



South Derbyshire District Council

South Derbyshire Homefinder

DRAFT HOUSING ALLOCATIONS POLICY 2013

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1. Introduction

- 1.1 Under section 166A of the Housing Act 1996 and Part VI Housing Act 1996 (as amended by the Homelessness Act 2002), and the Localism Act 2011, all Local Authorities need to have a scheme which can determine the allocation of its dwellings and must give reasonable preference to the following categories of people:
- a) People who are homeless (within the meaning of Part 7 of Housing Act 1996);
 - b) People who are owed a particular statutory duty by any local housing authority under certain provisions of homeless legislation
 - c) People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
 - d) People who need to move on medical or welfare grounds; including grounds relating to a disability; and
 - e) People who need to move to a particular locality in the district of the authority where failure to meet that need would cause hardship (to themselves or others).
- 1.2 Whilst giving regard to the relevant legislation this Allocations Policy determines the principles of how social or affordable housing properties will be allocated, across the district of South Derbyshire, in a fair and transparent manner, taking account of both the Council's duty to take account of housing need and it's wish to offer as much choice as possible.
- 1.3 Allocation policies provide a framework for councils to allocate accommodation, and to give people who have the greatest need of housing a reasonable choice about their property.
- 1.4 South Derbyshire District Council operates a Choice Based Lettings system for and on behalf of the Council's Housing Services and 11 other Registered providers with stock in the district. Around 250 Council and Registered Provider properties are let through this system each year.
- 1.5 There is a common housing register for all social or affordable housing applicants in the district and entry to this register, and banding within it, are governed by the principles of this policy.
- 1.6 Each registered provider with stock in the district has signed up to advertise all their vacant properties through the Choice Based Lettings system.

2. Aims & Objectives

2.1 The Council aims through its Policy to enable those seeking homes to make informed choices about their housing options and to maximise the use of available social or affordable housing in the District.

2.2 The Policy seeks to:

- discharge the Council's statutory duties as contained in Part VI and VII of the Housing Act 1996, as amended by the Homelessness Act 2002, and the Localism Act 2011
- offer customers information and free advice to enable them to make informed choices about their housing options
- offer as much choice as possible to customers
- create an easy to understand, fair and transparent system
- house those in priority need as determined by the relevant legislation
- help prevent homelessness
- make the most effective use of the local housing stock
- support the principles of social inclusion, community cohesion and aim to meet customer expectations
- respond to the circumstances of vulnerable individuals which includes joint working with other agencies

3. Housing Providers working together

3.1 The Council and the registered social landlords, who have homes to rent or buy in South Derbyshire, are working together as South Derbyshire Homefinder Landlords. They have all agreed to use this policy and to allocate properties through the South Derbyshire Homefinder Choice Based Lettings System

3.2 The South Derbyshire Homefinder Landlords are:

- South Derbyshire District Council
- ASRA Housing (formerly Sanctuary Housing)
- Derwent Living
- East Midlands Housing Association
- Guinness Northern Counties
- Metropolitan
- Nottingham Community Housing Association
- Peak District Rural Housing Association
- Riverside Midlands
- Trent & Dove Housing Association
- Trident Housing Association

- 3.3 The service level agreement with each partner allows them to allocate 5% of their vacant properties for internal transfers or discretionary management moves.

4. **Statement of Choice**

- 4.1 South Derbyshire District Council believes in offering applicants on its South Derbyshire Homefinder Register the freedom to choose the properties they are interested in. The South Derbyshire Homefinder scheme gives all its applicants the freedom to express an interest in suitable accommodation that is available. We also provide information and advice on other housing options to help applicants resolve their housing needs.
- 4.2 Through this Allocation Policy, we aim to offer choice to all applicants as well as meeting our legal duty to house people who have an urgent need for housing.

5. **Eligibility and Qualification to join the Housing Register**

- 5.1 In order to join the Housing Register applicants must be:
- (a) Eligible; and
 - (b) A Qualifying Person

5.2 **Eligibility**

5.2.1 **People subject to immigration control**

Generally, people who are subject to immigration control are **not** eligible to join the Housing Register, **unless** they fall within one of these categories:

- a person who is recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom
- a person who
 - (a) has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
 - (b) is not subject to a condition requiring them to maintain and accommodate themselves, and any person who is dependent on them, without recourse to public funds
- a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, unless:
 - (a) that person's leave to enter or remain in the United Kingdom has been granted on the basis of an undertaking given by his/her sponsor; and

- (b) they have been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which his/her sponsor gave the undertaking in respect of him/her, whichever date is the later; and
- (c) his/her sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive

- a person who has humanitarian protection granted under the Immigration Rules

5.2.2 People not subject to immigration control

The following people are **not** subject to immigration control:

- British citizens
- Commonwealth citizens with the right of abode
- European Economic Area nationals (“EEA”) exercising certain Treaty rights
- Swiss nationals exercising the same Treaty rights
- Family members and some extended family members of those EEA nationals and Swiss nationals exercising the same Treaty rights, and
- Certain people who are exempt from immigration control under the Immigration Acts (diplomats and their family members based in the UK and some military personnel)

[**Note:** the EEA includes all European Union member states and Iceland, Liechtenstein and Norway.]

Generally, people who are not subject to immigration control **are eligible** to join the Housing Register, **unless** they fall within one of the following categories:

- they are not habitually resident in the Common Travel Area (being United Kingdom, the Channel Isles, the Isle of Man or the Republic of Ireland), or
- their only right of residence in the Common Travel Area derives from their status as:
 - (a) a jobseeker (that is an EEA national who has entered the United Kingdom to seek work)
 - (b) a family member of a person described at (a) above
 - (c) a European Union national who has a right to reside in the United Kingdom for the first three months
 - (d) a primary carer of a British citizen who is residing in the UK and would be unable to reside in the UK or in another EEA State if their primary carer were required to leave
 - (e) a person whose right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen

However, the following categories of people **are eligible**, whether or not they are habitually resident in the Common Travel Area, as long as they meet the earlier criteria contained within this policy:

- a worker
- a self-employed person
- a person who is treated as a worker for the purpose of the definition of ‘qualified person’ in regulation 6(1) of the European Economic Area (EEA) Regulations pursuant to either —
 - (a) regulation 5 of the Accession Regulations 2004 (application of the 2006 Regulations in relation to accession State worker requiring registration), or
 - (b) regulation 6 of the Accession Regulations 2006 (right of residence of an accession State national subject to worker authorisation)
- a person who is the family member of a person specified in one of the three paragraphs above
- a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(c), (d) or (e) of the EEA Regulations 2006 which provides exemption from the habitual residence test for 3 sub classes of person only
- a person who left the territory of Montserrat after 1 November 1995 because of the effect on that territory of a volcanic eruption
- a person who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom
- during the relevant period, a person who left Lebanon on or after 12 July 2006 because of the armed conflict there; and
- a person who —
 - (a) arrived in Great Britain on or after 28 February 2009 but before 18 March 2011, and
 - (b) immediately before arriving in Great Britain had been resident in Zimbabwe, and
 - (c) before leaving Zimbabwe, had accepted an offer, made by Her Majesty's Government, to assist that person to settle in the United Kingdom

5.3 Non qualifying persons

5.3.1 The following people do not qualify to join the Housing Register:

- households with a gross income of £32k per annum, excluding Disability Living Allowance, or Personal Independence Payments. This is the level at which basic rate income tax is levied.
- People who do not have a ‘Local Connection’ with South Derbyshire. See paragraph 13 for the definition

- People who own (including those in the process of selling) and live or are able to live in a property they own unless there are exceptional circumstances. For example, a person who is a victim of domestic violence and elderly owner occupiers whose current home is not suitable for them to continue to reside and whose assets are not sufficient enough for them to secure alternative private accommodation.
- People who have made their own housing circumstances worse in the last six months (unless they are owed a duty under section 190 of the 1996 Housing Act as amended by the Homelessness Act 2002). For example:
 - (a) abandoning a previous tenancy
 - (b) moving to new housing that we assess is worse than their previous housing without good reason for doing so
 - (c) moving out of a property when, housing advice has been provided for the applicant not to move and there are no extenuating circumstances for having done so
 - (d) selling a property or giving notice on a tenancy without securing other housing first
 - (e) moving out of an adapted to an un-adapted property and still needing adaptations and there are no other circumstances that warranted a move.
- People whose application has been cancelled because they have given false information in order to obtain a tenancy in the last 2 years
- People successfully housed into a social or affordable housing starter or introductory tenancy of less than 12 months, unless their circumstances have changed sufficiently for them to fall under the reasonable preference categories

5.4.1 People with current and/or previous tenancy related debt

5.4.2 The accrual of rent arrears or tenancy related debt will affect the housing application where:

- a) an applicant owes rent from a previous tenancy with any Local Authority, Housing Association or private landlord, which resulted in a possession order being granted; or
- b) the applicant has current rent arrears serious enough for a court to grant an outright possession order.

5.4.3 Where the conditions of either (a) or (b) above have been met and the debt is less than 6 years old, we may decide that the applicant does not qualify to join the Housing Register.

5.4.4 If (a) or (b) above does not apply, but the applicant still has rent arrears and/or tenancy related debt, the following criteria will apply:

£0- £100.99: applications to join the register will be approved and the application will be placed in the band to which it has been assessed as being entitled to. Thereafter the applicant should make regular agreed payments toward clearing the debt over a period of 3 months before an offer of accommodation is made.

£101- £500.99: regular agreed payments must be made to reduce the debt to under half of the original amount, before approval to join the register is given. Thereafter the applicant should make regular agreed payments toward clearing the debt over a period of 3 months before an offer of accommodation is made.

£501+: regular agreed payments must be made to reduce the debt to under half of the original amount, before approval to join the register is given. Thereafter the applicant should make regular agreed payments toward clearing the debt over a period of 6 months before an offer of accommodation is made.

5.4.5 In addition to rent arrears the following make up tenancy-related debt:

- unpaid service charges
- outstanding rechargeable repairs for making good damage and unauthorised repairs or removal of fixtures that the tenant has undertaken without permission
- cost of clearing any abandoned goods and storage of furniture
- court costs

5.4.6 Each case will be assessed on its own merits and we will take into account why the debt happened. The Housing Operations Manager has the discretion to approve applications with rent arrears and/or tenancy related debt and award the relevant band where there are exceptional circumstances. This will include but will not be limited to those current tenants of the council who under occupy a tenancy and have accrued arrears as a direct result of the changes in Housing Benefit Regulations under Welfare Reform.

5.4.7 It is the applicant's responsibility to tell us when the debt has been cleared or regular payments have been made as detailed above.

5.4.8 Applicants who have been assessed as being in priority need and intentionally homeless or as non-statutorily homeless will not be accepted on to the housing register if it can be proven they owe rent arrears on any private or social/affordable rent tenancy. An agreement to pay any arrears will still be required subject to the provisions of 5.4.4.

5.4.9 Applicants who have been assessed as having a full duty under homeless legislation will be considered for an allocation despite any rent arrears. An agreement to pay any arrears will still be sought.

5.5 Unacceptable behaviour

- 5.5.1 If an applicant or a member of his/her household have been guilty of housing related unacceptable behaviour in the previous 3 years, serious enough to make them unsuitable to be a tenant they will not be accepted on to the Housing Register.
- 5.5.2 Upon receipt of their application we will;
- investigate the individual circumstances of an applicant's case to establish if there is evidence of unacceptable behaviour. This will include landlord references.
 - decide if the applicant is still unsuitable to be a tenant by reason of their behaviour at the time the application is considered, taking into account whether there has been any changes in the circumstances or behaviour of the applicant.
- 5.5.3 Where a senior officer is satisfied that these criteria are met, the applicant will be excluded from the housing register. This exclusion will be in place for a period of 2 years.
- 5.5.4 When making the assessment we will act reasonably and will consider all relevant matters regarding health, dependants, social or other factors. Regard will also be given to the wider interests of the public.
- 5.5.5 Each applicant will be provided with written reasons if they are to be excluded from the Housing Register and will have the right to seek a review of that decision by a senior officer not involved in the original decision. The applicant will also have the right to ask the Council to review their case at any time during the exclusion period if they feel that there has been such an improvement in their behaviour that they should no longer be considered to be unsuitable.
- 5.5.6 Where the applicant has been excluded for 2 years and makes a further application but there has been no improvement in their behaviour and the conditions for finding them unacceptable to be a tenant remain, the applicant can be excluded for a further 2 years (subject to the same review process as above).
- 5.5.7 Examples of 'unacceptable behaviour' that affect an applicant's suitability to be accepted on to the Housing Register include (this list is not exhaustive):
- The applicant, or a member of their household, has been convicted of a serious offence which could include violent or sexual offences, an offence against property, supplying drugs or production with intention to supply drugs

