

# Lettings Policy

## 2018 – 2022

### Document control

|                                       |   |
|---------------------------------------|---|
| <b>Policy approval</b>                | Livv Housing Group Board 24.01.2018, item 7A  |
| <b>Updating</b>                       | Allocation Policy   |
| <b>Next review date</b>               | March 2022  |
| <b>Author</b>                         | Lettings & Empty Homes Business Manager<br>Neighbourhoods & Income Business Manager<br>Lettings Manager |
| <b>Responsible Executive Director</b> | Executive Director – Customer Insight   |
| <b>Equality Analysis Completed</b>    | December 2017   |
| <b>Circulation</b>                    | Intranet & Livv Housing Group website   |
| <b>Current Version</b>                | 5   |

| Version | Date     | Author(s)                               | Notes on Revisions  |
|---------|----------|---|---|
| 1       | May - 13 | Manager – Lettings                      | Conversion of existing policy into current template and track future revisions from this point forward  |
| 2       | Jan - 14 | Manager – Lettings                      | Amended to fit current approach   |
| 3       | Nov - 17 | Customer Complaints Advisor             | Policy converted to the Group’s current format and document control   |
| 4       | Dec - 17 | Lettings & Empty Homes Business Manager | <ul style="list-style-type: none"> <li>• Consultation was undertaken with the KMBC Manager of Housing and a customer focus group</li> <li>• Verified the validity of the document from a data protection perspective</li> <li>• Legal advice provided by Anthony Collins with support from an Arden Chambers barrister</li> </ul> |
| 5       | May 18   | Compliance & Strategy Advisor           | Vulnerable Customers Statement incorporated into the policy   |

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### **Introduction**

Livv Housing Group believes in equality of access to housing within its management, recognising the diversity of applicants who may apply.

We will ensure that, in implementing this policy, our obligations under charity law pursuant to its charitable objects are met. It will, therefore, make every effort to see that those in need by virtue of their financial hardship, old age or vulnerability are provided with accommodation and relevant associated facilities.

We will also adhere to the Regulator of Social Housing's (RoSH's) Tenancy Standard by taking into account the needs of households including those who are vulnerable by reason of age, disability or illness, and households with children, for example through the provision of tenancies which provide a reasonable degree of stability.

Livv Housing Group is part of the Merseyside Sub-Regional Choice Based Lettings Scheme, Property Pool Plus, and has agreed that 75% of available homes each year will be advertised through this Scheme and allocated in accordance with the Property Pool Plus Sub Regional Choice Based Lettings Allocation Scheme Policy. The other 25% of available homes will be advertised via alternative marketing platforms in order to broaden our customer base by attracting people who might not have considered social housing before, to ultimately create more diverse and sustainable neighbourhoods. Livv Housing Group will ensure that a comparable selection of property sizes, locations and demand profiles are marketed through both Property Pool Plus and Alternative Marketing methods.

Any specialist accommodation such as supported housing and Extra Care will be allocated in line with Knowsley Council's Extra Care Nominations Policy.

In order to comply with regulatory requirements, the immigration status of prospective tenants will be checked regardless of the marketing route the customer is identified through.

### **Vulnerable Customers Statement**

We are committed to developing an equal and diverse culture where people are valued and respected from all sections of society. We therefore opposes any form of discrimination in service delivery and employment practice. We aim to treat all customers fairly and we will look to tailor our policies, processes, products and services to meet the needs of all of our customers.

"Vulnerable Person" means: (a) a Child or Children; or. (b) an individual aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

Where we identify (or a customer advises us of) a vulnerability we will look to make reasonable adjustments to our services accordingly to meet the needs of those individuals. This may include altering the way we communicate with a customer to adjusting the service that we offer to that person. Each case will be judged on its individual merits to avoid a one size fits all approach. We will monitor our services regularly to ensure we are meeting all of our customers' needs and to make any adjustments required to improve and enhance the service we deliver.

### **Policy Statement**

Livv Housing Group will take account of individual circumstances of applicants and the makeup of our neighbourhoods to ensure that we create lasting sustainable and stable communities, including the use of Local Letting Plans.

The Policy aims to give flexibility to determine needs at a local level. It will give Housing Managers the ability to act quickly and respond positively to cases of exceptional need when appropriate.

### **Implementation**

It is important that the Lettings Policy is open and accountable. To support this, all allocations made through Property Pool Plus in line with this policy will be identified on the Property Pool Plus website and newsletters. This policy will be available on request and on our website.

