



Broxtowe  
Borough  
COUNCIL

# ALLOCATIONS POLICY

## Contents

1.0 Scope .....	3
2.0 Purpose .....	3
3.0 Aims and Objectives.....	3
4.0 Regulatory Code and Legal Framework.....	4
5.1 Definition of an ‘Allocation’ .....	4
5.2 Choice .....	5
5.3 Eligibility .....	5
5.4 Qualification .....	6
5.5 Types of applicant .....	8
5.6 Reasonable Preference.....	8
5.7 Additional Preference .....	9
5.8 Armed Forces.....	9
5.9 Care Leavers.....	9
5.10 Medical Assessments.....	10
5.11 Banding .....	10
5.12 Verification .....	17
5.13 Pre- tenancy checks and risk assessments .....	18
5.14 Application following end of fixed term tenancy.....	19
5.15 Independent Living accommodation.....	19
5.16 Larger Independent Living accommodation .....	19
5.17 Local Lettings Policies.....	19
5.18 Sensitive Allocations .....	20
5.19 Direct Allocations.....	20
5.20 Right to Move .....	21
5.21 Change of circumstances.....	21
5.22 Annual Review .....	21
5.23 Review of urgent applications .....	22
5.24 Application suspension.....	22
5.25 Application exclusion/Removal from the register.....	22
5.26 Right to Review .....	23
6.0 Related Policies, Procedures and Guidelines .....	24
7.0 Review .....	24
8.0 Appendix .....	25
9.0 Document History and Approval.....	25
Size and types of properties that applicants can bid for .....	26

## 1.0 Scope

This policy covers all properties for social rent or affordable rent allocated through the Broxtowe Borough Council's Choice Based Lettings (CBL) system called Homesearch.

Although homeless applicants will be allocated properties through the Homesearch system this policy does not set out the Council's approach to Homelessness. This is detailed in the South Nottinghamshire Homelessness and Rough Sleeping Strategy, which is shared with Gedling Borough Council and Rushcliffe Borough Council.

This policy does not cover allocations of social housing made by registered providers outside of the Homesearch system, mutual exchanges or temporary decants to another property.

## 2.0 Purpose

The purpose of the policy is to set out who can apply for social housing, how priority is given to different applicants and how the housing register is maintained.

This policy does not set out how applicants can apply to Homesearch or bid for properties. Full details can be found on the Homesearch website - [www.homesearch.org.uk/](http://www.homesearch.org.uk/) or by contacting a member of the Lettings Team at Broxtowe Borough Council.

## 3.0 Aims and Objectives

We aim to make the best use of the social housing stock in the Borough to meet the needs of residents. The aims of the policy are:

- To ensure that all regulatory and legal requirements are met
- To set out the requirements for considering eligibility and qualification
- To ensure that applicants are given choice
- To set out the categories of applicants who will be given reasonable preference
- To set out the categories of applicants who will be given additional preference
- To confirm when local lettings policies and direct lets may be used
- To set out a framework for reviews and appeals

## 4.0 Regulatory Code and Legal Framework

The 'Allocation of accommodation: guidance for local housing authorities in England' is statutory guidance issued in 2012 to local housing authorities in England under s169 of the Housing Act 1996. Housing Authorities are required to have regards to it in exercising their functions under Part 6 of the Housing Act 1996 and Localism Act 2011.

Additional guidance 'Providing social housing for local people' was issued in 2013 to assist housing authorities to make best use of the flexibilities within allocation legislation to better meet the needs of their local residents and their local communities.

S166A of Housing Act 1996 provides that authorities must have regard to their homelessness and tenancy strategies when framing their allocations scheme.

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 and the DLUHC Statutory Guidance – Right to Move (March 2015) apply where a local authority has introduced a local connection qualification within its lettings policy.

### 5.1 Definition of an 'Allocation'

Housing Act 1996, Part 6 states a housing authority allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation held by that authority
- Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
- Nominates a person to be an assured tenant of accommodation held by a Private Registered Provider

For the purpose of this policy an allocation will be considered to be a nomination if the property has been advertised and shortlisted through the Homesearch Choice Based Lettings system.

This applies to existing tenants if:

- The allocation is made at the tenants request
- The tenant has reasonable preference (as defined in this policy)

This policy and definition does not apply if the Council initiates a transfer for management purposes.

## 5.2 Choice

Broxtowe Borough Council is committed to enabling applicants to play an active role in choosing where they want to live whilst continuing to house those in greatest need and making the best use of the social housing stock in the Borough.

Through Homesearch applicants have a choice about where they wish to live, the type of accommodation they wish to occupy and who they wish to have as a landlord. The promotion of choice to applicants will help create sustainable tenancies and communities.

## 5.3 Eligibility

There are certain groups of people who are eligible for social housing. The eligibility provisions do not apply to applicants who are already secure, introductory or assured tenants of a private registered provider.

