



# ALLOCATIONS POLICY

<b>Document title</b>	Allocations Policy
<b>Document version</b>	DRAFT
<b>Department</b>	Housing
<b>Title of Author</b>	Housing Operations Manager
<b>Date document approved</b>	
<b>Review cycle</b>	3 Yearly
<b>Date of next review</b>	31 March 2029

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## 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. Although homeless applicants will be allocated properties through the Choice Based Lettings 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.,

This policy does not cover allocations of social housing made by registered providers outside of the choice based lettings 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 the housing register or bid for properties. Full details can be found on the Broxtowe Borough Council Website [www.broxtowe.gov.uk](http://www.broxtowe.gov.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.

This policy has been written with specific regard to;

- The Domestic Abuse Act 2021
- The Allocation of Housing (Qualification Criteria for Armed Forces England) (Amendment) Regulations 2024
- Statutory Guidance 2025 – Improving access to social housing for victims of Domestic Abuse
- Statutory Guidance 2024 - Improving access to social housing for members of the Armed Forces
- Section 11 of The Children's Act 2004

This Policy is written with due consideration of:

- Reasonable preference
- Non digital routes for accessing choice-based lettings
- Support for tenants with vulnerabilities

We are publishing a free summary of this policy, and a full copy of this scheme will be available on our website.

Applicants can view information on waiting times via our Homechoice website  
This information will also be available in our twice-yearly tenant publication.

For residents without access to digital channels information will be displayed in the reception area and cascaded to relevant partner agencies

## 5.0 Allocation and Choice

### 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 Choice Based Lettings Choice Based Lettings system.

This applies to existing tenants if:

- The allocation is made at the tenant's 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 the choice based letting platform 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.

In rare circumstances, it may be necessary to suspend the advertising of available properties through the Choice Based Letting (banding) scheme. These circumstances may include in times of emergency or disaster.

Errors and incorrect information - The council will take all steps to ensure that any information published in adverts placed by ourselves is accurate and free from error. In the unlikely event that an error occurs the Council will ensure that applicants will not be negatively impacted in the event of any material error.

Adverts placed by our Choice Based Lettings Partners are subject to each individual

providers Allocations Policy.

Please refer to our website for a full list of current Choice Based Lettings Partners.

## **6.0 Joining the Housing Register**

### **6.1 Eligibility**

There are certain groups of people who are eligible for social housing. If an applicant is already a secure, introductory or assured tenant of a registered provider, including housing association and councils, these eligibility checks do not apply.

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.

## 6.2 Qualification

By law, a landlord cannot grant a tenancy to a person who is under the age of 18.

Accommodation allocated to a person under the age of 18 must be 'held in trust' for them by a responsible adult/legal guardian until the person is 18.

The trustee is required to act in their best interests. The responsible adult must be someone appointed to act on his or her behalf.

To join the housing register, applicants must:

1. Be aged over 18

Applicants aged under 18 can be accepted to the housing register under 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

Applicants who meet the above exceptional criteria will have a tenancy held in trust until they reach the age of 18.

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
- 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
- Care leavers aged under 25
- 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 or have been a victim of domestic abuse carried out by another person and who needs to move for reasons connected with that abuse
- Applicants from 'relevant persons' who fall within the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- Applicants who are part of the UK Protected Persons Scheme
- 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.
- Refugees who were dispersed to and are living within the borough and who have been granted leave to remain within the last six months
- Applicants who are moving on from supported accommodation outside of the borough who were referred by The Councils Housing Options Team

People in the following categories will **not** normally be considered as meeting the local connection residency criteria:-

- Those placed within the borough in temporary accommodation by another local authority exercising their homeless function except in cases of domestic abuse
- Those placed within the borough in residential or supported housing by a local authority or other agency

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.

