

OFFICIAL



# **Choice Based Lettings and Housing Allocations Policy**

**Rushcliffe Borough Council**



**Final Policy**  
**November 2013 (updated July 2023)**

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## 1. INTRODUCTION

### Choice Based Lettings Scheme

- 1.1 This policy covers all applications and allocations of social housing. It includes all properties for social rent or affordable rent allocated through the Council's Choice Based Lettings (CBL) system called Homesearch.
- 1.2 This policy does not cover allocations of social housing made by Registered Providers outside of the Rushcliffe Homesearch system, mutual exchanges or temporary decants to another property.
- 1.3 The policy contains an Appendix to describe when the Council will make a "private rented offer" in discharge of its homelessness duties under section 193 of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017). The remainder of this policy does not apply to offers made under this Appendix, which are not part of the CBL scheme.

### Purpose

- 1.4 The purpose of the policy is to set out who can apply for social housing in Rushcliffe, how priority is given to different applicants and how the housing register is maintained.
- 1.5 If you need to contact us about the Policy, you can do so as below (but please note that there are other contact details about how you bid in section 24):
  - By email to [strategichousing@rushcliffe.gov.uk](mailto:strategichousing@rushcliffe.gov.uk)
  - By letter addressed to Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham NG2 7YG
  - By telephone on 0115 981 9911 (ask for the Housing Options Team)
  - In person by coming to the Rushcliffe Borough Council Customer Service Centre, Fountain Court, Gordon Road, West Bridgford, Nottingham NG2 5LN during usual business hours

### Aims and Objectives

- 1.6 The Council will aim to make the best use of the social housing stock in the borough to meet the needs of residents. The aims of the policy are:
  - To ensure that all regulatory and legal requirements are met
  - To set out the requirement for considering eligibility and qualification
  - To ensure that applicants are given choice wherever possible
  - To set out the categories of applicants who will be given reasonable preference
  - To set out the categories of applicants who will be given additional preference
  - To confirm when local lettings policies and direct lets may be used
  - To set out a framework for reviews.

## Regulatory Code and Legal Framework

- 1.7** The ‘Allocation of accommodation: guidance for local housing authorities in England’ is statutory guidance issued in 2012 to local housing authorities in England under s169 of the Housing Act 1996. Housing authorities are required to have regard to it in exercising their functions under Part 6 of the Housing Act 1996 and Localism Act 2011.
- 1.8** Section 166A of the Housing Act 1996 provides that authorities must have regard to their homelessness and tenancy strategies when framing their allocations scheme.
- 1.9** Additional guidance ‘Providing social housing for local people’ was issued in 2013 to assist housing authorities to make best use of the flexibilities within allocation legislation to better meet the needs of their local residents and their local communities.
- 1.20** This policy has been reviewed to comply with the requirements of the Homelessness Reduction Act 2017 and the Homelessness Code of Guidance for Local Authorities 2018.
- 1.21** This policy identifies the groups that will be given preference for social housing. The scheme applies to existing tenants wishing to transfer from one tenancy to another and to new applicants, including people who are homeless. When we refer to an “applicant” in this document, it will refer to both new applicants including homeless people and tenants wishing to transfer (unless otherwise stated).
- 1.22** This policy will be effective from 1<sup>st</sup> April 2013 and will be kept under regular review to reflect changes in legislation or local housing priorities.

## Definition of an Allocation

- 1.23** The Housing Act 1996, Part 6 states a housing authority allocates accommodation when it:
- Selects a person to be a secure or introductory tenant of accommodation held by that authority
  - Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
  - Nominates a person to be an assured tenant of accommodation held by a private Registered Provider
- 1.24** For the purpose of this policy an allocation will be considered to be a nomination if the property has been advertised and shortlisted through the Rushcliffe Homesearch CBL system (see Direct Lets paragraph 23.5 for exceptions).
- 1.25** This applies to existing tenants if:
- The allocation is made at the tenant’s request; and
  - The tenant has reasonable preference (as defined in this policy)
- 1.26** This policy and definition does not apply if the Registered Provider initiates a transfer for management purposes.

## 2. EQUALITY AND DIVERSITY

- 2.1 The Council will promote equality of opportunity and anti-discriminatory practices when providing services. Communities thrive and prosper where individuals and groups are treated fairly and with respect and are given equality of access to services.
- 2.2 The aim of this document is to ensure that applicants for housing are treated fairly. In implementing this policy, people who can join this scheme will not be discriminated against on the grounds of race/ethnicity, age, disability, gender re-assignment, gender, religion or belief, marriage and civil partnership, pregnancy and maternity, sex or sexual orientation.
- 2.3 The Council has carried out an Equality Impact Assessment on this policy, and this will be kept under review.

## 3. STATEMENT ON OFFERING CHOICE

- 3.1 The Council is committed to enabling applicants to play an active role in choosing where they wish to live. However, the housing pressures faced by the Council will limit the degree of choice that the Council is able to offer along with the legal responsibility the Council has to ensure that those in greatest housing need are given priority for social housing, therefore in certain circumstances choice may need to be restricted.
- 3.2 It must also be recognised that there is very high demand for affordable housing in the Rushcliffe area and that this demand cannot be fully met from the current social housing stock.
- 3.3 When an applicant has been in a high priority band for 8 weeks, the Council may limit the applicant's choice by allocating a property directly to them. Details of when this will apply are set out in section 18.1.
- 3.4 For any applicant owed a homelessness duty under S195, 189B, 193(2) or 193C(4) of the Housing Act 1996 Part 7 (as amended by the Homelessness Reduction Act 2017) the Council may make a direct offer of suitable accommodation at any time in order to resolve a threat of homelessness or homelessness itself. This may restrict the time an applicant is therefore able to bid for accommodation in an area where they would prefer to live. An offer of suitable accommodation could be made in an area either inside or outside the Borough that the Council consider is suitable for the applicant to live in where the need to offer suitable housing is more important than the need to respect the applicant's preference for the location where they wish to live.

## 4. CONFIDENTIALITY

### General Data Protection Regulation (GDPR)

- 4.1 We will use the information provided by you to progress your application to join the Choice based Lettings Scheme. The basis under which the Council uses personal data for this

purpose is that this is necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the Council, as per General Data Protection Regulations 2018 (GDPR). The information provided by you may include information regarding your health, this is special category of personal data and this information is used by the Council on the basis that it is necessary for reasons of substantial public interest and in accordance with the provisions of the Data Protection Act 2018.

- 4.2 The Data Controller is Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford Nottingham NG2 7YG. The Data Protection Officer can be contacted at the above address or by email at [gdwyer@rushcliffe.gov.uk](mailto:gdwyer@rushcliffe.gov.uk)
- 4.3 The information provided by you may also be used for the purpose of any other function carried out by the Council.

## 5. HOW THE HOUSING ALLOCATION SCHEME WILL OPERATE

- 5.1 The Council will offer properties through **Rushcliffe Homesearch**, a Choice Based Lettings scheme, which gives people looking for housing more choice in where they live. The scheme is designed to be simple to use and easy to understand:
- **Register** –complete an online application form or contact us if you need assistance.
  - **Qualify** – the Council will decide whether you qualify for social housing in Rushcliffe (see section 7 for details)
  - **Bid** – Look at the property adverts or weekly newsletter and tell us about the property you are interested in by phone, website, in person, or if you are vulnerable we can place you on auto-bid. This is known as *bidding*.
- 5.2 When you apply to join the scheme, we will process your application and assess whether you *qualify* for social housing. If you do, we will give it a *priority band* (see pages 19-24), which reflects your level of housing need. We will also explain any limitations on the size and type of property you can bid for.
- 5.3 Properties are advertised every week, from Thursday at 00:01 to Tuesday at 23:59. This is known as the “advertising cycle”. The adverts can be found on the website or on free property sheets, which are available at libraries, advice centres and council offices. The adverts give information about each property, such as the number of bedrooms, location, rent, property type, and whether pets are allowed. The adverts also say who is eligible to bid for the property.
- 5.4 Once you have found a property that you are interested in that you are eligible to bid for, you can let us know by phone, via the website or in person. Bidding does not involve any money (except the cost of a phone call or postage). It is an expression of interest, not a financial offer. You can bid for up to three properties every week.
- 5.5 Before you bid for a property, make sure you read any eligibility criteria carefully to make sure that your bid is not wasted. During the bidding cycle, you can check your position in the queue

for that property and move your bids to different properties where you are better placed, to increase your chances of being successful.

- 5.6** Once the advertising cycle closes, all the bids received for each property are drawn together in a shortlist, and the property is normally offered to the person at the top of it (see section 25 for more details.) The property is offered to the applicant who is in the highest priority band, has been waiting the longest and who meets the criteria of any local lettings policy. If that applicant refuses, the property is offered to the next highest placed applicant and so on, working down the shortlist until the property is let. If the property is subsequently refused and a period of eight weeks has passed the property will be re-advertised.
- 5.7** However, there may be instances where the property is offered to an applicant lower down the list, for example, to avoid under-occupation (where the household moving in has more bedrooms than they need) or to make the best use of the property i.e. when the household has medical needs of requires a property which has been adapted.
- 5.8** Note: that it is the Landlord (NOT the Council) who makes the decision about whom the property is offered to. Please also note that if you have any arrears of rent then a Landlord may decide not to offer to you but to offer to someone who is lower on the shortlist but who has no rent arrears.
- 5.9** Each week, you can see feedback from properties that have previously been let through Rushcliffe Homesearch, including how many people bid for them, which band the successful applicant was in, and how long they had been waiting. This can help you to decide what type of properties to bid for in future and see how likely you are to be successful.

## 6. ELIGIBILITY

- 6.1** There are certain groups of people who are eligible for social housing.
- 6.2** The eligibility provisions do not apply to applicants who are already secure, introductory or assured tenants of a private Registered Provider.
- 6.3** The regulations setting out which classes of persons from abroad who are eligible or ineligible for accommodation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (as amended).
- 6.4** Accommodation will not be allocated to persons from abroad who are ineligible for housing if:
- They are subject to immigration control unless he or she comes within a class prescribed in regulations made by the Secretary of State
  - They are to be treated as ineligible for an allocation of accommodation as prescribed in regulations made by the Secretary of State
- 6.5** The term 'person subject to immigration control' is defined in section 13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 required leave to enter or remain in the United Kingdom (whether or not such leave has been given).

- 6.6.** The rights of European Economic Area (EEA) nationals, and their family members, who have citizen's rights under the European Union (Withdrawal Agreement) Act 2020 are protected.
- 6.7** A joint tenancy, for two or more people, will not be granted if any of the applicants are ineligible. However, if one of the applicants is eligible then the tenancy may be offered to that applicant only. Ineligible family members may be taken into account in determining the size of accommodation which is allocated.
- 6.8** All potential circumstances cannot be included in the policy. The UK Border Agency provides a service to housing services to confirm the Immigration Status of an applicant from abroad. If there is any uncertainty regarding eligibility, enquiries will be made before accepting an application.
- 6.9** If you are not sure whether you are eligible, you should contact the Housing Options Team for advice.