Accommodation will not be allocated to persons from abroad who are ineligible for housing if:

- They are subject to immigration control unless he or she comes within a class prescribed in regulations made by the Secretary of State
- They are to be treated as ineligible for an allocation of accommodation as prescribed in regulations made by the Secretary of State

The term 'person subject to immigration control' is defined in s13(2) of the Asylum and Immigration Act as a person who under the Immigration Act 1971 required leave to enter or remain in the United Kingdom (whether or not such leave has been given)

The following categories of people do not require leave to enter or remain in the UK:

- British citizens
- Certain Commonwealth citizens with a right to abode in the UK
- Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area with the UK which allows free movement
- EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law
- Persons who are exempt from immigration control under the Immigration Acts

All potential circumstances cannot be included in the policy. The UK Border Agency provides a service to housing services to confirm the Immigration Status of an applicant from abroad. If there is any uncertainty regarding eligibility, enquiries will be made before accepting an application

A joint tenancy, for two or more people, will not be granted if any of the applicants are ineligible. However, if one of the applicants is eligible then the tenancy may be offered to that applicant only. Ineligible family members may be taken into account in determining the size of accommodation which is allocated.

All applicants accepted by Broxtowe Borough Council as homeless will be eligible.

All applicants will sign a declaration to confirm that they are eligible for accommodation.

## **5.4 Qualification**

To join the housing register, applicants must:

1. Be aged over 18, unless due to the following exceptional circumstances:
  - Homeless young people to whom a duty is owed under Housing Act 1996, Part 7
  - Care Leavers with a recommendation from Children's Services
  - Teenage parents

Any tenancy granted to a person under the age of 18 will be held in trust for them by a responsible adult, appointed to act on their behalf

2. Have been a resident in the borough of Broxtowe for 3 out of the last 5 years, unless one of the exceptions below applies:
  - Members of armed forces who have been discharged within 5 years preceding the allocation of social housing
  - Bereaved spouses and civil partners of members of the armed forces leaving Services Family Accommodation following the death of their spouse or partner
  - Serving or former members of the Reserved Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service
  - Broxtowe Borough Council care leavers who have been placed outside of the borough
  - Applicants who are permanently employed in the Borough or have confirmation of a permanent job offer in the Borough. This includes those who are self-employed within the Borough. When applicants are self-employed, they must provide proof of their self-employment status. This can be in the form of tax returns, VAT registrations certificate or similar documentation relating to the business. The location of the business base will be considered.
  - Applicants who are survivors of domestic abuse who cannot return to their home or require rehousing away from their home due to fear of violence

- Applicants who are part of the UK Protected Persons Scheme (formally known as Witness Protection)
- Applicants that have support needs associated with their household and their housing needs cannot reasonably be met or provided outside of the Borough
- Applicants who provide care to people within the Borough and whose care needs are not able to be met in any other way, subject to the applicant meeting the other eligibility and qualification criteria.
- Applicants over the age of 60 who are applying for Independent Living accommodation (excluding bungalows). These applicants will be placed in Band 4.

Applicants will not qualify if they are not available to occupy accommodation, if they were to be offered a property. This includes prisoners and those in tied accommodation. In these circumstances applicants should reapply when their circumstances change.

If an applicant declares that they have a current or former financial interest in a property, a full review will be completed following the Application from Home Owners procedure to establish if they qualify. This includes those who have shared ownership of a property. Exceptions could include;

- Owner occupiers who live in conditions of disrepair or in unsuitable accommodation who are vulnerable due to age, long-term medical condition or disability and cannot resolve or adapt their property to make this suitable. Supporting evidence will be required.
- Owner occupiers who experience a change of circumstances so that their home is at risk. Applicants must have approached their local Housing Options Team or have received independent housing advice and their potential homelessness cannot be prevented
- Owner occupiers who cannot remain in their home due to safety concerns such as fleeing domestic abuse

Broxtowe Borough Council will take all the resources available to the applicant into account. Applicant who own or used to own a property and those with equity must declare any interests in land, property or equity that they have.

All applications will be reviewed on an individual basis considering the equity available, ability to resolve their own housing situation and if they are able to access or sell their property. Applicants who have an equity value of over half of the average property price (based on information from the Land Registry) in the Broxtowe Borough will be expected to resolve their own housing circumstances, unless mitigation applies. If the applicants home is outside the Broxtowe Borough, local connection criteria will be applied first. Home owners or those with a financial interest in property may be excluded following the completion of the review.

Home owners over the age of 60 who are applying for Independent Living accommodation only, excluding bungalows, will be exempt from review and will be placed in Band 4.

All applicants will sign a declaration to confirm that they qualify for accommodation.

## **5.5 Types of applicant**

*Single applicants* – The majority of these applicants will be those who want to live alone, but also includes those who want to live with others but not have a joint application. If a single applicant accepts a tenancy, the tenancy must be granted in their name only.