In order to manage turnover and demand for its stock, Livv Housing Group will review and reserve the right to stop non-essential transfers through its alternative marketing routes as well as through the Property Pool Plus scheme. This would result in only making offers to existing Livv Housing Group customers with priority bands A, B or C who are not adequately housed. We will also not normally offer a home to an existing customer if they have lived in their current home for less than 12 months or they have breached their tenancy conditions. This approach to transfers will be detailed within property adverts.

### **Equality and Diversity**

Livv Housing Group believes that all customers should have the opportunity and choice of living in good quality affordable housing within strong, safe and secure communities.

Our customers should have equal access to housing service and we do not tolerate any kind of unlawful discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010. We are committed to equality of opportunity for all including the protected characteristics detailed within the Equality Act 2010 shown below:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

Homes may be allocated to applicants over the age of 16. We will not normally offer a tenancy to an applicant who is under 18 years of age unless a pressing need is identified by either the Housing Options Service or Children and Young People's Service. If we rehouse an applicant under the age of

18 who is therefore not legally able to sign a tenancy agreement, we will provide a licence agreement and ensure that there is a rent guarantor as well as a suitable support plan.

Any applications for homes, regardless of the marketing route, from Livv Housing Group and Livv Maintenance staff, close relatives of staff or Board members made either through this Policy or Property Pool Plus will be approved by an Urgency Committee of the Livv Housing Group Board and any offers approved by a Senior Manager or Director.

An Equality Analysis of this Policy was carried out on 21/12/2017 and no specific groups were identified as being adversely affected by the Policy approach.

### **Policy Detail**

The Property Pool Plus Scheme policy clearly defines the eligibility rules for being accepted onto the Scheme and how homes will be allocated via the Property Pool Plus marketing route.

In order to achieve and maintain balanced and stable communities and to help to address issues of demand, some properties will be allocated based on customers’ ability to sustain the tenancy using other criteria rather than housing need. For properties let outside of the Property Pool Plus Scheme via alternative marketing platforms, customers’ priority will be determined based on factors including income, attracting those who are economically active to the borough, local connection, key worker status and the ability of the household to fully occupy the property with regard to the bedroom standard below. Customers will be allocated points within the five categories stated and the household that attains the highest number of points will be offered the property in question. In the event of two households receiving an equal number of points, the customer who submitted their complete application first will be offered the property. Much like the Property Pool Plus Scheme, customers will be required to provide supporting evidence in relation to each of the priority categories upon being offered a property and a failure to do so may result in the property offer being withdrawn and the property being offered to the next customer on the shortlist. Further details regarding the priority categories and corresponding points totals are detailed below:

| <b>Priority Category</b>   | <b>Points allocated</b>         |          |
|--|---------------------------------|----------|
| Income (including salary and benefits) of the sole or joint applicant(s) only  | Less than £10,000               | 0 points |
|  | £10,001 - £12,500               | 1 points |
|  | £12,501 - £15,000               | 2 points |
|  | £15,001 - £17,500               | 3 points |
|  | £17,501 - £20,000               | 4 points |
|  | £20,001 - £25,000               | 5 points |
|  | £25,001 - £30,000               | 6 points |
|  | £30,001 - £40,000               | 7 points |
|  | More than £40,001               | 8 points |
| Local Connection - A maximum of one point will be allocated to the sole or joint applicant(s) for each of the four qualifying criteria items located within a two mile radius of the property location to give a | Home address                    | 1 point  |
|  | Work address or college address | 1 point  |
|  | Immediate family address        | 1 point  |
|  | Son/daughter school address     | 1 point  |

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| <p>maximum of four points if all of the criteria are met)</p>   |  |
| <p>Key worker status of the sole or joint applicant(s) who are currently employed in one of the following roles:</p> <ul style="list-style-type: none"> <li>- Clinical staff employed by the NHS (excluding doctors and dentists)</li> <li>- Teachers including further education teachers and early years/nursery teachers</li> <li>- Police Officers, Community Support Officers and frontline Police staff</li> <li>- Prison Officers and Prison Service staff</li> <li>- Probation Officers, Senior Probation Officers, Probation Service Officers and Trainee Probation Officers</li> <li>- Local Authority/Local Education Authority/NHS Social workers</li> <li>- Local Authority Therapists (including Occupational Therapists and Speech and Language Therapists)</li> <li>- Local Authority Educational Psychologists</li> <li>- Local Authority/Local Education Authority/NHS Nursery Nurses</li> <li>- Local Authority Planners</li> <li>- Local Authority clinical staff</li> <li>- Uniformed staff, below principal level, in Fire and Rescue Services</li> <li>- Connexions Personal Advisors</li> <li>- Armed Forces personnel and some civilian MoD personnel (clinical staff, MoD Police Officers and uniformed staff in the Fire and Defence Service</li> <li>- Highway Agency Traffic Officer staff</li> <li>- Local Authority Environmental Health Officers/Practitioners</li> </ul> | <p>4 points will be allocated for sole or joint applicant(s) employed in a qualifying key worker role</p>  |
| <p>Residing outside Knowsley and economically active to support Knowsley’s Housing Strategy by attracting economically active residents to the borough</p>  | <p>4 points will be allocated for sole or joint applicant(s) residing outside of Knowsley that are economically active</p>   |
| <p>Ability of the household to fully occupy the property with regard to the bedroom standard definition:<br/>       One bedroom for the applicant and their partner plus one bedroom for:</p> <ul style="list-style-type: none"> <li>- Married or cohabiting couple</li> <li>- Adult aged 21 years or over</li> </ul>   | <p>Fully occupying property 4 points<br/>       Under occupying 1 bedroom minus 2 points<br/>       Under occupying 2 bedrooms minus 3 points<br/>       Under occupying 3 bedrooms minus 4 points</p> |

