

# **ALLOCATION POLICY**

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# NEW FOREST DISTRICT COUNCIL: HOUSING ALLOCATION POLICY

## PART 1: INTRODUCTION

### 1. THE PURPOSE OF THE POLICY

1.1 The Housing Act 1996 (“the Act”) Part VI as amended by the Homelessness Act 2002 and the Localism Act 2011, requires all local authorities to have an allocation policy to determine the priorities and define the procedures that will be followed when allocating housing accommodation. This document sets out New Forest District Council’s (“the Council”) policy for the allocation of social housing accommodation in its district (“the Scheme”). The Scheme sets out details on how Applications will be assessed, processed and how decisions will be made.

1.2 In drafting the Scheme the Council has had regard to the following:

#### A. Statutes:

- (i) The Act;
- (ii) The Homelessness Act 2002
- (iii) The Housing Act 2004;
- (iv) The Equalities Act 2010;
- (v) The Localism Act 2011;
- (vi) Homelessness Reduction Act 2017.

#### B. Regulations:

- Allocation of Housing (Procedure) Regulation 1997, SI 199/483;
- Allocation of Housing (England) Regulations 2002; SI 2002/3264;
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294;
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012; SI 2012/1869;
- Housing Act 1996 (Additional Preference for Armed Forces) (Armed Forces) (England) Regulations 2012; SI 2012/2989
- Allocation for Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 SI 2015/967
- The Allocation of Housing and Homelessness (Eligibility) (England)(Amendment) Regulations 2018 SI 2018/730.
- The Allocation of Housing and Homelessness (Eligibility)(England)(Amendment) (EU Exit) Regulations 2019

C. Codes of Guidance:

- (i) Allocation of Accommodation: Guidance for Local Authorities for Local Housing Authorities in England (DCLG, 2012);
- (ii) Providing Social Housing for Local People: Statutory Guidance on Social Housing Allocations for Local Authorities in England (DCLG, December 2013);
- (iii) Right to Move: Statutory Guidance on Social Housing Allocations for Local Housing Authorities in England (DCLG, March 2015);
- (iv) Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or other Types of Temporary Accommodation (MHCLG, November 2018)
- (v) Homelessness Code of Guidance 2018.

D. Consultation outcome with Applicants, residents in the Council's district and all Private Registered Providers of Social Housing ("PRPSH") and registered social landlords ("RSL") with whom the Council has nomination rights.

E. the Council's Homelessness and Rough Sleeping Strategy and Tenancy Strategy

1.3 When drafting an allocation policy the Act requires that local authorities give reasonable preference to people with high levels of assessed housing need. The Act has determined that the following class of individuals should be given a reasonable preference. People who:

- are homeless (within the meaning of Part VII of the Act). This will include those who have been found to be homeless but not in priority need, who are owed the "Relief Duty" and who have been found to be intentionally homeless;
- are owed a duty by any local housing authority under ss.193(2), 192(2) or 195(2) (or under ss. 65(2) or 68(2) of the Housing Act 1985);
- are occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- need to move on medical or welfare grounds (including any grounds relating to disability); and
- need to move to a particular locality of the district of the authority, where failure to meet that need would cause hardship (to themselves or others).

This group is collectively known as the "Reasonable Preference Group".

## **2. AIMS AND OBJECTIVES OF THE SCHEME**

2.1 The Council will allocate housing in a fair and transparent manner with the aim of using its scarce housing resources appropriately, and in particular to enable it to meet:

- a. Its prevention and homelessness statutory duties;

- b. the housing needs of those that are most vulnerable; and
- c. its statutory obligations as set out in Part VI of the Act

2.2 The Council also aims to operate the Scheme so that it:

- (a) Gives Applicants as much choice as possible and helps to create and maintain sustainable local communities;
- (b) Promotes good standards of tenancy and financial management by tenants and prospective tenants and to assist in tackling anti-social behaviour; and
- (c) To provide incentives for residents in the Council's district to undertake paid work and make a positive contribution to the local community.

### **3 STATEMENT OF CHOICE**

3.1 The Council and its partner landlords are committed to giving Applicants for housing as much choice as possible as to where they wish to live. Under the Scheme, Applicants are normally able to apply for vacancies of individual properties which are advertised each week.

## **PART 2: THE SCHEME**

### **4 JOINING THE HOUSING REGISTER**

4.1 The Council operates a housing register ("the Register") which contains a list of people who have applied to the Council for housing. Anyone seeking social housing within the Council's district must make an Application to join the Register. This will normally be done by making an online Application on the Council's website. Only Applicants who are eligible and qualify for allocation of social housing will be able to join the Register.

4.2 All Applications to join the Register will be considered in accordance with the provisions of the Scheme as set out in the paragraphs below.

#### **4.3 Eligibility**

4.3.1 Certain people from abroad, including some subject to immigration control, are not eligible for an allocation of social housing. These are known as Restricted Persons. The government has set out those who are to be treated as ineligible for an allocation. For further details on eligibility, please refer to Appendix 2: Eligibility and Qualification at page 40.

#### **4.4 Qualifying Applicants**

4.4.1 Under the Act, the Council is entitled to set its own qualifying criteria to determine who should be considered for an allocation of housing.

4.4.2 Applicants will qualify to join the Register if they satisfy all 4 of the criteria listed below.

They:

- (a) Are Over 16 years of age<sup>1</sup>;
- (b) Are in Housing Need; in that the Applicant's housing circumstances fall within one of the Scheme's Bands (see paragraph 5.1 Housing Need Assessment )
- (c) Have been assessed as lacking the financial means to enable them to resolve their housing need; and
- (d) Have a local connection to the Council's district.

#### 4.5 Non Qualifying Applicants

4.5.1 Applicants who fall within the description of people below will not qualify to join the Register:

Applicants who:

- (a) Fail to meet the qualifying criteria at paragraph 4.4.2 above;
- (b) Are an owner-occupier (with the exception of those with a housing and assessed care need, who cannot resolve their own housing situation and have a need for extra-care or sheltered accommodation);
- (c) Have deliberately worsened their circumstances to enable them to qualify onto the Register; or
- (d) Are deemed to be guilty of unacceptable behaviour that is serious enough to make them unsuitable as tenants.

For further details of the qualifying criteria and non-qualifying Applicants, please refer to Appendix 2: Eligibility and Qualification at page 40.

#### 4.6 Decisions Following Assessment of Eligibility and Qualification

4.6.1 Where a decision is made that an Applicant is either not eligible or non-qualifying they will be notified in writing of that decision and of their right to request a review. (See paragraph 7.5 for details of the reviews process.)

## 5. PROCESSING APPLICATIONS

### 5.1 HOUSING NEED ASSESSMENT

5.1.1 The Council uses a banding system to prioritise Applications on the Register. The Scheme has 4 bands. With the exception as set out at paragraph 5.1.2 below, in order to qualify to join the Register an Applicant's Housing Need will have to fall within one of the Scheme's Bands.

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<sup>1</sup> Whilst Applicants aged 16 -17 will be able to join the Register, they will not be made an allocation of a property under the Scheme until they attain the age of 18.

5.1.2 Applicants, who satisfy a Rural Connection Band for a Rural Parish, will be assessed as being in Housing Need and are exempt from having to satisfy paragraph 5.1.1 above. Please refer to paragraph 5.5 Rural Connection Band.

5.1.3 The Scheme Bands:

The table below outlines in summary the criteria for each band:

<b>BAND</b>	<b>CRITERIA</b>
<b>Band 1 – Emergency Need for Housing</b>	<p>Applicants:</p> <ul style="list-style-type: none"> <li>(a) Who require a management move: where the applicant has been assessed as having an exceptional need to move by a Senior Officer.</li> <li>(b) Who have been assessed as having an urgent health and/or wellbeing need caused or substantially worsened by their home circumstances;</li> <li>(c) Whose accommodation has been assessed as being in a state of emergency disrepair and the hazards cannot be rectified within a reasonable timescale; or</li> <li>(d) Who need to move to escape violence or threats of violence, harassment or a traumatic event in the home.</li> </ul>



<p><b>Band 2. Serious Need for Housing</b></p>	<p>Applicants:</p> <ul style="list-style-type: none"> <li>(a) Who have been accepted as being owed the full housing duty under the Act and where discharge of duty cannot be achieved by a Private Rented Sector Offer of accommodation;</li> <li>(b) Who are existing social housing tenants under-occupying by 2 or more bedrooms;</li> <li>(c) Who are severely overcrowded (e.g they lack 2 or more bedrooms, or have 2 children who lack a bedroom, such as a single parent with 2 children, where at least one of the children is over the age of 1 in a 1 bed home);</li> <li>(d) Who have been assessed as having a high health and/or wellbeing need caused or substantially worsened by their home circumstance;</li> <li>(e) Who live in a home assessed as being in a state of high disrepair and the disrepair cannot be rectified within reasonable timescales; or</li> <li>(f) Who have been assessed as ready to move on from supported housing in the Council's district area.</li> </ul>
<p><b>Band 3 – Need for Housing</b></p>	<p>Applicants who:</p> <ul style="list-style-type: none"> <li>(a) Are overcrowded and lack 1 bedroom;</li> <li>(b) Have been assessed as having medium health and/or wellbeing need caused or substantially worsened by their home circumstances;</li> <li>(c) Are certain serving, or former serving members of the regular forces, or their spouse or civil partner;</li> <li>(d) Are homeless, to whom the Council owes a Relief or Prevention Duty under Part VII of the Act;</li> <li>(e) Who need to move under the Right to Move provisions;</li> <li>(f) Are existing social landlord tenants under-occupying their accommodation by 1 bedroom;</li> </ul>

<p><b>Band 3 – Need for Housing (continued)</b></p>	<ul style="list-style-type: none"> <li>(g) Have been assessed as not having a permanent home, or are at risk of becoming homeless and are not owed a duty under (d) above;</li> <li>(h) Have been accepted as being owed the full housing duty under Part VII of the Act and where it is possible to discharge duty with a Private Rented Sector Offer of accommodation; or</li> <li>(i) Are key workers where the Council identifies that there is a critical need for the key worker to be rehoused to ensure the availability of an essential public service for the New Forest community.</li> </ul>
<p><b>Band 4 – Lower Need for Housing</b></p>	<p>Applicants who:</p> <ul style="list-style-type: none"> <li>(a) Have been assessed as having a lower health and/or wellbeing need caused or substantially worsened by their home circumstances;</li> <li>(b) Share essential facilities such as a toilet, bath, shower or kitchen with other households or lack essential facilities;</li> <li>(c) Are households sharing with relatives or friends;</li> <li>(d) Are occupants living in supported accommodation who have not been assessed as ready for move on from supported housing in the Council's area.</li> <li>(j) Are assured shorthold tenants who do not have the financial means to purchase a property (see Appendix 2: Eligibility and Qualification); or</li> <li>(k) Have been assessed under Part VII of the Act as not in priority need or are intentionally homeless and are still statutory homeless at the point of offer.</li> </ul>

Further details of the Housing Need Assessment can be found at Appendix 3: Scheme Bands on page 45.

## **5.2 HOUSEHOLD**

5.2.1 The following individuals will form part of an Applicant's Household under the Scheme:

- The Applicant's Partner;
- The Applicant's children/dependants aged 35 and under with whom the Applicant resides or with whom the Applicant might reasonably be expected to reside.

5.2.2 In determining whether children/dependants can reasonably be expected to reside with the Applicant the Council will take into consideration the following factors:

- Access to other suitable accommodation;
- Previous, current and likely future living arrangements;
- Evidence of membership to the Household (including whether the Applicant is in receipt of relevant benefits for the child/dependant);
- The impact on scarce housing resources on providing the Applicant with additional bedrooms.

Whilst court orders will be taken into consideration, they will not be determinative.

5.2.3 Applicants, who the Council has accepted require a carer to live with them will be allowed to include the carer as a member of their Household. In deciding whether a carer is required to live with an Applicant, the following factors will be taken into consideration:

- Whether there is an established need for live-in 24 hour care;
- The availability of supported or extra-care housing which may meet the Applicant's care needs;
- The Applicant's current, and likely future, living arrangements;
- The impact on scarce housing resources on providing an additional bedroom to the Applicant.