*Joint applicants* – Applicants who have a long term commitment to live together. If joint applicants accept a tenancy, the tenancy must be granted in the name of all of the joint applicants.

*Family applicants* – Applicants who have at least one dependant child (aged up to 18). This includes adopted and foster children. Applicants who are pregnant will be considered as family applicants as soon as their pregnancy has been confirmed.

*Applicants no longer wishing to apply jointly* – If applicants in a joint application no longer wish to apply jointly, separate applications can be made from the original joint application. Each application will be reassessed. If the applicant is awarded the same or lower band then the original registration date will be used. If they are awarded a higher band then the registration date will be the date that they are placed in the higher band.

## **5.6 Reasonable Preference**

Broxtowe Borough Council is required to give 'reasonable preference' to certain groups over other groups. These groups are:

- Applicants who are homeless (in accordance with Part 7 of the Housing Act 1996 as amended and extended by the Homelessness Act 2002) including those who are intentionally homeless and those who are not priority need
- People who are owed a duty by any housing authority under s190 (2) or 195 (5) of the Housing Act 1996 (or under s65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any housing authority under s192 (3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds
- People who need to move to a particular locality in the borough, where failure to meet that need would cause hardship (to themselves or others).

The Allocations Policy has been framed to ensure that the groups listed above have been given reasonable preference within the appropriate band.



## 5.7 Additional Preference

Housing authorities have the power to frame their allocation scheme to give additional preference to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing needs. All housing authorities must consider, in the light of local circumstances the need to give effect to this provision. People with urgent housing need include:

- Those who need to move urgently because of a life threatening illness or sudden disability
- Families in severe overcrowding which poses a serious health hazard
- Those who are homeless and require urgent re-housing as a result of violence or threats of violence, including those escaping domestic abuse

The Allocations Policy has been framed to ensure that groups with urgent housing need, including those listed above have been given additional preference within the appropriate band.

## 5.8 Armed Forces

Additional preference must also be given to:

- Former members of the Armed Forces
- Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- Serving or former members of the Reserved Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service

Additional preference will be given to these applicants by awarding the applicant one band higher than if their application was assessed solely on their other circumstances. For example, if an applicant is assessed as Band 3 but is a former member of the armed forces their application will be awarded Band 2.

## 5.9 Care Leavers

If an applicant is a care leaver then the local connection criteria specified in 5.4 is not applicable. The applicant will qualify if they have previously lived or been placed in local authority care within Nottinghamshire, not just the Borough of Broxtowe.

A care leaver will be given additional priority if they join the scheme and have not found accommodation that is suitable within 8 weeks, this is in accordance with the Nottinghamshire County Wide Care Leavers Protocol.

For any assessment that is completed with the applicant, the applicant must be accompanied by the Care Leaving Service.

## **5.10 Medical Assessments**

Officers will make assessments following the medical assessment procedure to ensure that the appropriate band is awarded. Applicants will be asked to provide supporting information from medical professionals who currently work with them.

If further guidance is needed, or conflicting information has been provided from medical professionals then the Council will make a referral to an independent specialist advisor.

If the Council has evidence or has witnessed that the property will be unsuitable for medical reasons, the offer of the property will be withdrawn. This includes offers that are unreasonable for the reasons of health and safety, such as those in an Independent Living where the only method of escape is by using a lift.

## **5.11 Banding**

Broxtowe Borough Council has a duty to offer choice and to ensure that the needs of reasonable preference and additional preference categories are met. The most appropriate way to achieve this is to operate a needs based banding system with bands arranged to reflect the level of housing need.

The current housing circumstances and needs of each applicant will be the determining factor in deciding which Band an applicant receives. Once placed in an appropriate band, applicants will be ordered within the band by date order so that priority within a band is given to the applicant with the earliest date.

If an applicant's circumstances reflect more than one of the situations in the bands, the situation in the highest band will be used. No additional priority is given if circumstances reflect more than one situation. However, if an applicant's circumstances reflect two distinctly different characteristics in the same band, that have no relation or impact to each other, the applicant will be awarded one band higher. If an applicant has more than one Band 1 criteria relevant to their application, they will be awarded a further 12 months waiting time. This will enable their applications to be further prioritised.

The banding process will ensure that applicants in the greatest need receive the most preference for re-housing. Once an applicant has been assessed and placed into a Band, the applicant will not move to another Band unless there is a change in the applicant's circumstances.

Broxtowe Borough Council has 4 application bands. Criteria for Bands 1, 2 3 and 4 are shown on the next pages..