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| <ul style="list-style-type: none"><li>- Two adolescents aged 10 to 20 years of the same sex</li><li>- Two children aged under 10 years regardless of sex</li><li>- A child with severe disabilities who requires frequent care during the night</li><li>- A foster child, where a separate bedroom is a requirement of the fostering authority</li><li>- A non-resident carer who is regularly required to stay overnight to attend to personal care/health needs</li><li>- Households with an expectant mother are treated as though the child has been born once the Pregnancy Maternity Certificate (MATB1) has been provided - please note where the addition of the unborn child into the household may not result in the requirement for an additional bedroom the decision to include the unborn child can be deferred until the gender is established or the child is born</li><li>- Where an applicant has staying contact with children, the children will only be considered as part of the housing application if the applicant can provide proof (documentation from the court/solicitor or written confirmation from the child's other parent as well as being in receipt of Child Benefit) they live with the applicant for the majority of the time (over 50%) - a parent with staying contact for children for less than 50% of the time may be allocated one additional bedroom for those children subject to an affordability assessment (for example a single person may be eligible for a two bedroom property)</li><li>- Those in employment will qualify for an additional bedroom subject to an affordability/credit referencing check</li></ul> |  |
|--|--|

Properties let via the alternative marketing route will be subject to a deposit equating to 4 weeks gross rent. The deposit will be protected by the Deposit Protection Service (DPS) Custodial scheme in accordance with its terms and conditions. The terms and conditions and Alternative Dispute Resolution rules governing the protection of the deposit - including the repayment process can be found at [www.depositprotection.com](http://www.depositprotection.com). Where a property is allocated to more than one tenant then tenants will be given the choice of registering proportions of the deposit in different names or

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assigning a lead tenant for the deposit to be registered to along with confirmation of the apportionment amounts for the repayment of the deposit at the end of the tenancy. Regardless of the deposit registration approach chosen, the parties in question will be jointly and severally liable.

Payment in advance of one weeks' rent plus service charges, or two weeks' rent plus service charges for homes let via the alternative marketing route, will be required from customers in all cases at the point prior to when the tenancy agreement is signed. This payment will be required irrespective of the customers' entitlement to Housing Benefit or the Housing Element of Universal Credit. If payment is not made before when the tenancy is due to be signed then Livv Housing Group will be unable to complete the process and the tenancy will not be granted. In exceptional circumstances where a tenancy has been granted at short notice due to an urgent housing need and it is unreasonable to request payment then we may grant a tenancy without payment at tenancy sign up.

Properties acquired outside the borough of Knowsley will be allocated in line with Section 106 agreements with local authorities where homes are located with regard to relevant Nomination Agreements.

For those properties acquired in partnership with Step Forward Housing that are let outside of local authority Nomination Agreements, preference will be given to military services personnel, veterans, emergency service workers, NHS workers and their families in line with the Memorandum of Understanding between Livv Housing Group and Step Forward Housing.

We may advertise a proportion of homes at an Intermediate or Affordable rental level which is higher than a normal social rent and is based on 80% of the current market rent. It will be clearly stated on the property advert whether an Intermediate or Affordable rent applies.

We will allocate homes on a range of tenancies/tenure types which are detailed within our Tenancy Policy.