## **5.3 THE BEDROOM NEED ASSESSMENT**

5.3.1 Following the Housing Need Assessment the Council will assess the number of bedrooms that an Applicant is entitled to by looking at the size and structure of the Applicant's Household as set out at paragraph 5.2 above. This will establish the Applicant's Bedroom Need and the size of property that the Applicant will be able to bid for.

5.3.2 The Council's Bedroom Need Assessment has been set in line with current regulations affecting bedroom entitlement for the purposes of the Local Housing Allowance and Housing Benefit. It also reflects the bedroom entitlement that will be used for the purpose of assessing the housing component associated with rental liability within Universal Credit.

5.3.3 The Scheme's Bedroom Need Assessment is set as follows:

<b>PROPERTY TYPE/SIZE</b>	<b>HOUSEHOLD</b>
Bedsit	Single Applicant
1 Bedroom	Single Applicant or Applicants living as a couple with no children
2 Bedrooms	Single Applicant, or Applicants living as a couple, with 1 child; or Single Applicant, or Applicants living as a couple, with 2 children of: (a) The same sex under 16 (b) Opposite sex under 10
3 Bedrooms	Single Applicant, or Applicants living as a couple with 2 children, with at least 1 of opposite sex over 10;  Single Applicant, or Applicants living as a couple, with 3 children or 4 children: (a) of the same sex under 16; (b) Two children of each sex under 16; or (c) of either sex all under 10
4 Bedrooms	Single Applicant, or Applicants living as a couple, with 5 or more children  Single Applicant or Applicants living as a couple, with 4 children where at least one of them is aged 10 and is of the opposite sex of the others or one of them is aged 16 or over.

5.3.4 Pregnant Applicants or those Households with a pregnant member will not have their bedroom requirement reviewed until the baby is born and a copy of the birth certificate for the child has been received.

5.3.5 The Council reserves the right to assess an Applicant as being entitled to more or less bedrooms, provided this does not result in an overcrowding hazard, where this will lead to the effective management of its housing stock or where the circumstances justify the adjustment. This may apply where an Applicant cannot share a bedroom with their Partner due to their disability.

5.3.6 If an Applicant has been recommended by Children's Services as suitable to foster or adopt one or more children, but requires additional bedroom(s) in order to be able to adopt or foster, the Applicant will be considered for an additional bedroom. When conducting the Bedroom Need Assessment for prospective foster carers or adopters who state that they need additional bedrooms for their application to foster or adopt to be successful, the Council will consider the risk that the application to foster or adopt may not be successful against the wider benefits which would be realised if a placement was successful. This may mean contacting Children's Services to

determine how the lack of the additional bedroom will affect the prospective carer's or adopter's application to foster or adopt.

## **5.4 BAND START DATE**

5.4.1 The Band Start Date records the date that an Applicant is deemed to have joined the Register. The Band Start Date will be determined as follows:

(a) New Applications:

The Band Start Date will be the date that the Application is processed and placed into a Band.

(b) Existing Applicants:

(i) If an existing Applicant's Housing Need has been re-assessed due to a change in circumstance, their Band Start Date will be as follows:

<b>REASSESSMENT OUTCOME</b>	<b>BAND START DATE</b>
Move into a higher band	Date of Re-assessment
Moved into a lower band	Retain original Band Start Date
Remain in same band (including for a different housing need)	Retain original Band Start Date

(ii) Transitional Arrangement: Applicants who were registered on the Council's Homeseach Allocation Scheme 2 prior to the adoption of the Scheme will be able to keep as their Band Start Date the date of their application under the Homeseach Allocation Scheme 2. Where there has been a change in their Housing Need since their original application under the Homeseach Allocation Scheme 2, their Housing Need will be re-assessed and a new Band Start Date given in accordance with paragraph 5.4.1 (b)(i) above.

5.4.2 Homeless Applicants who are owed the Full Housing Duty under the Act and are placed in Band 2 following the Housing Need Assessment will have the date the Council made the decision on the duty owed to them as their Band Start Date.

## **5.5 RURAL CONNECTION BAND**

5.5.1 Some of the Council's social housing is located in Rural Parishes. The Council believes these properties should be allocated so as to ensure that:

- Rural communities are supported in a sustainable way wherever possible; and
- People that are deemed to satisfy a Rural Connection Band to the Rural Parish are given priority in the allocation of vacancies.

5.5.2 Accordingly, Applicants who wish to be considered for an allocation of a property in a Rural Parish will need to satisfy one of the Rural Connection Band criteria as set out below. For a list of the Rural Parishes please refer to paragraph 5.6.3 (Areas of Choice).

<b>RURAL CONNECTION BAND</b>	<b>CRITERIA</b>
Band A	Applicants who live or are in Employment in the Rural Parish and have been so for longer than 10 years or who have lived in the Rural Parish for longer than 10 years previously or a designated key-worker performing an essential service for the Rural Parish community where there is an established need for the Applicant to be rehoused to maintain the service.
Band B	Applicants who live or are in Employment in the Rural Parish and have done so for longer than 5 years, or who have lived in the Rural Parish for more than 5 years within the last 15 years, or whose parents, siblings or adult children live in the Rural Parish and have done so for 10 years or longer.
Band C	Applicants who live or are in Employment in the Rural Parish and have done so for longer than 2 years, or who have lived in the Rural Parish for more than 2 years within the last 15 years or whose parents, siblings or adult children live in the Rural Parish and have done so for 5 years or more.

5.5.3 Applicants who do not satisfy any of the Rural Connection Band criteria will only be eligible for an allocation of a property in a Rural Parish in the circumstances set out at paragraph 6.2.1.4 (d).

5.5.4 Where an Applicant has been placed in temporary accommodation situated in a Rural Parish the time spent in the Rural Parish will not count towards satisfying a Rural Connection Band. However, if the Applicant has established a longstanding connection with the Rural Parish during their occupation and has made a significant contribution to the local community, then they may be considered to have a Rural Connection Band. Any decision to allow the time spent in temporary accommodation to be taken into consideration when assessing Rural Connection Band is reserved to a Senior Officer.

## 5.6 AREAS OF CHOICE

5.6.1 For administrative and management purposes, when Applicants join the Register they will be asked to stipulate which areas they would like to be housed in.

5.6.2 The areas listed below are available for selection by all Applicants on the Register:

AREA
Ashley
Blackfield and Langley
Calmore
Calshot
Dibden and Dibden Purlieu
Eling
Fawley
Fordingbridge
Holbury and Hardley
Hythe
Lymington
Marchwood
New Milton
Pennington
Ringwood
Totton
Walkford

5.6.3 The areas listed below are Rural Parishes. Please refer to paragraph 5.5 Rural Connection Band at pages 13 – 14.

RURAL PARISH	RURAL PARISH
Ashurst/Colbury	Minstead
Beaulieu	Netley Marsh/Woodlands
Boldre/Pilley/Norley Wood	Rockbourne
Brangore/Sopley	Sandleheath
Breamore	Sway
Brockenhurst	Whitsbury
Brook/Bramshaw	Woodgreen
Burley	
Copythorne/Bartley	
Damerham	
Denny Lodge	
East Boldre/East End	
Ellingham/Harbridge/lbsley	
Exbury/Lepe	
Godshill	
Hale	
Hordle	
Hyde	
Lyndhurst	
Martin	
Milford	

## **5.7 ACCEPTANCE ONTO THE REGISTER**

5.7.1 Once all information has been received from an Applicant, and where appropriate supporting agencies, the Applicant will be notified in writing of the following:

- Their Band Start Date;
- The Band in which their Application has been placed;
- Their reference number to be used for bidding;
- Their assessed Bedroom Need;
- A summary of the Scheme

5.7.2 If further information is required, the Applicant will be contacted in writing and will be asked to provide the information necessary to assess their Application. Any Applicant who does not provide the requested information within 28 days, or where the Application was made on-line, who fails to submit supporting documents within 28 days, will be assumed to no longer require housing and their Application will be treated as abandoned. Their Application will not be processed further.

## **6. THE CHOICE BASED ALLOCATION PROCESS**

### **6.1 MANAGING VACANCIES**

6.1.1 All vacancies will be let under the following choice-based allocation process unless they have specifically been excluded, please see paragraph 6.3 below.

6.1.2 Labelling Properties

6.1.2.1 The Council will set parameters on which type of Households can apply for vacancies. As part of the labelling process full details of each vacancy will be provided and will include the following:

- Type of property;
- Street location;
- Rent, and if appropriate, service charge payable;
- Access to the property (including wheelchair adapted);
- Landlord;
- Number of bedrooms and permitted numbers of occupants (with reference to the Bedroom Need Assessment);
- Specific requirements as specified by the landlord;
- Where appropriate, the Household type that will be given preference;
- Whether or not pets are allowed.

6.1.2.2 In addition to the above, other circumstances may apply which require particular labelling of properties, schemes or estates. The examples below are for illustrative purposes only and are not exhaustive:



- Where the Council is able to create vacancies within the affordable stock in its district which could increase the number of available homes, then properties may be labelled so that preference is given to Transfer Applicants.
- Where a property is adapted for disabled use or where it has been provided for a specific purpose, such as supported accommodation, it will be labelled for Applicants who require adapted or supported accommodation.
- Where a property is situated in an Age Restricted Scheme, it will be labelled for Applicants that satisfy the age restriction of the scheme.
- If there is a planning requirement for a scheme (ie s.106 agreements), vacancies in that scheme will be labelled according to the planning requirements. Similarly, if a scheme has been developed with a specific Applicant group then the labelling will reflect this.
- Where the vacancy is in a Rural Parish the labelling will require that the Applicant has been awarded a Rural Connection Band to the Rural Parish.
- If there is an established need for designated key-workers to be re-housed to ensure the availability of a critical public service within the Council's district area and a Senior Officer has determined that this need takes priority over other housing needs within the Council's district, the vacancy will be labelled to give key-workers who are able to provide that service a preference.
- If it is known that there are a large number of Applicants who are in Bands 1-2 or with a particular need for a vacancy, the labelling of the property may be more specific to reduce the number of Applicants who can bid for the vacancy.
- Where the Council is seeking to reduce the numbers of homeless Households in temporary accommodation, a vacancy may be labelled with a preference for those Households who have been accepted as homeless.
- Where sensitive allocations are required because of the needs of other vulnerable or elderly tenants, labelling may stipulate that the successful Applicant needs to be able to demonstrate that they will be able to manage a tenancy successfully.

### 6.1.3 Advertising

6.1.3.1 Unless excluded from the lettings process, all properties will be advertised to provide Applicants with the best possible chance of exercising choice. Applicants will find vacancies advertised on the Council's website. Where a property is for a specific Applicant group who require support contact may be made (as far as resources allow) to ensure that this group are able to bid for the vacancy.

6.1.3.2 The advert will be labelled as set out at paragraphs 6.1.2.1 and 6.1.2.2 above.

6.1.3.3 Each property will normally be advertised for a period of 5 days. Where a property has not attracted any bids and/or bids from Applicants that satisfy the labelling criteria for the vacancy, it may be re-advertised to increase the number of Applicants who can bid for the vacancy.

#### 6.1.4 Applying for Vacancies

6.1.4.1 Interested Applicants will be able to bid for a vacancy electronically by placing a bid via their Council website account before the advert expiry date. Applicants are entitled to bid for a maximum of 3 vacancies each week.

#### 6.1.5 Assisted Bidding

6.1.5.1 Where an Applicant requires assistance in bidding for vacancies, because the Applicant is vulnerable or where there is a language barrier, then the Housing Options team may assist the Applicant to bid for vacancies or refer the Applicant to an agency that will be able to assist the Applicant to do so. Applicants will be asked during the application process if they require assistance and if they wish the Housing Options team to manage their bids on their behalf. The Housing Options team will assess whether the Applicant meets the criteria for Assisted Bidding.

6.1.5.2 Where an Applicant qualifies for Assisted Bidding, the Housing Options team will only make bids on behalf of the Applicant if the vacancy meets the Applicant's preferences and Bedroom Need. Applicants can also ask for assistance with bidding at any time by contacting the Housing Options team or through contact from an agency. Where appropriate the Housing Options team may also enquire whether an Applicant requires assistance following a review of an Applicant's bidding history.