## Band 1

<b>Urgent Medical Priority</b>	Applicants who have a permanent or chronic illness or disability and as a result of their condition are unable to continue to occupy their current accommodation. This includes both physical and mental health. An Occupational Therapy report will need to be provided to show that the property has been assessed and it cannot be adapted to meet their needs. The report also needs to advise of any adaptations required in their future rehousing.
<b>Hospital Discharge</b>	Applicants who are in hospital, or another care facility, who cannot return to their present accommodation, as it is considered no longer suitable/cannot be adapted  There must be specific recommendation, with supporting evidence, from the hospital/care facility and a detailed care/support package must be in place before the applicant is assessed in the band
<b>Demolition</b>	Applicants whose home is subject to demolition.
<b>Independent Living Stock Options (Broxtowe Borough Council only)</b>	Applicants who are affected by a scheme that is being de-designated and wish to be rehoused in Independent Living accommodation and the current accommodation is being demolished or re-purposed for a purpose that is no longer permanent social housing accommodation.
<b>Category 1 Hazards</b>	Applicants whose home has been assessed by the Council's Environmental Health Team as being subject to a category 1 hazard under the Housing Health and Safety Rating System which cannot be resolved whilst they are in occupation.
<b>Damp and Mould</b>	Applicants whose home has been assessed by the Council's Environmental Health Team or Housing Repairs Team as having a significant damp and mould problem which cannot be resolved whilst they are in occupation.
<b>Statutory Overcrowding</b>	Applicants whose current accommodation has been assessed as being statutorily overcrowded by an Environmental Health Officer. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property. The Council will also take into account bedroom standard criteria to assess if an household is overcrowded.
<b>Severe Under Occupation</b>	Tenants of one of the Homesearch partners whose current home is too large for the needs of their household by two or more bedrooms. The Council will use the bedroom standard criteria to assess if an household is under occupied.
<b>UK Protected Persons Scheme</b>	Applicants rehoused at the request of the UK Protected Persons Service (UKPPS), formally the National Witness Protection Scheme

<b>Homelessness – Main Duty</b>	Where the Council has accepted a main homelessness duty i.e. eligible for assistance, have a priority need and unintentionally homeless. Also for those where an applicant is owed the relief duty and would likely be owed the main duty if the relief duty were to end unsuccessfully.
<b>Care Leavers</b>	Care leavers will be placed in Band 1 if they have previously been in Band 2 in accordance with the Policy and Nottinghamshire County Wide Care Leavers Protocol and have not found suitable housing in 8 weeks.
<b>Families wishing to foster children</b>	Applicants that wish to be foster carers and adopters who are at a stage in the assessment process where the responsible adoption/fostering service is able to provide an in principle recommendation or where the applicants have been formally approved and their housing prevents them from being able to start or continue to provide foster care for a looked after child

## Band 2

<b>Homelessness – Prevention Duty</b>	Where an applicant with a local connection to the Council is owed a prevention duty, where all prevention measures have been exhausted and would likely be owed the main duty if both the prevention and relief duty were to end unsuccessfully.
<b>Harassment</b>	Applicants who are at risk in their current property because they are experiencing serious and sustained harassment, violence or threats of violence and likely to be owed the main housing duty if they were to make a formal homelessness declaration. This includes applicants fleeing domestic abuse.
<b>Succession</b>	Applicants who have succeeded a tenancy owned by one of the Homeseach partners but the property is unsuitable due to the size or adaptations.
<b>Care Leavers</b>	Applicants who are leaving care, in accordance with the Nottinghamshire County Wide Care Leavers Protocol.
<b>Move on from specialist and supported accommodation</b>	Applicants who are ready to move on to social housing from supported accommodation. Applicants will be awarded this category following confirmation from the accommodation or support provider that they are ready to move on and have the necessary skills to maintain an independent tenancy. Applicants must have local connection to the Broxtowe Borough in accordance with the guidance within the Policy, or, have been referred in to the accommodation by Broxtowe Borough Council’s Housing Options Team as a result of the applicant being threatened with homelessness. Applicants moving on from supported accommodation will have one offer of suitable accommodation.
<b>High Medical Priority</b>	Applicants or a member of their household who have a serious, lasting medical condition, illness or disability which is made worse by their current accommodation and as a result of their condition it is not reasonable to continue to occupy their current accommodation on a long term basis. This includes both physical and mental health. To meet this criteria, the property which the applicant is moving to must meet and resolve their housing needs. Medical evidence must be provided which shows details of the condition and how the condition is affected by their current housing circumstances. For example, if an applicant lives in a property with stairs has had a serious medical episode and now has lasting mobility issues, they would require a ground floor property due to concerns with stairs.
<b>Severe Overcrowding</b>	Applicants whose current accommodation is assessed as being two bedrooms short of the required number of bedrooms. The best use of all rooms in the house will be considered when calculating the number of bedrooms. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property. This will only be awarded where the main applicant is listed as the main tenant of their current

	property.
<b>Under Occupation</b>	Tenants of one of the Homesearch partners whose current home is too large for the needs of their household by one bedroom. The Council will use the bedroom standard criteria to assess if an household is under occupied.
<b>Independent Living Stock Options (Broxtowe Borough Council only)</b>	Applicants who are affected by a scheme that is being de-designated and wish to be rehoused in Independent Living accommodation, but the current accommodation is remaining as permanent tenanted accommodation.
<b>Unsuitable accommodation due to adaptations</b>	Tenants of one of the Homesearch partners whose current home is an adapted property but the adaptation is no longer required.
<b>High Welfare Need</b>	Applicants who experience hardship in their current accommodation and who need to move to improve their situation. This includes applicants who have suffered a traumatic incident in their home. Applicants that are placed in High Welfare Need require re-housing but the need is not considered to be an emergency, placing them at risk of immediate homelessness.

