

Appendix 3 Cumbria Choice Based Lettings Board Consultation Responses

Table 1

Table 1 below details the proposed changes to the qualification rules. Responses are outlined in Table 2.

<p>Qualification rule 1 – Local Connection</p>	<p>It is proposed that the Policy will restrict access to the high housing need Bands A and B to customers who can evidence a local connection with Cumbria. This would prioritise Cumbrian households for the higher 2 bands but there would be exceptions for people without a local connection if they were homeless or victims of domestic violence.</p> <p>Comment:</p> <p>Therefore to qualify for Bands A or B the customer must have a local connection with Cumbria. This could be set as:</p> <p>Option A:</p> <ul style="list-style-type: none"> a) Living in Cumbria for the last year, or 3 years in the last 5 and/or b) Having close family living in Cumbria and/or c) Working in Cumbria as long as this isn't casual work. <p>Option B</p> <ul style="list-style-type: none"> a) Living in Cumbria for the last year, or 3 years in the last 5 and/or b) Having close family living in Cumbria that provide essential support and/or c) Working in Cumbria - defined as Employment is defined as paid employment for 16 hours or more per week for a period of one year, or self-employment where an applicant can demonstrate that the self-employed work they perform is in the Cumbria area and is on average 16 hours a week or more. <p>If the customer doesn't meet one of the above they can still register but will be placed in band C</p>
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<p>Qualification rule 4: Financial resources</p>	<p>If the customer earns above a set net income or has savings above a set threshold they will either not be able to qualify for the register or will not be able to qualify for Bands A or B but would still be allowed to be placed in Band C despite their income or savings.</p> <p>We would like your views on which option should be included and if you support income or savings thresholds what these should be?</p>
<p>Qualification rule 5: Failure to Bid</p>	<p>Many customers once they register don't bid for the properties advertised. We think that if someone hasn't made one bid in 12 months that they should be removed from the register. This will cut down on the time and costs in administering the housing register. This rule would not stop a customer from reapplying at a later date.</p>
<p>Qualification rule 6: Fraud or giving False Information</p>	<p>If someone has lied or withheld information in an attempt to get social housing we think they should not be able to register, or if they are already registered and we discover they have led or withheld information they will be removed from the register. This would be serious cases of lies or withholding information that were intended to obtain social housing by deceit.</p>
<p>Qualification rule 7: Circumstances where an applicant has current or former social housing rent arrears or another relevant recoverable housing related debt</p>	<p>This rule in the current policy is being amended to help customers who have former social housing rent arrears or housing related debt to be able to obtain social housing.</p> <p>For customers with serious rent arrears it will continue to be the case that they cannot qualify for the housing register until they have reduced the debt to a level we agree is reasonable.</p> <p>However, for customers who owe less than £1000 they will be able to qualify and be banded for their assessed housing need but they will not be offered a property until they have resolved the debt to a level we think is reasonable in the circumstances. There will be clear criteria for what they have to do to resolve the issue and they will continue to 'move</p>

	up the queue for their band’ so they have not ‘lost out’ whilst resolving the debt.
Qualification rule 8: Serious unacceptable behaviour	<p>This rule in the current policy is being amended to encourage customers to tackle any unacceptable behavior issues, or ASB issues before they will be able to be considered for an offer of social housing.</p> <p>For customers with a history of serious unacceptable behavior that has not been resolved when they apply to join the housing register it will continue to be the case that they cannot qualify for the register until they have resolved the problem to the satisfaction of Cumbria Choice. That is not a change from the current policy.</p> <p>However, it is proposed that customers presenting with more minor issues that are assessed as needing to be resolved will be allowed to qualify and will be banded for their assessed housing need. However, they will not be offered a property until they have resolved their behavior to a level that will give us confidence that they will be good tenants in the future.</p> <p>There will be clear criteria for what they have to do to resolve their behavior and they will continue to ‘move up the queue for their band’ so they have not ‘lost out’ whilst they resolve the problem.</p>

Policy Changes set out in the draft Policy A, B and C, pages 10 – 12 are described below.

1) We are making the rules clearer regarding when a direct letting outside of the choice based letting system will be allowed.

- a) Other examples include cases where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA), or presents a risk to themselves or others

2) We are proposing a penalty for applicants who refuse 3 reasonable offers in a 12-month period.

All applicants will continue to qualify for 3 reasonable offers in a 12-month period. If an applicant in the high need Bands A or B refuses 3 reasonable offers in that 12 months they will be 'downgraded' to Band C for 12 months. This is to stop applicants bidding for properties they are not committed to taking which has the consequence that properties take longer to let and cost the social housing landlord money in lost rent. The definition of a reasonable offer is clearly set out in the new policy.

3) We are setting out how we propose to give choice to registered customers who have a local connection with the local authority area where a vacant property is advertised whilst at the same time encouraging mobility across Cumbria

We want to encourage mobility by allowing everyone registered to be able to bid for most of the properties advertised regardless of whether they have a local connection with the local authority area where the property is vacant. There will be exceptions, for example where there is a new development under a section 106 Planning Agreement that requires tenants to have a close local connection.

However, to ensure that properties are prioritised for customers who have a local connection to the area where the property is advertised we intend in the first instance to shortlist customers who have bid and have a local connection to the Council area where the property is advertised. We think this is a fair process and protects areas of higher demand for residents who have a connection to an area, but at the same time encourages customers to be more mobile in contemplating moving across Cumbria as if no one with a local connection bids then the customer who has a connection to Cumbria but not to the particular Council area will then be considered for that property based on their band and date in band.

Table 2
Table 2 outlines proposed changes as described above, together with consultation responses received from the Board's consultation.

Change number	The changes we are thinking of making (Please read the explanation for the proposed change above and give us your views on whether you support the change or disagree).	1) Do you agree with the change that is proposed? 2) Do you have any other comments on the change that is proposed – All stakeholders who answered this question answered Yes.
1	We want to reduce the number of Bands from 5 to 3 (See explanatory note on P2 above)	Q1 - Do you agree Y/N – 13 = Yes, 3 = No Q2 – Any other comments General comments received:

		<ul style="list-style-type: none">• Would like an additional reduced preference band for ASB, arrears, no local connection and unreasonable refusal• It will make for a clearer process for applicants.• Concern that people who are non-Statutory Homeless, where a direct duty is not owed, are placed into Band C with everyone else. These clients can be particularly vulnerable and may some additional differentiation, particularly if the cumulative need rule is removed.• This will make the allocation to a Band easier and fairer.• This will make the Policy easier to understand for customers and partners administering the Housing Register.• The existing system works well, why change it?• We believe that a simplification of the scheme stands to benefit applicants. The retention of two priority bands will still permit a distinction between applicants with a high and urgent need for accommodation.• While we understand the motivation to simplify and to adopt more of a “waiting list” approach we think that there is a demonstrable need for this number of bands, and the negatives are outweighed by the positives• It will make for a clearer process
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		<ul style="list-style-type: none"> • Concern that those who are non-statutory Homeless, where a direct duty is not owed, are placed into Band C with everyone else. These clients can be particularly vulnerable and may need to be identified separately, particularly if the cumulative need rule is removed. • This will make the allocation to a Band easier and fairer.
2	<p>We intend to keep an ‘Open Register’ meaning anyone can apply to join the housing register (See explanatory note on P3 above)</p>	<p>Q1 - Do you agree Y/N - 15 = Yes, 1 = No Q2 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • Do not agree with this entirely • If you do not already have one, then may I suggest an Exclusions register as well (Internal use Only) to allow staff a quick reference check facility? • the Housing Register must remain an ‘Open Register’ as they enable anyone to apply for a property regardless of their circumstances. • We do not believe that the pressure on social housing is so great that there is a need to restrict those who can join the scheme. There are many genuine circumstances in which a person will require new accommodation but fall outside of the criteria for the new bands A and B. Such applicants

		<p>should be permitted to join the register and obtain properties not selected by those with a higher priority.</p> <ul style="list-style-type: none"> • See comments on attached policy (Allerdale attachment)
3	<p>We are adding to and amending the qualification rules for when a customer is able to join the Housing Register. Tell us if you agree with the rule or not and whether you would make any changes to it.</p>	<p>4 = Yes</p> <p>General comments received:</p> <ul style="list-style-type: none"> • In principle but believe that ASB tenants should be disqualified. • See comments on attached policy (Allerdale attachment)
3Q1	<p>Qualification rule 1 – Local Connection (See explanatory note on P4 above)</p>	<p>Q1 - Do you agree there should be a local connection qualification rule Y/N – 15= Yes.</p> <p>Q2 – If you agree there should be should a qualification rule for local connection do you prefer option A or option B (see details in notes above on page 4) – 8 = A, 7 = B</p> <p>General comments received:</p> <ul style="list-style-type: none"> • We would prefer option A as it better reflects the diverse family set ups of our clients where relationships can change but they still geographically need to be near family.