A number of Livv Housing Group tenant groups have been identified whose circumstances would not necessarily mean that they would receive priority through the Property Pool Plus Scheme or other marketing routes but who may require urgent rehousing as detailed below:

| <b>Group</b>                        | <b>Circumstances</b>   |
|-------------------------------------|--|
| Fire/Flood or other Emergency cases | A Livv Housing Group Housing Officer visits a property and determines that it is uninhabitable due to extensive repairs, fire or flood damage. The tenant and family will be offered an alternative property (either on a temporary or permanent basis) approved by a manager. |
| Management Priority                 | A Livv Housing Group Officer feels that a tenant requires an urgent move due to their individual circumstances. A report will be written requesting a Management Priority move. This must be approved by the HMT Panel.  |

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| Applicants left in Possession of a Livv Housing Group property | An applicant is left in possession of a Livv Housing Group property and is not eligible to take up the tenancy under the Tenancy Management Policy, or the applicant has rights of succession but is not suitable to remain in the property. A manager can approve one reasonable offer of alternative accommodation.   |
| Tenants affected by the Welfare Reform changes                 | An applicant is identified as suffering hardship due to Welfare Benefit Changes and in particular the Bedroom Tax where rent arrears are restricting their ability to move. This must be approved by the HMT Panel.   |
| Temporary Base for Contractors                                 | A contractor is carrying out extensive programmed work on behalf of Livv Housing Group and it is beneficial to our tenants that there is a local base where any queries they have can be dealt with. Any offers must be approved by a Manager.  |
| Adapted Properties   | If a property becomes available which is particularly suitable for a disabled person, due to adaptations having been made to the property (e.g. lifts and Level Access showers) the property will be referred to the Adaptations team who will identify any suitable applicants from the Adaptations waiting list. A suitable applicant may be directly matched outside of the Property Pool Plus system. |

**HMT Process**

The HMT (Housing Management Team) will be made up of a minimum of 2 Service Managers to consider cases, presented by a Livv Housing Group officer, that require special consideration for priority housing. Cases will only be considered where there are exceptional circumstances, which are not covered by other areas of this policy. Where the HMT determine priority status for housing will not be awarded, the supporting rationale for this decision will be clearly communicated to the customer(s) in question.

If customers are dissatisfied with the panel’s decision, an appeal can be made to a Senior Business Manager, not previously involved with the case. In order to appeal, the customer must provide specific details explaining why they do not agree with the supporting rationale for the decision made by the HMT. Appeals should be made in writing within 14 days of the notification of the original Panel decision.

**Allocation of Garages**

If we receive more than one application for a garage vacancy we will prioritise applicants in the following order.



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- Livv Housing Group tenants
- Length of time on list
- Closest distance between garage and residence

### **Provision of Livv Housing Group Accommodation and Services to employees and their close relatives**

We will only house applicants in accordance with its published Lettings Policy. All persons who qualify for housing will receive equal treatment in the allocation of housing (including transfer and re-housing applications), and the consideration of an application made by the above will be open, fair and transparent.

Any decision to allocate properties, re-house or transfer employees (other than members of the Executive Team) and/or their close relatives must be approved by an Urgency Committee of the Livv Housing Group Board and any offers approved by a Senior Manager or Director and the interest of that relevant person must be disclosed. For the Chief Executive or the Executive Director Team approval must be given by Livv Housing Group Board. Disclosure must occur at the point of the offer of accommodation and the entry to the waiting / transfer lists.

Any connected persons wishing to rent a property through Livv Housing Group must disclose their interest. A declaration of interest pro forma which is held on the intranet must be completed by the Lettings Manager and submitted to the board for approval.

### **Affordability**

All applicants will be subject to credit referencing checks carried out by an approved external provider. We may also choose to carry out an affordability assessment where consideration will be given to the income of the applicants (benefits or paid work), regular living expenses (e.g. food, clothing and utility charges) and any existing debts the customer is committed to.

Particular attention will be applied to the customer's ability to pay for their home and therefore sustain the tenancy. Prospective tenants who fail a credit referencing check or affordability assessment may have the offer of a property withdrawn.

EEA Nationals who are not in employment or entitled to Housing Benefit or the Housing Element of Universal Credit may not be offered property by Livv Housing Group.

### **Housing Related Debt**

We will not make an offer of accommodation through any marketing route, regardless of an applicant's priority banding within Property Pool Plus, to any applicant who has housing related debt (including rent arrears, former tenant arrears, rechargeable repairs, housing benefit overpayments and legal costs) owed to Livv Housing Group or any other landlord unless the following exceptions apply:

Their case has been approved by HMT as it is considered their personal circumstances (including hardship due to welfare benefit changes and in particular the bedroom tax) override the outstanding debt and in these instances all outstanding debts owed to Livv Housing Group will be written into their new tenancy agreement.