6.1.5.3 An Applicant will only be assisted with making their bids if they are unable to do so because of vulnerability or because there is a language barrier. Where appropriate, Applicants will be encouraged to access facilities at the Council's offices, use family/friends or the library to access the website to place bids.

#### 6.1.6 Automatic Bidding

6.1.6.1 To increase the prospects of re-housing Applicants, the Council may make bids on behalf of some Applicants on the Register.

6.1.6.2 The Housing Options team will only bid on vacancies that are suitable for the Applicant's Household and that the Applicant has the best chance of securing. Whilst consideration will be given to the Applicants preferences, the overriding consideration will be the effective management of the social housing stock, or where appropriate, the duty to move on Homeless Applicants to more settled housing solutions. In some cases the Housing Options team may encourage an Applicant to increase their preferences to maximise their prospects of being rehoused.

6.1.6.3 The Housing Options team will normally bid on behalf of the following Applicants:

- Applicants in Band 1;
- Homeless Applicants in Band 2 or in Band 3 who are owed the Relief or Prevention Duty;

- Band 2: Under-occupying by 2 bedrooms;
- Band 3: Under-occupying by 1 bedroom

6.1.6.4 The Housing Options team will bid on behalf of an Applicant if the Applicant has failed to bid for suitable properties that have become available in a 6 month period and/or where the bidding history of the Applicant shows they have not made sufficient bids for properties having regard to the number of suitable properties that have become available in a 6 month period. The Housing Options team may also bid on properties where it would assist in the effective management of the Council's housing stock.

6.1.6.5 Where a bid made on behalf of an Applicant is successful, the Applicant will be made an offer of the accommodation secured by the automatic bid.

6.1.6.6 Homeless Applicants:

- The Applicant will be advised that the offer is made in discharge of the duty owed to them as a Homeless Applicant and the consequences of refusal. They will be notified of their right to request a review of the suitability of the offer and that this right is available whether they accept or refuse the offer.
- If the Applicant refuses the offer and lodges an unsuccessful suitability review, or fails to lodge a review request at all, their Application will be suspended for a period of 6 months. The Council will discharge the homeless duty. Following the period of suspension, if the Applicant still wishes to remain on the Register, the Application will be reinstated to Band 3 and will retain the same Band Start Date. However, if there has been a change in circumstance the Application will be re-assessed and will be given a new Band Start Date in accordance with paragraph 5.4 above.

6.1.6.7 Other Applicants

- The Applicant will be notified of their right to request a review of the suitability of the offer and that they can request a review whether or not they accept the offer. If within a 12 month period, an Applicant refuses two offers of accommodation that are deemed suitable following a review, or where no suitability review was lodged, their Application will be suspended for a period of 6 months. Applicants who fail to respond to an offer will be treated as though they had refused the offer. Following the period of suspension, if the Applicant still wishes to remain on the Register, the Application will be reinstated to Band 3 and will retain the same Band Start Date. However, if there has been a change in circumstance the Application will be re-assessed and will be given a new Band Start Date in accordance with paragraph 5.4 above.

6.1.6.8 If the Applicant accepts the offer but lodges an unsuccessful suitability review, or does not lodge a suitability review at all, their Application will be removed from the Register.

6.1.6.9 An Applicant whose Application has been suspended, has been placed in a lower Band or removed from the Register, will be notified of this decision and of their right to request a review of it; please see paragraph 7.5 for details of the reviews process. The Applicant will be entitled to re-apply to join the Register or seek higher banding if their circumstances change, or have changed, since the decision was made.

## 6.2 ALLOCATING PROPERTIES

### 6.2.1 Selection Procedure

6.2.1.1 Once the time limit for placing bids on an advert has expired, the bids for a vacancy will be considered. Any bids placed after the time limit has expired will be excluded from consideration.

6.2.1.2 Applicants who do not meet the labelling criteria of the vacancy will be excluded from consideration. Where the advert for the vacancy specified Households who would be given a preference for the vacancy, the Applicants who satisfy the preferences will be considered before those Applicants who do not. Applications will then be prioritised.

#### 6.2.1.3 Prioritisation Generally

- a) First, by their Band, for example all Applicants in Band 1 will be listed above all Applicants in Bands 2, those in Band 2 will be listed above all those in Band 3 and so on.
- b) Then, by the Band Start date; with the Applicant with the earliest Band Start Date and highest Band at the top.

The vacancy will be allocated to the Applicant who is at the top following the above prioritisation.

#### 6.2.1.4 Prioritisation – Rural Parishes

- a) Applicants will be prioritised with reference to the strength of their connection with the Rural Parish and Band as follows:

Order of Prioritisation	Rural Connection Band (RCB) and Housing Need Band
1.	RCB A with a Band 1 Housing Need
2.	RCB A with a Band 2 Housing Need
3.	RCB A or RCB A with Band 3 or Band 4 Housing Need
4.	RCB B with a Band 1 Housing Need
5.	RCB B with a Band 2 Housing Need
6.	RCB B or RCB B with Band 3 or Band 4 Housing Need
7.	RCB C with a Band 1 Housing Need
8.	RCB C with a Band 2 Housing Need
9.	RCB C or RCB C with Band 3 or Band 4 Housing Need

- b) Applicants who fall within 3, 6 and 9 in the table above will be treated equally within their grouping. Applicants will then be prioritised by Band Start Date. The vacancy will be allocated to the Applicant with the earliest Band Start Date at the top following prioritisation in accordance with the table at 6.2.1.4 (a) above.
- c) Where the vacancy is in a Rural Parish and no bids are received from an Applicant with a Rural Connection Band for that Rural Parish, the Council will re-advertise the vacancy and set new labelling criteria to increase the prospects of the vacancy going to an Applicant with a Rural Connection Band for the Rural Parish. In re-advertising the vacancy the Council may change the labelling criteria to allow under or over-occupation. However, the Council will only allocate a vacancy to an under-occupier if affordability will not be an issue and to an over occupier where it will not result in a Category 1 Hazard. If the vacancy can still not be filled, the Council will increase the geographical area to allow bids from nearby Rural Parishes and will also consider labelling the vacancy to allow for over or under-occupation (subject to affordability and avoiding Category 1 Hazard).
- d) If a vacancy in a Rural Parish is still not filled after re-advertising it as above, the vacancy will be made available to the whole district.

#### 6.2.1.5 Following Prioritisation

- a) If after the Applications have been prioritised as set out in paragraphs 6.2.1.3 or 6.2.1.4, there are two or more Applicants at the top of the list, the Council will carry out an assessment of the Applicants' circumstances to determine who has the greatest Housing Need for the particular vacancy. This may include taking into consideration whether an Applicant has more than one Housing Need, the size of the Household and its make-up to ensure the best use of the property.
- b) If an Applicant confirms that they wish to be considered for a vacancy they will not be able to bid on any other vacancies whilst they are being considered. Any open bids that the Applicant has for other vacancies will be ignored during the period of consideration.
- c) If an Applicant is the successful bidder for more than one vacancy they will have to choose which vacancy they want to be considered for. In order to ensure effective management of the Register, Applicants will not be able to be considered for more than one vacancy at any one time.
- d) If an Applicant is made an offer of a vacancy they will normally have 24 hours in which to make a decision. If the Applicant needs more time and/or support to make the decision, they will need to notify the Housing Options team within 24 hours of the offer being made. Subject to consent having been given and/or appropriate data sharing agreements being in place, if the Council is aware that the Applicant is

receiving support from a support agency, the support agency will be notified when the Applicant is made an offer of a vacancy.

## 6.2.2 Special Allocations

### 6.2.2.1 Sensitive Lettings

- a) Occasionally, there will be a need to assist in dealing with issues that impact on a small, specific location to reduce the concentration of certain needs groups which is impacting on housing management; or to promote a more balanced community by seeking to select or exclude certain Households with particular characteristics.
- b) Where appropriate, this may be requested by a partner landlord; for example where a previous tenant had caused anti-social behaviour and it was deemed important to get the right mix of tenants in the area having regard to the needs of existing vulnerable or elderly tenants.
- c) The Council, and if appropriate, the partner landlord, may agree that an Applicant who has come top following prioritisation is not the most suitable and reserves the right to overlook the Applicant and make the offer to the next suitable Applicant.
- d) As indicated above, where a vacancy is a sensitive let, it will be clearly labelled as such. Where there is more than one property in an area that is affected this will be set out in an agreed Local Lettings Policy.

### 6.2.2.2 Age Restricted Schemes

- a) Some of the Council's vacancies are situated in Age Restricted Schemes. Applicants will only be able to bid for these vacancies if they meet the age restriction criteria. Any such vacancy will be clearly labelled as an Age Restricted Scheme.
- b) To ensure the effective management of the Council's housing stock, the Council reserves the right to increase or reduce the number of Age Restricted Schemes or alter the age restrictions as may be deemed appropriate; the decision to do so is reserved to a Senior Officer.

### 6.2.2.3 Incentive to Work

- a) Local authorities are encouraged to consider how they can support those Households who want to work, as well as those who, while unable to engage in paid work, are contributing to their communities in other ways, for example voluntary work.<sup>2</sup>
- b) In order to provide incentives for Applicants to work or make a positive contribution to the local community, a percentage of all general needs housing will be advertised so that a

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<sup>2</sup>Paragraph 4.27 of the Allocation of Accommodation: Guidance for Local Housing Authorities in England.

preference is given to Applicants, who are in Employment or who are making a contribution to their community, for example by voluntary work. A decision as to whether an Applicant is making a contribution to their community, for example by voluntary work, is reserved to a Senior Officer. The annual percentage will be set between 10 – 20%.

- c) The incentive to work provisions will be regularly monitored to ensure that the Council is complying with its duties under the Equality Act 2010.

#### 6.2.2.4 Local Letting Policies

- a) The Act allows the Council to adopt Local Letting Policies. This allows the Council to allocate housing to a specific group of people, whether or not they come within the Reasonable Preference Group. In setting Local Lettings Policies, the Council has to ensure it complies with its duty under the Equality Act 2010 not to discriminate, directly or indirectly, against any groups who have a protected characteristic and it needs to ensure that overall it has regard to its statutory duties to those in the Reasonable Preference Group.
- b) Local Lettings Policies will be used to ensure a mixed and balanced community. When agreed, these Local Lettings Policies will have their own specific allocation criteria. Properties that are subject to a Local Lettings Policy will be clearly labelled in the advert.
- c) A Local Lettings Policy may be applied in addition to any local planning restrictions that may be contained in an agreement made under s.106 of the Town and Country Planning Act.

#### 6.2.3 Verification of Applications

6.2.3.1 The Council will undertake verification of all the relevant information provided by the Applicant. The verification of information includes obtaining evidence to confirm details given about the Applicant's family and housing situation.

6.2.3.2 The verification of information may be undertaken when the Application is received and will always be undertaken at the point of allocation.

6.2.3.3 Where the vacancy is with a partner landlord, for example a housing association, further verification, in accordance with the landlord's own verification processes and policy may be undertaken by the landlord. The landlord may also have additional qualifying criteria; particularly around affordability. Applicants will have to satisfy both the partner landlord and the Scheme's qualification criteria at verification to be made an allocation of the vacancy.

6.2.3.4 Verification will also include the gathering of information on suitability to be a tenant. If it becomes clear at the verification stage that an Applicant has demonstrated behaviour which may make them unsuitable to be a tenant (please refer to Appendix 2: Eligibility and Qualification at page 40 for further details) then they will not be offered the tenancy. The Applicant's banding and/or qualification to be on the Register will be re-assessed due to information obtained during the verification

process. This may result in an Applicant being moved into a lower Band or being removed from the Register. If an Applicant is overlooked for an allocation at the verification stage, the next suitable Applicant who came below the overlooked Applicant following prioritisation will be considered for the vacancy.

6.2.3.5 If following verification it is established that the property is not suitable for the Applicant, the Council reserves the right to prevent an offer of a property being progressed. If this happens, the next suitable Applicant who came below the overlooked Applicant following prioritisation will be considered for the vacancy.