**Band 3**

<p><b>Homeless</b></p>	<p>This band will be awarded where an applicant is owed either a prevention or relief duty but where they would not be owed the main duty when the prevention and relief duty comes to an end because they have been assessed as likely to be:</p> <ul style="list-style-type: none"> <li>• Not in priority need and/or</li> <li>• Intentionally homeless and/or</li> <li>• Have refused an offer of suitable accommodation as discharge of the Council’s main duty, prevention or relief homelessness duties</li> </ul> <p>The banding will also be awarded to those applicants who are classed as part of “early interventions” within the homelessness process. This applies when an applicant is not threatened with homelessness within 56 days but is likely to be threatened with homelessness in the near future or where they have been served with a Section 21 Notice by their landlord and have not approached/do not wish to approach the Housing Options Team</p>
<p><b>Discharged Homeless Duty</b></p>	<p>Applicants who have been accepted as being owed a full housing duty following a homelessness application and who have declined an offer of accommodation which was considered by the Council to be a reasonable offer of accommodation suitable to the applicants needs</p> <p>For applicants who have had their homelessness duty discharged, this banding will remain unless there has been a material change in their circumstances which would warrant a new assessment.</p>
<p><b>Lodgers with dependent children</b></p>	<p>Applicants with dependent children, or who are pregnant and who are lodging with family or friends.</p>
<p><b>Lodgers who share facilities</b></p>	<p>Applicants who have to share facilities, such as a kitchen or bathroom, with another household who are not part of their immediate family</p>
<p><b>Moderate Medical Priority</b></p>	<p>Applicants whose household includes a person who has an illness or disability which is affected by their current accommodation and whose condition would benefit from alternative accommodation but a move is not essential. This includes both physical and mental health.</p>
<p><b>Overcrowding</b></p>	<p>Applicants whose current accommodation is assessed as being one bedroom short of the required number of bedrooms. The best use of all rooms in the house will be considered when calculating the number of bedrooms. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property. This will only be awarded where the main applicant is listed as the main tenant of their current property.</p>

<b>Welfare Need</b>	Applicants who experience hardship in their current accommodation and who need to move to improve their situation. This includes applicants suffering from financial hardship and applicants who need to move to be closer for specialist education, medical facilities or support.
<b>Employment</b>	Applicants who need to move to take up an offer of permanent employment.
<b>Reassessed Urgent Applicants</b>	If an applicant has previously been assessed in as a Band 1 or 2 but has not been bidding on suitable properties that have been available for them whilst they are in the urgent bands.

**Band 4**

<b>Applicants with no Housing Need</b>	Applicants who do not meet any of the criteria set out in Bands 1, 2 and 3
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## 5.12 Verification

All applicants will be required to provide information to enable their application to be processed, this includes:

- Identification which confirms the applicants current address
- Identification which confirms the applicants signature
- Proof of current tenancy status such as a tenancy agreement
- Details of previous five years accommodation, including addresses where the applicant was not the tenant
- Details of all household members
- Financial information, including any interest in property

Extra information or evidence will also be required from some applicants, including:

- Assessments made by professionals in support of application
- Proof of pregnancy
- Access to children and evidence of child benefit
- Details of convictions
- Information regarding additional support needs
- Landlord references, including any details of rent arrears
- Confirmation of circumstances regarding the Armed Forces

It is not possible to list every document that may be required. When an application is received it will be assessed by a member of the Lettings Team who will contact the applicant to request any additional supporting evidence. Applicants will only be accepted, awarded a band and allowed to bid once all evidence has been received. The registration date, for allocation purposes is the date that the application was activated following all verifications being completed.

If the applicant is assessed as potentially Band 1 or 2 then a full investigation will be completed as to whether the applicant can be accepted onto the list, this includes previous convictions or anti-social behaviour. If the applicant is assessed as Band 3 or 4 then they will be accepted onto the list and further checks will be completed before an offer of accommodation is made. This distinction has been made due to the level of work involved in completing checks and because applicants in Bands 3 and 4 are likely to be on the list for a longer period of time before an offer of a property is made.

An applicant who has current and/or former rent arrears will be accepted. When an offer of property is made the applicant will need to provide proof that a payment plan has been arranged and maintained for a minimum of 12 weeks. Partner landlords

may wish to include current and/or former arrears in the terms of their tenancy agreement. Broxtowe Borough Council will do this on all occasions.