## 7. QUALIFICATION

- 7.1** To join the housing register, applicants must:
- 7.2** Be aged over 18, unless due to the following exceptional circumstances:
- Young people accepted under homelessness legislation
  - Care Leavers with a recommendation from Children Services
  - People referred and placed in specialist or supported accommodation by the Council who are ready to move on to independent living
  - Teenage parents aged 16 or 17
  - Exceptional circumstances following an assessment by the Housing Options Team and where a guarantor will be available
- 7.3** Any tenancy granted to a person under the age of 18 will be held in trust for them by a responsible adult, appointed to act on their behalf. Most landlords will only consider granting a tenancy to 16 and 17 year olds if a suitable support package is in place.
- 7.4** The Localism Act 2011 has given local authorities greater freedom to set their own policies about who can apply for social housing in their area. This means that the Council has more freedom over how it operates its allocations scheme and can now set criteria for who *qualifies* to join the housing register. If an applicant does not qualify, the Council will not register their application.
- 7.5** The Council has decided to restrict applications to people who have a clear need for rehousing, and that people who are adequately housed but have a desire to move will not qualify for social housing. The only exceptions to this are:
- i. Applicants willing to downsize to a smaller social housing property, and or

- ii. Applicants aged 50 or over who would be eligible for Later Living (Sheltered) Housing, and / or
- iii. Applicants over the age of 40 who are in receipt of medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payments (PIP), who are willing to move into a Later Living (Sheltered) property. This is because the supply of Later Living (Sheltered) housing is closer to the demand for that type of housing, whereas demand for “General Needs” social housing greatly outweighs the supply.

**7.6** To qualify, you must also have a local connection to the Rushcliffe Borough area or must fall into an exemption category (see list 2 below).

**7.7** To qualify to join the housing register, you must meet at least one criterion from list 1, and one criterion from list 2:

LIST 1	Need for Housing
1a	The applicant demonstrates the need for rehousing by meeting the criteria set out for Bands 1, 2 or 3 (see section 15 to 17)
1b	The applicant is occupying a social housing property in Rushcliffe and has one or more spare bedrooms, and is willing to move to a smaller property
1c	<p>Households with no children where at least one applicant is aged 50 or over and are willing to move into a Later Living (Sheltered) property (Category 1 or Category 2).</p> <p><b>Note:</b> Applicants under the age of 55 will generally only be considered for Category 1 Later Living (Sheltered) schemes but may be considered for Category 2 Later Living (Sheltered) schemes on an individual basis.</p> <p><b>Note:</b> Applicants aged 55 or over but under 60 must be in receipt of either medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payment (PIP) to qualify for Category 2 Later Living (Sheltered) schemes.</p>
1d	<p>Households with no children where at least one applicant is aged 40 or over, and in receipt of either the medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payment (PIP) and are willing to move into a Later Living (Sheltered) property.</p> <p><b>Note:</b> Applicants under the age of 55 will generally only be considered for Category 1 Later Living (Sheltered) schemes but may be considered for Category 2 Later Living schemes on an individual basis.</p>

LIST 2	Local Connection, or Exemption
2a	The applicant has lived in Rushcliffe continuously for the last 12 months, or for 3 out of the last 5 years
2b	The applicant currently works in paid employment in Rushcliffe for 16 hours per week or more, and has been employed in Rushcliffe for at least 12 months, or is a social housing tenant who needs to move to Rushcliffe to take up an offer of employment in the Borough
2c	The applicant provides or receives personal care (paid or unpaid) for/ from a parent, sibling, or adult child who has lived in Rushcliffe for the past five years and they need to move so that this caring arrangement can continue. Care must be provided for at least 3 hours per day for at least 5 days per week. A Community Care Assessment and/or confirmation of the arrangements by the Adult Services department must be provided to evidence this. A letter from a GP is not sufficient to prove this
2d	The applicant's circumstances require them to live close to special medical or support services which are only available to them in Rushcliffe
2e	The applicant has been accepted by Rushcliffe Borough Council under the homelessness legislation. Applicants will be made one offer anywhere in the borough or surrounding areas. Those applicants accepted as homeless and owed a Prevention (s195) or Relief (s189(B)) duty, who do not have a local connection, or who are unlikely to be owed the main s193 duty, and/or are likely to be found intentionally homeless, will only be offered a private rented property to end the homelessness duty
2f	The applicant has been accepted for priority re-housing as a reciprocal arrangement with another Council or Registered Provider
2g	The applicant has been placed in care as a child in the Nottinghamshire County Council area and/or was placed in care as a child outside the area (and previously lived in Rushcliffe) but wishes to return
2h	The applicant has been accepted as part of a witness protection recommendation by the police
2i	The applicant has been living in temporary accommodation provided by a local housing authority outside Rushcliffe, but had a local connection to Rushcliffe (2a, 2b, 2c) before they were placed there
2j	The applicant is serving in the regular Armed Forces, or has left the regular Armed Forces in the last five years
2k	<p>Households with no children where at least one applicant in the household is aged 50 or over and are willing to move into a Later Living (Sheltered) property (Category 1 or Category 2).</p> <p><b>Note:</b> Applicants under the age of 55 will generally only be considered for Category 1 Later Living (Sheltered) schemes but may be considered for Category 2 Later Living (Sheltered) schemes on an individual basis.</p>

	<b>Note:</b> Applicants aged 55 or over but under 60 must be in receipt of either medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payment (PIP) to qualify for Category 2 Later Living (Sheltered) schemes.
2l	Households with no children where at least one applicant is aged 40 or over and in receipt of either the medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payment (PIP), and willing to move into a Later Living (Sheltered) property.  <b>Note:</b> Applicants under the age of 55 will generally only be considered for Category 1 Later Living (Sheltered) schemes but may be considered for Category 2 Later Living (Sheltered) schemes on an individual basis.
2m	Another special reason. This will only be awarded by the Strategic Housing Manager where the applicants' circumstances are exceptional, and they can demonstrate a special reason for needing to reside in the Borough that is not covered under any other local connection category

- 7.8** People who have committed criminal or anti-social behaviour may not qualify to join the housing register, even if they meet the criteria set out in lists 1 and 2. The Council will assess each case on its own circumstances. Further details are set out in section 9.
- 7.9** Where an applicant does not qualify to join the scheme, the Council will give them advice about other housing options that may be available to them, such as renting a home in the private sector.
- 7.10** Applicants who have no local connection to Rushcliffe but qualify by virtue of 2k or 2l in List 2 above (older or disabled applicants who are willing to move into a Later Living (Sheltered) property) will still be shortlisted below those with a local connection.

## 8. WHO CANNOT JOIN THE SCHEME

### People Under 18 (see 7.2 for Exceptions)

- 8.1** You must be at least 18 years old or over at the time of applying.

### People Living Outside the Common Travel Area

- 8.2** You must be resident in the Common Travel Area at the time of applying.

### People who are not 'Habitually Resident' in the UK

- 8.3** If you have lived outside the Common Travel Area within the last two years, you may not be classified as 'habitually resident', even if you are a UK citizen. People who are not 'habitually resident' are not eligible for re-housing.

### **People Subject to Immigration Control**

**8.4** People subject to immigration control, as defined in the Asylum and Immigration Act 1996, are not eligible for social housing. These groups of people are set out by regulations.<sup>1</sup>

### **People who have no Housing Need (or Exception)**

**8.5** People who do not meet the criteria set out in Section 7, list 1 above.

### **People who have no Local Connection (or Exception)**

**8.6** People who do not meet the criteria set out in Section 7, list 2 above.

### **People who have Committed Criminal or Anti-Social Behaviour**

**8.7** The Council will assess each case on its circumstances as to whether applicants with a history of criminal or anti-social behaviour qualify for the scheme. Details are set out in section 9.

### **Homeowners**

**8.8** People who own part or all of a home will not be able to join the scheme unless:

- the only property they own is outside the United Kingdom, and it is not reasonable to expect them to occupy it; or
- households with no children where at least one applicant in the household is aged 50 or over and are willing to move into a Later Living (Sheltered) property; or
- households with no children where at least one applicant in the household is aged over 40 and in receipt of medium or high rate Disability Living Allowance (DLA) or Personal Independent Payments(PIP) and are willing to move into a Later Living (Sheltered) property; or
- there are exceptional circumstances, such as where they have a serious medical condition and they are no longer able to remain in the property they own;

**and**

- they are unable to afford to purchase a property suitable for their needs.

**8.9** The judgement about whether a homeowner is able to join the scheme is at the Council's discretion.

### **Financial Circumstances**

**8.10** If it is considered that you have the financial resources/equity in your home to enable you to resolve your housing situation, then you will be excluded from the housing register, except where you qualify for Later Living (Sheltered) housing only. In this instance the applicant will be restricted to Band 3 Later Living (Sheltered) properties only. The Council will take into account a range of factors based on your ability to access either the private rented sector or owner occupation. As guidance we would usually consider that a property is affordable where the rent or mortgage cost equated to one third of your income having regard to family size.

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<sup>1</sup> [Allocation of Housing and Homelessness \(Eligibility\) \(England\) Regulations 2006 \(as amended\)](#)

## Sanctuary Scheme

- 8.11** People who have been approved or had Sanctuary installed in their properties within the last 12 months and there has not been any change in their circumstances will not qualify to join or remain in the Homeseach scheme.

## 9. CRIMINAL AND ANTI-SOCIAL BEHAVIOUR

- 9.1** Some people's behaviour means that they are unsuitable to become tenants. People who have behaved or are currently behaving anti-socially may not be allowed to join the scheme. People who have or are currently behaving in the following ways may not qualify for the scheme:

- Current or former tenants who are or have been in serious breach of their tenancy conditions due to anti-social behaviour
- People who have been served with an injunction
- People who have been or are currently subject to another court order (such as a suspended possession order) on the grounds of anti-social behaviour
- People who have been evicted by their landlord because of anti-social behaviour
- Anyone who has caused wilful damage to a Council or Registered Provider property
- This includes the tenant, a member of the tenant's household or visitors to the property
- Anyone with a history of, or currently perpetrating, serious anti-social behaviour and/or criminal behaviour

- 9.2** Behaviour likely to be considered as serious includes:

- Physical assaults (such as domestic, racial and homophobic violence)
- Severe damage to property (including buildings, cars etc.), for example, arson attacks
- Threats of violence and/or damage, including threats to kill (this includes perpetrators of domestic violence)
- Persistent and offensive verbal abuse, due to a person's religion, ethnicity, sexuality, disability or other reason
- The use of dwellings for the cultivation, supply or use of drugs
- Persistent/widespread criminal activity such as burglaries or vehicle crime
- Very serious and persistent noise nuisance continuing for long periods of time
- Anyone who has been violent to or threatened staff of Rushcliffe Borough Council, a Registered Provider, another previous landlord or the police.