6.2.3.6 The local ward member will be notified of an allocation of a vacancy in their Rural Parish.<sup>3</sup>

6.2.3.7 If it is not possible to complete verification of the Application within a reasonable period of time due to the Applicant's refusal to co-operate or because the Applicant is unable to provide the information needed to complete the verification process, the Applicant may be overlooked and the Applicant who came below the overlooked Applicant following prioritisation will be contacted.

6.2.3.8 Where following the verification process, an Applicant has been moved into another Band or has been removed from the Register, they will be advised of the reasons in writing. They will be notified of their right to request a review of the decision; please refer to paragraph 7.5 for further details of the reviews process.

6.2.3.9 Once the verification process has been completed, the Council, or the landlord, will contact the successful Applicant to make a provisional offer of a tenancy to them.

#### 6.2.4 Publishing Details of the Allocation

6.2.4.1 Feedback on allocations provides Applicants with information to exercise choice and to gain information on the likely waiting time for re-housing. Details of the allocation will be published on the Council's website as soon as possible. Whilst the successful Applicant's name will not be published, their Band and the length of time they have been on the Register will be published.

### **6.3 EXCEPTIONS TO THE CHOICE BASED ALLOCATIONS PROCESS**

#### 6.3.1 Allocations Excluded From the Choice Based Allocations Process

6.3.1.1 Whilst most allocations will be managed through the choice based allocations process, there will be some circumstances when it will be necessary to exclude certain vacancies.

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<sup>3</sup> In accordance with Regulation 3 of the Allocations of Housing (Procedure) Regulations 1997 SI 483, elected members of the Council may not be involved in allocation decisions where the accommodation to be allocated, or the Applicant's sole or main residence, is in the member's ward.



6.3.1.2 Examples of the allocations that may be excluded from the choice based allocations process are:

- Management moves (carried out by the Council or housing association to assist in the good management of tenancies and its stock);
- Vacancies in Age Restricted Schemes, adapted properties or sensitive lets where no bids have been received from Applicants that satisfy the labelling criteria.
- For community safety, for example re-housing under the Multi-Agency Protection Panel Arrangements (MAPPA) or Witness Protection scheme;
- Where supported housing or extra care housing is being allocated;
- Where a Homeless Applicant is occupying a Council property on a non-secure basis and the property they are occupying is suitable for their needs;
- Where arrangements are in place for partner landlords to provide less than 100% of their properties for allocation.

6.3.1.3 Where an allocation has been excluded from the choice based allocations process, the Council will make an allocation of the vacancy to an Applicant who has not bid for it. This is known as a direct offer.

## 6.3.2 Direct Offers

6.3.2.1 The Council may make direct offers to the following:

- Applicants in Bands 1 and 2;
- Applicants being discharged from hospital or needing to go into supported or sheltered housing;
- Flexible tenants whose tenancy is due to, or has, expired and they have been assessed as having a continuing housing need but for alternative accommodation;
- Homeless Applicants occupying temporary accommodation that is suitable for their needs;
- Successors under-occupying their property or Vulnerable Occupants of Council accommodation where a decision has been made to allow them to remain in the property or to give them a tenancy of an alternative property;
- Remaining Vulnerable Occupants of Council accommodation on termination of a joint tenancy where a decision has been made to allow them to remain in that property or to give them a tenancy of an alternative property;
- Applicants needing specially adapted properties, properties in an Age Restricted Scheme or sensitive lets;
- Applicants requiring a management move or who require rehousing under MAPPA or Witness Protection scheme.

6.3.2.2 Any direct offer will meet the Applicant's assessed needs and should be suitable for the Applicant's Household.

#### 6.3.2.3 Homeless Applicants:

- The Applicant will be advised that the offer is made in discharge of the duty owed to them as a Homeless Applicant and the consequences of refusal. They will be notified of their right to request a review of the suitability of the offer and that this right is available whether they accept or refuse the offer.
- If an Applicant refuses the offer and lodges an unsuccessful suitability review, or fails to lodge a review request at all, their Application will be suspended for a period of 6 months. The Council will discharge the homeless duty. Following the period of suspension, if the Applicant still wishes to remain on the Register, the Application will be reinstated to Band 3 and will retain the same Band Start Date. However, if there has been a change in circumstance the Application will be re-assessed and will be given a new Band Start Date in accordance with paragraph 5.4 above.

#### 6.3.2.4 Other Applicants:

- When Applicants are made an offer, they will be notified of their right to request a review of the suitability of the offer and that this right is available whether they accept or refuse the offer. If an Applicant refuses 2 offers of accommodation that are deemed suitable following a review, or where no suitability review is lodged, within a 12 month period, their Application will be suspended for 6 months. Applicants who fail to respond to an offer will be treated as though they had refused the offer. Following the period of suspension, if the Applicant still wishes to remain on the Register, the Application will be reinstated to Band 3 and will retain the same Band Start Date. However, if there has been a change in circumstance the Applicant will be re-assessed and will be given a new Band Start Date in accordance with paragraph 5.4 above.

6.3.2.5 If an Applicant accepts an offer and lodges an unsuccessful suitability review, or does not lodge a suitability review at all, their Application will be removed from the Register.

6.3.2.6 An Applicant whose Application has been suspended, moved to a lower Band or been removed from the Register will be notified of this decision and of their right to request a review of it, please see paragraph 7.5 for details of the reviews process.

6.3.2.7 To ensure transparency and fairness, decisions to exclude allocations from the choice based allocations process and make a direct offer will be monitored to ensure that the decisions to do so are being properly exercised within limited boundaries.

### 6.4 OTHER ALLOCATION PROCESSES

6.4.1 A number of allocation processes do not constitute an allocation under the Act and operate outside of the normal allocation processes of the Scheme. This includes vacancies being let as temporary accommodation to households who are homeless or threatened with homelessness or decants whilst repairs are undertaken.

## 6.4.2 Allocation of Temporary Housing

6.4.2.1 For allocations of temporary housing to homeless people or to prevent homelessness direct allocations will be made by the Homelessness and Housing Advice Officers.

6.4.2.2 The main aims of allocating temporary housing are to resolve homelessness, meet statutory requirements and to minimise the use of bed and breakfast accommodation.

6.4.2.3 There are a number of situations in which homeless applicants can be waiting for temporary housing. The most common ones are:

- Accepted homeless applicants who have been placed in bed and breakfast;
- Accepted homeless applicants in other forms of emergency housing (refuge, staying with friends/relatives)
- Households already in temporary housing where the accommodation is going back to the owner;
- Households already in temporary accommodation where the accommodation is not suitable for their needs.

6.4.2.4 Allocations of temporary housing are a question of judgment for each individual vacancy, as the Homelessness and Housing Advice Officer will have to balance the needs and requirements of a number of different individuals in different circumstances. The matters which the Homelessness and Advice Officer must take into account include:

- Length of time a homeless applicant has been in bed and breakfast. Bed and breakfast is not suitable accommodation for homeless applicants with family commitments (including those who are pregnant) unless used in an emergency and then for a maximum of 6 weeks;
- The length of time homeless applicants have been in other forms of emergency housing awaiting temporary accommodation. Whilst refuge and other forms of emergency accommodation are normally more suitable than bed and breakfast, lengthy waits in emergency housing should be avoided where possible.
- Where temporary accommodation is going back to the owner and delays may cause families to be placed in bed and breakfast or significant difficulties to the landlord.
- The length of time that a homeless applicant has been in unsuitable temporary housing and has been waiting for suitable temporary accommodation and the difficulties that the homeless applicant is experiencing in their current accommodation.
- The areas of choice of each homeless applicant and the availability of accommodation close to those areas of choice.

## 6.4.3 Allocations of Extra Care Housing

6.4.3.1 Allocations of extra-care housing will normally be managed outside of the choice based allocations process due to the vulnerability of Applicants for extra-care schemes and the required partnership working with Hampshire County Council and care and support providers.

6.4.3.2 A separate agreement with Hampshire County Council will be entered into to set out the allocations processes for extra care, so the paragraphs below only summarise the broad principles.

6.4.3.3 Extra-care housing will be advertised on the website but on a non-specific basis to ensure awareness of the availability of the extra-care accommodation.

6.4.3.4 The Housing Options team will assess housing needs in accordance with the Scheme. An Extra-Care Assessment and Allocation Panel (ECAP) will assess support and care needs.

6.4.3.5 For each vacancy the ECAP will determine whether it is a vacancy for an Applicant with high, medium or low care needs. This decision will depend on an understanding of the profile of the Applicant within the extra care scheme (to ensure a balanced extra care scheme) and the details of the particular vacancy (for example, a fully adapted property may suggest higher care needs).

6.4.3.6 Each vacancy will be allocated to the most suitable Applicant. When allocating, the following principles will apply:

- A vacancy of a high/medium or low care need will normally be offered to the Applicant with the equivalent level of care who is top on the list for that particular level need.
- Other factors may be taken into consideration as well as the level of housing need. These will include the needs and preferences of individuals (eg wheelchair needs, preferences for floor level and scheme preferences etc).
- In line with the Scheme, normally, Applicants will need to satisfy the local connection criteria.
- If there is a double flat, consideration will be given to giving preference to couples.
- Where there are no suitable Applicants, consideration will be given to Applicants with a different level of assessed care need for the vacancy, if appropriate.
- Where it is still not possible to allocate a vacancy, the vacancy may be individually advertised on the website as a vacancy of older persons' housing within an extra care scheme and allocated by the Housing Options team in accordance with the provisions of the Scheme.

#### 6.4.4 Hard to Let

6.4.4.1 Hard to let properties are those which the Council finds difficult to let due to low demand. The Council may allocate such properties by making a direct offer or

allowing Applicants who would not ordinarily meet the properties labelling criteria to bid on the property.

## **PART 3: SCHEME ADMINISTRATION**

### **7. MANAGING THE SCHEME**

#### **7.1 DECISION MAKING**

7.1.1 The following decisions will be the responsibility of the named positions (or positions at an equivalent or higher level) within the Council; the list is not exhaustive and a Senior Officer has the discretion to delegate the decision-making responsibility of any decision to another position as may be deemed appropriate by the Senior Officer:

<b>DECISIONS</b>	<b>POSITION</b>
Eligibility of Applicants	Allocations Assistant/Allocations Officer
Qualifying Applicants (including Local Connection)	Allocations Assistant/Allocations Officer
Household and Bedroom Need Assessment	Allocations Assistant/Allocations Officer
Housing Need Assessment (Banding decision)	Allocations Assistant/Allocations Officer
Renewal Request/Change of Circumstance–re- assessment	Allocations Assistant/Allocations Officer
Lowering an Applicant’s Band, Suspension or Removal from the Register	Allocations Officer
Prioritisation of Applications and successful bids	Allocations Officer
Properties excluded from Choice Based Process	Allocations Officer
Adverts for properties: including labelling, setting preferences and property description	Allocations Officer
Reviews	Allocations Manager
Banding for Vulnerable Occupant or selection of an Applicant for Auto-Bidding	Allocations Manager
Health and Wellbeing Assessment	Allocations Officer (following assessment by the Health and Welfare Panel)
Decision on community contribution issues (including Incentive to Work and Rural Connection Band)	Senior Officer
Exercise of discretion <sup>4</sup>	Senior Officer
Rural Connection Band	Senior Officer
Management moves or direct offers	Senior Officer
Local Lettings Plans and Sensitive Lettings	Senior Officers (in consultation Portfolio Holder for Housing)
Decision on key-worker status <sup>5</sup>	Senior Officers (in consultation with the Portfolio Holder for Housing)

<sup>4</sup> Including in relation to whether exceptional circumstances apply for failure to complete a Renewal Request within 3 months.

<sup>5</sup> Including qualification for Band 3

## **7.2 HEALTH AND WELFARE PANEL**

7.2.1 Decisions relating an Applicant's health and wellbeing will be made by an Allocation Officer following the assessment of the Applicant's health and wellbeing by the Health and Welfare Panel.

7.2.2 The Health and Welfare Panel will meet as required, but normally at intervals of no less than fortnightly. It will be quorate with two or more officers present. The Health and Welfare Panel is for professionals only and Applicants may not attend.