		<ul style="list-style-type: none"> • If you agree there should be should a qualification rule for local connection do you prefer option A or option B (see details in notes above on page 4) – I agree with Option 1 • Restrictive - See comments on attached policy (Allerdale attachment) <p>Q3 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • prefer option A mainly as I don't think the criteria should consider 'essential support' as the reason to wish to live close to family. I also think that 'essential support' will be difficult to define and require people to provide evidence which will create more work and time to assess people. • Cumbria has a super aging population and it is important to have vibrant mixed communities and encourage those who have permanent employment in the area. It should also include applicants with a permanent job offer in the locality. There should be an 'and/or' in the listing as otherwise it sounds like applicants must meet all criteria. • Who makes this decision – the Council or Cumbria Choice? Need to be clear.
3Q2	Qualification rule 2: The requirement to give permission to obtain and share an applicant's personal information	<p>Q1 - Do you agree Y/N – 15 = Yes</p> <p>Q2 – Any other comments</p>

	(See explanatory note on P4 above)	<p>General comments received:</p> <ul style="list-style-type: none"> • So long as you abide by the Data Protection Act. And the staff are bound by that. • We see no problems with this qualification, provided normal data protection rules are applied. • Very clear information needs to be provided as to the use of the information and why. • See feedback sent to Rebecca Boardley from James Dixon
3Q3	Qualification rule 3: Homeownership or legal interest in home ownership (See explanatory note on P4 and 5 above)	<p>Q1 - Do you agree that people who own their own home should not qualify for the higher bands A or B Y/N – 10= Yes, 5 = No Q2 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • I think there should be option B – people should be able to register but would qualify for band C unless there is evidence to support a higher banding. Whilst it would be easy to say that homeowners should not be able to register for social housing, I also believe that there are always exceptions to a rule based on circumstance and so these criteria should remain open to prevent people from ‘falling through the gaps’

		<ul style="list-style-type: none">• Should not be on the register.• The policy needs to be flexible enough to accommodate those who have had a relationship breakdown, neither party can afford to take on the property, and where there is no equity. Likewise, homeowners and applicants with own financial resources are often the only applicants interested in low demand sheltered schemes.• I believe A however this would need to be looked at on an individual basis ie. If someone is fleeing a violent relationship or has a physical disability/urgent health need where urgent rehousing is needed.• If person owns home and wants to move to social housing, it's possible it's because they can't cope – e.g mortgage arrears. They may be threatened with homelessness and need to be on upper bands.• This must include where the property is on the market. Until legally sold they still own and are not homeless• Should be dependent on social need.• Please see comments relating to DV victims who are homeowner• Unless there is Domestic Violence. However, consideration needs to be made for those who may own their home but are living in unsuitable accommodation and are unable to
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		<p>afford to put it right and/or they are unable to resolve their housing need for instance; disrepair/ disability and unable to adapt the property/ threats of violence/ experiencing ASB/ Harassment etc</p> <ul style="list-style-type: none">• The financial criteria could be based on lower quartile prices/rents set out in the Councils' Strategic Market Assessments (SHMA) so it can be determined whether an applicant can satisfy their housing need on the open market or not and then BMRA for rental. This could determine if 25% of income or over would be spent on rent costs if looking at a market rent.• We believe the proposals need to be amended to focus on whether the ownership/interest allows the applicant to house themselves. Applicants who can house themselves should be placed in Band C. Applicants that cannot do so should not suffer any penalty. <u>Proposal-</u> The rules should be amended to only exclude applicants who: Own or have a legal interest in a property; and Are, in practice, able to use their ownership/interest to house themselves.• In some instances, people own accom but the Courts will allow them to return – exclusion areas, child protection, DA cases - but they cannot sell accommodation. Where this is the case there could be a “by exception” rule• See attached draft policy document for any additional comments referenced to this (Allerdale)
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		<ul style="list-style-type: none"> • We feel that people should be able to register, and each case should be treated on its own merit. If there is very little equity in the home, or the home is unsuitable for the applicant's needs, or they are in financial hardship, there should be the discretion within the policy to accommodate those needs.
3Q4	<p>Qualification rule 4: Financial resources (See explanatory note on P5 above)</p>	<p>Q1 - Do you agree that people who have a certain level of income or savings should not qualify be able to qualify for the higher bands A or B Y/N - 12 = Yes, 3 = No</p> <p>General comments received:</p> <ul style="list-style-type: none"> • Depends on individual circumstances. • We feel that social housing offers a level of stability and right to tenure which all our clients should have access to should they need it. • We do agree with this change and (of the two options at page 21 of the draft policy) support Option 1. However, we some amendments are needed to ensure hardship is avoided. • See attached draft policy document for any additional comments referenced to this (Allerdale) • There should be discretion within the policy - We feel that this depends upon each individual circumstance. Including

		<p>the average house-price of the area requested, and the specific needs of the household need to be considered alongside the income/savings.</p> <ul style="list-style-type: none">• Agree if a person has the means to source their own alternative accommodation they should do this. There needs to be some support to help them to do this or they could end up hitting the homelessness services. <p>Q3 – If you have answered yes what do you think that the income or savings thresholds should be set at for non qualification?</p> <p>General comments received:</p> <ul style="list-style-type: none">• Full time minimum wage.• £16,000 savings (same as Universal Credit): £10-12k pretax income• Any thresholds need to consider the differences between LA areas and house prices/rental prices. For example, £25,000 may be a lot of money in Carlisle or parts of West Cumbria but it isn't a lot in parts of South Lakeland, Allerdale or Eden• Would need discussed and agreed at a strategic group to identify thresholds
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		<ul style="list-style-type: none">• This should be based on their ability through savings / income to acquire an appropriately sized property on the open market.• Income set at £24,000 and savings at £16,000• income or savings thresholds should be set at for non-qualification – a calculation based on local average incomes in relation to local average market rents which could be updated each year and a percentage such as 25 % of gross annual income could be applied ie if they earn over the average gross income for the area and if 25% of their gross income is less than the average market value rentals for the property size in the area they require, then they qualify• If you have answered yes what do you think that the income or savings thresholds should be set at for non-qualification £25000.00• We consider the example limits at page 20-21 of the draft policy as reasonable. Income levels of £45,000-£60,000 and accessible savings of £25,000 will exclude those who clearly have the ability to house themselves. At the same time these limits are high enough to ensure that those in genuine need are not excluded from the priority bands.• We think it is important to make this relative to the local housing cost. The amount of money required to rent privately or purchase a house varies widely across Cumbria.
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		<p>We do not think it is fair to penalise people who have perhaps lived in a more affluent area all their life who are then unable to afford to buy or rent. We feel that the threshold needs to be relative to the area being considered.</p> <ul style="list-style-type: none"> • Homeowners and applicants with own financial resources are often the only applicants interested in low demand properties and should not be penalized because they have savings. • All pensions and benefits should be exempt. All serving and retired Military personnel should be exempt. <p>Q2 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • We think it is important to make this relative to the local housing cost. The amount of money required to rent privately or purchase a house varies widely across Cumbria. We do not think it is fair to penalize people who have perhaps lived in a more affluent area all their life who are then unable to afford to buy or rent. I think the threshold needs to be relative to the area being considered. • Homeowners and applicants with own financial resources are often the only applicants interested in low demand sheltered schemes.
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		<ul style="list-style-type: none"> • All pensions and benefits should be exempt. All serving and retired Military personnel should be exempt. • social housing should be for those in housing need and if they have the means to resolve their housing need with their finances they should not be prioritized over those who are unable to afford to resolve their housing need and this must be balanced with the need to have resilient communities including those who have employment. • <i>Opposition to Option 2 in the draft policy</i> <p>We do not agree with the proposal to link the earnings limits to the Local Housing Allowance rates. Our first objection relates to the complexity of such a scheme. Each application would require the calculation of the applicant's relevant LHA rate, incorporate a multiplier and then compare with the applicant's income. This is likely to add time and costs to the running of the scheme, disadvantaging both applicants and landlords.</p> <p>Additionally, LHA rates differ depending on the number of bedrooms a household is classed as requiring. There are multiple rules that dictate when a household is/is not classed as needing a certain number of bedrooms. There is a likelihood that many applicants will seek to challenge the decision on the number of bedrooms. Dealing with those challenges will place further pressure on the scheme. The delays possible in concluding this, potentially lengthy, process means there is a real risk that qualifying applicants with urgent housing needs will be denied</p>
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		<p>access to the priority bands. Such applicants would be at risk of suffering severe hardship.</p> <p>Our second objection relates to the use of LHA rates as a fair indicator of the housing market in different areas of Cumbria. The LHA rates are set by government who can increase, decrease or freeze the rates arbitrarily. LHA rates are assessed yearly, but frequently do not keep pace with increases in private rents. From 2016 to 2020 the government froze LHA rates completely. This amounted to a real term cut in the rates at a time the cost of renting privately continued to increase.</p> <p>We believe these issues make it clear that LHA rates cannot be relied on to provide a proper indication of the market rates areas of Cumbria. There is already a disconnect between the LHA rates and the actual costs of renting in Cumbria. In the future there is the risk for this disconnect to increase further, depending on government policy.</p> <p><u>Proposal</u></p> <p>Amend the rules to:</p> <ul style="list-style-type: none">• Exclude assets that applicants , in practice, cannot use to house themselves.• Increase the income limits in cases of applicants with unusually large families. An alternative would be to provide a general exception for applicants who can demonstrate they cannot house themselves, despite their apparent income/assets.
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		<ul style="list-style-type: none"> • Consider merging this rule with Qualification Rule 3 • Considering simply the applicant's income or considering the household as a whole eg working partner/non dependents?
3Q5	<p>Qualification rule 5: Failure to Bid (See explanatory note on P5 above)</p>	<p>Q1 - Do you agree Y/N – 13 = Yes, 2 = No Q2 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • We feel there needs to be consideration for any exceptions, if someone can provide a reasonable explanation for a lack of bidding then there is the option to be able to reinstate their original banding • Clear notice of taking off register should be given at least 3 times by letter (many may not operate email themselves) • Those in priority need bands ie homeless and medical that haven't bid for say 6 months should have their priority removed. • Clients who are on remand or in Custody might be forced off the waiting list when they have genuine reason for not bidding. This should not be a blanket policy, but cases looked at on an individual basis.