- The applicant or member of their household has breached the terms of a final Crime Prevention Injunction (i.e. a new civil injunction obtained in circumstances where an applicant has been guilty of conduct capable of causing a nuisance or annoyance) within the last 12 months
- Anti social behaviour which we deem likely to cause nuisance and annoyance, harassment, violence or intimidation to others or the use of property for illegal or immoral purposes.

5.5.8 Applicants who have been assessed as being in priority need and intentionally homeless or as non-statutorily homeless will not be accepted on to the housing register if the conditions in 5.5.7 apply.

5.5.9 Applicants who have been assessed as having a full duty under homeless legislation will be considered for an allocation even if the conditions in 5.5.7 apply.

5.5.10 We will assess each application individually, and it is within the discretion of a senior officer as to whether we will apply this criteria. If we deem any anti-behaviour not serious enough to exclude an applicant from the register they will be accepted and banded accordingly to their level of need.

6 Applying to Join the Housing Register

6.1 Application

6.1.2 The South Derbyshire Homefinder Landlords keep a joint housing register, called the South Derbyshire Homefinder Register. This means applicants only have to fill in one housing application form to be considered for housing by all the South Derbyshire Homefinder Landlords.

6.1.3 Applicants are required to fill in an online or paper based housing application form. The online form can be filled in at <http://www.southderbyshirehomefinder.org.uk>. We may then request additional information from applicants to supplement the information input.

6.1.4 Paper based application forms can be obtained from http://www.south-derbys.gov.uk/housing/council_housing/applying_for_housing/default.asp, by visiting South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or by telephone on 01283 228773 and we will send one out.

6.2 Checking Housing Register Applications

- 6.2.1 Applicants are required to give us all the information we ask for in the application form so that we can confirm their details and housing requirements. If these are not supplied it will delay the application. We will check all housing applications when they are received and assess what additional information is required.
- 6.2.2 Applications must be supported by copies of photo identification such as a passport or photo driving licence. It is the applicant's responsibility to supply the proof that we ask for to confirm the applicant's identity.
- 6.2.3 Where applicants have been or still are the tenant of a private or social landlord we will write to the landlord to obtain a tenancy reference. We may also write to applicants requesting them to provide other proof of identity or other information pertinent to the application. Applications will not be activated until all information requested is received.
- 6.2.4 We may also check applicants' details with a credit-referencing agency if we suspect that previous address history has not been disclosed.
- 6.2.5 Applicants must declare in their housing application form if they and/or other members of their household have current and past rent arrears or re-chargeable repairs from any Council or tenancy. If applicants do not tell us this information and it is later discovered, we may cancel their application and take legal action against them if they have been granted a tenancy by not declaring information relevant to their application.
- 6.2.6 If we write to an applicant requesting further information to support their application we will suspend the application until such time the information is received, as we will not be able to band their application accordingly.
- 6.2.7 If, after a 28 day period, applicants have not given us the information we have asked for, we will cancel the housing application. If they have given false and/or misleading information on their application form and/or during its processing, we will cancel their application.

6.3.1 Activating Housing Register Application

- 6.3.2 We aim to activate application forms within 10 working days of receipt, provided they are complete and are accompanied with all the supporting information we require. This means we must receive landlord references and any additional information requested before activating an application. We will check applicants do not owe any debt to South Derbyshire District Council, its Homefinder landlord partners and private landlords listed in their address history.

6.3.3 We assess housing applications based on the information provided on the form and any other evidence or details provided. We assess this information against the South Derbyshire Homefinder Bands (see section 11.0). Within these bands applicants are assessed as to how many needs they and their household have. The higher the number of needs the greater priority is given for re-housing.

6.3.4 Once we have made all our assessments, we will contact applicants and inform them:

- that we have accepted their housing application and they can start to look for properties advertised on South Derbyshire Homefinder
- their unique housing application number
- the South Derbyshire Homefinder band we have placed them in
- if they have been awarded a multiple or single need
- the band award date
- the type and size of properties for which they qualify
- how to use the South Derbyshire Homefinder scheme to look for properties

6.4.1 Applications to join the Housing Register from Councillors, employees and their close relatives

6.4.2 Councillors, employees and their close relatives (this includes siblings, parents, parents in law, grandparents, children and grandchildren), of South Derbyshire District Council and the homefinder landlords can apply to go on the South Derbyshire Homefinder Register. However, they must make their position or relationship within the Council or with the South Derbyshire Homefinder Landlord known on their application form. If they do not do this and it is discovered later that such a relationship exists, then it may be necessary to take further action against the tenant should it be found that false or misleading information was provided to help secure accommodation.

6.4.3 All applications falling in to these categories must be submitted directly to the Housing Options & Tenancy Services Team Leader or Housing Operations Manager of South Derbyshire District Council where they will be assessed to ensure no advantage or disadvantage is received.

6.4.4 Any subsequent allocation to an applicant falling into the above categories must be signed off by the Director of Housing & Environmental Services of South Derbyshire District Council.

7. Change of circumstances

7.1 Applicants must let us know if their circumstances or those of a joint applicant, or other members of their household or any number of people identified on their housing application change as this may affect the band we have placed them in.

This can include but is not limited to:

- a change of address
- a change of contact telephone details
- people leaving the household or more people coming into the household
- their health getting better or worse.

7.2 If we later discover a change in circumstances that has not been notified to us it could affect the housing application.