- 9.3** All cases will be considered on their individual circumstances before a decision is made that they do not qualify for housing. The Council will take into account the nature and severity of

the criminal or anti-social behaviour, and how long ago the incidents occurred, when deciding whether an applicant qualifies and, if not, how long this will apply for. Any decision to exclude for behaviour will be supported by information provided by other agencies, for example the Police.

- 9.4** If at any time a partner in the Homesearch scheme obtains evidence that an applicant already accepted onto the scheme has exhibited unacceptable behaviour as outlined above, then their application may be suspended or cancelled. Applicants will be informed in writing of this, and will have the opportunity to appeal against this decision, in accordance with the appeals procedure.

## 10. APPLICATION REQUIREMENTS

- 10.1** This section contains the requirements applicants will be expected to fulfil.

### Family Applications

- 10.2** Applicants will be considered as a family household where at least one dependent child is living permanently within the household. Dependent children are defined as children aged up to 18 and who must be living with the applicant as their main home. This includes children who are adopted or fostered on a long-term basis. Children aged over 18 but still living at home are regarded as adult members of the household.

- 10.3** Children who do not live permanently in the applicant's home, or who have their main home elsewhere (for example, due to access arrangements), are not considered as permanent members of the household and will not be counted for bed spaces.

### Joint Applications

- 10.4** Joint applications can be accepted from couples and people who are not couples but have a long-term commitment to live together. All applicants must agree that they are applying together. Joint applications can include:

- People who want to share a home as partners
- Relatives wishing to live together where there is a long-term commitment to a shared home
- Friends wishing to live together where there is a long-term commitment to a shared home
- One of the parties is a carer for another

### Applicants no Longer Wishing to Apply Jointly

- 10.5** If one or both applicants in a joint application no longer wish to apply jointly, separate applications can be made from the original joint application. When a request to split the joint application is received, each party's circumstances will be reassessed separately, and an appropriate band awarded from the original application date. However, if the re-assessment results in a higher band for one of the applicants, their waiting time will only be effective from the date of the re-assessment.

## Single Applications

**10.6** Single applicants can include single people living on their own, single parents with dependent children living with them or people wanting to apply for a tenancy in their own right who may have other people included in their household on their application. If a single applicant is offered and accepts a tenancy, the tenancy will be granted only in their name. A joint tenancy with a person who was not listed on the application will not normally be granted.

## Pregnant Applicants

**10.7** If you are pregnant you will be accepted as a family applicant, requiring appropriately sized accommodation, as soon as your pregnancy has been confirmed. The Registered Provider may not consider you for family accommodation prior to the children being born.

## Members of HM Forces

**10.8** Former and serving members of the Armed Forces will qualify for housing only if they meet the criteria from list 1 in section 7 (recognised need for housing, or exception). You do not need a local connection to Rushcliffe Borough in order to qualify. If you do qualify for housing then you will be given additional preference by the Council, as described in section 17.

**10.9** However, former and serving members of the Armed Forces who do not have a housing need, or do not meet the criteria set out in list 1, section 7, will not qualify to join the scheme.

**10.10** Former and serving members of the Armed Forces who do qualify for housing are given additional preference by the Council, as described in section 17.

**10.11** We define former and serving members of the Armed Forces as:

- People who left the regular Armed Forces within the last 5 years, except those dishonourably discharged
- Serving members of either the regular or reserve Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner

## Prisoners

**10.12** Prisoners serving a custodial sentence will not have their application considered until 8 weeks before their release date. This is because it would not be fair for a prisoner to apply for the scheme and build up waiting time while they are serving a custodial sentence and thus in no position to move home. The release date must be verified by probation or prison staff. A prisoner's last settled address is used to establish whether they have a local connection.

## Applicants with Rent Arrears

**10.13** Applicants with current or former rent arrears from a private, Council or Registered Provider tenancy may only join the Scheme where they have made arrangements to pay the arrears and have adhered to this arrangement for a minimum period of 6 months (supporting evidence

will be required). Failure to adhere to the payment plan may result in the application being suspended. Any offers will be at the discretion of the landlord in accordance with their policy. Where applicants have not disclosed arrears at the time of application, they will be subject to rent referencing by the Registered Provider who may withdraw the offer if arrears are later discovered.

## Foster Carers

- 10.14** Applicants who have been approved as a foster carer but who need an additional bedroom to commence a placement will be placed in Band 2 when this is confirmed by the local children's services authority.

## Homeless Applicants

### The Main Section 193(2) Homelessness Duty

- 10.15** Applicants who are homeless and are owed the Main Duty when the Relief Duty comes to an end because they have been assessed as being in priority need and unintentionally homeless will be placed in Band 1. NB Applicants owed the Main Duty will be eligible for assistance, have a priority need and will not be homeless intentionally.
- 10.16** Applicants who are owed this duty will be placed on auto bid and offered one suitable offer in any area regardless of the areas requested in order to relieve homelessness successfully. The duty may also be ended with any accommodation that is not social housing that is suitable and offered or secured for a 12-month minimum 'Fixed Term Tenancy.'

### The Section 189(B) Relief of Homelessness Duty

- 10.18** Applicants who are homeless and are owed a Relief Duty and who would be likely to be owed the Main Duty because they are in priority need and unintentionally homeless, will be placed in Band 2.
- 10.19** Applicants owed a Relief Duty but where they would not be owed or are unlikely to be owed the Main Duty when the Relief Duty comes to an end will be placed in Band 3 **but not activated for social housing**. In these instances, applicants will only be offered one suitable private rented offer, secured or offered with a reasonable prospect of being available for at least 6 months in any area regardless of the areas requested in order to prevent or relieve homelessness successfully. Applicants will NOT be offered social housing.
- 10.20** Non-priority applicants with a local connection, assessed as unintentionality homeless where they have been issued with a decision that the Relief Duty has ceased and no further duty is owed despite the applicant still be being homeless, will be placed in Band 3 and they will be awarded an additional six months waiting time.
- 10.21** Applicants who are owed this duty will be placed on auto bid and offered one suitable offer in any area regardless of the areas requested in order to prevent or relieve homelessness successfully. The duty may be ended with any accommodation that is not social housing that is suitable and secured (or offered) with a reasonable prospect of being available for at least 6 months.

### The Section 195 Prevention of Homelessness Duty

- 10.22** Applicants with a local connection who are owed a Prevention Duty and who would be likely to be owed the Main Duty if the Relief Duty were to end unsuccessfully, or have been issued with a decision that they are non-priority and have a local connection will be placed in Band 3
- 10.23** Applicants who are owed this duty will be placed on auto bid and offered one suitable offer in any area regardless of the areas requested in order to prevent or relieve homelessness successfully. The duty may be ended with any accommodation that is not social housing that is suitable and secured or offered with a reasonable prospect of being available for at least 6 months.
- 10.24** Applicants **without** a local connection who are owed a Prevention Duty but where they would not be owed or are unlikely to be owed the Main when the Relief Duty comes to an end will be placed in Band 3 **but not activated for social housing**. In these instances, applicants will only be offered one suitable private rented offer, secured or offered with a reasonable prospect of being available for at least 6 months in any area regardless of the areas requested in order to prevent or relieve homelessness successfully. Applicants will NOT be offered social housing.
- 10.26** The Council will only offer one suitable property to a homeless applicant who has been placed in Band 1, 2 or 3 under the Council's Main Duty, Relief Duty or Prevention Duty, and this offer will discharge the Council's duties to the applicant in full. If the homeless applicant refuses this offer and they are in Band 1 or Band 2 and have a local connection as defined in List 2, section 7 they will be moved to Band 3. Applicants in Band 3 with no local connection who refuse this offer will no longer be eligible for the housing register.
- 10.27** Applicants can request a review if they do not believe the property to be suitable for their needs. However, they are advised to accept the tenancy while awaiting the outcome of this review as, if it proves unsuccessful, the Council will discharge its homelessness duties and the applicant may be required to leave any temporary accommodation provided.
- 10.28** Homeless applicants with no fixed abode must provide a 'care of' address where post can be received. This could be a friend, a relative or a support agency's address.

## 11. INFORMATION YOU NEED TO PROVIDE

- 11.1** To accompany your application form, you will need to provide some information about you and your household. Your application cannot be registered without this information, so please make sure you have provided the following:

### Identification

- 11.2** Proof of identity for all members of your household is required, such as a passport, driving licence or birth certificate. If you are a current tenant of a Rushcliffe Homesearch member and you are struggling to supply proof of identity, please contact your housing provider.

## Children

- 11.3** You will need to provide proof for all children who live permanently at your address. This must be a letter confirming Child Benefit or Tax Credits for each child living with you permanently. Please make sure that the letter shows your child/children's name and date of birth.

## Immigration Status

- 11.4** If you are not a UK citizen you will need to provide proof that you are eligible for social housing in the UK, such as Home Office documentation.

## Residency Checking

- 11.5** Your Council has to confirm that you are living at the address you state on your application form. The Council may use a credit reference agency to do this. If you are not registered for Council Tax or are not on the electoral roll, you will need to provide some other proof that you live at the address on your application form (such as a utility bill in your name, an NHS medical card, bank statements, benefit letters etc).

## Proof of Local Connection

- 11.6** If you do not live in the borough at present, you will need to prove another local connection from list 2 in section 7, such as that you work in the borough or have immediate family living in the borough and need to move to Rushcliffe to support them or receive support from them. You will need to provide evidence of family member's utility bill, driving licence, tenancy agreement, benefits letters, confirmation of carer's allowance and carer's employment contract required (a GP's letter is not sufficient to demonstrate this, or a letter from your employer confirming your place of work).
- 11.7** You must also give full information about any criminal and/or anti-social behaviour as detailed in section 9 above. An applicant who has a conviction may still be accepted. Before an offer of property is made, further checks may be completed to ensure the suitability of the accommodation. Where this is the case, applicants will be made aware of this process.
- 11.8** You must also provide full details relating to any rent or mortgage arrears as detailed at point 10.13. Partner landlords may wish to include former arrears in the terms of their tenancy agreement.
- 11.9** Please see the "Supporting Documentation information part of the website, which will tell you the information required. Applicants with additional support needs will be supported and assisted to provide the necessary information.

## 12. ASSESSING APPLICATIONS

- 12.1** When an application is received it will be assessed by a member of the Housing Options Team who will contact the applicant to request the supporting evidence. Applicants will only be accepted, awarded a band and allowed to bid once all evidence has been received. The registration date, for allocation purposes is the date that the application was activated following all verifications being completed.