		<ul style="list-style-type: none">• We believe that 12 months is a sufficient length of time to wait before it is sensible to assume the applicant no longer wants/needs social housing.• Applicants living in a rural area where turnover is very low may not have any suitable properties to bid on within a 12-month period if they want to remain in local area• See attached draft policy document for any additional comments referenced to this (Allerdale)• We feel there needs to be consideration for any exceptions, if someone is able to provide a reasonable explanation for a lack of bidding then there is the option to be able to reinstate their original banding - Clear notice of taking off register should be given at least 3 times by letter (many may not operate email themselves) - Those in priority need bands ie homeless and medical that haven't bid for say 6 months should have their priority removed. - Clients who are on remand or in Custody might be forced off the waiting list when they have genuine reason for not bidding. This should not be a blanket policy, but cases looked at on an individual basis.• Automated bids should be in place for those to whom the council have a statutory duty to provide housing. Areas of choice needs to be agreed and the additional preference only applied to the areas that are not deemed to be 'aspirational' moves but are like for like.
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3Q6	<p>Qualification rule 6: Fraud or giving False Information (See explanatory note on P5 above)</p>	<p>Q1 - Do you agree Y/N – 15 = Yes, 1 = No Q2 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • We would look for assurances that this could be reviewed within a timescale and/or appealed dependent on the circumstances which led to the individual making the fraudulent claim. • We believe exclusion for 12 months is a reasonable response to the deliberate giving of false information. The right to request a review of a prejudicial decision should permit genuine applicants to avoid being penalised. • However clearer guidance is required than is provided in the Note above – omission is not necessarily deception – online forms can be tricky to complete as they require prescriptive answers and there is a concern over lack of confidentiality when providing convictions. Additionally, when assisting people with applications we suggest the RSL contacts the “Probation Officer” to obtain unspent convictions, but this follow up may not be done at the application processing stage and potentially causes problems down the line • See attached draft policy document for any additional comments referenced to this (Allerdale)
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		<ul style="list-style-type: none"> • We would look for assurances that this could be reviewed within a timescale and/or appealed dependent upon the circumstances which led to the individual making the fraudulent claim. • This would need to be carefully monitored and investigated by a person not involved in the allocation of properties to ensure a fair and consistent approach is taken not simply a 'gut feeling' approach.
3Q7	<p>Qualification rule 7: Circumstances where an applicant has current or former social housing rent arrears or another relevant recoverable housing related debt (See explanatory note on P5 above)</p>	<p>Q1 - Do you agree Y/N – 11 = Yes, 4 = No Q2 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • Rent should be mandatorily paid from their benefit or wage to the social landlord by bank transfer. • Currently the policy states that 'tenants transferring within the Scheme will need to have a clear rent account (page 14) and a satisfactory property report. However, this may not necessarily be required if there is an urgent need for rehousing.' This needs to be kept in the policy to prevent applicants building up arrears and moving from partner to partner organization. • Apart from demonstrating they are clearing the previous rent arrears they need to be able to clearly show how they

		<p>intend to avoid a repeat situation should they be offered a new home.</p> <ul style="list-style-type: none">• Answered No providing the situation is strictly monitored.• Please see additional comments raised in email (copied at the end of questionnaire)• However, there cannot be a blanket rule Decisions of this nature should take into account how the debt arose in the first place and ability to pay the rent/housing costs. It should also not put people who are owed a homeless duty at a disadvantage. Would suggest that there needs to be evidence of action taken by the previous landlord such as possession action or debt action and efforts by both parties to resolve past debt. The issue should be more about showing commitment/ effort to address the debt rather than reducing debt by a specific figure as this could take someone an unrealistic length of time or may force them into further financial problems by prioritizing this debt over current commitments. Also the length of time since the debt should be taken into account, how far do we go back? Should we stop at a specific time frame ie 6 years which equates to the Statutory limits for general debt collection. This section needs a bit further clarity and consistency. Under point 1. In the section it mentions that applicants should have a regular payment record of 13 weeks or more and under c) a CCP assessing officer may decide that after a payment pattern of 8 weeks that an applicant may be able to bid. It should be clearer how applicants need to
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		<p>demonstrate exceptional circumstances and, rules around statutory homeless duties.</p> <ul style="list-style-type: none">• Please see additional comments raised at end.• We agree there is a place within any Allocations Policy for these provisions and we believe there is a need for transparency, clarity and guidance over what is meant by these terms. While we concur with the need to retain a degree of flexibility over their interpretation it is important that there is consistency of interpretation across organisations and for individual applications. We think it would therefore be helpful to define what is and what isn't meant by serious unacceptable behaviour and significant former rent arrears; what might be acceptable / not acceptable as mitigating evidence; and what evidence / behaviour is and isn't acceptable to demonstrate change.• See attached draft policy document for any additional comments referenced to this (Allerdale)• We believe that the explanation notes provided on p5 is insufficient and will lead to inconsistent decision making across organisations and with individual applicants.• Answered No providing the situation is strictly monitored.• We have some concerns over the reasonable test as this will differ from the RPs rental needs to the needs of the individual. For some people who are on a low income and
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		<p>have debt social housing is the only way to access accommodation as the PRS is not available to them. This could lead to those most vulnerable being either stuck in detrimental living conditions or in TA as they are unable to clear arrears.</p>
3Q8	<p>Qualification rule 8: Serious unacceptable behavior (See explanatory note on P6 above)</p>	<p>Q1 - Do you agree Y/N – 13 = Yes Q2 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • Very important that behavioral standards are upheld, otherwise social housing will become a ghetto as indeed some areas already are, where people don't want to live • Currently the policy states that 'tenants transferring within the Scheme will need to have a clear rent account (page 14) and a satisfactory property report. However, this may not necessarily be required if there is an urgent need for rehousing.' This needs to be kept in the policy to prevent applicants with a poor tenancy history moving from partner to partner organization. • We agree there should be more flexibility, but we would also like to see specific details about what is meant by 'resolved' and who will be included in decision making – e.g would Probation or support providers be consulted in relation to risk?

