, which warrant special priority. Where this is being requested the relevant Officer will prepare a report containing all of the relevant facts.

REDUCED PRIORITY

The council reserves the right to reduce an applicant's priority in the following circumstances:

Applicants with high income or savings

An applicant with savings or an annual income in excess of £60,000 will be given reduced priority when bidding for properties in accordance with this policy. Such applicants would be advised of the various low cost home ownership options that are available

Applicants who have unreasonably refused a direct offer

Applicants who have unreasonably refused their entitlement to offers under a direct offer re-housing scheme will be removed from the relevant scheme. However, they may still be considered under the rules of the normal choice-based allocation scheme.

Applicants who owe the Council money

Applicants who have a rent arrears debt, to the Council, either relating to their existing home or a former home, are normally given reduced priority when bidding for properties in accordance with this policy or when being considered for direct offers of accommodation, or when being considered for a nomination to a Registered Social Landlord for housing, until such time as they clear all debts owed.

Exception to re-housing with rent arrears – those applicants in the 'additional preference' group (emerge-housing or acute multiple needs). If such applicants have rent arrears debt to the Council they are eligible for an offer of accommodation if they satisfy all the following conditions:

- (a) The rent arrears amounts to less than equivalent of 4 weeks rent
- (b) It is in the Council's interest to re-house them (as agreed by the Head of Housing Needs or equivalent).

Private sector applicants who are in substantial rent arrears with their landlords

Applicants with rent arrears owed to their landlords who are not existing tenants of the Council and who, in the Council's opinion, could reasonably have paid the arrears, are also given reduced priority when bidding for properties in accordance with this policy.

Right to Buy & Transfers

Where a Council tenant has submitted a Right to Buy application, an offer of re-housing can only be made if the tenant has not accepted their Section 125 Offer Notice, after which time the applicant is suspended from bidding for properties in accordance with this policy.

Joint Council Tenants

Where an existing Council tenant wishes to apply for a transfer, the Housing Register Officer checks with the appropriate Housing Management Team if a joint tenancy exists. *(why what is the issues here??)*

REASONABLE OFFERS AND REFUSALS

The reasonable offer policy sets out the current re-housing standards by which allocations and decisions on reasonableness of offers and refusals are made for applicants receiving a direct offer of either Council or housing association property. This section also sets out the consequence of refusing a direct offer.

The criteria by which permanent offers are made are as follows:

Number of Bedrooms

In determining the needs of a particular household regard must be given to the following:

- (a) A couple are entitled to a double bedroom (2 bed spaces)
- (b) A single person may be offered a studio (bedsit) or a single bedroom property
- (c) Single people who have overnight access to children must not be offered a bedsit.
- (d) Pregnant women do not qualify for a bed space for their unborn child until the birth of the child.
- (e) Adult siblings of the same sex and generation, who are children, of the applicant are expected to share a bedroom regardless of age.
- (f) Where a property has two living rooms, the second reception room is counted as an additional bedroom, providing the first living room is 110 square feet (10.22 square metres) or larger.

Bedroom Entitlement for offers and Assessment for Overcrowding

It is also important to have regard to the number of people a property can accommodate. For example, a property consisting of one double and one single bedroom could not be allocated to a household with 2 children.

The table below gives an indication of bedroom requirements by size of household:

Bedsit -	Single Person (including a pregnant woman)
1-bed -	Single Person or Couple (including a pregnant woman)
2-bed -	Parent/s + 1 child or Parent/s + 2 children of the same sex or Parent/s + 2 children of opposite sex if both under 10
3-bed	Parent/s + 2 children of opposite sex where 1 is over 10 or Parent/s + 3 children or Parent/s + 4 children if: (a) all are of the same sex; (b) 2 of each sex; (c) 3 of same sex, 1 of different sex, and 1 of each sex is under 10
4-bed	Parent/s + 3 children of same sex and 1 of different sex, where child of different sex is over 10 or Parent/s with 5 or more children

Three bedroom properties with 3 double bedrooms can only be offered to families with at least four children

There may be occasions where a household will be offered larger or smaller accommodation. These are:

- (a) Where an additional bedroom is required on medical grounds, as outlined in Section G: Medical Assessments, of this policy.
- (b) Where a household is prepared to accept smaller accommodation; offers can only be made in these circumstances where the applicant agrees to this in writing and the overall permitted occupancy of the property, in terms of the re-housing standards outlined above, is not exceeded.
- (c) If it is in the Council's Interest
- (d) Under-occupation transfers may opt to have one extra bedroom
- (e) Occasionally, there may be no suitable cases on the 4-bed and 5-bedroom lists due to the space standards of the property. Where this occurs, allocations can be made to applicants providing this does not result in under-occupation of the property. In these cases, the allocating officer will match the personage of the household with the personage of the property. For example, a 4-bedroom 6-person property, in the absence of suitable cases on the 4-bed list, could be offered to a household on one of the 3-bedroom lists that consists of 6 persons, i.e. parent(s) and 4 children.

Space Standards

Allocations are based on the number of bedrooms there are in the vacant property. The following space standards are used to measure the inadequacy of an offer in terms of size. In measuring space standards, children under 8 are only counted as ½ a person.

Area of Room	Number of Persons
110 square feet/10.22 square metres or more	2
90 square feet/8.36 square metres or more but less than 110 square feet/10.22 square metres	1.5
70 square feet/6.5 square metres or more but less than 90 square feet/8.36 square metre	1
50 square feet/4.65 square metres or more but less than 70 square feet/6.5 square metres	½
Less than 50 square feet/4.65 square metres	0

Individual room measurements are not required when making an offer to any particular household. However, it is assumed that these standards will not be breached.

Where a household has a member with mobility difficulties or a wheelchair user there may be additional space requirements to meet their needs. This will be considered on the advice of the Occupational Therapists as part of the accompanied viewing procedure.

Choice of property type for Direct Offer groups

Applicants in receipt of a Direct Offer may be offered any property type and do not have any choice. The property offered to Direct Offer groups may be either Council, or housing association properties.

However, in determining the needs of a particular household regard must be given to the following:

Under-occupation Transfers

- (a) These applicants may limit the property types they are willing to accept.

Medical recommendations

(a) The Council's Medical Adviser can recommend property type and facilities (see Section G: Medical Assessments, of this policy).

Property restriction by delegated authority

(a) Under delegated authority the Head of Housing needs may agree to property type restrictions / requirements as a result of exceptional circumstances not covered by this policy.

Condition of the property

All properties allocated in accordance with this policy will be ready for immediate occupation, pre-allocated or for an accompanied viewing whilst works are in progress. In some cases, there may be outstanding minor works, that will be carried out prior to /or during occupation of the incoming tenant. In either case, the property will be habitable by the time the new tenant takes up occupation and will be considered a reasonable offer.

All properties let will be habitable to the agreed Lettable Standard (a copy of which accompanies all offer letters).

Area of choice

Each eligible applicant (see the paragraphs below for exemptions) must specify a minimum of 4 Lettings Areas in Newham where they are willing to be housed or re-housed. They may choose as many areas as they wish. Newham Council tenants who live on one of the out-borough estates in Brentwood, Rainham or Aldersbrook do not have to choose any in-borough districts. They may restrict their choice to areas within the borough in which they currently live.

Applicants cannot specify certain properties, blocks, streets, or areas within a particular district that they are willing to accept, subject to the exceptions listed below.

Exemptions from minimum area choice requirements

There are a number of exceptions to the area choice requirements:

(a) The area choices will apply to Decants and Under-Occupiers only. All other cases will identify and evidence areas of risk so that an offer will not be made in these areas. For example applicants being re-housed through the Fostering & Adoption Special Scheme may need to avoid living near to the natural relatives of the adopted child providing the Social Services Department confirm that this would be in the best interests of the child.

(b) Under-occupiers do not have to choose the minimum number of areas.

(c) Where a member of the applicant's household needs to regularly attend a special school, day centre, hospital on a long-term basis and there is a mobility or transport problem.

(d) Where a member of the applicant's household needs to remain in, or move to, a specific area to continue receiving/providing care.