## Medical Need

- 12.2** If you are applying to move because you have a medical condition, a mobility problem or a permanent physical disability, you will need to provide information about your condition and how your condition is affected by your current housing (e.g. you need to move following a stroke which has affected your mobility to such an extent that you can no longer manage stairs and require ground floor accommodation).
- 12.3** We may need further information regarding your need to move home. This could be a letter from your GP, social worker, occupational therapist or other health or social care professional who knows about your condition. We may also send out a medical form for you to complete to assist us to decide what level of medical need you have. A home visit by a Housing Options Advisor may also take place.

## Welfare Need

- 12.4** You should provide as much information as possible about why you need to move. Examples of a need to move on welfare grounds could include:
- because you need to provide or receive essential care to or from a relative, a Community Care Assessment and/or confirmation of the arrangements by the Adult Services Department must be provided to evidence this; or
  - because you need to be near essential services that you could not access without moving. You may need to provide proof of your need from your GP, Social Worker or other health or social care professional.

## Threatened with Loss of Accommodation

- 12.5** If you have been asked to leave your home, you will need to provide proof, such as a copy of your notice to quit, possession order or letter from your employer (if you live in tied accommodation). Enquiries with your landlord will be made and where there is evidence that you have colluded with your landlord in the issuing of a notice to quit, you will be excluded from joining the scheme for an indefinite period.

## Deliberate Worsening of Circumstances

- 12.6** Deliberate worsening of circumstances arises where the Council decides that you have given up accommodation that was suitable for your needs where there was no requirement or obligation to do so. To reduce the likelihood of people moving into poorer accommodation in order to qualify for quicker re-housing, if you are found to have deliberately worsened your circumstances, you will not normally qualify for housing based on this situation for 12 months after you deliberately worsened your own circumstances. Examples of deliberate worsening of circumstances might include:
- Selling a or giving up a privately rented property that was affordable and suitable for your household's needs
  - Moving from a secure or assured tenancy to insecure or overcrowded accommodation with family or friends, where there is no good reason for this move

- Where there is evidence that it was reasonable that you could have remained in your original accommodation
- Arranging for another person to move into your home, creating an overcrowded situation, where there was no good reason for this move

**12.7** Where you have little or no control over your move to alternative accommodation, this will not normally be considered as a deliberate worsening of circumstances.

## **13. FALSE STATEMENTS AND WITHHOLDING INFORMATION**

**13.1** Section 171 of the Housing Act 1996, as amended by the Homelessness Act 2002, states:

- (1) A person commits an offence if, in connection with the exercise by a local housing authority of their functions under the Act –
- a) he knowingly or recklessly makes a statement which is false in a material particular, or
  - b) he knowingly withholds information which the authority has reasonably required him/her to give in connection with the exercise of those functions.

**13.2** This means that it is an offence for which you may be prosecuted in the Magistrates Court to give false information or knowingly withhold information you have been asked for regarding your housing application.

**13.3** If you are found to have given false information, you may be excluded from registering with Rushcliffe Homesearch. If you have given false information and have obtained a property through Rushcliffe Homesearch, the landlord may bring proceedings for possession of the property.

## **ALLOCATIONS POLICY AND BANDING SCHEME**

### **14. BAND ONE – URGENT PRIORITY**

#### **Urgent Medical Priority**

**14.1** Applicants who have a permanent (life-long or terminal) or chronic medical condition, illness or disability and as a result of this condition are unable to continue to occupy their current accommodation. An applicant's current home must be assessed by a housing, health or social care professional as no longer being accessible or suitable. Applicants will only be awarded Urgent Medical Priority where rehousing is the only realistic option and the applicant does not have the financial means to contribute to or carry out essential adaptations. Examples include:

- Where the applicant cannot be discharged from hospital to their present home
- Where the applicant is unable to access essential parts of their home e.g. bathroom, kitchen

## Urgent Property Factors

14.2 This will be considered where:

- Tenants of a partner Registered Provider who live in the borough and who are required to leave their home as a result of a regeneration scheme, major repair or demolition/clearance
- Applicants whose home is subject to a demolition order
- Applicants whose home is subject to Environmental Health action, such as statutory overcrowding, or has a Category 1 hazard which cannot be resolved and is likely to lead to homelessness, or which presents an immediate risk to the health and safety of the applicant
- Emergency fire or flood – applicants who live in the Borough, and who are unable to return to their tenancy due to extensive works required following a fire or flood

## Statutory Overcrowding

14.3 Applicants whose current accommodation has been assessed as being statutorily overcrowded by an Environmental Health Officer. This assessment will take into account the number, ages, and gender of people resident in the property along with the number and sizes of rooms.

14.4 A claim of overcrowding is usually only considered where it arises as the product of natural growth (i. e. it occurs when a new child is born, adopted or fostered). Overcrowding caused by people of any age coming (back) to live in the property would not usually be awarded this priority, unless there is proof that the person causing the overcrowding had no other option but to move into the property. In this case, the application will only be placed in this band once the situation has existed for 6 months. The local authority will determine over-crowding after considering the best use of the rooms available to the household. This restriction applies in all bands.

## Urgent Management Cases

14.5 Tenants of a partner Registered Provider who currently live in the Borough, whose landlord has made a firm recommendation that they should move urgently. An award of Band 1 for a management move will only be awarded following approval by a Manager from the Registered Provider and the relevant Local Authority.

## Under Occupation by Two or more Bedrooms

14.6 Tenants of a partner Registered Provider who live in the borough and whose current home is too big for the needs of their household by **two** or more bedrooms.

14.7 Only those tenants willing to move to a one-bedroom home or give up **two** bedrooms will be considered in this category. The property you bid for must have at least two bedrooms fewer than the property you currently live in. For example, if you live in a three-bedroom house and apply on this basis, then bid for a two bedroom house, you will not be given Band 1 priority.

## Homelessness

- 14.8** This Band will be awarded where the Council has accepted a Main Homelessness Duty i.e. eligible for assistance, have a priority need and not homeless intentionally. The applicant will be placed on autobid in this band from the date accepted, and directly matched to the next suitable available property in any area regardless of the areas requested in order to prevent or relieve homelessness successfully. The applicant may also have the duty ended with any accommodation that is NOT social housing that is suitable and secured or offered for a 12-month minimum 'Fixed Term Tenancy.'

## 15. BAND TWO – HIGH PRIORITY

### Homelessness Relief

- 15.1** This Band will be awarded where an applicant is owed a Relief Duty and who would be likely to be owed the Main Duty if the Relief Duty were to end unsuccessfully. The applicant will be placed on auto-bid in this band from the date accepted, and directly matched to the next suitable available property in any area regardless of the areas requested in order to prevent or relieve homelessness successfully. The applicant may also have the duty ended with any accommodation that is NOT social housing that is suitable and secured or offered with a reasonable prospect of being available for at least 6 months.
- 15.2** Registered Providers will be advised not to skip or accept refusals without referring to the Housing Options Advisor and where refusals are deemed unreasonable the Band may be reduced to Band 3 whilst still in the relief of homelessness stage.
- 15.3** Applicants owed a Relief Duty but where they would not be owed or are unlikely to be owed the Main Duty when the Relief Duty comes to an end, will be placed in Band 3 (i.e. non priority need or intentionally homeless). **Equally, where inquiries are being made to ascertain a local connection prior to a formal referral being made to another Council applicants will be placed in Band 3 and therefore will only be eligible for private rented accommodation.**

### Personal Protection/Harassment

- 15.4** Applicants who are at risk in their current home in the borough because they are experiencing harassment (including racial and homophobic harassment), domestic violence or other threats of violence, and where all housing options have been explored. You will need to provide evidence from the police, anti-social behaviour unit or other relevant agency and will only be offered accommodation which is considered a safe distance from the threat. Applicants awarded this will be placed on auto bid and made one suitable offer in a safe area of the Borough.

### Succession

- 15.5** Applicants who have succeeded to the tenancy of a property in Rushcliffe owned by one of the partner Registered Providers, where the property is unsuitable for the successor, because

it is too big, or has special adaptations, and suitable alternative accommodation is being sought.

- 15.6** Applicants who are occupying a property owned in Rushcliffe by one of the partner Registered Providers where the landlord has not agreed to a non-statutory succession.

**16/17 Year Old’s and Young People Leaving Care**

- 15.7** Any young person leaving care aged 18 to under 25 or aged under 18 will be banded according to the procedures set out within the Nottinghamshire County-Wide Protocol. Those care leavers aged under 25 years old who are either moving on from care or whose accommodation arrangements have broken down are able to approach the Council for assistance. Supporting information will be required from Adult/Children’s social care. Accepted applications from care leavers will be placed in Band 2 for 8 weeks. If after 8 weeks a property has not been secured, the applicants banding will be increased to Band 1 and will be placed on auto bid. Please see local connection criteria from section 7.7.

**Move-on from Specialist and Supported Accommodation**

- 15.8** Applicants who are ready to move on to independent living from supported accommodation. Applicants will be awarded this category following confirmation from the accommodation or support provider that they are ready to move on and have the life skills to maintain an independent tenancy. The referral should also detail any move-on support package in place. This band is available only where the council has referral arrangements with the accommodation provider. The Band will be reviewed after 12 weeks.

**Severe Overcrowding**

- 15.9** Applicants whose household is subject to severe overcrowding, where the household is assessed as being two bedrooms short of the number of bedrooms required or where there is gender overcrowding. There are overcrowding restrictions which apply to all bands (see details provided on band one - overcrowding).

**15.10** Gender overcrowding is defined as:

- Where a child aged 10 or over has to share a bedroom with a child or adult of the opposite sex;
- Where a child aged 10 or over has to share a bedroom with their parent or parents.

Household Member	Bedroom Eligibility
Couple/single parent	1 bedroom
Single adult (age 18+) * (siblings of the same sex over the age of 18 who are part of a family application will be expected to share)	1 bedroom
Person with confirmed medical need for own bedroom	1 bedroom
1 child or 2 children of the same sex	1 bedroom
2 children of different sexes, until the eldest is 10	1 bedroom
2 children of different sexes where one is aged 10+	2 bedrooms

### **Under-Occupation**

**15.11** Tenants of a partner Registered Provider, who live in the Borough, whose present home is too big for the needs of their household by **one** bedroom, and who wish to move to smaller accommodation.

### **High Medical Priority**

**15.12** Applicants or a member of their household who have a serious medical condition, illness or disability which is made worse by their current accommodation, and as a result of this condition a move is essential as it is not reasonable to continue to occupy their current accommodation on long term basis. Supporting evidence will be required.

### **Foster Carers**

**15.13** Applicants who have been approved as a foster carer but who need an additional bedroom to commence a placement (written confirmation will be required by the local children's services authority).

## **16. BAND THREE – MODERATE PRIORITY**

### **Lodgers with Dependent Children or who are Pregnant**

**16.1** Applicants with dependent children, or who are pregnant, who share facilities (e.g. kitchen, bathroom) with family, friends, an ex-partner or a landlord who lives in the same property (but not people who are tenants, joint tenants or owners of the property they occupy).