7.3 It remains an applicant's responsibility to check with us whether or not a change of circumstances is relevant and/or affects their banding. They may need to fill in a change of circumstances form so that we can do a new assessment of their banding. The application will be suspended until the review is complete. We aim to complete this within 10 working days of receipt of the form.

7.4 If there is a change in circumstances we may have to change the applicant's band and the banding award date. We will always write to tell applicants of any changes we make to their banding.

7.5 If the applicant's, or a member of their household needs change they can ask us to review their South Derbyshire Homefinder Band.

7.6 If an applicant has previously completed a medical assessment form and their housing circumstances change, they will need to fill in a new form. This is because the South Derbyshire Homefinder Band takes into account how housing impacts on the medical problem rather than the medical problem itself.

8. The Choice based lettings system

8.1 Advertising Vacant properties

8.1.1 Vacant properties will be advertised and applicants required to actively seek and 'bid' for properties in which they are interested. Applicants will only be considered for a property if it is a suitable size and type for their household. Applicants expressing an interest in a particular property will be shortlisted by the following criteria:

- their needs band (the level of need we have assessed them as having, see 11.0)
- number of needs within the band (How many criteria they have been assessed as having within the band)
- the date the band was awarded

- 8.1.2 Applicants at the top of each vacant property shortlist will be made the offer and invited to view the property provided they are suitable for the property type and still qualify following a final review of their circumstances.
- 8.1.3 Properties which are empty or due to become empty will be openly advertised on a weekly cycle, on the South Derbyshire HomeFinder website <http://www.southderbyshirehomefinder.org.uk>, in the weekly Burton Mail property paper, at the Council Offices display board and in a newsletter distributed to vulnerable households and their various support networks only.
- 8.1.4 The Choice Based Lettings management software system will automatically allocate the banding the property should be advertised at based on the following quotas:
- Band E 30%
 - Band A 52 %
 - Band B 18%
 - Band C 0%
- 8.1.5 All properties will be advertised with the allocated priority banding displayed. Those bidders matching the banding advertised will be prioritised at the top of the shortlist by the order in 8.1.1. Applicants in other bands may also bid for the property and will be ordered on the shortlist based on banding and need, then from the banding award date as shown in 8.1.7.
- 8.1.6 Band C applicants will only be offered properties where there are no successful applicants from higher bands.
- 8.1.7 The shortlist priority will be ordered as follows:

Banding selection order		
Advert scenario 1 30%	Advert scenario 2 52%	Advert scenario 3 18%
Band E	Band A	Band B
Band A	Band E	Band E
Band B	Band B	Band A
Band C	Band C	Band C

8.2 Property Adverts

- 8.2.1 Adverts will include the following information about the property:
- A photo of the property where possible
 - The location including street name

- Size and type of property
- Who is eligible to apply
- Weekly rent and service charges
- Type of heating
- If there is a garden and whether this is communal
- Details of any disabled adaptations
- Availability of a lift (if applicable)
- Parking facilities

8.2.2 Adverts will detail who is given priority in bidding for a property, i.e.

- The priority band for the property
- Size and type of household that the property is suitable for
- Any restrictions on age e.g. over 40s or 60s only
- Whether it is supported accommodation
- If pets are allowed

8.2.3 Properties will be advertised and bids accepted from 00:00 every Wednesday until 23:59 on the following Tuesday.

8.2.4 Applicants will be able to express their interest (bid) in a property in a number of ways:

- Via the <http://www.southderbyshirehomefinder.org.uk> website
- In person at the Customer Services desk at the Civic Offices
- By telephone (01283 228773) should the applicant be classed as vulnerable and unable to access the above

8.2.5 All applicants on the housing register can make up to 3 bids per weekly advertising cycle. Applicants who have already accepted an offer of a property will be ineligible to make any further bids.

8.2.6 Applicants will be allowed to turn down the offer of 3 properties in a 6 month period. If they exceed this quota their application will be suspended for a period of 6 months. This will mean the applicant will not be able to bid on properties during this time.

8.2.7 Whilst the Council aims to allocate all its empty properties via the CBL scheme it reserves the right to direct match applicants to vacant properties in upto 5% of allocation in exceptional circumstances, these may include:

- Cases where moving an under occupying tenant improves the supply of larger family type accommodation or where there is financial hardship suffered as a result of Housing Benefit changes under Welfare Reform
- Public protection cases
- Household members left in occupation following a death where there are no further succession rights

- Temporary or permanent rehousing (decant) where a maintenance issue may mean the tenant has to move to alternative accommodation
- Properties that have been significantly adapted (e.g. through floor lift, wheelchair kitchen)
- Special cases where an urgent need to move is required
- Extra Care accommodation
- Where the property advert received no bids during the cycle or where all qualifying bidders turned down the property

8.2.8 In each of the above cases the Housing Operations Manager will look in to each case individually and decide whether a direct letting is appropriate. All direct lettings will require the sign off of the Housing Operations Manager to proceed.

8.2.9 Information on all the properties let through the CBL system will be provided on the <http://www.southderbyshirehomefinder.org.uk> website. We will publicise information on allocations each quarter. This information will include number of properties let, in which Band, type of property and number of applications received that quarter. We will provide this information in an annual report to Housing & Community Services Committee, on the Council's website, to the Tenants' Forum and the Performance and Scrutiny Panel.

8.3 Offers

8.3.1 Each Homefinder landlord manages their own offers and will contact the successful applicant with details of the potential offer. Each landlord may have a different process. Applicants will be notified of an offer by telephone in the first instance and then by post. Before an offer is made to a bidder, all South Derbyshire Homefinder Landlords reserve the right to:

- carry out checks on the applicant's personal circumstances, as well as those made as part of their housing application
- bypass a bidder if the checks reveal the applicant's circumstances have changed, since the submission of their application, sufficient enough to remove their entitlement to their assessed banding
- withdraw an offer if checks reveal information that is not listed in the applicant's housing application and the banding may need to be reviewed

8.3.2 If applicants are under 18 years of age they will not be offered a property unless they have had an interview with the Tenancy Sustainment Officer and can provide details of a guarantor. See section 18.0 for further details.

8.3.3 Applicants must tell the South Derbyshire Homefinder Landlord whether they wish to accept the offer. There will be deadlines for responding to offers. Failure to respond within 3 days may result in the property being re-offered to the next applicant on the shortlist.