Any applicants with £16,000 or more of savings will not be entitled to join the housing register, including any adult member of the household (Excluding applicants who are serving or former armed forces personnel who have savings exceeding this amount due to a compensatory payment due to injury in service.) 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, but is not limited to:

- Being named on a mortgage

- Being a joint owner and or having/owning a percentage share interest in 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. Applicants who own or used to own a property and those with equity must declare any interests in land, property or equity that they have.

Further information and guidance can be found in our Homeowners procedure

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 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. These applicants will be exempt from all other additional preference criteria. All applicants will sign a declaration to confirm they qualify for accommodation.

This policy will not operate to exclude someone who has reasonable preference unless lawful, prior to exclusion a full assessment of applicant circumstances will be carried out in line with suspension and exclusion of application procedure

In exceptional circumstances, applicants may be allowed to join the housing register if the usual qualification criteria does not apply. In these situations, this will be approved by the Assistant Director of Housing, in consultation with the Portfolio Holder for Housing.

### **6.3 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 dependent 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, 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.

## 6.4 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).
  - This would include, for example, a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education or training opportunity which would not be possible without residence within the borough.

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

## 6.5 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.

## 6.6 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 conditions 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.

When assessing applicants from members or former members of the armed forces the below documents will be accepted as evidence of service;

- HM Armed Forces Veteran Card
- Service Record (Including Certificate of Discharge or Statement of Service)
- Other documents may be considered such as:
  - Pension Documents
  - Unit discharge papers

- Official letters referencing service number, dates of service and identifying details

## **6.7 Care Leavers**

If an applicant is a care leaver aged under 25, then the local connection criteria specified in 5.4 is not applicable. Nottinghamshire Care leavers 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. Nottinghamshire Care Leavers will join the housing register in Band 2, this will be increased to Band 1 after 8 weeks if no suitable offer of accommodation has been made.

Care leavers who are not part of the Nottinghamshire County Wide Care Leaver Protocol will be placed in Band 3.

All Care Leavers will be placed on autobid to ensure that they are considered for all suitable properties.

A Care Leaver who refuses one offer of suitable accommodation will be placed into band 3.

Care leavers who have not lived independently will be considered for Supported Accommodation, an offer of unsupported accommodation via a tenancy with the Council will only be provided if appropriate.

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

Care Leavers who hold an existing tenancy will be placed in Band 3, this criteria does not apply to former Care Leavers over the age of 25.

## **6.8 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.

## 6.9 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.

Further information on how banding is assessed can be found in the Assessing and Reviewing Applications Procedure.

## Band 1

<b>Urgent Medical Priority</b>	<p>This band is reserved for the most severe cases, such as applicants who have significant difficulty or are unable to access essential facilities within their property and adaptations cannot be completed to resolve this problem.</p> <p>Applicants will not be awarded this band for a medical condition, however severe, if an applicant's present home does not affect their medical condition or their ability to live there</p> <p>Applicants will need to supply supporting evidence from medical professionals which detail how their condition impacts their current accommodation</p>
<b>Hospital Discharge</b>	<p>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</p> <p>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</p>
<b>Demolition</b>	<p>Applicants whose home is subject to a confirmed demolition date within 3 months. Applicants must provide supporting evidence.</p>
<b>Independent Living Stock Options (Broxtowe Borough Council only)</b>	<p>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.</p>
<b>Category 1 Hazards</b>	<p>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. This includes 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</p>
<b>Refuge - Those living temporarily in a refuge within the borough</b>	<p>Applicants living temporarily in a refuge based within the Borough, who are unable to return to their previous address due to Domestic Abuse.</p> <p>Applicants in this band will be placed on autobid and receive one suitable offer of accommodation, should this offer be refused, the applicant will be placed in Band 3</p>
<b>Statutory Overcrowding</b>	<p>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.</p>
<b>Severe Under Occupation</b>	<p>Tenants of Broxtowe Borough Council who's 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.</p>

<b>UK Protected Persons Scheme</b>	Applicants rehoused at the request of the UK Protected Persons Service (UKPPS)
<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 on the balance of probability be owed the main duty if the relief duty were to end unsuccessfully.
<b>Nottinghamshire Care Leavers</b>	Nottinghamshire 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 received a suitable offer of housing in 8 weeks. Applicants in this band will receive one suitable offer of accommodation, should this offer be refused, the applicant will be placed in Band 3
<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. This includes applicants who are special guardians or holders of a residence order.