Applicants with additional support needs will be supported and assisted to provide the necessary information.

Applicants will be asked to declare if they are a 'related party', these are applicants who are either:

- Staff of any of the partner registered providers
- Local Authority elected members
- Partner registered providers board members
- A relative of any of the above

Applications from related parties will be verified in the same way as other applicants but the banding and any offers of accommodation will be approved by the Head of Housing.

### **5.13 Pre- tenancy checks and risk assessments**

All offers of accommodation made through the Homesearch system will be provisional offers subject to pre-tenancy checks being completed. The purpose of the checks is to confirm that the applicant is eligible and qualifies for the scheme and has provided the necessary information to complete verification checks. Landlord references will also be taken at this time to confirm tenancy conduct and rent arrears. All pre-tenancy checks will be completed following the pre-tenancy checks procedure.

As part of pre-tenancy checks a risk assessment will be completed. It is important that the location and type of property is known as this informs the assessment. For this reason, the checks will be completed once a property has been provisional allocated. All risk assessments will be completed following the risk assessment procedure.

In certain situations, particularly when applicants are fleeing harassment, violence, threats of violence or domestic abuse, housing the applicant in certain areas of the Borough may pose or fail to alleviate the risks being fled. For allocations in these circumstances, professional advice may be sought and a risk assessment will take place, completed by the Council in conjunction with any relevant agency to determine suitability of potential allocations. For example, if an applicant is fleeing abuse or harassment, it will not be considered appropriate for them to be housed in the same area as they are fleeing, because this is unlikely to alleviate the risk of abuse or harassment.

There is no distance specified as safe within the Policy, but a distance greater than 5 miles or an area that has few if any ongoing links with the previous address, such as employment, family members or schooling, may be considered suitable as convention.

## **5.14 Application following end of fixed term tenancy**

If an applicant is applying to the Council following the end of a fixed term tenancy their application will be assessed on their individual circumstances as set out in 5.11.

## **5.15 Independent Living accommodation**

Properties that are designated as Independent Living will only be allocated to applicants over the age of 60 unless the applicant has a degree of disability that makes their present home unsuitable and who would benefit from the support available in Independent Living accommodation. This will be supported by documentation that shows that the applicant is in high rate (mobility/daily living) Personal Independence Payment.

Properties that are designated as Independent Living can be offered to those applicants who are under 60 if the property is difficult to let and the applicant is being placed through the Community Living Network or equivalent scheme.

The property advert will state if a property is designated as Independent Living.

## **5.16 Larger Independent Living accommodation**

Properties that are designated as Independent Living accommodation and are larger than one bedroom will be allocated to applicants over the age of 18 and will be allocated in accordance with household needs, such as disabilities, rather than whether they need the support available within Independent Living.

These larger units can be used to allow families with disabilities for instance. The relevant documentation and support from a Specialist Occupational Therapist will be required as necessary.

## **5.17 Local Lettings Policies**

Section 166A(6)(b) of the Housing Act 1996 enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of the Act.

This is particularly appropriate for new build schemes, large estates and areas with problems of anti-social behaviour. The Council's Guidance for the use of Local Lettings Policies, provides detailed information on the process and considerations.

For new build schemes, the Council will implement additional policy preference relating to local applicants and their connection to the area of the new build scheme. Relevant guidance for the individual scheme will be agreed using the Guidance for the use of Local Lettings Policies.

The Council will support registered providers to introduce local lettings policies where there is evidence for a need for a separate policy.

If a property will be allocated according to a local lettings policy, the advert will clearly state: 'Allocations will be made in accordance with a local lettings policy'

## **5.18 Sensitive Allocations**

On some occasions it is appropriate that an individual property is allocated sensitively. This would be applicable for one allocation, the same property would not be sensitively let every time it became void. In these cases, a Local Lettings Policy would be required.

An example of a sensitive allocation would be a property where the previous tenant had been evicted for anti-social behaviour and the needs of the immediate neighbours need to be considered.

Any properties let as a sensitive allocation must be approved by the Head of Housing and the advert will clearly state: 'Allocations will be made in accordance with sensitive allocations criteria'.

## **5.19 Direct Allocations**

It is expected that the majority of allocations will be made following the bidding process via Homesearch but there are some cases where it is necessary to make offers to applicants outside of these arrangements. There are three categories of direct allocations:

*Urgent housing management cases* – such cases are exceptional and an offer must be approved by the Head of Housing, each case will be considered in regards to its individual circumstances. A direct allocation will reflect the urgency of the issue that the tenant is experiencing, this can include issues regarding tenant welfare or property condition.

*Lower demand properties* – if a property has been advertised and shortlisted via Homesearch and the property has not been let, then the property can be offered directly to an applicant, in accordance with the Difficult to Let procedure. It is important to note that if direct offers are made by registered provider partners then the allocation is not subject to this policy. All offers made by Broxtowe Borough Council are subject to this policy. The Council may approach the Community Living Network with properties that are difficult to let to assist with the placing of applicants within difficult to let properties.