7.2.3 The Health and Welfare Panel will be chaired by an Allocation Officer and other members of the Health and Welfare Panel may be:

- Allocations Officer;
- Homelessness and Housing Advice Officer;
- Housing Assistants;
- Tenancy Management Officers or Tenancy Management Assistants;
- Representatives from Social or Children's Services;
- An Occupational therapist;
- Support Workers;
- Representatives from the Locality Mental Health Teams;
- Other professionals

7.2.4 In assessing an Applicant's health and wellbeing need the Health and Welfare Panel will have particular regard to the matters set out in Appendix 4: Health and Wellbeing Assessment on page 52. Where necessary the Health and Welfare Panel may seek medical advice.

7.2.5 Health and Welfare Panel members should not be involved in decisions they are presenting or in which they have a declared interest.

7.2.6 The Health and Welfare Panel may make decisions setting the limits and parameters of the properties that the Applicant can bid for; including bedroom entitlement, property type and property location.

7.2.7 Applicants will be notified of the decision of the Health and Welfare Panel after the panel meeting. An Applicant who is not happy with the decision of the Health and Welfare Panel will be notified of their right to request a review. Please refer to paragraph 7.5 for further details of the reviews process.

## **7.3 UPDATING APPLICATION DETAILS**

7.3.1 Rolling Reviews

7.3.1.1 A rolling review of Applications will take place so that the Register is kept up to date. Each Application will be reviewed on the anniversary of the Band Start Date; although the Council may review Applications at different intervals if there is a reason

to do so. An Applicant will be asked to complete a Renewal Request. If the Applicant fails to respond to the Renewal Request within 28 days of it being sent, the Application will be suspended. If no contact is made within 3 months of the Renewal Request being sent, the Application will be removed from the Register. An Applicant who has had their Application removed will be notified and will be advised of their right to request a review. Please refer to paragraph 7.5 for further details of the reviews process.

7.3.1.2 If an Applicant has not responded to a Renewal Request within 28 days, but has done so within 3 months, the Application will be reinstated with the original Band Start Date. Applicants who respond after 3 months will only be reinstated with the original Band Start Date if exceptional circumstances apply. Whilst each case will be determined on its individual facts, exceptional circumstances will apply if there is evidence of incapacity (physical or mental) for the period of delay which resulted in the failure to complete the renewal request within the 3 month deadline. A decision as to whether exceptional circumstances apply is reserved to a Senior Officer.

7.3.1.3 If no exceptional circumstances apply, where an Applicant responds to a Renewal Request after having already been removed from the Register for failure to respond, they will have to re-apply to join the Register and will be given a new Band Start Date in accordance with paragraph 5.4.1 (a) above.

7.3.1.4 Where an Applicant's circumstances are found to have changed during the rolling review process, their Application will be suspended to allow for re-assessment of their Application. An Applicant who has had their Application suspended will be notified and will be advised of their right to request a review. Please refer to paragraph 7.5 for further details of the reviews process.

## 7.3.2 Change of Circumstance

7.3.2.1 Applicants must inform the Council of any changes in their circumstances as soon as possible after they occur. This includes any change that may affect the Band that has been given to their Application.

7.3.2.2 Applicants have the right to request that their Application be reconsidered following a change in their circumstance. An Application will be re-assessed and given a Band Start Date as set out at paragraph 5.4.1 (b) above.

7.3.2.3 If a person successfully bids for a vacancy and it is later found that the Applicant's housing situation is different from the details provided when they made their Application, the offer will be withdrawn. Please see paragraph 6.2.3 Verification of Applications.

## 7.4 SUSPENSION AND REMOVAL

### 7.4.1 Suspension

7.4.1.1 An Application may be suspended from the Register in the following circumstances:

Where the:

- Applicant has failed to bid on any properties within a 12 month period;
- Applicant has refused 2 offers (automatic bid, direct offer or successful bid) of accommodation in a 12 month period where the offers have been deemed suitable following review, or where no review was lodged. This includes Applicants who are treated as having refused an offer because they failed to respond;
- Applicant is owed a homeless duty and refuses a suitable offer of accommodation made in discharge of duty owed;
- Council becomes aware of a change of circumstance which requires re-assessment of the Application;
- Applicant has failed to complete a Renewal Request within 28 days of it being sent out;
- Council receives information that the Applicant is no longer eligible or qualifying to be on the Register;
- Council receives information that the Applicant has provided false, or withheld, information.

#### 7.4.1.2 Period of Suspension

<b>REASON FOR SUSPENSION</b>	<b>PERIOD OF SUSPENSION</b>
Refusing 2 suitable offers of accommodation in a 12 month period, or homeless Applicant who refuses a suitable offer of accommodation resulting in discharge of duty.	6 months
Failure to bid in a 12 months period	6 months
Failure to complete a Renewal Request within 28 days	Until the Renewal Request is completed or 3 months; whichever is earlier
The Council becomes aware or is notified of a change of circumstance	Pending re-assessment
The Council becomes aware of, or is notified that:  The Applicant: <ul style="list-style-type: none"> <li>• is no longer qualifying or eligible; or</li> <li>• has provided false information or has withheld information</li> </ul>	Pending investigations

7.4.1.3 If an Applicant who has been suspended for refusing offers of accommodation or failing to bid, wants to remain on the Register after the period of suspension, their Application will be re-instated with the same Band Start Date; unless there has been a change in circumstance in which case the Application will be re-assessed and will



be given a new Band Start Date in accordance with paragraph 5.4 above. If following re-instatement, the Application is suspended again within a 12 month period, the Application will be removed from the Register.

7.4.1.4 Where an Application is suspended pending a re-assessment following a change in circumstance, the Application will be re-instated once the re-assessment has been completed. The Application will be given a Band Start Date in accordance with paragraph 5.4.1 (b) above. If following re-assessment the Applicant is found to no longer be qualifying or eligible, their Application will be removed from the Register.

7.4.1.5 Where an Application was suspended pending investigations of an allegation that the Applicant is no longer qualifying, eligible or has provided false, or has withheld, information, the Application will be re-instated with the original Band Start Date if the allegations are unfounded. The Application will be removed from the Register if the allegations are founded.

7.4.1.6 An Applicant who has had their Application suspended from the Register has the right to request a review. Please refer to paragraph 7.5 below for details of the review process.

#### 7.4.2 Removal

7.4.2.1 An Application will be removed from the Register for the following reasons:

- Where the Applicant requests that their Application be removed;
- Where the Applicant has died;
- Where the Applicant has been rehoused; including where the Applicant has accepted an offer of accommodation and lodged an unsuccessful review of its suitability;
- Where an Applicant has failed to complete a Renewal Request within 3 months of it being sent out;
- If an allegation that an Applicant is no longer eligible, qualifying or has provided false, or has withheld, information is made out (including following the verification stage);
- If following re-instatement from suspension the Application is suspended again within a 12 month period.

7.4.2.2 Where the Council is aware that an Applicant may be vulnerable or suffer from a disability, it may try to contact the Applicant, or where there are appropriate consents or data sharing agreements, any agency that it is aware is working with the Applicant, before removing the Application from the Register.

7.4.2.3 Applicants can apply to re-join the Register at any time. Where an Applicant considers that they have become eligible or qualifying since being removed from the Register, they may also reapply to join the Register, but must provide evidence of a change of circumstance. Applicants who apply to re-join the Register will be treated

as new Applicants and will be given a new Band Start Date in accordance with paragraph 5.4.1 (a) above.

7.4.2.4 An Applicant who has had their Application removed from the Register has the right to request a review. Please refer to paragraph 7.5 below for details of the review process.

## **7.5 RIGHT TO REQUEST A REVIEW**

7.5.1 An Applicant has the right to request a review of any decision about the facts of their case which is likely, or has been, taken into account in considering whether to allocate housing to them; and in particular any of the following decisions:

- Whether the Applicant is eligible or qualifying (including following the verification stage);
- The Scheme Band in which their Application has been placed;
- Their Rural Connection Band;
- The Band Start Date given to their Application;
- Their Bedroom Need Assessment;
- Decision of the Medical and Welfare Panel;
- The suitability of an offer of accommodation (whether direct let, autobid or from a successful bid);
- Their Application being moved to a lower Band;
- Suspending their Application;
- Removing their Application from the Register.

7.5.2 Once an Applicant has been notified in writing of any of the above decisions they will have 21 days from the date of the decision to request a review. The review must be in writing and needs to include full details of why the Applicant does not agree with the decision made. Where appropriate the Applicant should provide evidence to support the review request.

7.5.3 Reviews should be sent by email to [housing.options@nfdc.gov.uk](mailto:housing.options@nfdc.gov.uk) or by post to:

Allocations – Review  
New Forest District Council  
Appletree Court  
Beaulieu Road  
Lyndhurst  
SO43 7PA

7.5.4 The Council will acknowledge a review within 10 working days. The Allocation Manager, or where necessary a Senior Officer, who did not take part in making the decision, will carry out a review of the case. A response in writing will be provided within 56 days of receipt of the review request. The response will set out the outcome of the review request and the reasons.

7.5.5 An Applicant who needs support in making their review request can contact the Council at [housing.options@nfdc.gov.uk](mailto:housing.options@nfdc.gov.uk). Where the Council is aware that an Applicant is vulnerable or has disability issues, it will try to make direct contact with the Applicant, or if appropriate consents or data sharing agreements are in place, the agency providing support to the Applicant to ensure that the Applicant is aware that they have the right to request a review of the decision made. Where necessary, a vulnerable or disabled Applicant will be afforded alternative means of making their review.

## **7.6 EXERCISE OF DISCRETION**

7.6.1 In exceptional circumstances, so as not to fetter its discretion, the Council reserves the right to depart from any aspect of the Scheme; including but not limited to: qualification criteria, Bedroom Need Assessment, Household membership or the allocation of a vacancy. Any decision to depart from the Scheme will be taken by the Officer in the appropriate position as set out at paragraph 7.1 above.

7.6.2 The Council will exercise its discretion specifically in circumstances where it is necessary to ensure compliance with duties that are imposed on it by other statutes; including but not limited to the Equality Act 2010, or guidance issued by the Secretary of State, including but not limited to Applicants who have fled Domestic Abuse. The exercise of discretion will be monitored to ensure that it is properly exercised within extremely limited boundaries.

7.6.3 When exercising discretion the Council will always consider the circumstances of the Applicant against the prevailing housing conditions within its district.

## **7.7 EQUALITY AND FAIR ALLOCATIONS**

7.7.1 The Council is subject to the general public sector equality duty as set out at s.149 of the Equality Act 2010. The Council and its partner landlords are committed to providing equality of opportunity to all individuals who apply for housing. Monitoring of Applications and allocations may take place to ensure that everyone is being treated fairly.

7.7.2 All Applicants may be asked to provide details of age, gender, ethnic origin, religion and sexual orientation. This is to allow the Council to monitor who is applying and being allocated housing and to ensure that properties are being offered and allocated fairly.

## **7.8 CHANGES TO THE SCHEME**

7.8.1 The Scheme will be reviewed every two years and will be amended, if necessary. Minor changes will be agreed by Senior Officers in consultation with the Portfolio Holder for Housing. This will assist in ensuring that the Scheme continues to meet legislative and best practice requirements as well as ensuring the effective use of the

social housing within the Council's district. Before adopting any changes to the Scheme that relate to a major change of policy, the Council will comply with the procedures as set out in the Act

## **7.9 RIGHT TO INFORMATION**

7.9.1 Applicants have the right to request such general information as will enable them to assess:

- How their Application will be treated under the Scheme (including in particular whether they are likely to be regarded as a person who will be given reasonable preference); and
- Whether housing accommodation appropriate for their needs is likely to be made available to them, and if so, how long it is likely to be before such accommodation becomes available for allocation to them.

Where appropriate the Council will publish such information on its website.

