

Conditional need band for allocation of accommodation

Owner Occupiers & Out of Borough (OOB) applicants

Access to social rented accommodation is at a premium in Bolton. Housing providers are experiencing significant levels of demand from out of borough (OOB) customers, while services in Bolton are often struggling to secure accommodation for households in Bolton who have a local connection with the area.

This is a common difficulty for a number of local boroughs. As such, Bolton has to consider how best to meet the needs of the residents of the borough itself, whilst also ensuring that customers from outside the area can access the accommodation opportunities that are available here and from where they are now living. A third band has been created below the high needs and general needs bands which will be named the conditional need band.

In addition, following a review of the way we allocate homes in Bolton, which included consultation with both customers and elected member representatives, customers who own their own home or own a home and choose not to reside there will also be placed in the conditional need band for accommodation.

General principles

Bolton Council operates a common housing register where allocations are made via a Choice Based Lettings scheme. This service works on the basis of customers expressing interest in suitable advertised properties. After the advert closing date customers will be shortlisted into 3 bands. Owner occupiers, customers who own their own home and choose not to reside there or a person living outside the local authority area, without an established local connection, will appear in the conditional need band ranked below the remaining 2 bands, high needs and general needs. The property will then be offered to the customer at the top of the list provided they meet the criteria for the property and are able to provide satisfactory references.

If customers are currently living outside the local authority area they may qualify for higher banding, into general need, if they can establish a local connection i.e.

- they have in the past 5 years been resident in the Bolton borough and that residence was of their own choice or
- they are employed here or
- they have family connections here or
- have other special circumstances they wish us to consider.

What arrangements are available to assist OOB customers

Whilst all customers will be able to access housing options advice & assistance, generally OOB customers will NOT be prioritised within the Find a Home Service. They may have similar access to Find a Home services (subject to the usual restrictions) as has any other applicant and may express an interest in suitable advertised homes. However prioritisation will depend on individual circumstances and is not a given.

It is also acknowledged that some applicants will be placed in supported or residential accommodation out of borough for a temporary period. Such an applicant's support worker or agency can request an OOB /Conditional Banding be reassessed to a higher band in the light of this information.

What if there is an emergency and the safety of a customer is paramount?

- In cases where there may be issues of violence or threat, customers will be referred to the appropriate agency for support.
- Where immediate place of safety is being requested (such as in cases of domestic violence), this will have to be considered on a case by case basis by the Homeless Welfare Team.
- If in doubt, contact can be made with the Homeless Welfare Office tel 335830

Often a local connection or lack of will be very apparent. The next section explains in more detail the circumstances that would establish whether or not there is a local connection. Where there is any dispute or uncertainty about this, contact can be made with the senior officers / managers at Find a Home Services

Those customers with a local connection will be considered as per normal procedure and moved from the conditional band into the general band. Those OOB cases with no local connection will remain in the conditional need band.

Local Connection definitions

The definition of what constitutes a local connection for the purpose of these guidance notes is largely drawn from homelessness guidance in relation to Part VII 1996 Housing Act (as amended by the 2002 Homelessness Act).

This provides that a person has a local connection with the district of a housing authority if he or she has a connection with it because:

- he or she is, or was in the past, normally resident there, and that residence is or was of his or her own choice; or
- he or she is employed there; or
- has family associations there; or
- has other special circumstances.

For the purposes of residence, the normal rule of thumb would be 6 months in the last 5 years.

With regard to employment the applicant should actually work in the district: it would not be sufficient that his or her employers' head office was located there, nor for the person to be just work-seeking.

For the purposes of family associations, this relates to parents, adult children or siblings. However, the Code of Guidance suggests that, in addition to the immediate family, this may include associations with other family members such as step-parents, grandparents, grandchildren, aunts or uncles provided there are sufficiently close links in the form of frequent contact or dependency. Also the general rule of thumb is that those associations should normally have been resident in Bolton for the previous 5 years.

Family associations may also extend to unmarried couples, provided that the relationship is sufficiently enduring, and to same sex couples.

With regard to special circumstances, these might include the need to be near special medical or support services which are available only in a particular district, though there would clearly need to be evidence of this and some kind of confirmation of receipt of that service.

Former asylum seekers have a local connection if he or she was (at any time) provided with accommodation there under s.95 of the *Immigration and Asylum Act 1999* ("s.95 accommodation") in that district unless they were subsequently provided with s.95 accommodation in a different area. Where a former asylum seeker has been provided with s.95 accommodation in more than one area, the local connection is with the area where such accommodation was last provided. A local connection with a district by virtue of an Immigration & Asylum placement does not override a local connection by virtue of another local connection reason. Thus, a former asylum seeker who has a local connection with a district because he or she was provided with accommodation there under s.95 may also have a local connection elsewhere for some other reason, for example, because of employment or family associations.

Risk of violence

Violence is defined as violence from another person or threats of violence from another person which are likely to be carried out. There is a distinction between actual violence and threatened violence, as well as its severity & likelihood of recurrence. Bolton Council must consider whether it is reasonable for a person to continue to occupy accommodation in these circumstances

It is also important to consider issues of intentionality where violence or threat has been the foreseeable consequence of some act or behaviour on the part of the person – for example engagement in criminal or anti-social behaviour themselves that has not unsurprisingly resulted in threat or violence. In such cases of culpability, whilst the threat cannot be ignored, there may be clear issues of intentionality and no duty to re-house. This may be particularly so when an applicant claims violence but has not & will not report to the Police due to themselves being implicated in criminal activity.