*Property Acquisitions* – in exceptional circumstances a property may be acquired to meet the need of an applicant on the waiting list for whom the Council does not currently own a suitable property or a suitable property is unlikely to become available through the homesearch scheme. In this circumstance approval for a direct let of the property will be approved by the Chief Executive in consultation with the Housing Portfolio Holder at the point of final approval to purchase.

## 5.20 Right to Move

The statutory guidance issued in connection with “Right To Move” states that a local authority should allocate a quota of properties each year for tenants under the “Right To Move”. The suggested quota is 1%. This is the quota that Broxtowe Borough Council will use. The quota is for lets, not adverts. Therefore, more than 1% of properties may be advertised with this criteria, if properties are not successfully let to ‘Right to Move’ applicants.

Every quarter, at least one property will be advertised as preference to applicants who meet the ‘Right to Move’ criteria. The advert will clearly state: ‘Allocations will be made in accordance with ‘Right to Move’ criteria. Priority will be given to applicants who meet these criteria.

Under the Right to Move legislation the Council has to disregard the local connection criteria for social housing tenants who need to move into the local authority area where the tenant has:

- Reasonable preference in order to avoid hardship, and
- Employment within the district, or has been offered employment within the district and has a genuine intention to take up the offer

## 5.21 Change of circumstances

Applicants must inform Broxtowe Borough Council of any change of circumstances. This can be done by telephone or in writing. The applicant may be asked to provide additional information or evidence. If this is required, the application will be suspended until the necessary documents have been provided.

An applicant’s banding may change. If the applicant is awarded the same or lower band then the original registration date will be used. If they are awarded a higher band then the registration date will be the date that they are placed in the higher band.

## 5.22 Annual Review

On the anniversary of their registration all applicants will receive a review letter or e-mail. This will ask the applicant to confirm that they wish to remain on the list and that there has not been a change in their circumstances since their application or last review.

If an applicant has not responded within 28 days of the date of their review letter then their application will be closed.

Applicants with additional support needs may be contacted differently, for example by telephone.

If the applicant’s circumstances have changed a review of their new circumstances will be completed. If the applicant is awarded a lower band, then the effective date

will remain as the original date. If the applicant is awarded a high band, then the effective date will be changed to the date of the completion of the review.

If an applicant has placed no bids in the year since the last review, and suitable properties have become available in that time, the Council will review the application and inform the applicant of the intention to close the application.

### **5.23 Review of urgent applications**

All applicants awarded Band 1 will be reviewed every 12 weeks. All applicants awarded Band 2 will be reviewed every 26 weeks.

The purpose of this review is to ensure that appropriate bids are being placed and to monitor any refusal reasons. Applicants will be given advice on how to increase the possibility of an offer of a property.

If an applicant is not placed a bid for 12 weeks and suitable properties have become available for them to bid on within that time, the application will be reviewed to see if further intervention for the team is necessary to assist or whether a review of the banding is appropriate.

If a review is undertaken and there is no suitable reason provided to explain why an applicant has not been bidding on available and suitable properties, the applicant should be reassessed into Band 3. The application can be reassessed and/or priority restored subject to appropriate assurances from the applicant being received or a further change in circumstances of the applicant

The Council will routinely place all applicants in Band 1 on Automatic Bidding, to ensure that a property is sourced as quickly as possible and the applicant does not miss out.

### **5.24 Application suspension**

If an applicant fails to respond, or refuses 3 offers of accommodation following placing a bid, then their application will be suspended for 6 months. The suspension of application procedure will be followed.

At the end of the suspension period, a review will be completed.

### **5.25 Application exclusion/Removal from the register**

An applicant will be excluded if following reassessment, the applicant is no longer eligible for housing.

An applicant will be excluded if an applicant no longer meets the qualifying criteria at any time from the point of registration, to the point of allocation.

An applicant will be removed if an offer of accommodation has been made, has been accepted and signed for by the applicant from the Council or a partner within the Homeseach scheme.

An applicant will be removed if the address that they are applying from changes, this change in circumstances will require a new application to be made.

If requested documentation is not provided within 21 days of it being requested, and an appropriate reason has not been provided, the application will be closed.

If an applicant fails to respond to communications from the Council within the specified time limit within the individual communication, the application will be closed. If a suitable reason is provided, the Council will consider reopening the application.