**Band 2**

<b>Homelessness – Prevention Duty</b>	Where an applicant with a local connection to the Council is owed a prevention duty and has been assessed as in priority need and not intentionally homeless and 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>Refuge - Those living temporarily in a refuge outside of the borough</b>	Applicants living temporarily in a refuge outside of the borough, who are unable to return to their previous address due to Domestic Abuse. Applicants in this band will be placed on autobid and receive one suitable offer of accommodation, should this offer be refused, the application will be closed.
<b>Serious Harassment or Domestic Abuse</b>	Applicants who are experiencing serious harassment, domestic abuse or other threats of violence, where there is a serious risk of harm to a member of the household, if they were to stay in their current accommodation. Applicants in this band will not be offered a property in an area which has links to or is within 5 miles of their previous / current address Applicants in this band will be offered one suitable offer of accommodation, should this be refused applicants will be placed in Band 3
<b>Succession</b>	Applicants who have succeeded a tenancy owned by the Council but the property is unsuitable due to the size or adaptations. For applicants in this band with medical conditions assessment will be made in line with the assessment of application procedure All applicants will be offered one suitable offer of accommodation, applicants who refuse this offer will be placed in Band 3.
<b>Unauthorised Occupiers</b>	Occupiers in a Broxtowe Borough Council property after the death of a tenant or a tenancy termination, where that person has no right in law to succeed to the tenancy or applicants who are non-tenant occupiers residing in a Broxtowe Borough Council property. Applicants in this band will receive one suitable offer of accommodation, should this offer be refused the applicant will be placed in Band 3
<b>Nottinghamshire Care Leavers</b>	Applicants who are leaving care, in accordance with the Nottinghamshire County Wide Care Leavers Protocol. Applicants in this band will receive one suitable offer of accommodation, should this offer be refused the applicant will be placed in Band 3

<p><b>Move on from specialist and supported accommodation</b></p>	<p>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 independent tenancy.</p> <p>Applicants must evidence that they were referred to the accommodation by Broxtowe Borough Council's Housing Options Team as a result of the applicant being threatened with homelessness.</p> <p>Applicants moving on from supported accommodation will have one offer of suitable accommodation, applicants who refuse a suitable offer of accommodation shall be placed in Band 3</p>
<p><b>High Medical Priority</b></p>	<p>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.</p> <p>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.</p> <p>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.</p>
<p><b>Severe Overcrowding</b></p>	<p>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.</p>
<p><b>Under Occupation</b></p>	<p>Tenants of Broxtowe Borough Council, 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 a household is under occupied.</p>
<p><b>Independent Living Stock Options (Broxtowe Borough Council only)</b></p>	<p>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.</p>

<b>Unsuitable accommodation due to adaptations</b>	Tenants of one of Broxtowe Borough Council whose current home is an adapted property, but the adaptation is no longer required.
<b>High Welfare Need</b>	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. This includes applicants who have suffered a traumatic incident in their home, and applicants requiring consideration under joint working protocols such as MAPPA and applicants who experience hardship in their current accommodation and who need to move to improve their situation.