### **Moderate Medical Priority**

**16.2** Applicants whose household includes a person whose illness or disability is made worse by their present home, and who need to move to improve their condition, but a move is not essential.

### **Social or Financial Hardship**

**16.3** Applicants who experience hardship in their current accommodation and who need to move to improve their situation, but a move is not essential. This could include:

- People who need to be close to specialist educational facilities
- People who need to move to take up employment or training for a minimum of 6 months
- People who cannot afford to live in their current accommodation in the longer term, and have provided financial information to show that this is the case
- Social housing tenants who need to move to Rushcliffe to take up an offer of employment in the Borough
- Other special reason

### **Homelessness Prevention with a Local Connection**

**16.4** This Band will be awarded where an applicant with a local connection is owed a Prevention Duty

**16.5** The applicant will be placed on autobid in this band from the date accepted, and directly matched to the next suitable available property in any area regardless of the areas requested in order to prevent homelessness successfully. The applicant may also have the duty ended with any accommodation that is NOT social housing that is suitable and secured or offered with a reasonable prospect of being available for at least 6 months.

### Homelessness Relief with a Local Connection

**16.6** This Band will be awarded where a non-priority applicant with a local connection who is owed a Relief Duty or has been assessed as unintentionally homeless and has been issued with a decision that the Relief Duty has ceased, and no further duty is owed despite the applicant still being homeless. Where a decision to end the Relief Duty has been issued, an additional six months waiting time will be awarded.

**16.7** The applicant will be placed on autobid in this band from the date accepted, and directly matched to the next suitable available property in any area regardless of the areas requested in order to relieve homelessness successfully. The applicant may also have the duty ended with any accommodation that is NOT social housing that is suitable and secured or offered with a reasonable prospect of being available for at least 6 months.

### Homelessness Prevention or Homelessness Relief (Other Circumstances)

**16.8** This band will be awarded where an applicant is owed a Prevention Duty or a Relief Duty but where they would NOT be owed the Main Duty when the Relief Duty comes to an end because they have been assessed as or are likely to be:

- intentionally homeless
- have refused an offer of suitable accommodation as discharge of the Council's Main Duty, Prevention or Relief Homelessness Duties
- do not have a local connection or where inquiries are being made to ascertain a local connection prior to a formal referral being made to another Council.

**16.9** In all of the above circumstances, the Prevention Duty or Relief Duty will be ended with any accommodation that is NOT social housing, that is suitable and secured (or offered), with a reasonable prospect of being available for at least 6 months. If an offer of private rented accommodation is refused by these applicants, they will be deleted from the register.

### General Overcrowding

**16.10** Applicants whose household is overcrowded by **one** bedroom (although households experiencing gender overcrowding are awarded additional priority in Band 2). There are overcrowding restrictions which apply to all bands (see details provided on Band one - overcrowding).

### Applicants with no Children aged 50 or over with no other Housing Need

**16.11** Applicants aged 50 or over with no children living in the household, who are willing to move into a Later Living (Sheltered) property.

### **Applicants with no Children Under the age of 50 with no other Housing Need**

**16.12** Applicants aged 40 or over with no children living in the household, and in receipt of either medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payment (PIP) who are willing to move into a Later Living (Sheltered) property.

### **Applicants with no Children aged 50 or over with No Local Connection**

**16.13** Applicants aged 50 or over who have no local connection to Rushcliffe will only be awarded this Band regardless of any other housing need and will only be considered for Later Living (Sheltered) properties. They will also be shortlisted **below** those applicants with a local connection.

### **Applicants with no Children aged 40 or over with No Local Connection**

**16.14** Applicants aged 40 or over with no children living in the household who are in receipt of either medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payment (PIP) and have no local connection to Rushcliffe will only be awarded this Band regardless of any other housing need. They will be only considered for Later Living (Sheltered) properties and shortlisted **below** those applicants with a local connection.

## **17. ADDITIONAL PREFERENCE GROUPS**

**17.1** The Council has decided that it wishes to give additional preference to applicants from certain groups. It will achieve this by applying additional waiting time to these applicants, so that they are placed higher within a single band than they would otherwise be. Applicants will be given only one additional preference award and this will be whichever is the highest.

### **Armed Forces Applicants**

**17.2** The Council has pledged its support to the Armed Forces Community Covenant, which is a statement of mutual support between the Council and the local Armed Forces community. The aims of the Community Covenant are to:

- encourage local communities to support the Armed Forces community in their area and vice versa
- nurture public understanding and awareness amongst the public of issues affecting the Armed Forces community
- recognise and remember the sacrifices faced by the Armed Forces community
- encourage activities which help to integrate the Armed Forces community into local life; and
- encourage the Armed Forces community to help and support the wider community, whether through participation in events and joint projects, or other forms of engagement

**17.3** In order to further these aims, additional preference will be given to applicants who qualify for housing (see section 7) and who are:

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

**17.4** In these circumstances, applicants will be awarded an additional nine months waiting time. This means that their effective date will be treated as being nine months prior to the date they provided all information necessary to assess and activate their application.

### **Applicants in Paid Employment**

**17.5** Applicants who qualify for housing where the main or joint applicant is in paid employment will be awarded an additional six months waiting time. This does not apply to applicants accepted as homeless.

### **Definition of Paid Employment**

**17.6** For the purposes of this policy, paid employment is described as having a permanent contract, working as a temporary member of staff or being self-employed. Applicants will only qualify if the worker is currently working and has been employed for 6 out of the last 12 months. Verification will be sought at point of application as well as the point that a tenancy is offered, under the same terms. Applicants must provide pay slips, P60, bank statements or a verifying letter on their employer's headed paper in order to qualify.

### **Homeless Applicants Where the Relief Duty has Ended Unsuccessfully**

**17.7** Homeless applicants' who have been notified that the Relief Duty has ceased, and that no further duty is owed despite the applicant still being homeless, will receive an additional six months waiting time, unless they fall within 16.6.

## **18. REVIEWS**

### **Priority Reviews**

**18.1** If you are placed in Band 1 or Band 2, this represents an urgent situation, so you are expected to place bids for any properties that match your needs. There is a time limit of 8 weeks for applicants in Bands 1 and 2 after which your application will be reviewed to check whether your circumstances still warrant that level of priority. This may result in your banding being reduced. This does not apply if you have been awarded Band 1 or Band 2 priority because you are under-occupying your current home. If you have been accepted under the statutory homelessness duties you will be direct matched to the next suitable available property and so this does not apply.

## Reviewing Applications

- 18.2** Your application will be reviewed each year, and we will ask you to tell us if your circumstances have changed in anyway. It is important to complete and return your review form so that we have up to date information about your need for housing. If you do not return the form or otherwise contact us within 28 days, we will assume that you no longer need housing and remove you from the housing register.
- 18.3** We may review your application at any time in order to confirm that we still have the correct information. If we are not able to contact you, we may suspend your application. If we do this, we will write to inform you. If we still do not hear from you, we may cancel your application.

## Changes In Circumstances

- 18.4** You should let us know about any changes in your circumstances immediately. For example, someone moves in or moves out, or there is a change to your income. Changes will mean that we have to review your application and your priority banding may change.
- 18.5** If you are moved to a lower band, because your need for housing has reduced, you will keep the same “effective date” to determine how high up that band you will be. However, some changes may mean you no longer qualify to remain on the scheme.
- 18.6** If you are moved to a higher band, because your need for housing has increased, your “effective date” will change to the date your change of circumstances request was agreed. This is so that applicants who have been in this high level of need for a long time will remain above applicants who have recently joined this band.
- 18.7** If you move to a new property, you will need to complete a new form or visit the website to find out if you still qualify to remain on the scheme.
- 18.8** If you bid for a property successfully, and it is later found that your housing situation was different from the most recent details you provided, then the offer might be withdrawn, or the landlord may take action to recover possession of the property. This may also result in you being excluded from the housing register for 1 year.

## 19. APPEALS

### Appeals Against Qualification and Banding Decisions

- 19.1** If you disagree with the band you have been placed in or have been advised that you do not qualify to join the scheme, you have the right to ask for your application to be looked at again. You should submit any relevant additional information if you feel will that this will support your application. Your request for an appeal should be sent within 21 days of your original registration or banding notification letter. A senior officer will review your application and write to you to tell you the outcome of the appeal, usually within 28 days. If your appeal is not successful you will be informed of the reasons for this in writing.
- 19.2** If your appeal is accepted, and your application is placed in the higher band, your “effective date” will be backdated to the date the new information was provided, unless there are exceptional circumstances.

## Appeals Against Non-Qualification or Anti-Social Behaviour

- 19.3** If you have been notified that you do not qualify to join the scheme, because of criminal or anti-social behaviour, you have the right to appeal against the decision. All appeals should be made within 21 days of you receiving the letter confirming that you are not able to join the scheme.
- 19.4** If you can provide evidence that your behaviour has improved and you are suitable to become a tenant (perhaps following a successful private tenancy or stay in supported accommodation) you may be allowed to reapply to join the scheme. The time needed to demonstrate a change in behaviour will depend on the circumstances of each case and is at the Council's discretion. Any offer of a property will still be at the landlord's discretion.

## Appeals Against Suitability of Accommodation as a Final Offer (Accepted Homelessness Duty Only)

- 19.5** If you are offered accommodation in discharge of a Council's homelessness duty, you have the right to request a review of the offer if you think the accommodation offered is not suitable<sup>2</sup>. However, if you intend to request a review of this type, we strongly advise to accept the offer pending the outcome of the review so that you will have somewhere to live in the meantime. The request must be made within 21 days of you receiving the offer letter, giving clear reasons for the request.

## 20. COMPLAINTS

### Complaints

- 20.1** If you are not satisfied with the way we have dealt with your application, or how we have considered your request for a review or appeal, then you can make a complaint to the Council in a number of ways:
- by using the online [Official Complaints Form](#)
  - by email to [customerfeedback@rushcliffe.gov.uk](mailto:customerfeedback@rushcliffe.gov.uk)
  - by using our Customer Feedback form (available at the Rushcliffe Community Contact Centre)
  - by letter (to Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham NG2 7YG)
  - by telephone on 0115 981 9911
  - or in person at the Rushcliffe Borough Council Customer Service Centre, Fountain Court, Gordon Road, West Bridgford NG2 5LN
- 20.2** You can also get someone else (for example, your local councillor or Member of Parliament) to send us feedback on your behalf.

<sup>2</sup> Section 202 (1A), Housing Act 1996 (as amended).