- 8.3.4 In exceptional circumstances the South Derbyshire Homefinder Landlords have the right to 'bypass' an applicant if they do not feel they are suitable for the property. Their decision to bypass may be because of their own policies and procedures which may vary from landlord to landlord. This may occur where the property has adaptations or the letting is considered sensitive based on other factors.
- 8.3.5 The majority of empty properties will be advertised prior to the outgoing tenant leaving. Therefore they may not be ready to view for a few weeks. In cases where the property is not yet empty an offer will be made on a provisional basis only, and may need to be withdrawn if the outgoing tenant does not move out as they had planned. The Allocations Officer will be able to provide an estimate of when the property is likely to be ready for occupation.
- 8.3.6 Where the first applicant refuses an offer of accommodation the Allocations Officer will re-offer the property to the next highest banded applicant and so on.
- 8.3.7 Applicants are given the opportunity to view any property offered to them accompanied by the Allocations Officer. Following the viewing the applicant is expected to decide whether they wish to accept the tenancy.
- 8.3.8 In situations where a property is advertised and no bids are received it will be re-advertised in the next cycle with the bidding opened up to applicants who are eligible for smaller properties, usually one bedroom less.

9. Where this policy does not apply

- 9.1 There are instances where this Allocations Policy does not apply. These instances are detailed in section 160 of the Housing Act 1996 and include:
- mutual exchange
 - succession of tenancy
- 9.2 In each of these instances, neither the Council nor any of the other South Derbyshire Homefinder Landlords are required to identify a new tenant for the relevant property or properties from the South Derbyshire Homefinder register.

10. Data Protection Statement

- 10.1 All personal information provided to South Derbyshire District Council will be held and treated in confidence in accordance with the Data Protection Act 1998. Information provided will be held electronically and in paper form and kept secure at all times. Basic information regarding areas of preference may be shared with other council departments or third party organisations to determine housing need for particular areas of South Derbyshire. For example, where we need to assess

the demand for properties in particular locations where new developments are being considered.

- 10.2 Where we ask for equality information this is classed as 'Sensitive Personal Data' and will be treated as such for monitoring purposes only. Only those personnel who require this information as part of their job will have access to it.
- 10.3 Key data may be provided to bodies responsible for auditing and administering public funds for the purpose of preventing and detecting fraud or other criminal offences, or for issues of child and public protection.
- 10.4 If applicants would like to access their information, they should obtain a Data Protection request form via Customer Services on 01283 595795 or from the Council's website http://www.south-derbys.gov.uk/council_and_democracy/dataprotection/information_held/default.asp
Please note that an administration fee may apply.

11. Housing Need – Banding Scheme

11.1 South Derbyshire Homefinder Bands

11.1.1 We will categorise an applicant's housing circumstances into one of four bands. The bands are:

- Emergency Band
- A Band
- B Band
- C Band

11.1.2 Within each band will be a series of individual needs. An applicant may be assessed as having one or multiple needs.

11.1.3 Vacant properties will be advertised by band in accordance with the percentages quoted in paragraph 8.1.4.

11.1.4 The Council, in consultation with the South Derbyshire Homefinder landlords, reserve the right to change the percentage of properties allocated in each band, following an annual policy review, to meet the housing needs within the District.

11.2 Emergency band

11.2.1 Applicants will be placed in this band if:

- South Derbyshire District Council has made a decision that an applicant is 'statutorily homeless' through Homelessness legislation

- The Council's Housing Standards Officer has assessed a private sector applicant's property and found it to be 'statutorily overcrowded', and the applicant has not intentionally caused overcrowding, as defined in the Housing Act 1985.

11.2.2 Homeless final offers

11.2.3 Applicants assessed as being unintentionally homeless and in priority need, who are owed the 'full housing duty', will be expected to actively make bids against suitable properties.

11.2.4 From the formal homeless decision date the number of bids placed will be monitored for an initial period of 8 weeks. In situations where bids are not being made the case officer will offer further advice. If this bidding pattern continues after the 8 week period the case officer will bid on the applicant's behalf and discharge our emergency duty to the applicant on the first successful bid.

11.2.5 This offer of accommodation will be a social or affordable housing tenancy or a twelve month assured short hold privately rented tenancy in accordance under section 193(7AA). We will always try to take account of an applicant's preference for an area and type of property. However, due to high housing demand and a lack of supply, this may not always be possible. We will make any final offer in writing, and state that it is a final offer, and that it discharges our homeless duty.

11.2.6 If an applicant feels that a final offer property is not suitable, they may ask for a review of the offer. Applicants may ask for a review whether or not they accept the final offer.

11.2.7 When reviewing a final offer, a senior officer not involved in the original decision will check that the property:

- (a) is of the right size and type for the family
- (b) is safe for the applicant's family to live in
- (c) takes account of any special needs the applicant or their family have and we will check that we have taken into account any other relevant circumstances they have told us about before we made a decision.

11.2.8 Applicants may refuse a 'final offer' of housing. If they do, the Council's legal duty to find the applicant a new home will change and they will lose their emergency status and if they are a qualifying person be moved to Band A. If they are thinking about refusing a final offer, they should discuss it first with their homeless case officer.

11.2.9 If we discharge our homeless duty by securing the applicant a 12 month assured shorthold tenancy in the private rented sector and the applicant becomes unintentionally homeless again within a maximum of 2 years, our full homelessness duty will be owed regardless of priority need.

11.2.10 Where a homeless person has been bidding on properties but has not been successful, the case officer in conjunction with the Team Leader will consider whether to extend the period beyond 8 weeks.