**Band 3**

<b>Homeless</b>	<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</p> <p>Applicants in this band must meet the qualification criteria set out in section 6.2 of this policy</p>
<b>Domestic Abuse</b>	<p>Applicants who need to move for reasons connected to domestic abuse, but a move is <b>not</b> essential for safety reasons. This includes applicants who are safe to remain in the same geographic location but require a move from their current address.</p> <p>Applicants who need to move due to a risk to their safety will be placed in Band 2 and not located in an area which has links to or within 5 miles of their previous / current address.</p>
<b>Discharged Homeless Duty</b>	<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>
<b>Care Leavers</b>	<p>Care leavers who are outside of the Nottinghamshire County Wide Care Leavers Protocol or care leavers who have refused a suitable offer of accommodation.</p>
<b>Lodgers with dependent children</b>	<p>Applicants with dependent children, or who are pregnant and who are lodging with family or friends.</p>
<b>Lodgers who share facilities</b>	<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>

<b>Moderate Medical Priority</b>	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.
<b>Overcrowding</b>	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.
<b>Moderate 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 access specialised medical treatment, or to take up a particular employment, education or training opportunity that would not be possible without residence within the borough. This category also includes applicants who fall within the Right to Move Regulations 2015
<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 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
<b>Deliberately worsening circumstances</b>	Where there is evidence that an applicant has worsened their circumstances by deliberately taking action or failing to take an action in order to qualify for higher housing need Band they will be placed in Band 4. This decision will be reviewed after a period of 12 months.

## 6.10 Verification

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

- Photo Identification
- Identification which confirms the applicant's current address
- Identification which confirms the applicant's signature
- Proof of current tenancy status such as a tenancy agreement
- Proof of address for the 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.

Once all information and supporting evidence is received 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.

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
- Local Authority staff
- 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 Assistant Director of Housing

## **7.0 Allocation of Property**

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

All offers of accommodation made through the Choice Based Lettings 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.

Applicants will be required to pay the first rent payment before signing the tenancy agreement. If an applicant does not make this payment when requested the offer of accommodation will be withdrawn. The Council will take into account any applicant vulnerabilities and support needs and provide signposting and support where required.

Applicants who are subject to the withdrawal of an offer of a property on 2 occasions will be suspended from the Housing Register for a period of 6 months in accordance with the Suspension and exclusion of application 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 provisionally 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 no ongoing links with the previous address, such as employment, transport, family members or schooling may be considered suitable.

## **7.2 Fraud**

Broxtowe Borough Council will require applicants to produce specified identification documents (including photographs) and may check the accuracy of information submitted in support of the application. This is to deter and detect fraud and ensure that housing is allocated to those who are entitled to it.

Where investigations identify that a housing fraud has been committed we will take appropriate and proportionate action which may include the following:

- Application for possession of any property obtained, retained or used fraudulently
- Recovery of any monies obtained as a result of the fraud e.g. rent obtained from subletting;
- Exclusion or, deferral from, or demotion on the waiting list for accommodation;
- Report to the Police for criminal investigations and action, or where applicable, conduct relevant investigations as potential prosecuting authority; and
- Offer advice and assistance to other victims of the fraud, for example a person who has unknowingly paid rent to a tenant who has unlawfully sub-let their council tenancy to them.

To deter those who may be considering committing a housing fraud we will publicise details of any actions we will take to counter fraud, details of cases where action has been taken and encourage members of the public to report fraud through all appropriate media and communication channels.

## **7.3 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. Any applicants identified that fit into this category will be subject to the joint approval the Housing Operations Manager and Income and Housing Manager, or an authorised deputy in the absence of either post holder.

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 would benefit from the Independent Living Service. Properties let under this section will be subject to the joint approval the Housing Operations Manager and Income and Housing Manager or an authorised deputy in the absence of either post holder.

Properties that are designated as Independent Living accommodation and are larger than one bedroom may be allocated to applicants aged under 60 and in accordance with household needs, such as disabilities, rather than whether they need the support available within Independent Living. Properties let under this section will be subject approval of both the Housing Operations Manager and Income and Housing Manager or an authorised deputy in the absence of either post holder.

These larger units can also be used to allow families with disabilities for instance.

Preference will be given to applicants requiring adaptations when advertising bungalows and adapted properties.

The property advert will state if a property is designated as Independent Living or if preference is given to applicants requiring an adapted property.

## **7.4 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.'

The Council's Guidance for the use of Local Lettings Policies provides further information and is available to download via our website

## 7.5 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 Assistant Director of Housing and the advert will clearly state: 'Allocations will be made in accordance with sensitive allocations criteria'.