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Any customer owing less than £100 can be made an offer but this debt must be cleared **before** they are allowed to sign for their new home. A failure to facilitate this payment within 2 working days may result in the property offer being withdrawn and allocated to another customer.

Customers who are in receipt of a Band A priority for regeneration, as arrears will be deducted from their Home loss payment.

### **Other Unacceptable Behaviour**

We are committed to achieving stable, balanced and sustainable neighbourhoods through promoting good tenancy conduct and tackling crime and anti-social behaviour.

In addition to housing related debt as described above, the list below, while not exhaustive provides an indication of the type of behaviour which may make an applicant, joint applicant or member of a household unsuitable to be offered a tenancy:

- Previous eviction from a social housing tenancy
- Abandonment of former social housing tenancy
- Conviction of serious assault
- Conviction of sexual offences
- Conviction of the use or possession of offensive weapons such as guns or knives
- Conviction of using the premises or allowing the use of the premises for immoral or illegal purposes such as the manufacture or sale of drugs
- Conviction of arson
- Evidence of abusive or threatening behaviour towards staff or residents
- Evidence that the existing or former tenancy was not maintained in a reasonable condition

When making a decision regarding whether or not a prospective tenant will be offered a tenancy, a balanced view of the applicant's need and the unacceptable behaviour will be taken. Factors considered will include how long ago the unacceptable behaviour took place, the steps the applicant has taken to mitigate their past actions and whether there have been any significant changes in the applicant's circumstances including health and the presence of dependants.

Under section 171 of Part 6 of the Housing Act 1996 it is an offence, punishable by a fine of up to £5,000, to deliberately provide false information and/or deliberately withhold information which should have been given. Applicants who deliberately provide false information, or who withhold information which should be given, in an effort to gain advantage may be made ineligible for property offers for 12 months from the date the deception is discovered. Legal action may also be pursued to repossess any property secured as a result of the misrepresentation.

### **How to Apply**

Applicants can bid for homes marketed via the Property Pool Plus route through the Property Pool Plus web portal or by contacting Livv Housing Group to request assistance in doing so.

Applicants can express an interest in homes advertised through alternative marketing routes such as Zoopla and we will make contact to request that a full application is completed and submitted to

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allow them to be considered for a home. In the event that two or more customers have an equal number of points achieved in line with the criteria detailed in Section 5.2, the successful applicant will be the customer who submitted a complete application first.

Should an applicant be made a provisional offer of a home, they will be required to provide any additional evidence requested before a formal offer is made or withdrawn in light of the information provided.

### **Appeals/Complaints**

To appeal or complain about a property allocation decision made in line with this policy, customers' should refer to the Property Pool Plus Sub Regional Choice Based Lettings Allocation Scheme policy for allocations made through Property Pool Plus or for allocations made outside of Property Pool Plus through alternative marketing routes they should refer to our Complaints Policy. Contact details for Livv Housing Group can be found on our website.

### **Information Sharing, Confidentiality and Data Protection**

Livv Housing Group are defined as a data controller under the Data Protection Regulation and are registered with the Information Commissioner's Office.

Your data will be managed in accordance with our Data Protection Policy which is available upon request. You can also review our Privacy Policy which is published at [www.livvhousinggroup.com](http://www.livvhousinggroup.com)

Livv Housing Group will process and share your personal and sensitive data that you provide us, in compliance with the Data Protection Regulation for the purpose of providing your Tenancy. Where we need to share your information with another organisation and you haven't already given your consent for us to do this, then we will ask for it before releasing any information about you. Livv Housing Group are the sole owner of the data collected and will not transfer, sell or share the data apart from the purposes detailed in its privacy policy.

### **Responsibility**

The Director – Housing Management will be responsible for the implementation of this Policy. This will include training of the appropriate employees involved in management/administration of this policy.

### **Consultation**

Consultation sessions to discuss this Policy were held with a representative from Knowsley Council's Strategic Housing team on 29<sup>th</sup> November 2017 as well as a Customer Focus group comprising of Livv Housing Group customers on 7<sup>th</sup> December 2017 with feedback resulting in amendments to the Policy were deemed appropriate.

### **Monitoring and Review**

This Policy will be reviewed in accordance with our Policy Framework to ensure the policy is operating in a fair and consistent manner in accordance with the Equality and Diversity Policy and is meeting necessary targets. All lettings facilitated under the terms of this policy will be monitored.

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**Associated Documents**

Property Pool Plus Sub Regional Choice Based Lettings Allocation Scheme Policy

Knowsley Council Extra Care Nominations Policy

Tenancy Management Policy

Complaints Policy

Probity and Expenses Policy

Tenancy Policy

Equality and Diversity Policy

Data Protection Policy