11.3 Band A

11.3.1 We will place an applicant, a joint applicant, any other member of their household or any number of people identified on their housing application in this band if:

- The Council's Housing Standards Officer has made a decision that the applicant is statutorily overcrowded. (the B band criteria of requiring an additional bedroom does not apply)
- South Derbyshire District Council prohibits the use of the property an applicant is living in under the terms of the Housing Act 2004 and considers that it is not reasonable for the property to be brought back into use
- the Housing Options & Tenancy Services Team Leader has assessed an applicant as having an essential need to move on medical or mobility grounds. This is because their current housing situation is having a serious detrimental impact on them or members of their household's health or ability to live independently and a move to a certain type of accommodation would remedy that situation. We will carry out a home visit to assess this.
- The applicant, or a member of their household, has an urgent need to move on welfare grounds and this is backed up by evidence or written statements by professionals. This is defined as:
 - (a) discharge from hospital is prevented by their housing situation
 - (b) there is a likelihood of admission to residential care or hospital if re-housing is not made
 - (c) there is a likelihood of a child being accommodated by the local authority if re-housing is not made
 - (d) at serious risk of harm in their present accommodation. This can include but is not limited to:
 - I. victims of domestic violence – including where the victim has fled to non-secure or temporary shared accommodation away from their secure accommodation
 - II. serious racial harassment
 - III. homophobic attacks
 - IV. witnesses of crime
 - V. victims of crime
 - VI. serious anti-social behaviour that is causing detriment to mental health or where there is risk of physical violence. Evidence of which is provided by a South Derbyshire Homefinder Landlord.

- The applicant has an urgent need to move to a particular locality where failure to do so would cause hardship to them or other member of their household. This is defined as:
 - (a) a need to move to either give or receive long term (over 12 months) essential care and support
 - (b) a need to move to access long term (over 12 months) specialised medical treatment
 - (c) a need to move to take up particular permanent employment or training opportunities
 - (d) the applicant(s) are currently living in a hostel or supported housing and are ready for move-on to independent living

- it is unreasonable for the applicant to stay in their current accommodation due to exceptional financial hardship, whereby moving home would alleviate that hardship.. A financial determination by a Housing Options Advisor or Tenancy Sustainment Officer will be carried out and recommendations made to reduce household costs. If income is still below the level of reasonable household expenditure this need will be awarded.

- the applicant is currently living in a property owned by a South Derbyshire Homefinder Landlord that is too big for their needs and they are subject to the social size criteria reduction in Housing Benefit. (Double need award).

- the applicant is currently living in a property owned by a South Derbyshire Homefinder Landlord that is too big for their needs, and they are willing to move to a smaller property. (Single need award) This does not include residents aged 61 and over living in Supported Housing unless the applicant can demonstrate the size of the property is causing financial hardship or detriment to health. Normally this class of applicant will be placed in Band B.

- Those left in occupation of a property owned by a South Derbyshire Homefinder Landlord property, following the death of a tenant, with no succession rights to the tenancy or where the tenant has gone into residential care and the tenancy is to be terminated. The applicant must have lived at the address as their principal home for at least 12-months prior to the tenant's death or confinement to residential care.

- The applicant is a tenant of a South Derbyshire Homefinder Landlord and no longer needs the significant adaptations made to their property.

- The applicant is a tenant of a South Derbyshire Homefinder Landlord and has received a Compulsory Purchase Order or their property is due for demolition.

- The applicant is a care leaver and needs a secure home to build a stable life.

11.3.2 Armed Forces Personnel

11.3.3 Armed forces personnel meeting one of the above criteria in Band A will be afforded additional preference in the form of additional needs when they meet one of the additional criteria below:

- a former or serving member of the armed forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service
- a bereaved spouse or civil partner of a member of the armed forces leaving Services Family Accommodation following the death of their spouse or partner
- a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of his/her service
- former members of the regular forces (Royal Navy, The Royal Marines, regular army or the Royal Air Force).

11.4 Band B

11.4.1 We will place an applicant, a joint applicant, any other member of their household or any number of people identified on their housing application in this band if:

- the applicant(s) is aged 61 and over currently living in Supported Housing owned by a South Derbyshire Homefinder Landlord that is too big for their needs, and they are willing to move to a smaller property
- the Housing Options & Tenancy Services Team Leader has assessed the applicant as having a need to move on medical or mobility grounds where a move to a certain type of accommodation will improve their quality of life
- one or more additional bed spaces are required by the household but they are not classed as statutorily overcrowded.
- The applicant is living in an upper floor flat and has a child under 10 years old.
- the applicant is sharing facilities such as a kitchen and bathing facilities with another household where the other household was already in residence. This does not include adult family members who would normally reside in the property.
- The applicant has had a relationship breakdown, and is living in the same property as their partner. Applicants in this criteria will not be granted a 'sharing facilities' need in addition.

- The applicant is suffering from low level anti-social behaviour or harassment. Evidence of which is provided by a South Derbyshire Homefinder Landlord.
- The applicant has a need to move due to a requirement to move closer to:
 - a child's school
 - family/friends for non-essential care and/or support where the applicant can demonstrate a move would significantly help their situation
 - shops and other local amenities if you are aged 60 or over and live in rural communities.
 - give non-essential care and support-
- The applicant needs to move to access specialised medical treatment for a defined period of time which is less than 24 months.
- The applicant needs to move to take up particular employment or training opportunities, which is for a defined period of time less than 24 months.
- The applicant has moved into supported, hostel type accommodation and has made an initial application to South Derbyshire Homefinder.

11.5 Band C

- 11.5.1 We will place applicants in this band if we deem them to be already adequately housed in their current accommodation. Adequately housed will mean a move to other accommodation offered by South Derbyshire Homefinder Landlords would not alleviate or improve any issues they are experiencing.
- 11.5.2 Upon any enquiry or housing options assessment we will make it clear to any applicant where we believe they will fall in to Band C, before they are approved to join the register. This sets realistic rehousing expectations.
- 11.5.3 We will also utilise the Enhanced Housing Options Module of the CBL management software to provide housing options information to applicants likely to fall in to Band C.
- 11.5.4 Applicants in this band are able to bid on all properties. However offers will only be made to band C applicants once we have exhausted any bids from band E, A or B applicants.

11.6 Applicants with multiple needs

- 11.6.1 We take account of multiple needs in this policy by applying any number of needs criteria to the applicant based on their circumstances.

11.6.2 We will assess the applicant, a joint applicant, any other member of their household or any number of people identified on the form. This will mean an applicant or household with 2 needs or more will have greater priority than an applicant with one need within a band.