## 7.6 Direct Allocations

It is expected that the majority of allocations will be made following the bidding process via the Council's Choice Based Lettings System, but there are some cases where it is necessary to make offers to applicants outside of these arrangements.

These circumstances include the below scenarios (this list is not exhaustive) :

- Urgent housing management cases, supported by evidence from The Tenancy Services Team or Independent Living Team
- Applicants with management recommendations who are occupants with no rights to statutory succession
- Exceptional or highly confidential cases, for example witness protection
- To discharge a legal duty by making a direct offer of a property for example in the case of a court order or in compliance with our homelessness duties
- In exceptional circumstances to assist the Council in discharging their homelessness duties and where that need cannot be met in the private rented sector, such as where there are medical, mobility or other support needs
- In respect of existing tenancies, for example a tenancy alteration to change a joint tenancy to a sole tenancy following the service of a Notice to Quit by one party or a Court Order
- Applicant's with specific needs - such as requirements for adapted properties; or properties suitable for tenants with high support needs
- Downsizing / Home Release Scheme – This enables social housing tenants who are under - occupying their home to move to a smaller or more appropriate social housing property

- In the event of an emergency or disaster that results in people being displaced from their homes within the Borough. Where it is demonstrated that an applicant is unable to return to his/her home, a direct offer of accommodation may be made in order to resolve the emergency/disaster.

The Direct allocations will be approved by the Assistant Director of Housing; the decision will be recorded as a delegated decision with overview by Democratic Services

*Lower demand properties* – if a property has been advertised and shortlisted via Choice Based Lettings 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.

These allocations are subject to approval by the Housing Operations Manager or nominated deputy as set out in the Difficult to let procedure.

*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 Choice Based Lettings 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.

## **7.7 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
- A relevant person has a need to move for the purpose of this Regulation if they are existing Social Housing Tenants without any other local connection to the borough who:-
  - A. Work in the district of the Local Housing Authority,
  - B. Have been offered work in the district of the local Housing Authority and
  - C. The Authority is satisfied that the relevant person has a genuine intention of taking up the offer of work.

The regulation does not apply if work is short term or marginal, ancillary to work in another district or voluntary.

For the purpose of this policy the hardship reasonable preference category referred to as Band 3 Moderate Welfare Need applies to relevant persons as defined by the 2015 Regulations.

## **8.0 Changes to applications**

### **8.1 Change of circumstances**

Applicants must inform Broxtowe Borough Council of any change of circumstances. 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.

### **8.2 Annual Review**

On the anniversary of their registration all applicants will receive a review request. 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 request 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.

### **8.3 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 by 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 who are owed a duty under Part 7 of the Housing Act 1996 on Automatic Bidding, to ensure that a property is sourced as quickly as possible and the applicant does not miss out.

Applicants can also be placed on Automatic Bidding at their request

## **8.4 Application suspension**

Applicants who fail to respond or refuse 2 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.

## **8.5 Closing Applications**

Applications will be closed in the following circumstances:

- An offer of accommodation has been accepted and signed for by the applicant from the Council, a Choice Based Lettings partner or by other means e.g. private tenure or owner occupation etc
- As a result of a re-assessment the applicant is no longer eligible for housing
- An applicant no longer meets the qualifying criteria at any time from the point of registration to the point of allocation
- The applicant does not reply to an offer letter, a review letter, or any other letter or contact made requesting a response
- Where identification, proof of any medical needs, proof of income, savings and other information in support of their application have not been provided within the requested time frame
- The applicant refuses two reasonable offers of accommodation
  - All bids placed by applicants via the Homechoice portal will be considered a reasonable offer
  - Bids placed by autobid will be reviewed on a case-by-case basis
- The applicant fails to bid at least once every year where there are suitable

properties available to bid

- The applicant completes a Right to Buy

The Council will take into account applicants' vulnerabilities and support needs before closing the application and contact will be made with any support networks listed prior to the application closure.