		<ul style="list-style-type: none">• Should not be considered as tenants.• concerns over decisions and can these be discussed with us to mitigate and provide suggestions case by case?• what is 'serious anti-social behaviour' - I would suggest that this can only happen where someone has been evicted due ASB or other court action taken by the previous landlord (ie there must be proven evidence of the ASB such as court order for possession or injunction action by the landlord/ police/ other organization or individual) – the proposal is to consider improved behaviour – how can the applicant prove or show that they have changed their behavior? How long is reasonable to consider this and what proof is required? Also if the ASB action was over 5 years ago is it still relevant? Most new tenants are given introductory or starter tenancies therefore any ASB which occurs during this time could be dealt before it expires or they can be given an extension. Under 3. E) meaningful engagement with support agencies should also consider cases where there is a package of support in place and also cases where the Local Authority has a statutory homeless duty that may link into support that can be provided.• It is clearly reasonable to impose penalties where there have been serious incidents of unacceptable behaviour. We believe the categories and examples of unacceptable behaviour set out on pages 28 and 29 of the draft policy successfully define unacceptable behaviour without being overly broad.
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		<ul style="list-style-type: none">• We do believe the proposals could be improved via the addition of a clearer separation between behaviour which will result in exclusion and behaviour which will prevent an applicant from bidding. At present there are no detailed rules or guidance setting out the distinction. We are concerned that a lack of a clear distinction will result in a lack of consistency between different decision makers. Additional challenges from tenants are also likely, arguing that their case should fall within the lessor category. <u>Proposal - Amend the rule to provide a framework or guidance as to when behaviour will merit a full exclusion and when behaviour will merit only a prohibition on bidding.</u>• We agree there is a place within any Allocations Policy for these provisions and we believe there is a need for transparency, clarity and guidance over what is meant by these terms. While we concur with the need to retain a degree of flexibility over their interpretation it is important that there is consistency of interpretation across organisations and for individual applications. We think it would therefore be helpful to define what is and what isn't meant by serious unacceptable behaviour and significant former rent arrears; what might be acceptable / not acceptable as mitigating evidence; and what evidence / behaviour is and isn't acceptable to demonstrate change.
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		<ul style="list-style-type: none"> • We believe that the explanation provided on p6 is insufficient and will lead to inconsistent decision making across organisations and with individual applicants. • See attached draft policy document for any additional comments referenced to this (Allerdale) • We agree there should be more flexibility, but we would also like to see specific details about what is meant by 'resolved' and who will be included in decision making – e.g would Probation or support providers be consulted in relation to risk? • Again the test is applied by the administrators of the policy which in SLDC is the largest social housing provider so there is a risk that the test is unfair and based on personal opinion and business view rather than fact and a real risk management basis to provide accommodation to those most vulnerable in our communities. • What will be the test for this – is it a comprehensive test across all applications or on a case by case basis by each provider? The criteria needs to be clear.
3Q9	<p>Qualification rule 9: CCP Tenants not assessed as Band A or Band B Housing Need and wanting to transfer should seek to do so through the Mutual Exchange Scheme (See explanatory note on P6 above)</p>	<p>Q1 - Do you agree Y/N – 14 = Yes 1 - No Q2 – Any other comments</p> <p>General comments received:</p>

		<ul style="list-style-type: none">• Mutual exchange should be only option• What does this mean? Cumbria choice partnership tenants cannot join register unless in A or B category and so those who do not have a 'need' for a move will have to use mutual exchange instead – 'right to move' considers move for work purposes –• There are good reasons an existing CCP tenant would want to move, but not have a housing need sufficient to merit placement in Bands A or B. Excluding such applicants may cause them hardship. Examples include: Overcrowded households that fall outside of the definitions in Bands A and B; Households under-occupying by one bedroom; Low income households moving to reduce travel costs; Households moving to take up employment and not covered by the definition of "employment hardship" in Band B.• We disagree that the costs involved in re-letting a property justifies the more restrictive stance. We believe an allocation scheme should primarily focus on the fair distribution of social housing rather than on a reducing in landlord's costs.• We do not agree that these issues can be adequately corrected via the mutual exchange scheme. This scheme is entirely dependent on a tenant with a suitable property
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		<p>being willing to move and to move to the applicant's area. Such factors can never be guaranteed.</p> <ul style="list-style-type: none"> • <u>Proposal</u> The rules should be amended to allow current CCP tenants to bid for properties in Band C. Alternatively, current CCP tenants could be permitted to bid in Band C if they can demonstrate a good reason for moving that falls outside of Bands A and B. • We think Mutual Exchange Scheme needs to much better promotion
4	<p>We want to make the rules clearer regarding when a direct letting outside of the choice based letting system will be allowed. (See explanatory note on P7 above)</p>	<p>Q1 - Do you agree Y/N - 15 = Yes Q2 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • Eden Housing Association do very few direct lets • this should be monitored and also who makes the decision regarding the direct let? • Additional clarity of when offers outside of the scheme will be made is beneficial to all parties. We consider the proposed rules wide enough to cover all the situations there a genuine need for a direct offer.

		<ul style="list-style-type: none"> • See attached draft policy document for any additional comments referenced to this (Allerdale) • All partners should have the ability to carry out direct lets when circumstances require it, i.e. urgent DA cases, County Lines moves etc. to ensure the safety of the applicant and their household. This should be the RP's and at the LA's request. • How will this work with the previous point of ASB and addressing behavior. Who will attend the MAPPAs meetings and agree to rehousing
5	<p>We are proposing a penalty for applicants who refuse 3 reasonable offers in a 12-month period. (See explanatory note on P8 above)</p>	<p>Q1 - Do you agree Y/N - 14 = Yes, 1= No Q2 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • Dependent on state of property at re-let • If there is not a reduced preference banding, there is no penalty for applicants that do this in a Band C • Unless women/men fleeing D/V to ensure the only housing options are not within the vicinity of where the perpetrator lives

		<ul style="list-style-type: none">• We would like to see more specific detail about an appeals system. Some vulnerable clients may not fully understand the process and refuse offers before support is in place?• it is important that people on the register are actively seeking a new home and in housing need otherwise it gives a misleading impression of housing need in the area and it means those in actual need may have to wait longer to be housed, it is also not best use of time of those involved in assessing applications and lettings• Amend the rule to permit applicants 6 refusals every 12 months before being subjected to penalties.• In principle agree - See attached draft policy document for any additional comments referenced to this (Allerdale)• However, this should take into account the following: The condition of the property at re-let, - If there is not a reduced preference banding there is no penalty for applicants that do this in a Band C - unless women/men fleeing D/V to ensure the only housing options are not within the vicinity of where the perpetrator lives - We would like to see more specific detail about an appeals system? Some vulnerable clients may not fully understand the process and refuse offers before support is in place• Are there going to be formal homeless offers made to applicants?
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6	<p>We are proposing to remove the ‘Cumulative Need’ rule from the Policy (See explanatory note on P8 above)</p>	<p>Q1 - Do you agree Y/N – 14 = Yes 1 = No Q2 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • We understand that the cumulative need process may be challenging to administer. However, as stated above, we are concerned that there is no ability to prioritise within Band C those who are non-statutory homeless. • We believe that the simplification of the banding system makes the cumulative need rules unnecessary. The current rules only permit promotion from Band C to Band B. The merging of these two 'lesser' priority bands eliminates the need for an additional method of moving between them • We think this one of the positives around having 5 Bands, so that applicants can move to Band B under cumulative need, but not to Band A
7	<p>We are setting out how we propose to give choice to registered customers who have a local connection with the local authority area where a vacant property is advertised whilst at the same time encouraging mobility across Cumbria (See explanatory note on P8 above)</p>	<p>Q1 - Do you agree Y/N – 12 = Yes, 3 = No This isn't very clear as to what it means. Q2 – Any other comments</p> <p>General comments received:</p> <ul style="list-style-type: none"> • Not in customer best interest, Dependent on age and need. • We must give some preference to applicants with a local connection to Eden as our most popular stock is in Penrith

		<p>and most of it is not covered by Section 106's. If this was not the case there may be a need for more LLP's to ensure that local people we able to be rehoused in their home town</p> <ul style="list-style-type: none">• We feel this will only be relevant in hard to let properties and will confuse people. Realistically clients without a local connection will be wasting a bid if they are bidding on popular properties and vulnerable clients may not understand this.• Individuals with local connections must be given first choice within their local area. This promotes community cohesion and avoids the negativity of new residents as being seen to be 'helicoptered in'. Rural areas may also be seen to be more idyllic but bring with them more specific challenges than urban areas eg transport, costs etc#• The wording is not clear as to what this means for the proposal and is ambiguous. The idea of the review is to ensure it is clear for customers to understand I don't think this ticks that box. Does it mean - anyone can apply for a vacant property irrespective of local connection but only those with a connection will be shortlisted/prioritized but if there are no such local persons the property can go to anyone that has a connection to Cumbria? Except properties with section 106s attached. – if this is the case I am inclined to agree because the register should be for those actively seeking accommodation as long as
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		<p>customers are aware of properties becoming available and know how to bid.</p> <ul style="list-style-type: none">• We believe the rule should be amended to permit applicants to be assessed as if they did have a local connection, in cases where the applicant: Needs to move outside of their local authority area; and Needs to move urgently.• See attached draft policy document for any additional comments referenced to this (Allerdale)• We must give some preference to applicants with a local connection to Eden as our most popular stock is in Penrith and most of it is not covered by Section 106's. If this was not the case there may be a need for more LLP's to ensure that local people we able to be rehoused in their home town• Individuals with local connections must be given first choice within their local area. This promotes community cohesion and avoids the negativity of new residents being seen to be 'shipped in'. Rural areas may also be seen to be more idyllic but bring with them more specific challenges than urban areas, i.e. lack of public transport, higher fuel/energy costs etc. which people may not be aware of who live outside of the area.• How does this work in cases where there is a duty to prevent or relive homelessness due to DA?
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8	<p>We intend to expanded criteria for when a customer will qualify for the statutory housing need bands A and B and have set out clearer criteria for when a band will be awarded to ensure assessments are always consistently applied.</p> <p>A number of changes are proposed to the banding system and these are out in the summary table below</p> <p>The changes are:</p> <ol style="list-style-type: none"> Clearer definitions used for when an applicant does or does not qualify Some changes to the circumstances when someone will be awarded Bands A or B to try and be fairer in the way we band different housing problems need group compared to another There are a small number of new housing need circumstances added to the banding groups A and B <p>Look at the proposed banding table below and answer these 3 questions.</p> <ol style="list-style-type: none"> Do you think the housing need circumstances we have listed for Band A are right? If not what would you change? Do you think the housing needs circumstances we have listed for Band B are right? If not what would you change? Are there any other housing circumstances you think may have been missed that should be added to the urgent of high housing needs bands A or B for example some key workers, or people leaving the armed forces? 	<p>Q1 - Do you think the housing need circumstances we have listed for Band A are right? If not what would you change? – 8 = Yes</p> <p>General comments received:</p> <ul style="list-style-type: none"> All except infection clause. In era of covid 19, everyone falls into this category and I do not believe an exception of another bedroom should be made. Band A severe overcrowding – We would opt for option 2 definition as gives more clarity on overcrowding. I agree housing need circumstances we have listed for Band A are right See full comments at the end. As we believe the 5 Bands should remain 8.1, 8.2, & 8.3 are difficult to answer. - However one element that stands out very clearly as anomalous and a little incongruent is the comparison of the situation of someone who is homeless, but not owed the full duty – for instance they are non-priority. (Under the proposed system they would be placed in Band B). However someone who is housed but who has no access to facilities listed in Band A: Unfit or unsatisfactory housing, would be placed in Band A, self-evidently – even if they were they to become homeless