- 20.3** If you make a complaint, we follow a two-stage process internally:
- Stage 1 - Your complaint will be sent to the most appropriate manager. It will be investigated, and you will be informed about the outcome within 10 working days. Most problems are resolved at this stage.
  - Stage 2 - If you are dissatisfied with the outcome of the initial investigation you can submit a further complaint which will be dealt with by the Corporate Complaints Officer and a Service Manager. It will also be reviewed by a Director. These are classified as Official Complaints and, although we hope to deal with these within 10 working days, the response time may be longer than this, depending upon the complexities of the case. We will inform you of this when we acknowledge your complaint.
- 20.4** If you are still dissatisfied, then you can contact the Local Government Ombudsman, who will investigate the complaint on your behalf. You can contact the Local Government Ombudsman at:
- Telephone: 0300 061 0614 (lines are open Monday to Fridays 8.30am to 5.00pm (except public holidays))
  - Text 'call back' to 0762 481 1595
  - Website: [Local Government Ombudsman](#)
- 20.5** The Local Government Ombudsman has a leaflet called "Complaint about the Council? How to complain to the Local Government Ombudsman." You can get a copy by telephoning the above number or you can download it from the Ombudsman's website.
- 20.6** If you contact the Local Government Ombudsman without giving the Council the opportunity to resolve the issue first, then your complaint will be judged as premature and passed to the Council to resolve.

## 21. FINDING A HOME

- 21.1** Properties are advertised every week. The adverts are available on the Rushcliffe [Homesearch](#) website. The website can be viewed from any computer that has internet access (such as at the local library or through friends and relatives) and from the computer kiosks provided at Council offices. If you are not sure how to access the website, or don't have access to the internet, there are many other ways you can use the scheme – your local council can give you advice.
- 21.2** The Council also provides free property advert sheets, which are available at:
- Council offices and contact points
  - Local libraries
  - Community centres
  - Advice centres
  - Housing support services and charities
  - Hostels and temporary accommodation

**21.3** If you have no access to the internet and cannot leave your home or access the adverts in any other way, we can send the free property sheet directly to you every week.

## 22. CHOOSING THE RIGHT PROPERTY

**22.1** The adverts contain details of the property type, who the landlord is, where the property is and how much the rent is. The adverts contain a range of symbols which give you more details about the property and help you to bid for the right property for your household.

	How many bedrooms the property has		Wheelchair accessible or adapted for disabled use
	Minimum age for bidders		Maximum age for bidders
	Property has a garden		No pets allowed
	Sheltered accommodation		Off-road parking

### Property Types

**22.2** The property advert will tell you who is allowed to bid for each property. The table below shows who is eligible for what type and size of property. Here are some general guidelines:

- ✓ **Bed Houses** – Usually let to families with one or two children
- ✓ **3 Bed Houses** – Usually let to families with two or more children, dependent on the age and sex of the children
- ✓ **1 Bed Flats/Maisonettes** – Let to single people or couples without dependent children
- ✓ **2+ Bed Flats/Maisonettes** – Usually let to families with children
- ✓ **Parlour Houses** – These are houses with two living rooms and are usually let to larger families or families who have a medical recommendation for a ground floor bedroom
- ✓ **1 Bed Bungalows – General Let** – Usually let to single people or couples who need single level accommodation

- ✓ **2 Bed Bungalows – General Let** – Usually let to families with one or two children where there is a need for single level accommodation. Single people or couples who need single level accommodation may be considered.
- ✓ **1 Bed Bungalows – Later Living (Sheltered)**

### **Category 1**

Usually let to single or couple applicants without children who need single level accommodation aged 50+ or applicants between 40 – 49 who are in receipt of medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payments (PIP).

**Note:** Applicants within the same band will be prioritised by their banding effective date.

### **Category 2**

Usually let to single people or couple applicants without children who need single level accommodation aged 65+ cascading to households where applicants are aged 60+ followed by applicants aged between 55 - 59 who are in receipt of medium or high-rate DLA or PIP. Applicants aged 40 - 54 who are in receipt of medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payments (PIP) will be considered last and on an individual basis.

**Note:** Applicants within the same band will be prioritised by the age cascade.

- ✓ **2 Bed Bungalows – Later Living (Sheltered)**

### **Category 1**

Usually let to single or couple applicants without children who need single level accommodation with 2 bedrooms (e.g. for a carer) aged 50+, or applicants between 40 - 49 who are in receipt of medium or high rate Disability Living Allowance (DLA) or Personal Independence Payments (PIP).

**Note:** Applicants within the same band will be prioritised by their banding effective date.

### **Category 2**

Usually let to single or couple applicants without children who need single level accommodation with 2 bedrooms (e.g. for a carer) aged 65+ cascading to applicants aged 60+ followed by applicants aged between 55 - 64 who are in receipt of medium or high rate Disability Living Allowance (DLA) or Personal Independence Payments (PIP). Applicants aged 40 - 54 who are in receipt of medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payments (PIP) will be considered last and on an individual basis.

**Note:** Applicants within the same band will be prioritised by the age cascade.

✓ Later Living (Sheltered) Flats

**Category 1**

Usually let to single or couple applicants without children aged 50+ or applicants between 40 - 49 who are in receipt of medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payments (PIP).

**Note:** Applicants within the same band will be prioritised by their banding effective date.

**Category 2**

Usually let to single people or couple applicants without children aged 65+ cascading to households where applicants are aged 60+ followed by applicants aged between 55 - 59 who are in receipt of medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payments (PIP). Applicants aged 40 - 54 who are in receipt of medium or high-rate DLA or PIP will be considered last and on an individual basis.

**Note:** Applicants within the same band will be prioritised by the age cascade.

**22.3** Many different housing providers participate in Homesearch, and each may have different age restrictions for their sheltered or retirement accommodation. The advert will state what the minimum age requirement for any property is.

**22.4** The table below shows which types of household are eligible to bid for which type of property:

	Single person	Couple	Single pregnant / couple and pregnant	Family with 1 child	Family with 2 children	Family with 3 or more children	Single person - sheltered	Couple - sheltered	Single person with overnight carer
Studio flat	✓								
1 bed flat	✓	✓							
2 bed flat Without garden	✓	✓	✓	✓	✓				✓
2 bed flat With garden			✓	✓	✓				
3 bed flat			✓	✓	✓				
1 bed maisonette	✓	✓							
2 bed maisonette			✓	✓	✓				✓
3 bed maisonette					✓				
1 bed house	✓	✓							
2 bed house			✓	✓	✓				
3 bed house			✓	✓	✓	✓			
4+ bed house						✓			
1 bed bungalow (general)	✓	✓							
2 bed bungalow (general)	✓	✓	✓	✓	✓				✓
1 bed bungalow (sheltered)							✓	✓	
2 bed bungalow (sheltered)							✓	✓	✓
Later Living (sheltered) Flats							✓	✓	

### Resident Carers

**22.5** An extra bedroom will be allocated for those households with resident carers. In these instances, proof of overnight care is required, and could be provided by, for example an Occupational Therapist or Social Care Officer.

## Local Lettings Policies

**22.6** Local lettings policies are agreed by exception. In some circumstances the Council and the social landlord may agree a local lettings policy to allow some under-occupation, for instance, to reduce the number of children on a certain estate. The advert will indicate those properties to which the local letting policy applies.

## 23. RESTRICTIONS

### Rural Exception Sites

**23.1** These are properties that have been built in to meet the local need in rural communities. These properties are restricted to people who have a connection to the parish or village only and cannot be let to people who do not have a connection. The property advert will tell you if this applies. If you indicate that you have a link to a particular parish in Rushcliffe, you will have to provide evidence of this at the time of your application.

### Age

**23.2** Some properties are only suitable for people over a particular age (see section 22.2 for details). The property advert will tell you if there is any age restriction.

### Local Lettings Policies

**23.3** These are policies that have been agreed by exception with the landlord to help create sustainable communities. They are restricted to particular areas or estates and each have different criteria to meet the objectives of each scheme. These will generally be properties where it has been identified that it is in the best interest of the community for them to be allocated to a particular type of household, for instance, a person of a certain age. The property advert will tell you if there is a local lettings policy in place and what the criteria are.

### Sensitive Lets

**23.4** There will be occasions where certain properties are advertised in Rushcliffe Homesearch as “sensitive lets”. These will generally be properties where it has been identified that it is in the best interest of the community for them to be allocated to a particular type of household, for instance, to a person of a certain age. Each landlord will have their own procedures for identifying properties that will be subject to “sensitive lets”.

### Direct Lets

**23.5** A direct let is where a property is let to a registered applicant without it being advertised. All members of the Homesearch partnership have the ability to undertake direct lets under certain circumstances. This may include (but is not limited to):

- Lets to homeless applicants (see paragraphs 10.15 – 10.28 for further information)
- Emergency re-housing when requested by the police or other statutory organisation (only by the agreement of the Housing Solutions Team Leader)
- In other exceptional circumstances (by agreement of the Housing Solutions Team Leader)

- Where a property has previously been advertised on Homesearch but there have been no suitable applicants

**23.6** Direct lets are rare and it is the intention of the Homesearch Partnership to let the vast majority of available vacancies via the property adverts.

### Hard to Let Properties

**23.7** Where no bids have been placed on a property for two consecutive weeks and a direct let is not suitable, the Registered Provider will be able to advertise for a tenant by methods other than Homesearch (for example, in the local press).

## 24. HOW TO BID (EXPRESSING YOUR INTEREST)

**24.1** Expressing your interest (also known as bidding) in a property lets the Council know which properties you would like to be considered for. Bidding doesn't involve any money (except the cost of postage, a text message or telephone call). If you bid online it's completely free.

**24.2** You can bid for up to **THREE** properties in each advertising cycle.

**24.3** Bidding for a property is simple. Make a note of the **Property Reference Number** (at the top of each advert) for the properties you are interested in.

- ✓ **Online** – Log on to the website at Rushcliffe [Homesearch](#) and follow the “How to Express Your Interest” instructions
- ✓ **By Telephone** – 0115 9819911 in working hours and ask the Customer Advisor to place a bid on your behalf. You will need your registration number to hand when making the call.
- ✓ **By Post** – If you wish to bid by post you must write to us by 12pm on Tuesday, providing your name, your reference number and address of the property(ies) you wish to bid for.
- ✓ **In Person** – You can bid in person at the Rushcliffe Community Contact Centre.
- ✓ **By Proxy** – You can have someone to place bids on your behalf if you wish. This could be a family member, support worker, social worker or someone else. This may be useful if you do not have a computer, or if you will struggle to use the methods above. Please let us know if you want someone to bid on your behalf.

### If You do Not Express Your Interest

**24.4** If you do not bid for suitable properties, especially if you are in Band 1 or 2, we may contact you to see if you require any help. If you are in Bands 1 or 2, and have not been bidding for suitable properties that come up, we may review your priority on the housing register.

### Automatic Bidding

**24.5** This is where the Council makes bids on your behalf. Automatic bids will be placed on accommodation that best suit your situation, based on available properties and the general housing circumstances of the area.