If an applicant supplies suitable reasons for non-contact the Council will consider reopening the application.

All applicants whose applications are closed will receive confirmation in writing and this will have the right to request a review of the decision within 28 days.

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

If an applicant displays conduct 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 equity in their home or former home to assist in resolving their own housing circumstances, in accordance with the Application from Homeowners Procedure
- Applicants or prospective members of their household who have engaged in behaviour, which is considered unacceptable to the Council, will not be qualifying persons. this includes but is not limited to;
  - Anti-social behaviour
  - Conduct that has resulted in any unspent criminal sanction, any Court Order, including civil Court Order being made against them that affects their suitability to be a tenant. For example, any possession order, criminal conviction or antisocial behaviour injunction
  - Perpetrating domestic abuse
  - Tenancy fraud, illegal subletting or abandonment of property
  - Financial behaviour such as benefit fraud or any other criminal offence of a similar nature
  - Unacceptable behaviour, including but not limited to non-payment of rent, antisocial behaviour or any behaviour that would be considered a breach of the terms and conditions of the Council's tenancy agreement. This includes any variation on those terms in future
  - 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
  - Where an applicant gives intentionally false information or gives false statements on any part of their application. If such information comes to the attention of The Council or one of the Choice Based Lettings partners after registration an applicant may be removed from the housing register, and legal action may be considered
  - Any other conduct that shows the applicant to be unsuitable to be a tenant

If persons are disqualified for reasons of their unacceptable behaviour, they will be able to re-apply or request a review as follows

Issue	Re-application period
Unacceptable Behaviour	Five years from the date of the unacceptable behaviour
Rent arrears	Below £500 – 12 months from the date of the original application or when account is cleared if earlier Above £500 – Two years from the date of the original application or when account is cleared
Non-disclosure or False Information	Five years from the date of the original Application
Criminal convictions	Applicants may apply after the conviction is spent
Multiple reasons	Periods will run simultaneously not consecutively

The disqualifications in this section include the past or present behaviour of the applicant and/or any member of the applicant’s household either at the time they are making the application for housing, or at any point before or during which they receive any offer of accommodation if their application is registered

On deciding whether an application is disqualified as a result of unacceptable behaviour the allocations team will undertake an assessment, which will take into account steps taken to address the behaviour.

Steps taken can include:

- Adhering to a payment plan for a minimum of 12 weeks to actively reduce the level of rent arrears.
- Demonstrable change of behaviour. Support needs will also need to be taken into consideration. In exceptional circumstances, the Council may waive or reduce the periods of disqualification referred to above.

The exclusion of application procedure will be followed.

At the end of the exclusion period, new applicants will be required to submit a new application for housing via the Choice Based Lettings website. Previous applicants will be required to complete an application update form to update their circumstances at the end of the exclusion period. The application date will be from the date the exclusion period expires

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

## 8.6 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.

## **9.0 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
- The Councils Guidance for the use of Local Lettings Policies
- Nottinghamshire County Wide Care Leaver Protocol
- Right to Move Regulations 2015
- Difficult to let criteria
- Area Placements procedure
- Reviewing applications procedure
- Advertising of properties procedure
- Annual review procedure
- Homeowners procedure
- Direct lets procedure
- Medical assessment procedure
- Pre-tenancy checks procedure
- Sign-up procedure
- Suspension and exclusion of application procedure
- Tenancy risk assessment procedure
- Transfer procedure
- Use of Autobids procedure

## 10.0 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.

## 11.0 Appendix

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

## 12.0 Document History and Approval

Date	Version	Committee Name
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
March 2023	7	Cabinet
16 July 24	8	Cabinet

## Appendix 1: 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.

- The bedroom standard is a separate bedroom is required for each
- married or cohabiting couple
- adult aged 21 years or more
- pair of adolescents age 10-20 years of the same sex

- pair of children aged under 10 years regardless of sex

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.

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