		<p>they had no needs etc which would lead to them being owed the full duty.</p> <ul style="list-style-type: none"> • See attached draft policy document for any additional comments referenced to this (Allerdale) • All except infection clause. In era of covid 19, everyone falls into this category and I do not believe an exception of another bedroom should be made. • Band A severe overcrowding – We would opt for option 2 definition as gives more clarity on overcrowding <p>Q2 - Do you think the housing needs circumstances we have listed for Band B are right? If not what would you change? – 7 = Yes</p> <p>General comments received:</p> <ul style="list-style-type: none"> • Re: overcrowding, I would choose the second wording. • Band B Under occupation – Current policy awards preference to those who have 1 or more rooms left unoccupied, albeit in different bands depending on the number of rooms unoccupied. EHA award customers incentives to move to free up accommodation for those even in 2 bed moving to 1 bed which is causing hardship for them. Under the proposed new policy they would get no priority and fall into Band C and as an existing social housing tenant under qualification rule 9 would not be able to apply for an transfer.
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		<ul style="list-style-type: none"> • Band B Insecure accommodation arrangements – We would opt for Option 1, although this is only due to not understanding why we would offer a boost in their relevant date part, so this means we would change the effective date to 6 months earlier so that they go above other band B? is that right? Is this fair if someone for urgent medical need has been waiting the same time as this person but there have not been any suitable properties come up? • Band B - Overcrowded by 1 room I would chose alternative wording as clearer on this covers/means and is the same as Band A definition • Band B - Right to Move – Can these applicants not go into Band C, do we have to give a priority • I agree housing need circumstances we have listed for Band B are right • See attached draft policy document for any additional comments referenced to this (Allerdale) • Re: overcrowding, we would choose the second wording. <p>Band B Under occupation – Current policy awards preference to those who have 1 or more rooms left unoccupied, albeit in different bands depending on the number of rooms unoccupied. EHA award customers incentives to move to free up accommodation for those even in 2 bed moving to 1 bed</p>
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		<p>which is causing hardship for them. Under the proposed new policy they would get no priority and fall into Band C and as an existing social housing tenant under qualification rule 9 would not be able to apply for an transfer.</p> <ul style="list-style-type: none"> • Band B Insecure accommodation arrangements – We would opt for Option 1, although this is only due to not understanding why we would offer a boost in their relevant date part, so this means we would change the effective date to 6 months earlier so that they go above other band B? is that right? Is this fair if someone for urgent medical need has been waiting the same time as this person but there have not been any suitable properties come up? • Band B - Overcrowded by 1 room I would chose alternative wording as clearer on this covers/means and is the same as Band A definition • Band B - Right to Move – Can these applicants not go into Band C, do we have to give a priority <p>Q3 - Are there any other housing circumstances you think may have been missed that should be added to the urgent of high housing needs bands A or B for example some key workers, or people leaving the armed forces? – 3 = Yes, 2 = No</p> <p>General comments received:</p> <ul style="list-style-type: none"> • This is really useful and supports getting key workers into the area, however how do we measure the level of
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		<p>shortage? Would there be somewhere this could be pulled?</p> <ul style="list-style-type: none"> • You have included National Health Service Staff. You should also include Care Staff in this category. • This should take into account the Armed Forces Covenant signed up to by all the Local Authorities. What about bereaved widows of armed forces personnel? • Should also look at the key worker definitions as there seems to be quite a few missing. • See attached draft policy document for any additional comments referenced to this (Allerdale) • This could prove useful in attracting key workers into the area, however each LA needs to identify who would be a key worker in their district in order to make this work. A key worker in Eden could be classified as someone who works not only in the public sector, such as Police, nurses, teachers etc, but could also be agricultural workers, those in the hospitality trade (including center parcs employees) & seasonal workers, or those in the tourism industry. <p>Q4 – Any other comments</p> <p>General comments received:</p>
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		<ul style="list-style-type: none">• Band B: key workers – I would include only NHS staff who work on the frontline in hospitals• Band B: I would not include TA members.• There is no mention of the EU Settlement Scheme in the new policy. This is something to think about post Brexit as it may affect applicants eligibility for social housing.• We feel this is an opportunity to review policies regarding unspent convictions. It would be good to see that the policy ensures that decisions around convictions and risk are not based on blanket policies, and that there are safeguards so that decisions take into account the views of practitioners providing current or recent support around offending behavior and are not just made by Cumbria Choice officers in isolation. The same applies to issues relating to ASB• This review is also an opportunity to review the process or decision to ask for references. Obtaining references can be challenging for people who have lived an unsettled way of life/have experienced homelessness and there needs to be flexible approaches to thinking about an individual's suitability for accommodation.• As a retired serviceman, it might be considered biased of me to comment; however all service personnel have endured hardships over their careers and quite a few have been displaced to different areas of the country by the end
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		<p>date. I feel it only fair to provide some kind of incentive for the key workers and service personnel.</p> <ul style="list-style-type: none"> • All of this is dependent on past history, discretion in placements necessary next to owner occupiers. • See attached draft policy document for any additional comments referenced to this (Allerdale)

The proposed banding table and which housing need circumstances would qualify

<p>2: Exceptional impact cases.</p> <p>Applicants who currently occupy a private sector property which has at least one Category 1 Hazard (excluding overcrowding) under the Housing Health and Safety Rating System (HHSRS) and where a Prohibition Order has been served or is intended to be served under the Housing Act 2004 and the effect of the Prohibition Order is likely to mean that the applicant(s) will lose the use of their home on a permanent basis. The relevant conditions at the property must be life-threatening or present an immediate threat of serious injury to the occupant(s)</p>
<p>This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, <u>and</u> there is no prospect of the problems being remedied within a period considered to be reasonable by the Council and the household are not able to afford to resolve their own housing problem by moving to alternative private sector accommodation.</p>
<p>Note - this does not include Council or Housing Association homes as there is a legal requirement on social landlords to urgently remedy defects that pose a risk to their tenants please can this sentence be included in the policy for avoidance of doubt</p>
<p>Band A: Severe Overcrowding as defined as 2 bedrooms or more overcrowded</p>

Where an applicant household is severely overcrowded defined as requiring 2 or more additional bedrooms to reach the bedroom standard. In calculating the overcrowding the following circumstances will be disregarded unless there are exceptional circumstances:

- Children over the age of 16 will be excluded from the calculation WHY? Shouldn't it be 18+?
- Cases where extended family had moved into accommodation causing the 2 bedroom plus level of overcrowding
- Where the household contains non-dependent adults as there is more chance of non dependents being able to resolve their housing
- The CCP will take account of the space and layout of rooms and bedrooms in deciding whether the 2 bedroom plus priority will be awarded

Band A: Applicants nominated by Cumbria Adult Social Services/Children's Services in the following circumstances:

- Where there is an essential need to move due to child protection issues
- Fostering carers for Cumbria County Council where there is a need to move to a larger home in order to accommodate a looked after child (this would not apply where the home required would be 4 bedrooms or more)
- Adoption arrangements where there is a need to move to a larger home in order to accommodate a looked after child (this would not apply where the home required would be 4 bedrooms or more)
- Applicants owed a duty by Adult Social Services under the Care Act 2014 / Mental Health Act 1983/2007 who have been assessed by the housing team as being ready to move onto independent living and have an appropriate support package in place

Band A: Cumbria County Council Care Leavers (Former Relevant children) as defined by the Children (Leaving Care) Act 2000 and need to move on

Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002 and be a young person at risk of homelessness. The evidence to support this award will be provided by the council's leaving care service and will consist of confirmation that:

- a) All referrals by Children's Services will be made following the provision of Cumbria's Joint Protocol for young people
- b) The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living
- c) The care leaver possesses the life skills to manage a tenancy including managing a rent account.
- d) The care leaver has either long term or medium term tenancy support arranged, as required.
- e) Ongoing support needs have been assessed and, where appropriate, a support plan is in place and

f) The CCP assessing officer agrees that due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on their well-being

Note: If an application for housing is made before it has been determined by the CPP assessing officer that the individual is ready for independent living, taking into account information from the applicant's support worker and other agencies, the application will not have any bid considered until the support worker presents the evidence to the CPP that the individual is ready to move on and the CPP agree with that evidence.