If an applicant displays conduct in a previous tenancy that is of cause for concern for Broxtowe Borough Council, the Council will consider whether exclusion from the register is appropriate. The following circumstances will be considered

- Where upon review, the applicant is a homeowner with significant equity in their home or former home to assist in resolving their own housing circumstances, in accordance with the Application from Homeowners Procedure
- Unacceptable behaviour, which would justify possession proceedings of a tenancy, this includes but is not limited to;
  - Anti-social behaviour
  - Criminal behaviour relating to the loss of previous accommodation
  - Perpetrating domestic abuse
  - Tenancy fraud, illegal subletting or abandonment of property
  - Violence or threats of violence or harassment of any staff or agents of the Council or its partners, previous landlords, the Police or any other statutory or voluntary agency
  - Any other conduct that shows the applicant to be unsuitable to be a tenant

The exclusion will only apply to the member(s) of the household who were considered to be participative in the unacceptable behaviour with other members of the family able to make separate applications subject to them meeting the qualification criteria of the Policy.

Exclusion from the register will last for 12 months. The exclusion of application procedure will be followed.

At the end of the exclusion period, a review will be completed to assess whether exclusion should still apply.

Applicants have the right to request a review of the decision to exclude them from the housing register.

## **5.26 Right to Review**

Housing authorities must inform applicants that they have the right to information about certain decisions and a right to review those decisions.

Applicants will be informed in writing of any decision:

- That they are ineligible for an allocation of accommodation under s106ZA(2) or (4)
- That they are not a qualifying person under s 106ZA(7)

Therefore if an application is not accepted following the guidance in sections 5.3 and 5.4 of this policy then the applicant must be informed in writing of the decision. If the applicant has additional support needs then other methods, such as telephone or visit should be used in addition to providing the information in writing.

If an applicant wants to request a review, it is expected that this will be received in writing within 21 days of the decision letter. In exceptional circumstances requests will be accepted via other methods or after 21 days.

Broxtowe Borough Council will complete the review within 28 days. The review will be completed by an officer senior to the officer who made the original decision.

## **6.0 Related Policies, Procedures and Guidelines**

This policy should be read in conjunction with the:

- South Nottinghamshire Homelessness Strategy
- Tenure Strategy
- Voids Management Policy
- People with additional support needs Policy
- Difficult to Let criteria
- Area Placements Procedure
- Advertising of properties procedure
- Annual review procedure
- Application from home owners procedure
- Direct lets procedure
- Medical assessment procedure
- Pre-tenancy checks procedure
- Sign-up procedure
- Suspension of application procedure
- Tenancy risk assessment procedure
- Transfer procedure
- Use of Autobids procedure

## **7.0 Review**

This policy will be reviewed every year to ensure that it meets current statutory guidance and legislation.

A full review will be completed every 3 years.



## 8.0 Appendix

Appendix 1 - Size and types of properties that applicants can bid for

## 9.0 Document History and Approval

<b>Date</b>	<b>Version</b>	<b>Committee Name</b>
Dec 2017	1	Housing Committee - Draft version for consultation
June 2018	2	Housing Committee – For approval
November 2019	3	Housing Committee – Review
November 2020	4	Housing Committee - Review
November 2021	5	Housing Committee - Review
November 2022	6	Cabinet

## Size and types of properties that applicants can bid for

	Single Person	Couple	Single/ Couple + 1 Child/ Pregnant	Single/ Couple + 2 Children	Single/ Couple + 3 or more children	Single person with overnight carer
Studio	x					
1 Bed Flat	x	x				
2 Bed Flat			x	x		x
3 Bed Flat				x		
1 Bed Maisonette	x	x				
2 Bed Maisonette			x	x		x
3 Bed Maisonette				x	x	
1 Bed House	x	x				
2 Bed House			x	x		
3 Bed House				x	x	
4+ Bed House					x	
1 Bed Bungalow	x	x				
2 Bed Bungalow			x	x		x
3 Bed Bungalow				x	x	

Properties that are designated for Independent Living will only be allocated to applicants over the age of 60 or applicants with a degree of disability that makes their present home unsuitable and who would benefit from the support available in Independent Living accommodation.

Where the applicant has access to their children, but whose main home is with the other parent or another carer, they will not be counted as permanent members of the household. This will need to be evidenced through the main applicant having proof of child benefit to show who is responsible for the main care of the children for housing purposes.

Families with children of the same sex where both children are aged under 16 may be allocated on the basis of the children sharing a bedroom

Families with children of the opposite sex where both children are aged under 16 may be allocated on the basis of the children sharing a bedroom, unless the older child is over 10

For a bedroom to be awarded for an overnight carer, a live-in carer is essential on a daily and continuing basis and a live-in carer has been identified and has moved in with the household or is ready to do so when accommodation is available and if the applicant were to claim housing benefit, the extra bedroom would be awarded, in conjunction with housing benefit regulations. Receipt of carers allowance alone does not mean that a live in carer is necessary. In all cases, regardless of whether or not the carer is in receipt of carer's allowance, it will be necessary for the applicant to provide evidence that they receive disability benefits commensurate with the need for a live in carer. If an additional bedroom is required for a carer, supporting evidence from an Occupational Therapy or Adult Social Care assessment will be required. A GP letter is not sufficient.