11.7 Reviewing banding

11.7.1 Applicants in any band have the right to ask us at any time to review their banding. They can ask for this review by contacting the Housing Options Team. See section 18.1 for details.

11.7.2 We will review all of the housing applications that we place in the Emergency Band every 8 weeks. Applications in Bands A and B will be reviewed annually to check that their housing needs remain unchanged.

11.7.3 We will also review an applicant's banding at the time of any offer to ensure the banding is still applicable.

12. Property Allocation

12.1 Shortlisted applicants will be offered properties in 12.4 based on the number of people in their household. This allocation is brought in line with the social size criteria restrictions which reduces the level of Housing Benefit received where a tenant is under occupying.

12.2 We will tell the applicant which size of property we consider is most suitable for them when we accept their housing application. We will advertise properties with the minimum and maximum number of occupants. We normally offer accommodation with an extra bedroom if there is a permanent carer or a medical condition that means they need an extra room.

12.3 Some properties will be advertised with an age requirement. For example, where we state 'applicants over the age of 40 years', only households where all applicants are over the age of 40 will be able to apply for these properties.

12.4 The table below determines how many bedrooms an applicant or household are entitled to bid for:

	Studio flat	1 bedroom flat	1 bedroom bungalow	1 bedroom house	2 bedroom flat	2 bedroom maisonette	2 bedroom bungalow	2 bedroom house	3 bedroom flat	3 bedroom maisonette	3 bedroom bungalow	3 bedroom house	4 bedroom house	5 bedroom house
Single person under 60 years	✓	✓		✓										
Single person over 60 years	✓	✓	✓	✓										
Single person or couple expecting a baby					✓	✓	✓	✓						
Single person under 60 with access to children	✓	✓		✓	✓									
Couple with no children, under 60 years		✓		✓										
Couple with no children, over 60 years		✓	✓	✓										
Couple under 60 with access to children	✓	✓		✓	✓									
Household with one child					✓	✓		✓						
Household with two children of the same gender, both under 10					✓	✓	✓	✓						
Household with two children of the same gender, both aged 10 to 16					✓	✓	✓	✓	✓	✓	✓	✓		

	Studio flat	1 bedroom flat	1 bedroom bungalow	1 bedroom house	2 bedroom flat	2 bedroom maisonette	2 bedroom bungalow	2 bedroom house	3 bedroom flat	3 bedroom maisonette	3 bedroom bungalow	3 bedroom house	4 bedroom house	5 bedroom house
Household with two children of the same gender, one under 16 and one over 16					✓	✓	✓	✓	✓	✓	✓	✓		
Household with two children of the same gender, both over 16									✓	✓	✓	✓		
Household with two children of different genders both under 10					✓	✓	✓	✓	✓	✓	✓	✓		
Household with two children of different genders, one under 10, one over 10					✓	✓	✓	✓	✓	✓	✓	✓		
Household with two children of different genders, both over 10									✓	✓	✓	✓		
Household with three children									✓	✓	✓	✓		
Household with four children									✓	✓	✓	✓	✓	
Household with 5 children									✓	✓	✓	✓	✓	✓

12.4 From 1st April 2013 the Government reduced the amount of Housing Benefit some people can claim. The changes mean that some people will get less benefit than they did before.

12.5 There may be occasions where applicants are offered properties, that at the time of the offer, may have an extra bedroom. Before bidding for a property applicants will need to find out what size of property Housing Benefit will pay for should they meet the criteria for assistance. If Housing Benefit will not meet the full rental payment for the property because of the changes in housing benefit legislation the South Derbyshire Homefinder landlords may by pass the applicant for a property

unless the applicant can evidence, and the landlord is satisfied, that they will be able to make full rental payment.

12.6 Supported Housing

- 12.6.1 South Derbyshire District Council has just under 1000 Supported Housing units normally allocated for persons aged over 60. These properties are typically bungalows or small flats with communal entrances. These properties are not normally allocated to anyone under this age, including other household members under 60.
- 12.6.2 If an applicant under the age of 60 is currently receiving High Rate Disability Living Allowance (DLA) for reasons of mobility only, the South Derbyshire Homefinder Landlords may offer them a property that's normally for someone over 60, even if they are younger, if a move to this type of accommodation alleviates an issue with their current housing situation. i.e. a wheelchair user moving in to a bungalow
- 12.6.3 Lettings to this type of property are often sensitive due to the nature of the accommodation and other residents. Each offer of accommodation will be assessed to ensure the property is suitable and sustainable in the long term.
- 12.6.4 From June 2013 Personal Independence Payments will replace DLA. Section 12.6 will apply to those applicants receiving the enhanced rate mobility component only.
- 12.6.5 A number of properties will have adaptations suitable for people with disabilities. Wherever possible we reserve the right to make the best use of these adaptations and allocate properties to those applicants with needs matching the adaptations the vacant property has.

13. Local connection

- 13.1 To be accepted on to the South Derbyshire Homefinder Register applicants must normally demonstrate they have a local connection to South Derbyshire.
- 13.2 To qualify for 'local connection' and be accepted on to the register, the applicant must:
- have lived in South Derbyshire for six out of the last 12 months, or
 - have lived in South Derbyshire for three out of the last five years, or
 - worked permanently in South Derbyshire immediately prior to the application, for a period of 6 months or longer, or
 - have an immediate family member (grand parent / parent / adult child / brother / sister), with whom they are in close contact, living in South Derbyshire who themselves meet the local connection criteria in this policy.
- 13.3 We will need to see proof that applicants have a local connection with the district.

- If applicants claim a local connection under the work rule, we will need their current employer to provide written proof of their employment
- Where applicants claim a local connection under the family rule, we will need them to provide proof to confirm the family connection.

13.4 Other local connection circumstances

13.4.1 These circumstances are:

- applicants who have been accepted by South Derbyshire District Council under homeless legislation
- applicants who have been accepted for priority re-housing as a reciprocal arrangement with another local council. This may be where another local authority wishes to place an applicant away from their area due to threats of serious harm against the applicant should they remain.
- members of the Armed Forces, former service personnel applying within five years of discharge, bereaved spouses and civil partners of members of the Armed Forces and serving or former members of the Reserve Forces who need to move for medical reasons. See paragraph 11.3.2.