Band B: Overcrowded by 1 bedroom

Applicant's living in overcrowded conditions and whose housing circumstances have been assessed as being 1 bedroom short of what they need as measured by the bedroom standard.

Or alternative wording

Where an applicant household is overcrowded by one bedroom as measured by the bedroom standard. In calculating the overcrowding the following circumstances will be disregarded unless there are exceptional circumstances:

➤ Children over the age of 16 will be excluded from the calculation why? Should it be 18+?

➤ Cases where extended family had moved into accommodation causing the 1 bedroom level of overcrowding

➤ Where the household contain non-dependent adults as there is more chance of non dependents being able to resolve their housing

The CPP will take account of the space and layout of rooms and bedrooms in deciding whether the 1 bedroom priority will be awarded

Band B Key Workers

1) National Health Service Staff

2) Community Support Officers

3) Members of the Territorial Army

4) Volunteer Fire Officers

Add any other comments you may have about the changes or if you run out of space to give your answers in the section above just write the number of the change here and give your answer

Additional Comments

Qualification rule 7 I feel needs to be looked at on a case by case basis. The process of recharging or 'another recoverable housing related debt' has blocked many a move for clients in the past. Again to the most part they could be fair charges?? But I am wondering about hoarding when it is now a classified mental health condition. **Should this just be classed as unacceptable behavior as in most cases it's not that straight forward**

CBL consultation comments/questions

Care Leavers' Protocol (pg 16)

This has been discussed for some time and, in some districts, we have a well developed draft. Feedback has been requested about whether the process that is outlined in this Protocol is acceptable to CBL partners. If this process (as outlined in the attached document) is acceptable, could this be referenced in the new guidance?

Page 16 – “ability to manage tenancy this is full accessed” or something along those lines. Who accesses this???

Section 2 (pg 19)

“Care Leavers below the age of 21 years who are owed a duty under section 23C of the Children Act 1989 by Cumbria County Council and have been looked after in accommodation outside of Cumbria.” Could this be extended to be in line with the Children’s Act so that those care leavers who are open to Children’s Service until they are 25 some care leavers who are in full-time education, they may not look to move back until they are 25 and may still have a PA working with them. Could we not extend the age range to 25?

Page 19 – wording to include maybe those care leavers in full time education or employment so that it covers them up to 25.

Page 25 – Debt limits are a little harsh, could it not be under £200 able to register and bid with proof that a plan is setup. The £200 to £1000 able to register and not bid, then anything over this is a no no. Just if you have someone who’s missed a month’s rent for whatever reason, if they’ve just started employment in supported and treated themselves rather than pay rent then they can’t bid on houses. But equally I suppose it’s a very definite structure and actually we do say that if they have rent arrears then there are circumstances etc.

Date of registration

Point of clarification: do we still encourage young people to register aged 16yrs, even though they are unable to bid until they are older?

How to Apply (pg 32)

Could something be included in this section re care leavers, linking to the Care Leavers' Protocol in terms of the process and setting out at what age is it suggested that young people register for CBL.

Page 38 – Grey area of worsening circumstances so that people can get a bigger house, hopefully common sense prevails so that if a family member returns to a family home that it's a positive reason for getting a bigger house etc.

Page 42 – I like the text and email idea of letting them know about properties

Section 4 (pg 47 – 50)

Care Leavers' Banding: currently care leavers are awarded a Band B on proof of their status; this is not mentioned in the draft guidance and we would want this to continue. Could a specific section on care leavers added to the Band B tables on pages 47 – 50, with reference be made to the forms that need to be completed, as per the draft Care Leavers' Protocol.

Page 49 – Universal credit isn't linked to amount of hours worked anymore it's about how much they earn. Just to keep in mind.

Page 51 - Is three bids a week enough for a band C person? If you've got people we're encouraging to bid and if they happy to live anywhere can this be looked at? Band A and B could still be limited or could this be staggered so that Band A is 3 bids, band B 5 bids, Band C unlimited 10 etc.

- There is no mention of the EU Settlement Scheme in the new policy. This is something to think about post Brexit as it may affect applicants eligibility for social housing.
- I believe that individual circumstances need taken into consideration for each application, especially if a person has been in a coercive and controlling relationship. Some of our Pause women are sent to prison, as they have been controlled to be involved in criminality by their partners, who has also made them accrue debts etc.

In respect to the below circumstances would travellers, (some of whom would not have access to some of the facilities listed), would they automatically go to band A, if they wanted to secure social housing?

There are 3 circumstances where Band A may be awarded:
1: Applicants without access at all to any of the following facilities:
No access to:
a) A bath or shower
b) A toilet
c) Cooking facilities
d) Running hot water supplies
e) Electric/gas needed for essential activities
Applicants who have access to shared facilities re cooking; bathroom and toilet will not qualify under these criteria.

Could consideration be given in relation to terminology being changed in the policy for care leavers? Could 'care experienced' be used instead?. Our Pause women nationally, prefer to have been known as the latter.

Copeland Comments

- Pg 14 - The RP will need to contact HOT for us to then send out the final offer letter. This needs to be a process that is adhered to every time by the RP as this affects our discharge duty. The new system will have to comply with this and make it obvious that HOT are involved.
- Pg 18 - My preferred option 2 for LC rules. I believe they should follow the homeless legislation
- Pg 20 - What happens when they are DV victims? We get a lot of DV home owners who just want to walk away. Can there be something in here that references DV victims?
- Pg 26 - I feel, DV victims need mentioned here. We always come up against barriers when DV victims are joint tenants and need to flee or move. Always expected to pay arrears in full before eligible. DV should trump arrears if high risk etc.
- Pg 27 - What does this constitute of? Can we have a clear list of what behaviours include.

- Pg 27 - One of the qualifying rules cannot be unreasonable, like we have seen in the past ie: 6 months positive history for a rough sleeper
- Pg 28 -Is this just the last p sector accommodation, or can the previous or historic arrears from p sector
- Pg 30 - Not unreasonable requests like 6 months positive tenancy history before they will be eligible
- Pg 34 - Can we have a definition of spent convictions?
- Pg 52 - HOT need to be kept in the loop if involving our clients. Certainly if they are going to be offered a property. We need contacted first.
- Pg 53 - I feel that there is still gaps here for skipping. Clarity is needed and homeless cases, HOT needs to be contacted before skipping to explain the reasons and to see if we can help in any way. This is still too vague for the RPs to skip.

Key worker list seems quite short – where is this definition? Will it not include police or teachers? Or is it just volunteers and NHS?

Citizens Advice Comments

3Q1 -

We do agree a local connection requirement could be implemented for the new bands A and B. We agree with the inclusion of the exemptions listed on page 18 and 19 of the draft policy. These are essential as a blanket ban would run the risk of causing severe hardship to applicants with special and unusual circumstances.

We believe the less restrictive provisions in Option A should be adopted. We suggest a slight change to the wording of Option A is needed – to incorporate self-employment into the criteria.

We disagree with the adoption of Option B. The more restrictive provisions are not necessary and will introduce a large amount of unnecessary complexity to the provisions.

The requirement that close family members be providing essential support appears particularly problematic. The notion of "essential support" is difficult to define exactly and will be open to subjective interpretations by both landlords and tenants.

As an example, page 18 of the draft policy state that helping to carry out a weekly shop would constitute low level support that would not be considered essential. However, a disabled applicant may be unable to obtain food without such assistance. They would almost certainly maintain that the support with their shopping is essential.

The adoption of Option B would inevitably lead to landlords being required to adjudicate on a large number of cases that do not fit neatly into the guidelines. Many applicants who are rejected will seek to challenge the decisions, adding further complexity and costs.

Some individuals may also misunderstand the rules and fail to apply, in circumstances where they would be assessed as having a connection. Other individuals may experience difficulties or delay in providing proof they meet the Option B conditions. Any applicant able to join the new Band A and B will be vulnerable and/or will have an urgent need to move. The placing of unnecessarily complex hurdles in front of those applicants carries the risk of causing them significant hardship.

Finally, we believe that the adoption of Option B would not achieve any significant advantages. We are unaware of any major problem currently being caused by applicants who would be excluded by Option B but not Option A. The adoption of Option B would, therefore, introduce complexities affecting a large number of applicants but would have only a small impact on the number of applicants actually permitted to join the new Bands A and B.

3Q7 - We do not agree with this change. There are several improvements present in the proposed changes, but we believe that multiple problems are also present.