**24.6** Automatic bidding may be used in circumstances such as:

- Where the Council has accepted either a Main Homelessness Duty, a Relief Homelessness Duty or Homelessness Prevention Duty
- Band 1 and Band 2 applicants (except homeless applicants) who have not placed a bid in the 12 weeks since they were awarded this band
- If you are vulnerable and ask Homesearch to make bids on your behalf

**24.7** Applicants may still place bids themselves. Where this is less than 3 bids the system will continue to autobid to ensure the maximum bids are placed for each bidding cycle.

**24.8** If you think you may need extra help to use Homesearch, or if you need this information in a different format (for example, another language), please contact us.

## 25. WHAT HAPPENS NEXT?

### Shortlisting

**25.1** Once the advertising cycle closes, Homesearch creates a shortlist of applicants who have bid for a property. The shortlist sorts all the bids by:

- Priority band (i.e. Band 1, then Band 2, then Band 3)
- Local connection (applicants who have qualified with a need for Later Living (Sheltered) accommodation but do not have a local connection will be shortlisted below applicants with a local connection)
- The date you were placed in the band (effective date)

**25.2** The landlord will normally offer the property to the applicant from the highest band who has been registered for the longest time. If they refuse the offer, the property will then be offered to the next person on the shortlist, unless a period of 8 weeks has passed in which case the property will be re-advertised or let on a direct let.

**25.3** However, there are some exceptions to this general rule, such as where local lettings policies apply, or where the landlord will not allow any under-occupation of the property. In the latter case, the landlord may offer the property to the highest-placed applicant whose household will make the most efficient use of the property within the band they are placed. For instance, this means that on a shortlist for a three-bedroom house, a family with one child, or two young children, may be bypassed in favor of a lower-placed but larger family within that band that needs all three bedrooms. This is at the discretion of the landlord. Full details will be advertised with the property.

### Offers

**25.4** If you have been successful with your bid, the landlord that owns the property will contact you with details of the potential offer. Any offer will be followed up in writing. Each landlord may have a different process that they follow when offering a property.

- 25.5** All landlords participating in the Rushcliffe Homesearch scheme reserve the right to:
- Give preference to applicants who specifically need the services or facilities that are part of the property
  - Carry out checks on the information you provided as part of your application
  - Carry out further checks with statutory agencies to the applicants that have been successfully shortlisted in a sensitive let property
  - Withdraw an offer if you have provided inaccurate information
  - Withdraw an offer if the property becomes unavailable for letting
  - Carry out a property inspection (if you are a current council or RP tenant)

## Viewing

- 25.6** Each landlord may have a different process for viewings, but you should have the opportunity to view the property before deciding whether you wish to accept an offer.

## Refusing Offers

- 25.7** Generally, there is no obligation to accept an offer of accommodation and refusing an offer will not affect your application, unless you have been awarded the band due to homelessness or a threat of homelessness or move on from supported accommodation. However, if you refuse or do not respond to three offers, we will review your priority and may suspend your Rushcliffe Homesearch application pending this review.
- 25.8** Different rules apply to applicants who have applied as homeless to the Council. See paragraphs 10-15 – 10.28 for more details.

## 26. GLOSSARY

### Adapted properties

Property that has been adapted for an applicant with disabilities: for example, a Stair lift, through floor lift or level access shower.

### Allocation policy

The document setting out the rules that determine how the Council and Registered Providers allocate social housing properties.

### Autobid

A feature in the Homesearch system that checks for any properties an applicant is eligible to bid for and automatically places bids on them just before the letting cycle closes each week.

**Bid** (also known as expressing an interest).

The way to let us know you are interested in an advertised property, which can be done via the website, by telephone, text message, post or in person.

## **Band**

The category of need an applicant will be placed on, based on their current housing situation.

## **Category 1 Hazard**

The meaning of Category 1 Hazards is set out in section 2 of the Housing Act 2004. Properties are assessed against prescribed hazards and an assessment of the level of risk associated with the hazards found is undertaken. If the risk is serious enough, this would be classed as a Category 1.

## **Category 1 Later Living (Sheltered) Scheme**

Age-restricted general market housing. It may include some shared amenities such as communal gardens, but does not include support or care services.

Applicants must be aged 50+ or between 40 - 49 and in receipt of medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payments (PIP).

## **Category 2 Later Living (Sheltered) Scheme**

Retirement living or sheltered housing: This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services but provides some support to enable residents to live independently. This can include 24-hour on-site assistance (alarm) and a warden or house manager.

Primarily designated for applicants aged 65+ cascading to applicants aged 60+ followed by applicants aged between 55 - 64 who are in receipt of medium or high-rate Disability Living Allowance (DLA) or Personal Independence Payments (PIP). Applicants aged 40 - 54 who are in receipt of medium or high-rate DLA or PIP will be considered last and on an individual basis.

## **Choice Based Lettings**

A way of allocating housing through an advertising scheme, rather than by direct nominations.

## **Direct Let**

When a property is offered to a household without it having been advertised.

## **Effective Date**

The date an application is placed in a priority band, used as the date when shortlisting.

## **Eligibility**

The term used to describe who is able to apply for housing and what type of property they are eligible to bid for.

## **Expressing an Interest** (also known as bidding)

The way to let us know you are interested in an advertised property, which can be done via the website, by telephone, post or in person.

## **Later Living (Sheltered) Housing**

Later Living housing (also known as sheltered or retirement housing) are age restricted flats or bungalows.

## **Nomination**

The term used when a local housing authority provides the name and details of an applicant from its housing register to a landlord for an offer of housing.

## **Qualification**

The Council has to assess who qualifies for social housing in Rushcliffe. If you do not qualify, your application will not be accepted.

## **Registered Provider of Social Housing (RP)**

A housing association or other organisation registered with Homes England (formerly, the Homes and Communities Agency) to provide social housing. Previously known as a Registered Social Landlord or RSL.

## **Retirement Housing**

Retirement housing (also known as sheltered housing) is a group of flats or bungalows where all residents are older people.

## **Social Services**

Services provided by the local children's services authority or local adult social care authority as appropriate (which for Rushcliffe is Nottinghamshire County Council in both cases).

## 27. TEMPORARY ACCOMMODATION OUT OF AREA PLACEMENT POLICY

### Introduction

This document sets out the Council's policy for how homeless households will be prioritized for temporary accommodation (TA) when there is no TA available in:

- a) The local authority area, or
- b) An area within the local authority district that an applicant would prefer to be placed into to access for example, schools, place of work, family

The policy applies to all households placed in temporary accommodation by the Council under Section 188 *The Relief of Homelessness Duty* and Section 193 *The Main Homelessness Duty* arising out of the Housing Act 1996. It also applies to any accommodation:

1. Secured under a power to provide temporary accommodation pending a review or appeal (Section 202, HA96)
2. Secured to meet any duty owed to an intentionally homeless household (Section 190)
3. Secured to meet any interim accommodation duty pending the outcome of a local connection referral to another local authority (Section 198)

This document should be read in conjunction with the Council's most recent Homelessness Strategy and action plan as this document sets out how the Council is seeking to develop more local temporary and permanent accommodation options to meet demand for households owed any duty under the Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017.

This out of area placement policy is compliant with the advice set by the Supreme Court in April 2015 for the case of *Nzolameso and Westminster Council*.

This Temporary Accommodation (TA) Out of Area Placement Policy seeks to ensure that all placements are made on the basis of:

- a. A comprehensive assessment of a household's circumstances and needs, and
- b. A balanced assessment of the needs of all households requiring temporary accommodation set against consideration of the type and location of accommodation that is available to be allocated at any given point.

Our policy is to provide, wherever reasonably practicable, suitable accommodation within our Local Authority area and to consider a person's links to any area within our district, except in cases where there is a specific reason why the household should not be accommodated within our district (for example, applicants at risk of domestic violence or other violence). However, our ability to meet this policy objective is subject to the supply of suitable temporary accommodation being available.

The Council is making efforts to ensure that its temporary accommodation portfolio reflects the most common locations for applicants presenting as homeless in our district. We review our needs and will consider developing new schemes to increase the number of units in areas within our district where the evidence indicates there may be a shortage of temporary accommodation. However,

inevitably we cannot always meet the requested location that an applicant presenting as homeless may wish to be temporarily housed in.

### **How this Policy meets the legal requirements set by the Housing Act 1996 Part 7 and Caselaw**

This Policy is compliant with leading caselaw. It is compliant with the decisions reached in the leading cases of:

- a) *Nzolameso v Westminster UKSC 2015*
- b) *Alibkhiat and Brent 2018*
- c) *Saleh and Waltham Forest – Nov 2019*

The requirements of the Courts can be summarized as a Local Authority must:

1. Have a published Policy for procuring sufficient TA in its area to meet assessed and projected demand
2. Have an adopted (by Members) and published policy for allocating in-area TA and to the criteria relevant to offering TA a) Out of area but nearby and b) where necessary further away
3. Secure TA within its area insofar as it is 'reasonably practicable' to do so but can take into account the resources available to the Council and the difficulty in procuring TA at affordable costs
4. Before it can conclude that in area or out of area TA is suitable must take into account:
  - a) The need to secure TA that is as close as possible to the household's previous address
  - b) All the issues relating to the factors set out in the suitability order re the location and whether the council considers whether the offer and location is reasonable for the household to accept
  - c) Must consider the welfare of any children under section 11 of the Children Act 2004 and in particular to act in the best interests of the child
  - d) Must consider the Public Sector Equality Duty re whether the TA is suitable.
5. Be able to properly evidence and explain its decisions including the assessment of suitability made and evidence all of the factors above have been considered in detail and evidenced, especially impact on employment, education, support and services essential for the wellbeing of the household and household members
6. If out of area - have notified the other Council formally under section 208

### **This Council's Out of Area Temporary Accommodation Placement Policy**

This policy is intended to ensure that we prioritise those who have the greatest need to be accommodated within our district.

In assessing the suitability of the location of any property to be used as temporary accommodation for a homeless household, the Council will consider whether the applicant can afford to pay for their temporary accommodation without being deprived of basic essentials such as food, clothing, heating,

transport costs and all other reasonable expenditure. We will therefore take into account the rent that the household can afford as well as any additional costs, such as travel costs, resulting from the location of the accommodation.

The Council will also take account the distance of any offer of temporary accommodation from the last address they have presented as homeless. We will consider any possible disruption to employment, education or caring responsibilities, accessibility of essential medical facilities and support that are essential to the wellbeing of any household member, and accessibility of local amenities, services and transport.

An assessment of these matters will be completed when an applicant is being matched to any available temporary accommodation unit. A copy of the assessment procedure we use can be requested.

Any decision regarding an allocation of temporary accommodation will have regard to the Council's obligations under Section 11 of the Children Act 2004 including the need to both safeguard and promote the welfare of children.