7.9.2 Applicants have the right to ask the Council to inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

## **7.10 FALSE STATEMENTS OR WITHOLDING INFORMATION**

7.10.1 Applicants who knowingly or recklessly make a statement which is false, or knowingly withhold information in connection with their Application, are guilty of a criminal offence. Anyone who is found to have committed such an offence may:

- Have their Application refused or removed from the Register;
- Have an offer of accommodation withdrawn; and/or
- Be prosecuted by the Council. This could lead to a large fine or imprisonment, and may also lead to legal action for the possession of any accommodation found to have been obtained following false information having been given.

## **7.11 DATA PROTECTION**

7.11.2 In accordance with the Council's statutory obligations under the Data Protection Act 2018 and the General Data Protection Regulations, all Applicants will be made aware of how their personal information will be processed. Information recorded on the Council's system and on the Applicant's file will be shared with partner landlords and other agencies as necessary. Consent from the Applicant for information sharing will be sought in all cases. For a copy of the Council's Housing Services Privacy Notice please visit: <http://www.newforest.gov.uk/article/18331/Housing-Services-privacy-notice>

7.11.3 Applicants have a right to see what information is kept about them on written records (please note that a fee may be charged). As far as possible, the Council will make this available subject to certain restrictions. Applicants wishing to view their records should contact the Council at:

Housing Options  
Appletree Court  
Beaulieu Road  
Lyndhurst  
SO43 7PA

## 7.12 CONTACTING HOUSING OPTIONS

- Telephone: 0203 8028 5588
- Email: [housing.options@nfdc.gov.uk](mailto:housing.options@nfdc.gov.uk)
- Website: <http://www.newforest.gov.uk/article/17971/Waiting-list-and-applying-for-housing>
- Postal Address:

Housing Options  
Appletree Court  
Beaulieu Road  
Lyndhurst  
SO43 7PA

## APPENDIX 1: DEFINITIONS

**Applicant:** A person who has applied to join, or who is waiting for an allocation of housing, from the Council's housing register. Generally, the term should also be read to refer to all members of the Applicant's Household.

**Application:** An application to join, or to be allocated housing, from the Council's housing register.

**Assisted Bidding:** where the Housing Options team has assessed that an Applicant needs assistance to bid on vacancies.

**Band:** One of the four bands used to prioritise Applicants on the Council's housing register.

**Bedroom Need:** the number of bedrooms that an Applicant is entitled to; having regard to the Applicant's Household make-up (see paragraph 5.3).

**Domestic Abuse:** (Is not limited to physical violence and is not confined to incidents in the home) It relates to physical violence, abuse or patterns of controlling, coercive, threatening behaviour, between those aged 16 or over who are, or have been intimate partners or family members regardless of gender.

**Employment:** is work where an Applicant or member of their Household holds a contract (written or oral) which gives them a remuneration for the work undertaken that is declared for tax purposes, or self-employment which generates a source of income for an Applicant which is declared for tax purposes. In establishing whether an Applicant is in employment, evidence may be required including a written contract, tax return, letter from the employer, payslips or a statement from an accountant.

**Full Housing Duty:** the duty owed to a homeless applicant who the Council accepts is eligible, in priority need and not intentionally homeless (for post 3 April 2018 applies only after the Relief Duty has expired).

**Homeless Applicant:** an Applicant (on the housing register) who the Council accepts is statutory homeless and is owed a duty under Part VII of the Act.

**Homesearch Allocation Scheme 2:** the allocation scheme that was adopted by the Council in 2012 and which was in operation up until the adoption of the Scheme.

**Household:** The individuals that an Applicant is expected to reside with and who an Applicant can include in their housing application (see paragraph 5.2).

**Housing Need:** The assessed level of need which determines which of the Scheme's Bands an Application will be placed (see paragraph 5.1).

**Partner:** the spouse or civil partner of an Applicant; including a cohabitant who is living with the Applicant as a spouse or civil partner.

**Prevention Duty:** the duty owed (for a minimum period of 56 days) to those who the Council accepts are eligible and threatened with homelessness within 56 days.

**Private Rented Sector Offer:** an offer of an assured shorthold tenancy in discharge of a duty owed under Part VII of the Act.

**Register:** The Council's housing register which contains the list of all those who have applied to the Council for social housing.

**Relief Duty:** the duty owed (for a minimum period of 56 days) to those who the Council accepts are eligible and homeless.

**Renewal Request:** the request sent by the Council to Applicants, normally on the anniversary of their Band Start Date, asking for updated details of their circumstances (see paragraph 7.3.1.)

**Restricted Person:** A person who is subject to immigration control and who is not eligible for an allocation of housing because they do not have leave to enter or remain in the United Kingdom or have leave that is subject to a "no recourse to public funds" condition.

**Regular Forces:** the Royal Navy, the Royal Marines, the regular army or the Royal Air Force.

**Reserve Forces:** the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Regular Reserve, the Army Reserve, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

**Senior Officer (s):** The Housing Options Service Manager or any other officer of an equivalent or higher position.

**Transfer Applicant:** an Applicant who is already accommodated in social housing but who has a Housing Need and has applied for an allocation of alternative social housing.

**Vulnerable Occupant:** an occupant of Council accommodation left following the death of, or the departure of, a Council tenant, but who has no legal rights to remain and where the Council has deemed the occupier vulnerable due to their personal circumstances. An Applicant will be deemed vulnerable if they have a disability or other health (physical or mental) issues that make them unable to secure and/or sustain alternative accommodation in the private sector or who the Council would have a duty to secure permanent accommodation under s.193(2) of the Act if they were evicted and who, due to their Household circumstances, a Private Rented Sector Offer discharge would not be available. In assessing whether a person can secure and sustain a private sector tenancy, the Council will have regard to any support or assistance that can be given to the person to facilitate their ability to do so. Such occupants may be occupiers with no succession rights or tenants whose joint tenancy has been terminated by the other tenant but who remains in occupation. The Council will always assess the occupant's circumstances against the prevailing housing conditions within its district.

## APPENDIX 2: ELIGIBILITY AND QUALIFICATION

### (A) Eligibility

1. The Council is not able to make an allocation of property to anyone who has been classed as a Restricted Person by the government. The Council is not able to make an allocation to the following:
  - i. A person from abroad who is subject to immigration control unless s/he is of a class prescribed by regulations made by the Secretary of State, or is currently a tenant of the Council or a private registered provider of social housing or a registered social landlord;
  - ii. Two or more people jointly if any one of them falls within the above category of people; or
  - iii. Other classes of persons from abroad specified by the Secretary of State.
2. The Council will disregard any Restricted Person when assessing whether an Applicant falls into the Reasonable Preference Group.
3. Most persons from abroad who are not subject to immigration control (including British Citizens) must also be *habitually resident* in the Common Travel Area and/or have the right to reside in the Common Travel Area in order to be eligible to join the Register. This is known as the habitual residence test. The Common Travel Area consists of:
  - i. United Kingdom;
  - ii. The Channel Islands;
  - iii. The Isle of Man; and
  - iv. The Republic of Ireland
4. In order to pass the habitual residence test the Council will need to be satisfied that an Applicant is ordinarily resident in the United Kingdom, the test normally looks at whether someone has been in the United Kingdom for an appreciable period of time and whether they have a settled intention to remain. Some British Citizens who are returning from a period abroad will only have to show that they are returning with a settled intention to remain in the United Kingdom.

### (B) Local Connection

1. Local connection will be established by:
  - i. Residence:
    - o An Applicant or their Partner has been resident in the Council's district for a continuous period of 2 years at the time of the Application; or



- An Applicant has resided in the Council's district area for 10 years or more in the past;
- Applicants who fall within one of the groups below will be exempt from having to satisfy the local connection criteria:
  - Those owed a s.193(2) and s.189B( 2) duty by the Council under Part VII of the Act;
  - A person the Council is required by law to exempt from having to satisfy the local connection criteria, including the following:
    - Anyone who the Council is satisfied meets the criteria for a Right to Move as set out at paragraph 3(e) of Appendix 3: Scheme Bands at page 49.
    - Anyone who is serving in the Regular Forces or who has served in the Regular Forces within 5 years of the date of making their Application to join the Scheme;
    - Anyone who has recently ceased, or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where:
      - The spouse or civil partner served in the Regular Forces; and
      - Their death was attributable (wholly or partly) to that service; or
    - Anyone serving or who has served in the Reserve Forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service
  - A "looked after child" as defined by Children's Services in another region and as approved by a Senior Officer; or
  - An Applicant who satisfies a Rural Connection Band.

or

ii. Employment:

An Applicant or their Partner has been employed (whether it is for a fixed or permanent term or it is self-employment) for a period of at least 5 years within the Council's district.

2. As part of the Council's verification process, Applicants will be required to submit documentary evidence to support local connection.

**(C) Financial Assessment**

1. All Applicants seeking to join the Register will be subject to a financial assessment. Only Applicants who have been assessed as lacking the income and/or assets to resolve their housing need will qualify to join the Register.

2. For Applicants who have an assessed extra care need who are seeking to join the Register, each case will be assessed on its own merits; however such an Applicant will be assessed as being able to resolve their own housing need if their level of income and/or assets enables them to secure, or make arrangements to secure, accommodation/support that would meet their assessed care needs (including in privately funded accommodation).
3. For all other Applicants, each case will be assessed on its own merits; however, an Applicant will be assessed as having the income and/or assets to enable them to resolve their own housing need if the level of income/assets which they have enables them to purchase a property on the open market.
4. In assessing whether an Applicant will be able to purchase a property on the open market, the following additional factors will be taken into consideration:
  - a. The likely ability of the Applicants to qualify for and sustain a mortgage; consideration will be given to:
    - i. The Applicant's age
    - ii. The Applicant's credit rating;
    - iii. Whether the Applicant has savings of at least the deposit needed for a property that meets their Household's needs;
    - iv. Whether their income is at a level to enable them to qualify for a mortgage.
  - b. The property type needed for the Applicant and their Household;
  - c. Whether assets can be realised within a reasonable period of time.
5. In considering whether an Applicant can afford to purchase a property on the open market, the housing market of the Council's district as a whole will be considered and not only the Applicant's area of choice.
6. In assessing an Applicant's income and assets, the Council will have regard to the Applicants gross income and total assets save for the disregards listed at paragraph 7 below.
7. In assessing whether an Applicant has the income and/or capital assets to resolve their own housing need the following income and capital assets will be ignored:
  - a. Any lump sum received by a member of the Armed Forces where this is evidenced as compensation for an injury or disability sustained on active service; and
  - b. The following benefit income:
    - i. Disability Living Allowance,
    - ii. Personal Independence Payments; and
    - iii. Attendance Allowance

#### **(D) Deliberately Worsening Own Circumstances to Qualify onto the Register**

1. An Applicant who has deliberately worsened their circumstances to be able to join the Register will be treated as a “non-qualifying” Applicant and will be unable to join the Register.
2. Each case will be determined on its individual facts; however, an Applicant will be deemed to have deliberately worsened their circumstances if they have acted in any of the following ways:

The Applicant has:

- i. moved into accommodation which at the date of moving in was unsuitable for their Household’s needs. In deciding whether the property was unsuitable at the point the Applicant moved in, the Council will take into consideration the property’s condition (including disrepair and overcrowding issues), affordability and its location;
  - ii. voluntarily given up accommodation that it was reasonable for the Applicant and their Household to continue to occupy without first securing suitable alternative accommodation;
  - iii. taken deliberate action to cause accommodation to no longer be reasonable for them and their Household to continue to occupy; for example causing damage to accommodation that results in accommodation becoming a risk to health.
3. In considering whether accommodation was reasonable for the Applicant and their Household to continue to occupy, the Council will take into consideration the guidance of the Secretary of State as set out in Chapter 6 of the Homelessness Code of Guidance 2018

#### **(E) Unacceptable Behaviour Resulting in Being Unsuitable to be a Tenant**

1. An Applicant whose unacceptable behaviour makes them unsuitable to be a tenant of the Council will be treated as a “non-qualifying” Applicant and will be unable to join the Register.
2. The Council will assess whether an Applicant is unsuitable to be a tenant because of their, or a member of their Households’ behavioural issues; including anti-social behaviour or poor tenancy management.
3. An Applicant will normally be considered to be unsuitable to be a tenant if:
  - i. They have housing related debts:
    - o rent arrears of at least 8 weeks at their current or former address;

- court costs owed to the Council, or a former landlord, for possession or injunction proceedings that were issued against the Applicant;
- recharges owed to the Council for damage caused to one of the Council's properties, rent deposit payment or rent in advance.