Detailed response

Improvements over the previous policy

We support the proposal (at page 24 of the draft policy) to remove debts accrued in private tenancies from this category. Disputes with private landlords over alleged debts can be complex and difficult to properly determine. Such debts are better dealt with via the more flexible rules on unacceptable behaviour.

We agree with the proposal (also at page 24 of the draft policy) to exclude debts that are statute barred. Debts that have not been enforced for over 6 years should not factor into assessments of applicants. It is unlikely that debts this old can be fairly used to judge an applicant's current circumstances or ability to maintain a tenancy.

We support allowing applicants with debts of over £1,000 a possible method of being included on the register. We do believe there are still limitations to this policy and detail these points below.

We support the change from requiring full re-payment of a debt before bidding is permitted to requiring that the debt be "resolved". We agree it should be possible for applicants to be allowed to bid before clearing a debt in full. We believe some problems with this approach remain and detail these points below.

Problems with the approach to debts of over £1,000

We agree that social landlords will want to recover high debts owed by former tenants. We also understand that landlords will be reluctant to let properties to those that have accrued high debts in previous properties.

Despite this, we are concerned that the approach to applicants with high debts can be counterproductive and inconsistent with the approach adopted for other forms of unacceptable behaviour.

We frequently encounter applicants who have a low amount of disposable income and cannot clear a high debt within a short timeframe. As an example, an applicant with a debt of £1,700 and disposable income of £5.00 per week would take 6½ years to fully repay it.

A requirement that the debt be cleared in full disincentives such applicants from making any attempts at payment, as they have no real chance of achieving any benefit. This creates a risk that applicants will see their situation as hopeless, ignore the debt and seek housing in the private sector. Alternatively, they may feel forced to declare themselves insolvent. Neither course results in benefits for either landlords or applicants.

Not only does the current approach disincentive repayments. It is inconsistent with the approach taken to other forms of unacceptable behaviour. Applicants guilty of serious anti-social behaviour or guilty of fraud are all in principle able to be accepted onto the register and bid after only 12 months. Even an applicant that took 2-3 years to demonstrate a change in behaviour could be housed significantly faster than an indebted applicant. There is no equivalent in other forms of unacceptable behaviour to the open ended requirement to "resolve" a debt.

Indeed there is no requirement for applicants guilty of fraud/anti-social behaviour to have compensated their victims before being permitted to access the register.

Additionally, it is important to note that, unlike applicants excluded due to anti-social behaviour or fraud, many applicants with high debts will have no practical responsibility for the debt. Take for example, a debt resulting from damage caused by one tenant in a jointly rented property. In this situation the second joint tenant could not be held practically or morally responsible for the debt and may otherwise be an excellent tenant. Despite this, the second joint tenant faces tougher rules and a period of exclusion potentially much longer than an applicant directly responsible for anti-social behaviour or fraud.

We do not believe the current proposals go far enough to addressing these concerns. The ability for applicants with high debts to be permitted on the register after a 13 week payment arrangement is beneficial, but is undermined by the inability of applicants to then bid for housing.

We believe there needs to be a clear route for applicants with high debts to rehabilitate themselves within a reasonable timeframe. We believe this route needs to end with the applicant regaining the ability to bid and, to align with the approach to other unacceptable behaviour, should be able to be completed within 12 months.

We have included an example of an amended rule below:

1. Applicants with debts of £1,000+
 - a. Should be ineligible to join the register or bid, unless the circumstances surrounding the debt are exceptional and there is no real risk of future non-payment.
 - b. Ineligible applicants should be permitted to join the register (but not bid for properties) if they have maintained a payment arrangement for at least 13 weeks and have either:
 - i. Repaid at least £750; or
 - ii. Repaid at least 25% of their original debt
 - c. Applicants who satisfy b. above should be permitted to bid for properties if they can demonstrate evidence of rehabilitation.
 - d. Evidence of rehabilitation could include factors such as:
 - i. Maintaining a payment arrangement for a further 13-39 weeks;
 - ii. Demonstrating that the causes of the previous problems have been addressed.

Problems with the approach to debts of below £1,000

We accept that the concerns present with higher debts will also be present, to a lesser extent, with lower debts. Nevertheless, we believe the problems described above are more pronounced. Applicants can take several years to clear debts equivalent to only a few weeks/months' of rent. In practice the inability to bid for accommodation will often be just as damaging for vulnerable applicants than complete exclusion. Even a short delay to clear a very small debt could have severe consequences for an applicant in immediate need.

We note there is no equivalent sanction in the policy for other forms of unacceptable behaviour. For example there is no penalty for applicants guilty of minor anti-social behaviour.

The proposed change to allow an applicant to bid once the debt is "resolved" is beneficial, but does not go far enough to address these concerns.

We believe there should be a difference in approach to debts that are over/under £500. In our opinion preventing tenants with low or very low debts from bidding for any length of time will be disproportionate in almost all cases. This is especially where applicants have a good payment history in general with a debt resulting from a one off incident or problem (for example relating to Universal Credit or benefits reforms). We suggest that guidelines are added to set out situations where very low debts will not impact registration or banding at all. We also suggest the guidelines provide other applicants with lower debts an easier route to having the debt "resolved".

We note that there are currently no guidelines as to when a debt will be considered to be resolved. We believe that leaving this issue entirely to a discussion between the scheme and the creditor landlord will result in inconsistent decision making and a lack of transparency. This is particularly the case given that the same set of rules apply to debt of £9 and £900. Given the importance of determining when a debt is resolved, we suggest that clear guidelines are adopted.

We have included an example of an amended rule below:

1. Applicants with debts of £1-£499
 - a. Should be eligible to join the register and eligible to bid, unless the scheme has clear evidence of a future risk of non-payment.
 - b. Clear evidence of a future risk could include factors such as:
 - i. A long history of housing debt;

- ii. A long history of poor rent payments; and
 - iii. A long history of breached payment arrangements.
 - c. Where such evidence exists the applicant should be unable to bid until there is evidence of rehabilitation.
 - d. Evidence of rehabilitation could include factors such as:
 - i. Maintaining a payment arrangement for 1-8 weeks;
 - ii. Demonstrating that the causes of the previous problems have been addressed.
- 2. Applicants with debts of £500-£999
 - a. Should be eligible to join the register but ineligible to bid, unless the applicant can demonstrate there is no real risk of future non-payment.
 - b. Evidence there is a no real risk of future non-payment could include factors such as:
 - i. A history of not having housing debts;
 - ii. A history of regular rent payments; and
 - iii. A history of maintained payment arrangements.
 - c. Where no such evidence exists the applicant should be unable to bid until there is evidence of rehabilitation.
 - d. Evidence of rehabilitation could include factors such as:
 - i. Maintaining a payment arrangement for 8-26 weeks;
 - ii. Reducing the debt to below £500 (in which case the above rules would apply)
 - iii. Demonstrating that the causes of the previous problems have been addressed.

Approach to debts included in a form of insolvency

We disagree with the proposal (on page 27 of the draft policy) to continue to take into account debts cleared by a Debt Relief Order, Bankruptcy or IVA.

We note that a period of at least 12 months has to pass from the declaration of insolvency to the point a debt is cleared. Should an applicant maintain their finances for this period, there is strong evidence their previous problem have been resolved. Should an applicant fail to maintain their finances during this period, the new debt can be taken into account as normal. Therefore, we see no benefit of taking into account such debts at a later point.

Applications for insolvency inevitably occur during periods of serious financial hardship and extreme vulnerability. A decision to declare insolvency is never taken lightly and (particularly in the cases of Debt Relief Orders) generally can only occur after the taking of specialist advice. We believe that continuing to judge an applicant's suitability to be a tenant based on debts accrued during such periods is unfair. A focus on an applicant's behaviour in the 12 months following insolvency is a far better indicator of whether their financial problems are resolved or ongoing.

We note that a period of 12 months with no re-occurrence of problems permits applicants guilty of fraud or anti-social behaviour to be allocated housing. We are aware of no good reason why the approach should be harsher for applicants that have genuinely lost control over their finances before successfully addressing the problem.

We are also concerned about the lack of guidance as to when a debt cleared by insolvency will/will not be considered. Leaving this issue open creates a risk of inconsistent application by landlords, a lack of clarity in decision making and increased challenges by applicants. As a minimum we suggest clear guidance is added to identify when such debts will/will not be taken into account.

Concerns regarding overall approach

We suggest consideration is given to whether the focus of the policy should be on re-payment or resolution of a debt rather than on the risk (if any) of future non-payment.

We note that the primary risk to landlords taking on new tenants is the risk of non-payment of future financial obligations. The existence (or not) of an outstanding debt is not the best indicator of this and is highly dependent on an individual's circumstances.

This issue is particularly prevalent in cases when the debt is relatively low and set against a long history of good payments. We question whether there is a benefit to disadvantaging such tenants at all. Equally, we point out that a focus on re-payment favours those with financial resources, regardless of their actual payment history or future risk.