This policy fully complies with the requirements of:

- a) Sections 206, 208, and 210 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017
- b) The Homelessness (Suitability of Accommodation) (England) Order 2012
- c) Whether the accommodation is affordable
- d) The relevant sections of the DCLG Allocations and Homelessness
- e) The MHCLG Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012 (November 2012) Applicants accommodated under this policy under section 193 of the Housing Act 1996 can request a statutory review of the suitability of any accommodation offered to them, in accordance with section 202 of the Act
- f) Advice from the Courts to local authorities regarding when temporary accommodation is suitable including the leading case of *Nzolameso and Westminster Council*
- g) The Equalities Act 2010

### **Guidelines on the Location of Accommodation**

For the purposes of making an allocation, all units of TA that may be offered to an applicant owed a temporary accommodation duty will be categorised simply as:

*'Within the local authority area'*, or *'Outside of the local authority area'* - Defined as Temporary Accommodation located ideally in a neighbouring authority but if this is not possible located no more than 1 hours travelling distance by public transport

Where there are insufficient units of temporary accommodation in this Council's Geographical boundaries a suitable offer will be made outside of our area.

The Council may also keep aside local vacant units in anticipation of applicants presenting who meet the criteria for a local placement. This has been confirmed as a reasonable practice in the 2018 Court of Appeal case for *Adam and Alibkhiat v Westminster and Brent Councils*.

## **How we will prioritise households for an offer of temporary accommodation in our area where there are more applicants requiring a local area placement than properties available.**

All households will be placed in accommodation in our area if a sufficient number of suitable units are available at the time of placement. Where there is a shortage of local units on any given day the Council may decide to keep aside a number of local vacant units in anticipation of applicants presenting who meet the criteria for a local placement.

If there isn't a sufficient number of local temporary accommodation units available, a household will be placed in a suitable unit outside of our area, but as close to this local authority's district as possible based on the practicality of sourcing units on any given day.

Relevant facts regarding the household's circumstances will be gathered by officers in the course of their enquiries through completing their assessment of an applicant's circumstances under Section 189A of the HA96.

Households will be given priority for a placement in area if they meet the following criteria. Please note this does not mean that they are guaranteed to receive an offer of 'in area' accommodation when any TA duty arises. It may be that at the time any temporary accommodation duty is owed there are no vacancies in area and, if this is the case, an offer of suitable TA will be made as close as possible with priority given to any household that meets one or more of the criteria set out below, to be given a suitable offer of temporary accommodation within area as soon as is reasonably practicable to do so.

### The 'in area placement criteria'

- 1) Households with one child (or more) in secondary school in their final year of Key Stage 4 (generally Year 11) with exams to be taken within the next six months. Wherever practicable we will seek to place such households within area and as close as possible to existing schools to minimise public transport travelling distance and costs.
- 2) Households with one child (or more) who has a Statement of Special Educational Needs who is receiving education or educational support in our area and where a change of schools would be extremely detrimental to their well-being because either the impact of moving on that child or that a similar package of support is unlikely to be available. Wherever practicable we will seek to place such households within area and as close as possible to existing schools to minimise public transport travelling distance and costs.
- 3) Households with significant medical or severe learning disability where a child attends a special school. Wherever practicable we will seek to place such households within area and as close as possible to existing schools to minimise public transport travelling distance and costs.
- 4) Households where one person (or more) has a severe and enduring mental health problem where they are receiving psychiatric treatment and aftercare provided by community mental health services **and** have an established support network in this area so that a placement outside of this area may severely impact on their wellbeing.
- 5) Households where one person (or more) is in permanent and settled employment within Rushcliffe for the past 12 months working a minimum of 16 hours per week. This group will be prioritised for temporary accommodation as close as possible to their workplace. Where this is not possible, we will endeavour to place a household no more than 60 minutes by public transport away from their place of employment and will continue to seek suitable accommodation closer to their place of work.
- 6) Households who have a longstanding arrangement to provide care and support to another family member in the local area, and that person would be likely to require statutory health and

social care support if that care and support ceased and there are no other relatives willing and able to provide that care and no other suitable alternative arrangements available.

**Please note the following:**

1. The above categories do not mean that no other special circumstances will be taken into account. Whenever an applicant is owed an interim or full temporary accommodation duty a full assessment will be carried out of their household's housing needs and circumstances. Following that assessment, it may be decided that an applicant should qualify for a local area offer for a special reason despite not meeting the criteria set.
2. The time likely to be spent in the accommodation will also be taken into account when determining the suitability of any offer of temporary accommodation out of area.
3. Where there are no in area temporary accommodation units immediately available which meets the household's identified needs, a homeless household may be placed on an emergency basis into accommodation in any location where there is availability on that day as long as it has been assessed as being suitable.
4. Households in receipt of welfare benefits or who may be on a low income may be subject to restrictions on the amount of benefit they can receive, which may affect their ability to pay their temporary accommodation rent. Placement in a local area is subject to suitable accommodation being available that the applicant can afford.
5. Given the shortage of available properties, it may be required to make a decision regarding how to prioritise the allocation of a particular property on a particular day where more than one household requires TA and more than one household meets the local area criteria set out above. The following circumstances will be taken into account when prioritising between households. Please note the circumstances listed are not in descending order of importance and do not form an exclusive set of criteria as other factors may also be relevant:
  - Level of need relating to the welfare and safeguarding of any children in the household
  - Level of educational need
  - Identified risks posed by living in particular areas
  - Permanency/flexibility of employment
  - Access to transport
  - Level of need to be close to services and amenities
  - Level of need to be close to health services
  - Level of need to be close to support networks
  - Level of need to be close to cultural or religious amenities
  - Impact on caring responsibilities
  - Affordability of the accommodation
  - Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of household members
  - Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of any children in the household, having regard to the Council's duty under the Children Act 2004 to safeguard and promote their well-being

The impact of these and any other relevant circumstances will be considered both individually and cumulatively, in addition to any information gathered and recorded in the applicant's Personal Housing Plan (and any subsequent review of that plan) that relate to an applicant's housing and relevant support needs.

## Refusal and the Ending of Temporary Accommodation

Due to the shortage of suitable accommodation in Rushcliffe, homeless applicants who are housed under the Council's Section 188 *The Relief of Homelessness Duty* may initially be placed in emergency accommodation, including bed and breakfast and short-term self-contained accommodation, while enquires are carried out. Where the Council decides that applicants housed under Section 188 are not owed the Section 193 *Main Homelessness Duty*, they will be asked to leave, following a period or reasonable notice which is usually within 7 to 28 days of receiving a homelessness decision letter.

Applicants will be given one offer of suitable interim (Section 188) or longer-term (Section 193) TA and they will be asked to accept it. There is no obligation upon the Council to enable applicants to view the accommodation prior to acceptance, however, the Council will provide any applicant with all the information they need about the accommodation, facilities, and location. In making the offer, the household's individual circumstances will be considered, taking into account the factors set out in this Policy.

If an applicant rejects an offer, they will be asked to provide their reasons for refusal. This applies to new applicants to whom the Council has an interim duty to accommodate under Section 188, as well as those seeking a transfer from existing TA or those in TA who are required to move by the Council whom the Council has accepted a rehousing duty towards under Section 193. The Council will consider the reasons given and undertake further enquires as necessary. If the Council accepts the reasons for refusal and agree the offer is unsuitable, the offer will be withdrawn, and a further offer will be made.

Where an applicant is made a Final offer of a Private Rented Tenancy (AST) with the intention of ending either:

- a) The Prevention of Homelessness duty under section 195(2), or
- b) The Relief of Homelessness duty under section 189B(2), or
- c) The Main Housing Duty owed under section 193(2) or 194C

This offer will be in writing and will explain that if accepted or refused it will bring the duty owed to an end. It will explain what the applicant must do if they wish to refuse the offer, the consequences of refusing the offer and that the applicant can accept the offer and still seek a review of its suitability under Section 202.

Where applicants refuse suitable emergency accommodation (which may include out of borough placements) and the Council does not accept their reasons for refusal, and considers that the offer is suitable, applicants will not be offered further accommodation and will be required to make their own arrangements. There is no right of appeal against the suitability of accommodation offered to applicants under Section 188 (although they can apply for judicial review through the courts). For applicants where the Council has accepted a rehousing duty under Section 193 there is a right to request a review of the suitability decision, pursuant to Section 202.

In cases where the applicant refuses a suitable offer of 'Main Duty Section 193' temporary accommodation, the homelessness duty will be discharged. If the applicant is resident in emergency accommodation, they will usually be asked to vacate the property within 7 days and advised that no further assistance will be provided. If they are already in longer-term temporary accommodation, the current housing provider should be advised that the duty has been discharged.

Where Applicants, whom the Council has accepted a Section 193 duty refuse a suitable offer and submit a review request, the Council will consider whether to exercise its power to provide temporary accommodation pending the outcome of the review. Each case will be considered on an individual basis, taking into account the overall merits of the review request, any new information or evidence that may affect the original decision, and the personal circumstances of the applicant and the potential impact of the loss of accommodation.

**This Temporary Accommodation Out of Area Placement Policy has been Adopted by the Cabinet Portfolio Holder of Planning & Housing on 6<sup>th</sup> February 2020. As this Policy must be published it is included as an appendix to Rushcliffe' s Housing Allocations Policy but does not form part of the Council's legal social housing policy, nor does any of the rules contained in this 'Placement Policy' apply to the allocation of Social Housing.**

## **28. APPENDIX**

### **1. Complaints to the Local Government Ombudsman**

If an applicant is not satisfied with a review decision, they can complain to the Local Government Ombudsman. The Ombudsman will not consider certain matters, for example, if 12 months has passed since the cause for complaint occurred or when matters are, or could be, subject to court proceedings.

The Ombudsman will consider a complaint if an applicant believes they have been treated unfairly as a result of maladministration. Examples include where the Council may have:

- Delayed taking action without good reason
- Taken into account irrelevant considerations or ignored relevant considerations
- Not followed rules (legal or local procedures)
- Given the wrong decision
- Not reached a decision in the correct way

Contact details for the Local Government Ombudsman are set out in Section 20.4

### **2. Reviewing the Policy**

This policy will be reviewed in line with any significant change in legislation, guidance issued by government or significant case law.

**ALTERNATIVE FORMAT OR LANGUAGE REQUIRED?**

If you would like a copy of this document in a different format such as large print, Braille, audio tape or translated into a different language, please visit us:

**Rushcliffe Borough Council  
Rushcliffe Customer Service Centre  
Fountain Court  
Gordon Road  
West Bridgford  
Nottingham  
NG2 5LN**

Tel: 0115 981 9911

Email: [customerservices@rushcliffe.gov.uk](mailto:customerservices@rushcliffe.gov.uk)

Rushcliffe Homeseach website: [www.homeseach-rushcliffe.org.uk](http://www.homeseach-rushcliffe.org.uk)