Where an Applicant has made and sustained a repayment plan to settle the debt for a continuous period of 6 months the Applicant will not be treated as unsuitable to be a tenant.

Applicants who can demonstrate that they can manage their tenancies with support from an agency with whom they are engaging will not be treated as unsuitable to be tenants. Applicants will need to demonstrate this by providing supporting evidence from the support agency;

or

ii. Are guilty of Anti-Social Behaviour:

Where the Applicant:

- Has been found to have behaved in an anti-social manner by their current or former landlord, or by the Courts within 2 years of them submitting their Application.

Anti-social behaviour will include any acts that interfere with a landlord's ability to carry out its management functions, nuisance, annoyance, violence against others and using a property for immoral purposes.

4. Each case will be determined on its individual facts and the Council will take into consideration the full circumstances of an Applicant's case when deciding whether an Applicant should be non-qualifying due to their behaviour; including, but not limited to, the reasons for the Applicant's behaviour and/or any steps that the Applicant has taken to address their issues.

## **APPENDIX 3: SCHEME BANDS**

### **1. Band 1: Emergency Need to Move**

Applicants will satisfy the criteria for Band 1 if they need to move on an emergency basis. There are very few cases that are likely to be placed in Band 1.

#### **(a) Management Move:**

Where a Senior Officer has assessed an Applicant as having an exceptional need to move to ensure the best management of the Council or other landlord's housing stock. Applicants will be assessed as having an exceptional need to move if their need for housing is so urgent that they should take priority over all other Applicants. Each case will be determined on its own merits; however, the following will be placed in Band 1:

Those:

- Who need to move for community safety, for example re-housing under the Multi-Agency Protection Panel Arrangements (MAPPA) or Witness Protection scheme.
- Whose accommodation is unsuitable for their assessed medical needs and they are being discharged from hospital or who need to go into supported or sheltered housing;
- Major works, where a social housing tenant requires permanent rehousing because major works need to be carried out on their property.
- Are occupying a "high need" property, for example an adapted property where the Applicant no longer has a need for that type of accommodation.
- Where the Council has an urgent need to re-house an Applicant to meet statutory or other time limits, for example flexible tenants whose tenancy is due to expire and who need to be secured re-housing in alternative accommodation, under-occupying successors or Vulnerable Occupants in Council accommodation where the Council is rehousing them.

(b) Urgent health and/or wellbeing: Please refer to: 4: Health and Wellbeing Assessment at page 52.

(c) Emergency Disrepair: Please refer to: Appendix 5: Housing Conditions at page 55.

#### **(d) Violence or Threats of Violence:**

Where a Household, including existing social housing tenants, need to move because they are at risk of violence or serious harassment. An Applicant will only be placed in Band 1 for violence or threats of violence where a Senior Officer has assessed there is no other housing available (ie temporary accommodation, Sanctuary scheme, refuge) and where the risk can be managed in the Applicant's current accommodation. Applicants

who are at imminent risk of violence or threats of violence may be referred to the Council's homelessness team for assessment under the Part VII of the Act

A management move will only be made for neighbour problems or issues of anti-social behaviour, if there is a serious risk of physical or psychological harm to the Applicant due to anti-social behaviour. The Applicant will need to provide supporting evidence from appropriate agencies. It will also need to be shown that the landlord, or another appropriate agency, has tried all approaches to prevent such behaviour within their anti-social behaviour policy.

When an Application has been placed in Band 1, the Housing Options team may take decisions on which property is suitable for them to bid for. The Housing Options team may also make bids on behalf of the Applicant or make a direct offer to increase the prospects of the Applicant securing rehousing; please refer to Automatic Bidding at paragraph 6.1.6 and Direct Offers at paragraph 6.3.2.

As Applicants who have been placed in Band 1 are in need of urgent re-housing, their circumstances will be kept under review to ensure that the Applicant is still entitled to Band 1. Applicants who fail to make bids where there has been a vacancy that meets their assessed needs may have their Application moved into a lower Band. The Council will move an Applicant into a lower Band if the Applicant's reasons for failing to bid on a vacancy demonstrates that the Applicant does not have a genuine emergency need for re-housing.

## **2. Band 2: Serious Need to Move**

### **(a) Accepted Full Housing Duty:**

- Where an Applicant has been accepted as being owed the Full Housing Duty under Part VII of the Act and the Council has been assessed that discharge cannot be achieved by a Private Rented Sector Offer of accommodation.
- The Council will not be able to achieve a Private Rented Sector Offer discharge if the Applicant's circumstances prevent them from being able to secure or sustain a tenancy in the private sector due to vulnerability, property size required, affordability and/or where there is a lack of suitable private rented accommodation available with tenancies of at least 12 months.
- In considering whether a discharge with a Private Rented Sector Offer is achievable the Council will also take into consideration whether the Applicant would be able to sustain a tenancy with appropriate support and/or whether the Applicant's circumstances are likely to change within a reasonable period of time.

### **(b) Under-Occupying Social Housing by 2 or more bedrooms:**

This will include Applicants who have had a change in Household membership or successors to a tenancy.

(c) Severely Overcrowded

- Where, in accordance with the Scheme's Bedroom Need Assessment, an Applicant lacks 2 or more bedrooms given the size of their Household; or
- lacks 1 bedroom but has 2 children who lack a bedroom. This will include a single parent with 2 children where one is over 1 in a 1 bedroom house or a couple with 4 same sex children in a 2 bedroom house.
- Where the Council's has assessed the Household as a Category 1 hazard under the Housing Act 2004 due to overcrowding.

In assessing overcrowding the Council will treat a second lounge or dining room that is situated in the accommodation as a bedroom.

(d) High Health and/or Wellbeing: Please refer to Appendix 4: Health and Wellbeing Assessment at page 52.

(e) High State of Disrepair: Please refer to Appendix 5 Housing Conditions at page 55.

(f) Assessed Move On

Where an Applicant is in supported housing within the Council's district area and has been assessed as ready to move on. This will include young people leaving care who have been assessed by Children's Services as ready for independent living.

There is no standard definition of supported accommodation. The Council will determine whether accommodation is to be treated as supported accommodation for the purposes of the Scheme.

Applicants who are not assessed as ready to move on will not qualify for this Band, but may qualify for another Band depending on their Housing Need. Applicants whose supported accommodation is being decommissioned will only have their Application placed in Band 2 if they have been assessed as ready to move on.

As Applicants who have been placed in Band 2 have a serious need for re-housing, their circumstances will be kept under review to ensure that the Applicant is still entitled to Band 2. Applicants who fail to make bids where there has been a vacancy that meets their assessed needs may have their Application moved into a lower Band. The Council will move an Applicant into a lower Band if the Applicant's reasons for failing to bid on a vacancy demonstrates that the Applicant does not have a serious need for re-housing.

### 3. **Band 3: Need to Move**

(a) Overcrowded and lack 1 bedroom

Where in accordance with the Scheme's Bedroom Need Assessment, an Applicant lacks 1 bedroom given the size of their Household.

In assessing overcrowding the Council will treat a second lounge or dining room that is situated in the accommodation as a bedroom.

- (b) Applicants that have been assessed as having medium health and/or wellbeing need caused or substantially worsened by their home circumstances: Please refer to Appendix 4: Health and Wellbeing Assessment at page 52.
- (c) Any serving or former serving members of the Regular Forces, or their spouse or civil partner, stated below will have their Application placed in Band 3:

An Applicant who:

- Is a serving member in the Regular Forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service;
- Is a formerly serving member in the Regular Forces,
- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of the Applicant's Partner who has served in the Regular Forces and whose death was attributable (wholly or partly) to that service, or
- is serving or has served in the Reserve Forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's services.

Any Applicant who satisfies the criteria listed above and who has an urgent need for rehousing will be given additional priority under the Scheme in Bands 1 or 2 as may be appropriate.

- (d) Applicants that are homeless, to whom the Council owes a Relief or Prevention Duty under Part VII of the Act;
- An Applicant will be owed the Relief duty if the Council is satisfied that they are homeless and eligible for assistance as defined under Part VII of the Act. The duty will last for a minimum of 56 days; thereafter an Applicant whose homelessness has not been relieved will be able to remain in Band 3. However, if an Applicant is found to be owed the Full Housing Duty, they will be moved into Band 2 if a Private Rented Sector Offer discharge cannot be achieved or will remain in Band 3 if it can. An Applicant who is no longer homeless will be removed from the Register.
  - An Applicant will be owed the Prevention Duty if the Council is satisfied that the Applicant is eligible for assistance and is threatened with homelessness within 56 days as defined under Part VII of the Act. If an Applicant's homelessness is not prevented within the 56 days, they may be owed the Relief Duty and will remain in Band 3. If however, their homelessness is prevented; their Application will be removed from the Register.
  - If an Applicant who was owed either the Prevention or Relief Duty ceases to be threatened with homelessness or is no longer homeless, they will be removed



from the Register, unless they have another Housing Need that qualifies them to remain on the Register. If this is the case the Applicant's circumstances will be re-assessed and they will be given a new Band Start Date in accordance with paragraph 5.4.1 (b) above.

(e) Applicants who need to move under the Right to Move provisions:

This applies to existing social tenants who the Council is satisfied are seeking a transfer from another local authority district in England and who need to move because they:

- work in the Council's district; or
- have been made an offer of work in the Council's district and the Council is satisfied that the Applicant has a genuine intention of taking up the offer of work.

and they would suffer hardship if they were not able to move to the Council's district.

In order to qualify under this heading, the Council must be satisfied that the work is not ancillary to work in another district, voluntary (in that it is undertaken for expenses only or no remuneration at all) or short-term or marginal in nature.

In determining whether an Applicant qualifies under this heading, the Council will take into consideration the following:

i. Hardship:

- The distance and/or time taken to travel between work and home;
- The availability and affordability of transport, taking into account levels of earning;
- The nature of the work and whether similar opportunities are available closer to home;
- Other personal circumstances relating to the Applicant including: medical conditions or child care, which would be affected if the Applicant could not move.

ii. Qualifying work:

- Whether the work is regular or intermittent;
- The period of employment (for example a contract that is intended to last for less than 12 months will be considered short term);
- The number of hours worked (less than 16 hours per week will be considered marginal);
- Where the Applicant's main place of work is (if the Applicant main place of work is in a different local authority, even if the pattern of work in the Council's district is regular, the Applicant's work is to be considered ancillary to work in another district.);

(f) Are existing social landlord tenants under-occupying their accommodation by 1 bedroom

This will include Applicants who have had a change in Household membership or successors to a tenancy

(g) Have been assessed as not having a permanent home, or are at risk of becoming homeless and are not owed a duty under Part VII of the Act:

- This will include any Applicant who does not have a permanent address; including those who are staying with friend/relatives where it is not reasonable for them to continue to occupy that accommodation, homeless Applicants that are not owed any duties under Part VII of the Act, those in hostels or occupying accommodation under a licence and Vulnerable Occupants of Council accommodation;
- Applicants occupying temporary accommodation within the Council's stock (other than under s.193(2) of the Act).

(h) Have been accepted as being owed the Full Housing Duty under Part VII of the Act and where it is possible to discharge duty with a Private Rented Sector Offer of accommodation:

This refers to any Applicant who is owed the Full Housing Duty but who has been assessed as being able to secure and sustain a tenancy in the private sector; including in relation to affordability and where there is suitable private sector accommodation available with at least a 12 month tenancy.

(i) Are key workers where the Council identifies that there is a critical need for the key worker to be rehoused to ensure the availability of an essential public service for the Council's community. Decisions as to whether a key-worker should be placed in this Band is reserved to a Senior Officer.

#### **4. Band 4: Lower Need to Move**

(a) Where an Applicant has been assessed as having a lower health and/or wellbeing need caused or substantially worsened by their home circumstances; Please refer to Appendix 4: Health and Wellbeing Assessment at page 52.

(b) Where an Applicant has to share essential facilities with other Households or lack essential facilities in their accommodation.