For example:

- Applicant A has a long history of rent arrears and late payments. They are in well paid employment and/or can raise a lump sum from family members.

- Applicant B has a long history of good payments but has accrued debt due to a one off event outside of their control. They are on a low income and can only afford low repayments.

In this example Applicant A is clearly the higher risk with Applicant B posing little or no risk to a future landlord. Despite this, Applicant A can clear the debt and gain the ability to bid within a few days or weeks. Applicant B may have to wait months or years.

We suggest that all or part of the qualification rule could be amended to focus on whether an applicant's history creates a risk of future non-payment, rather than simply on the existence of a current outstanding debt.

Proposal

We believe the rules should be amended to:

- a) Provide applicants with over £1,000 of debt a clear route to gain the ability to bid that can be completed within no more than 12 months.
- b) Provide rules or guidance as to when applicants with low debts can be admitted with no penalty and/or what will be considered to amount to resolution of such a debt.
- c) Provide clear guidelines as to when applicants with higher debt (but still less than £1,000) will be considered to have had their debts resolved.
- d) Remove debts included in insolvency procedures from consideration or (if this is not done) provide clear guidelines as to when such debts will/will not be taken into account after the 12 period of insolvency has ended.

Consideration should also be given to re-focusing the rule on the overall behaviour/risk of applicants rather than any debt currently outstanding.

8. Band A: exceptional impact cases

We disagree with the exclusion of overcrowding from this category. If overcrowding is severe enough to amount to a category 1 hazard and justify a prohibition order, it should allow a priority banding to be awarded.

We disagree that there should be blanket exclusion of Council and Housing Association properties from this provision. While it is much less likely that such landlord would fail to comply with their repairing obligations, the policy should be flexible enough to award priority in the event this does occur.

Band A and Band B: overcrowding

This section bases overcrowding on the "bedroom standard". We assume this is the non-statutory standard set out in the government's allocation of accommodation guidance.

We disagree with the proposal (at pages 45 and 49 of the draft policy) to exclude children over 16 and non-dependent adults from the calculation. This does not follow the government's guidance, which recommends a minimum standard of one bedroom for each:

- Married or cohabiting couple;
- Adult aged 21 years or more;
- Pair of adolescents aged 10-20 years of the same sex; and
- Pair of children aged under 10 years regardless of sex.

We do not agree with the argument that over 16s and non-dependant adults are fundamentally able to locate their own accommodation. 16-18 year olds are not normally able to obtain accommodation via the Cumbria Choice scheme or take on a private let. Non-dependants can face significant problems in locating their own accommodation. Problems can include lower incomes, lack of deposits for private lets etc.

The effect of the exclusions will be to artificially lower the number of people classed as living in a property. Applicants who are genuinely overcrowded would be denied priority as a result.

Band B: under-occupation

We disagree with the proposal (at pages 49-50 of the draft policy) to limit of this provision to those who are under-occupying by 2 or more bedrooms.

Under-occupancy by 1 bedroom still carries the potential to cause significant financial hardship for tenants. Tenants on lower incomes can be forced to spend significant percentages of their incomes on servicing 1 bedroom under-occupancy deductions. Such tenants are at increased risk of falling into rent arrears, accruing other debts, or being unable to pay essential bills.

We further note that the effect of Qualification Rule 9 (preventing existing CCP tenants without a Band A or Band B housing need from joining the register) combined with this provision will effectively trap tenants under-occupying by 1 bedroom. They will be unable to join the register and obtain a more affordable property.

Trapping tenants in properties they will struggle to afford will be both detrimental to them and be counterproductive for landlords. Such tenants are at much higher risk of accruing rent arrears and of being unable to re-pay any arrears rapidly. Landlords stand to incur significant losses in unpaid rent as well as in legal costs. Tenants stand to accrue significant debts and face re-possession from their home.

We do not believe the exception permitting a move from a house to a flat is sufficient to address this problem. This exception will not cover those under-occupying in flats, nor those that want/need to move to a house. Additionally, we do not see any fundamental reason why individuals seeking to move to smaller flats should be prioritised. The hardship caused by under-occupancy deductions makes no such distinction. We do not believe applicants should be denied access to the scheme for a seemingly arbitrary reason.

Proposal

Amend the banding rules to:

- a) Permit overcrowding under the HHSRS to allow applicants to qualify for Band A
- b) Align the method of calculating overcrowding to the governments guidance for the "bedroom standard"
- c) Permit applicants under-occupying by 1 bedroom to be placed in Band B.

Allerdale Comments

See attached for all comments and amendments relating to the feedback from Allerdale Borough Council in the draft policy.

Please note that we would expect to see the Duty to Cooperate legislation included in this policy.

<http://www.legislation.gov.uk/ukpga/1996/52/section/170>

<http://www.legislation.gov.uk/ukpga/1996/52/section/213>

Additional comment from OT: Single people whom are wheelchair dependent only usually want 1 bedroomed properties, so they don't have to pay bedroom tax. However 1 bedroomed bungalows that is wheelchair accessible for the person to easily move around in their wheelchair are limited and in many cases the individual always ends up looking for two bedroomed bungalows. Is there scope for an exemption with RPs to provide a two bedroom but only charge rent for a one bedroom property?

Eden DC –

Additional Comments

Qualification rule 7 - We feel this needs to be looked at on a case by case basis. The process of recharging or 'another recoverable housing related debt' has blocked many moves for clients in the past. We don't feel that hoarding when it is now a classified mental health condition. **Should this just be classed as unacceptable behavior as in most cases it's not that straight forward**

CBL consultation comments/questions

Care Leavers' Protocol (pg 16)

This has been discussed for some time and, in some districts, we have a well-developed draft. Feedback has been requested about whether the process that is outlined in this Protocol is acceptable to CBL partners. If this process (as outlined in the attached document) is acceptable, could this be referenced in the new guidance?

Page 16 – “ability to manage tenancy this is full accessed” or something along those lines. Who accesses this???

Section 2 (pg 19)

“Care Leavers below the age of 21 years who are owed a duty under section 23C of the Children Act 1989 by Cumbria County Council and have been looked after in accommodation outside of Cumbria.” Could this be extended to be in line with the Children's Act so that those care leavers who are open to Children's Service until they are 25 some care leavers who are in full-time education, they may not look to move back until they are 25 and may still have a PA working with them. Could we not extend the age range to 25?

Page 19 – wording to include maybe those care leavers in full time education or employment so that it covers them up to 25.

Page 25 – Debt limits are a little harsh, could it not be under £200 able to register and bid with proof that a plan is setup. The £200 to £1000 able to register and not bid, then anything over this is a no. Just if you have someone who's missed a month's rent for whatever reason, if

they've just started employment in supported and treated themselves rather than pay rent then they can't bid on houses. But equally I suppose it's a very definite structure and actually we do say that if they have rent arrears then there are circumstances etc.

Date of registration

Point of clarification: do we still encourage young people to register aged 16yrs, even though they are unable to bid until they are older?

How to Apply (pg 32)

Could something be included in this section re care leavers, linking to the Care Leavers' Protocol in terms of the process and setting out at what age is it suggested that young people register for CBL.

Page 38 – Grey area of worsening circumstances so that people can get a bigger house, hopefully common sense prevails so that if a family member returns to a family home that it's a positive reason for getting a bigger house etc.

Page 42 – I like the text and email idea of letting them know about properties

Section 4 (pg 47 – 50)

Care Leavers' Banding: currently care leavers are awarded a Band B on proof of their status; this is not mentioned in the draft guidance and we would want this to continue. Could a specific section on care leavers added to the Band B tables on pages 47 – 50, with reference be made to the forms that need to be completed, as per the draft Care Leavers' Protocol.

Page 49 – Universal credit isn't linked to amount of hours worked anymore it's about how much they earn. Just to keep in mind.

Page 51 - Is three bids a week enough for a band C person? If you've got people we're encouraging to bid and if they happy to live anywhere can this be looked at? Band A and B could still be limited or could this be staggered so that Band A is 3 bids, band B 5 bids, Band C unlimited 10 etc.

There is no mention of the EU Settlement Scheme in the new policy. This is something to think about post Brexit as it may affect applicants eligibility for social housing.

I believe that individual circumstances need taken into consideration for each application, especially if a person has been in a coercive and controlling relationship. Some of our Pause women are sent to prison, as they have been controlled to be involved in criminality by their partners, who has also made them accrue debts etc.

In respect to the below circumstances would travellers, (some of whom would not have access to some of the facilities listed), would they automatically go to band A, if they wanted to secure social housing?

There are 3 circumstances where Band A may be awarded:
1: Applicants without access at all to any of the following facilities:
No access to:
f) A bath or shower
g) A toilet
h) Cooking facilities
i) Running hot water supplies
j) Electric/gas needed for essential activities
Applicants who have access to shared facilities re cooking; bathroom and toilet will not qualify under these criteria.