13.5 Local Lettings Policies

13.5.1 In some cases, South Derbyshire Homefinder Landlords may decide to let properties within a local area or new development on a slightly different basis than normal. This would be done to help create 'sustainable communities' within an area.

13.5.2 Currently South Derbyshire District Council does not have any local lettings policies in place. However it reserves the right to operate these in the future should the circumstances merit such a policy.

13.5.3 Local Letting Policies are also used when allocating a large number of properties in the same area, for example, on a newly built development to help create a sustainable community.

13.5.4 Some new housing developments could have been designated as 'exception sites' under the Council's Planning Policy. As part of their planning consent the properties may have to be let to residents from the immediate parish. These sites will be clearly advertised with whom may apply. Bids will be accepted in accordance with the planning consent granted to each site.

14. Applications to join the Register from 16-17 year olds

14.1 Applicants can apply to join the South Derbyshire Homefinder Register once they are 16 years old. However, if they are under 18, after they register and before we

offer them a home, we will expect them to attend an independent living interview with the Council's Tenancy Sustainability Officer.

- 14.2 If they are under 18 they must provide details of a guarantor (someone who accepts legal responsibility for the tenancy on their behalf) otherwise a tenancy will not be offered to them.
- 14.3 The guarantor will be interviewed by the Housing Options and Tenancy Service Team Leader to ensure they are able to afford to cover rent payments and are a qualifying person under this policy.
- 14.4 If the guarantor does not meet this criteria the offer of a property will be withdrawn.

15. Types of tenancy offered

- 15.1 South Derbyshire District Council will offer new applicants to Social Housing an Introductory Tenancy of 12 months. This will be followed by the tenancy type determined in the Tenancy Policy . This will either be fixed term tenancy of 5 years or a secure lifetime tenancy.
- 15.2 Other South Derbyshire Homefinder landlords will normally offer new applicants to Affordable Housing a Starter Tenancy of 12 months. This will be followed by the tenancy type determined in their individual Tenancy Policies. This could either be a fixed term tenancy or an Assured Tenancy.

16. Reviews

- 16.1 The Housing Act 1996, as amended by the Homelessness Act 2002, gives applicants the right to ask for a review if we decide not to allow applicants to join the Housing Register or make any decision that affects their housing application.
- 16.2 Requests for review must be made in writing to the Housing Operations Manager at South Derbyshire District Council. Applicants or their representative may give their reasons for requesting a review in person, if it is difficult to tell us their reasons in writing. We will give them a form of receipt that acknowledges their contact with us.
- 16.3 A senior officer, who has not been involved in the original decision, will look at the request for a review. The officer will base their decision on the known facts at the time of the review. In some cases, they may need to ask the applicant for more information to help them make a decision.

16.4 The Senior Officer will write to the applicant about their decision and explain their reasons for it within 28 days.

17. Complaints

17.1 We are committed to giving the best possible housing service. We will always try and get it right, but we need customers to tell us if we are getting it wrong.

17.2 If an applicant is unhappy with the service the Housing Options Team provide they should contact them to try to get the problem settled there and then.

17.3 If an applicant is still not satisfied with the response, they will need to obtain the 'Making a Complaint about Council Services' form, available from the South Derbyshire District Council offices. The Council's Corporate Complaints Officer will independently investigate their complaint.

17.4 If complainants are unhappy with the Corporate Complaints Officer's reply, they have the option to refer their complaint to South Derbyshire District Council's Designated persons, who will attempt to assist the applicant in finding a satisfactory resolution. In South Derbyshire the designated persons are an elected Councillor, the Performance & Scrutiny Panel or the local MP.

17.5 In the circumstances that the complainant is still not satisfied with the outcome, and the Designated Persons feel it is appropriate, with the complainant's permission, the Designated Persons have the authority to refer the complaint directly to the Local Government Ombudsman. This is an independent service run by central government to make sure that local authorities provide a certain standard of service to their customers.

17.6 If the complainant has followed the South Derbyshire Homefinder Landlord's complaints procedure and do not wish for the complaint to be referred to the Designated persons, but are still unhappy, they may contact:

- the Local Government Ombudsman Advice Team on 0300 061 0614 or 0845 602 1983 or via their website at www.lgo.org.uk.
- Alternatively they may write to them at the following address;

The Local Government Ombudsman

PO Box 4771
Coventry CV4 0EH

- the Independent Housing Ombudsman for complaints about registered social landlords.

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN

Telephone : 0300 111 3000
Fax : 020 7831 1942

Email : info@housing-ombudsman.org.uk

18. South Derbyshire Homefinder Landlords

18.1 South Derbyshire District Council

Civic Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH
Tel: 01283 595778

18.2 Registered Social Landlords

Derwent Living

1 Centro Place
Pride Park
Derby
DE24 8RF
Tel: 01332 346477

Peak District Rural Housing Association

First Floor, 10 Cromford Mill
Mill Road
Cromford
Derbyshire
DE4 3RQ
Tel: 01629 826040

East Midlands Housing Association

Jubilee House, Stenson Road
Whitwick Business Park, Coalville,
Leicestershire.
LE67 4NA
Tel: 0300 123 1877

Riverside Housing Association

Riverside Group,
49 Western Boulevard,
Leicester,
LE2 6DU
Tel: 0845 111 0000

Guinness Northern Counties

Midland Area office,
3.1 Clarendon Park,
Clumber Avenue,
Nottingham,
NG5 1AH
Tel: 0845 605 9000

Metropolitan

Raleigh House,
68-84 Alfreton Road,
Nottingham,
NG7 3NN
Tel: 020 3535 3535

Trent & Dove Housing
Head Office, Trinity Square
Horninglow Street
Burton on Trent, Staffs
DE14 1BL
Tel: 01283 528528

Trident Housing Association
239 Holliday Street,
Birmingham,
B1 1SJ
Tel: 0800 1111 4944

Nottingham Community Housing Association
12/14 Pelham Road,
Sherwood Rise,
Nottingham,
NG5 1AP
Tel:0800 013 8555

ASRA Housing
Allocations Department,
3 Bede Island Road
Leicester
LE2 7EA
Tel: 0116 257 6716