(e) Where an applicant requests an exemption from the minimum area choice requirements the Housing Register Officer decides whether it meets the above criteria

The applicant will be advised when they have chosen areas that make it difficult to make them an offer and given the option of reconsidering their choices. The Lettings Agency will attempt whenever possible to adhere to the applicant's request. However it may not be possible where specialised properties are required and they do not become available often. This is also the case with LBN out of borough properties.

Offer of housing association property

The Council has nomination rights to housing associations operating in Newham (and occasionally outside Newham). Applicants cannot choose to be specifically allocated a housing association or London Borough of Newham property.

Like for like offers

Tenants with emergency re-housing status (e.g. domestic violence or harassment) or those who need to be decanted temporarily because of disrepair are offered properties on a like-for-like basis – i.e. an equivalent property-type and with the same number of bedrooms as their tenancy unless they are under occupying. They will retain their waiting time and any other priority they may have in relation to an offer for a larger unit

Refusals of offers of accommodation

After viewing the property the applicant decides whether or not they are prepared to accept the offer. If they indicate that they are prepared to accept property, the applicant will be asked to sign a tenancy agreement. Once an applicant accepts the offer and signs the tenancy agreement their application is closed.

The consequences of a refusal will depend on whether the offer was made as a result of a bid made through the choice based lettings (CBL) scheme, or as a result of a direct offer of accommodation.

Choice Based Lettings Refusals

If an applicant from one of these groups refuses a property advertised through the CBL scheme that they have bid for it will generally be recorded as an unreasonable refusal.

Applicants who refuse two offers following a successful bid or fail to attend two viewings regardless of their position on the shortlist will be suspended from bidding for properties in accordance with this policy for a period of 12 months.

If an applicant residing in temporary accommodation pursuant to Part VII of the Housing Act 1996 unreasonably refuses an offer the Council will discharge any further duty to assist an applicant under homelessness legislation.

The applicant will be advised in writing when any of the actions in paragraphs above occurs.

Direct Offer Refusals

Where an offer is being refused every effort must be made by the officer attending the viewing to interview the applicant to ascertain their reasons for refusal. The Allocation Officer decides whether the offer is reasonable or unreasonable. The decision is based on the applicant's comments as well as the information available on the applicant's computer records and their housing application file.

When considering the applicant's reason for refusal it is important to note whether there is any information that either contradicts or adds to the information which was available at offer stage. If it is confirmed that the new information is known to them and is correct, but was not made available at offer stage due to officer error, then the refusal may be considered reasonable. It is the responsibility of the applicant to keep the Lettings Agency informed of any changes in their circumstances in particular the changes that affect the offer made to them.

If the relevant section or officer does not know the information, and it is therefore new information provided by the applicant at the refusal stage, the refusal will normally be considered unreasonable. In such circumstances, a note should be made of the change in circumstances for further action.

Where an Allocations Officer is unsure whether a refusal should be considered reasonable or unreasonable, they should seek guidance from the Allocation Team Leader.

Reasonable refusals

Where a refusal is considered to be reasonable, the Allocation Officer advises the applicant that their application will be returned to the "live" list, and that they are either entitled to another offer in due course or will be able to bid again where they remain within the time limits set out in Enhanced Bidding.

Number of reasonable refusals allowed for direct offers

The table below indicates the number of reasonable offers the various groups are entitled to:

Group	No. of reasonable offers
Additional Preference (emergency)	1
Additional Preference (multiple needs)	1
Decants (including temporary decants)	2
Special Schemes	1
Under-occupation transfers	2
All other direct offer groups	1

The consequences of an unreasonable refusal of the final offer are given below

Unreasonable Refusals

It must be made clear to the applicant that an offer can only be considered unreasonable if it was made in breach of the Council's Reasonable Offer Policy. A refusal of an offer of the correct size, type, and district will normally be considered unreasonable. However, there are a number of special circumstances where the refusal may be reasonable.

Complaints against unreasonable refusal decisions

Following an unreasonable refusal, the applicant is advised that they have the right to complain against this decision by means of the Council's formal complaints procedure.

RIGHT OF REVIEW

Applicants have a statutory right to request a review of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation. This includes any decision restricting them from registering on the Housing Register or any decision which removes them from the list after having registered, or where there is a decision not to make an allocation.

The applicant must make a request for a review within 21 days (3 weeks) of the date of the letter informing them of the decision.