- Essential facilities include: a toilet, bath, shower or kitchen.
- An Applicant's Household will be defined as set out at paragraph 5.2.

This will include Applicants who are lodging or renting a room in a shared house with communal facilities.

(c) Where an Applicant is sharing with relatives or friends and it is reasonable for the Applicant to continue to occupy the accommodation; otherwise they will be placed in Band 3.

In considering whether accommodation is reasonable for the Applicant and their Household to continue to occupy, the Council will take into consideration the guidance of the Secretary of State as set out in Chapter 6 of the Homelessness Code of Guidance 2018.

- (d) Where an Applicant is living in supported accommodation where the Applicant has not been assessed as ready for move on from supported housing in the Council's district area.

There is no standard definition of supported accommodation. The Council will determine whether accommodation is to be treated as supported accommodation for the purposes of the Scheme.

- (e) Applicants that are assured shorthold tenants in the private sector who do not have the financial means to purchase a property. Please refer to Appendix 2: Eligibility and Qualification on page 40.
- (f) Applicants that have been assessed by the Council under Part VII of the Act as not in priority need or are intentionally homeless and are still statutory homeless at the point of offer.

The Applicant will need to be statutory homeless at the point of any offer being made otherwise their Application will be removed from the Register unless they have another Housing Need that qualifies them to remain on the Register. In which case their Application will be re-assessed and given a new Band Start Date in accordance with paragraph 5.4.1 (b).

## APPENDIX 4: HEALTH AND WELLBEING ASSESSMENT

1. An Applicant who needs to move because their health and/or wellbeing is being affected by their home circumstances will need to complete a Health and Wellbeing Assessment form. This can be obtained from the Housing Options team by emailing: [housing.options@nfdc.gov.uk](mailto:housing.options@nfdc.gov.uk).
2. An Applicant will only be assessed as needing to move after the Health and Welfare Panel has considered their Health and Wellbeing Assessment form and any supporting evidence submitted with it and determined that an Applicant has a need to move on a health and/or wellbeing ground. Please see paragraph 7.2 Health and Welfare Panel for further details.
3. Health and wellbeing grounds **will not** be awarded in the following circumstances:
  - a. Health problems that are not affected by housing or cannot be improved by housing;
  - b. Housing defects that can be rectified (see also Annex 5: Housing Conditions at page 55);
  - c. Neighbour disputes and anti-social behaviour (if the issue cannot be resolved, the Applicant may be eligible for a management move, see paragraph 5.1 and Appendix: 3 Scheme Bands, paragraph 1(a) at page 45).
  - d. Homeless Households who have been provided with temporary accommodation (if an Applicant's temporary accommodation is affecting their health or wellbeing, they should seek a suitability review);
  - e. The disability or health issues of someone who is not a member of the Applicant's Household under the Scheme;
  - f. Time related medical issues (such as pregnancy related problems or a broken leg).
4. An Applicant who has been assessed as having a need to move on health and/or wellbeing grounds, will be placed in one of the 4 Bands (see paragraphs 5.1 above) depending on the assessed level of need. Applicants will normally only be placed in Band 1: Emergency or Band 2: Serious Need to Move if there is supporting evidence from a relevant health professional.
5. Applicants will be informed in writing of the outcome of their health and/or wellbeing assessment, and reasons explaining why the decision was made. If they disagree with the outcome, they have a right of review. Please refer to Request for a Review at 7.5 for the reviews process.
6. Each individual in an Applicant's Household will be assessed if they have a health or wellbeing issue. If more than 1 member of the household is affected by their housing, the Application will be assessed with reference to the Household member with the severest problem. Where an Applicant (or a Household member) has more than 1 health and wellbeing need (for example both mental

and physical), an assessment will be made of whether the combination of these factors should result in the Application being placed in a higher band.

7. When considering whether to place an Applicant into one of the Bands for health and wellbeing, the Health and Welfare Panel will take into consideration the following factors:

(a) Band 1: Urgent Health or Wellbeing Need

Where the Applicant's accommodation is so unsuitable that should the Applicant remain or return to it the effect on their health would be critical. The only solution would be a move to alternative accommodation in the shortest time possible.

Examples of when an Applicant might be placed in Band 1 include:

- Where there is a significant threat to life;
- Where there is a significant risk of serious and permanent disability;
- Where someone cannot be discharged from hospital because their home is, and will remain permanently impossible to live in;
- Where the Applicant requires essential equipment such as respiratory, which they are prevented from having due to the housing circumstances.

(b) Band 2: High Health or Wellbeing Need

Where the Applicant's accommodation is so unsuitable that it has resulted in the Applicant being completely housebound, at risk of injury, relapse or unable to live independently. Alternative housing is required to prevent serious risks to the Applicant's health and wellbeing. Examples of when an Applicant might be placed in Band 2 include:

- Someone whose housing has rendered them housebound and where they have no support in place;
- Applicants who have escaped Domestic Abuse and who are being accommodated in a refuge or other temporary accommodation whose mental health has deteriorated as a consequence; there will be a need for not only GP but also secondary mental health intervention;
- Where it is impossible for an Applicant to use essential facilities in the home and adaptation is not possible;
- An inability to cope is solely and directly linked to the housing situation and is causing relationship breakdown or the need for secondary mental health intervention.

(c) Band 3: Medium Health or Wellbeing Need

Where the Applicant's accommodation is unsuitable and it is having an unacceptable impact on the Applicant's ability to live independently. Alternative housing is needed to prevent a deterioration in the Applicant's health and wellbeing. Examples of when an Applicant might be placed in Band 3 include:

- Someone who without the support that is in place would be housebound;

- Applicants who have escaped Domestic Abuse and who are being accommodated in a refuge or other temporary accommodation;
- Applicants who are able to access their home but are unable to access essential normal day-to-day facilities within it without significant difficulty, pain or discomfort;
- Applicants who suffer from a mental health issue which is exacerbated by their housing situation; normally there will be a need for not only GP but also secondary mental health intervention.

(d) Band 4: Lower Health and Wellbeing Need

Where the Applicant's housing is unsuitable and is having a negative impact on the Applicant's health and wellbeing but is not causing serious deterioration to their health or ability to live independently. Alternative housing is desirable but not necessary. Examples of when an Applicant might be placed in Band 4 include:

- Mobility issues where the current housing is suitable but the location means the Applicant can access but with some difficulty, public transport and other services;
  - Mental health where the location, environment around the home is a contributory factor. They may have been prescribed medication but are not be in receipt of on-going support from their GP.
8. The above are examples of how assessments will be made and do not form an exhaustive list. A reference to the impact of health or wellbeing on an Applicant should be read as also referring to any member of the Applicant's Household. Each Application will be considered on a case by case basis.
  9. Applicants who need to move to receive support or where a family member/carer needs to move to provide support to them will also be able to apply for a health and/or wellbeing need to move. If a family member/carer needs to move, they will have to join the Register and complete the Health and Wellbeing Assessment form. Their application will be placed in one of the 4 bands depending on the assessed need to move.

## APPENDIX 5: HOUSING CONDITION

1. The Council's Home Health and Safety Surveyor, or an Environmental Health Officer may be asked to investigate the defects that are reported by an Applicant where the problem might lead to an award of Band 1 or Band 2 for housing condition.
2. Where housing defects exists Applicants are expected to have already raised the problem with their landlord. This will have given the Applicant's landlord the opportunity to carry out the necessary improvements before involving the Council to take possible enforcement action. Applicants should be made fully aware that if an officer of the Council visits and identifies emergency or high disrepair it will be under an obligation to notify the landlord and where appropriate to take enforcement action under Part 1 of the Housing Act 2004 ("the 2004 Act).
3. Applicants will be awarded Band 1 or Band 2 depending on the assessment carried out by the Council's Home Health and Safety Surveyor, or if appropriate, Environmental Health Officer following an inspection of the Applicant's property. Applicants will not be placed in Band 1 or Band 2 if remedial action is planned to rectify the issues. In such circumstances, and if it is necessary and appropriate, Applicants may be re-housed temporarily until any works are complete.
4. Applicants will only be placed in Band 1 or Band 2 if the housing condition inspection results in one of the actions stated in the table below being taken and where the Council's Home Health and Safety or Environmental Health Officer states that remedial action is not possible, or if possible, that it cannot be undertaken within a reasonable period of time.
5. In considering whether remedial action is possible within a reasonable period of time, the Council will take into consideration the time scales involved in having to take any enforcement action against a landlord who is failing to co-operate or undertake necessary works.
6. The table below sets out when Emergency and High Disrepair will be awarded:

BAND	HOUSING CONDITION ASSESSMENT
Band 1:Emergency Disrepair	Where the Council's Home Health and Safety Surveyor, or where appropriate, an Environmental Health Officer, determines that the Council should serve a Demolition Order, Prohibition Order, Emergency Prohibition Order or carry out emergency remedial works under the 2004 Act.

<b>BAND</b>	<b>HOUSING CONDITION ASSESSMENT</b>
Band 2: High Disrepair	Where the Council's Home Health and Safety Surveyor, or where appropriate an Environmental Health Officer, has assessed a property as suffering from either a Category 1 or 2 hazard as set out under Part 1 of the 2004 Act and the Housing Health and Safety Rating System.

7. An Applicant's who has been awarded Emergency or High Disrepair will have their Application periodically reviewed. An Applicant's Emergency or High Disrepair Banding will be removed if the disrepair is rectified. The Applicant's Emergency or High Disrepair Banding will also be removed if the Applicant is preventing the landlord from undertaking necessary works. An Applicant who is found to be behaving in this way may be removed from the Register, as no longer qualifying as they will be deemed to be someone who is deliberately worsening their circumstances to be able to join the Register (please see paragraph 4.5.1 and Appendix 2: Eligibility and Qualification above).
8. Any Applicant who has had their Application removed or placed into a lower Band will be notified and will be able to seek a review of the decision. Please refer to paragraph 7.5 for the reviews process.



## APPENDIX 6: ALLOCATION OF GARAGES

1. To be considered for a Council garage, applicants must be 18 years or older and submit an application to the Council on the appropriate form.
2. Garages are normally allocated on a date order basis from when the application form is received; however,
  - Preferences may be given to applicants living in the same street as the void garage.
  - Preference will be given to applicants who do not currently hold a Council garage tenancy over an applicant who already has a tenancy of 2 or more garages.
3. Applicants may not be allocated a garage if the applicant:
  - Owes former or current arrears on a Council property or garage;
  - Owes former or current recharges on a Council property or garage;
  - Owes any other housing related debt (ie court costs);
  - Has previously been evicted or has poor past payment history of a garage tenancy.
4. A review of the garage waiting list will be carried out at least once a year.
5. Succession of a garage may take place depending on a number of factors:
  - Demand in the area;
  - The successor tenant's address;
  - Payment history
6. Charities or non-profitable organisations are able to apply for a garage to be held on a free of charge basis. Only hard-to-let garages may be let free of charge (ie where there are 2 or more garages available to let in the same street and where there are no eligible applicants on the garage waiting list for them).

## **APPENDIX 7: BRIEF SUMMARY OF STATUTORY PROVISIONS**

1. The Act states an allocation of housing takes place when:
  - A person is selected to be a secure or introductory tenant of the Council or is nominated by the Council to be an assured tenant (including assured shorthold) of a private registered provider of social housing in the Council's district; or
  - When there is a transfer of housing accommodation where a Council or a private registered provider of social housing tenant is in a Reasonable Preference Group and the transfer was made on the tenant's Application.
  
2. The following do not constitute an allocation of housing:
  - A succession under the Housing Act 1985 (including for an introductory succession);
  - An assignment in accordance with the provisions of the Housing Act 1985 or to an introductory tenant;
  - A mutual exchange in accordance with the Housing Act 1985;
  - A transfer in accordance with s.158 of the Localism Act 2011;
  - A transfer of an existing social housing tenant where the tenant does not fall within the Reasonable Preference Group and the transfer is not instigated by the tenant's application;
  - An introductory tenant becoming a secure tenant.
  
3. The Act prohibits the Council from allocating housing accommodation other than in accordance with the provisions of its allocations policy.