

# Homefinder Allocations Policy

Housing Services  
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## Contents

Version Control.....	3
Approvals.....	3
Associated Documentation .....	3
1.0 Introduction.....	4
2.0 Aims and Objectives .....	4
3.0 Housing Providers Working Together	5
4.0 Statement of Choice	5
5.0 Eligibility	6
6.0 Applying to Join the Housing Register	11
7.0 Change of Circumstances	13
8.0 The Choice Based Lettings System	14
9.0 Where this Policy Does not Apply	17
10.0 data Protection	18
11.0 Housing Need Banding	18
12.0 Allocation	23
13.0 Local connection	27
14.0 Applications to join the register from 16-17 year olds	28
15.0 Types of Tenancy that may be offered	29
16.0 reviews	29
17.0 Complaints	29
18.0 South Derbyshire Home Finder Landlords	30

## Version Control

Version	Description of version	Effective Date
1	Draft for Legal and Team comments	12/6/2020
2	Draft for Leadership Team	10/9/2020

## Approvals

Approved by	Date

## Associated Documentation

Description of Documentation	

## 1.0 Introduction

- 1.1 Under section 166A of the Housing Act 1996 and Part VI Housing Act 1996 (as amended), 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 VII of Housing Act 1996 (as amended);
  - b) People who are owed a statutory duty by any local housing authority under certain provisions of homeless legislation;
  - c) People occupying insanitary 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 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 (the District), in a fair and transparent manner, taking account of both South Derbyshire District Council's (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 local authorities to allocate accommodation, and to give people who have the greatest need of housing a reasonable choice about their property.
- 1.4 The Council operates a Choice Based Lettings system for and on behalf of the Council's Housing Services and other Registered providers with stock in the District
- 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.

## 2.0 Aims and Objectives

- 2.1 The Council aims through this 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)

- 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
- respond to the circumstances of vulnerable individuals which includes joint working with other agencies

### **3.0 Housing Providers working together**

3.1 The Council and registered social providers who have homes to rent or buy in the District, 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
- 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
- Futures Housing Group

3.3 The service level agreement with each of the South Derbyshire Homefinder Landlords allows them to allocate 5% of their vacant properties for internal transfers or discretionary management moves.

### **4.0 Statement of Choice**

4.1 The 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. The Council also provides information and advice on other housing options to help applicants resolve their housing needs.

- 4.2 Through this policy, the Council aims to offer choice to all applicants as well as meeting its legal duty to house people who have an urgent need for housing.

## 5.0 Eligibility and Qualification to join the Housing Register

- 5.1 In order to join the Housing Register applicants must be:
- (a) eligible pursuant to 5.2 below; and
  - (b) not fall within the category of a non-qualifying person pursuant to 5.3 below,

## 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 (CTA) (being United Kingdom, the Channel Isles, the Isle of Man or the Republic of Ireland), or
- their only right of residence in the CTA derives from their status as:
  - (a) a jobseeker (that is an EEA national who has entered the CTA to seek work)
  - (b) a family member of a person described at (a) above
  - (c) an EEA national who has a right to reside in the UK for the first three months
  - (d) a Non-EEA primary carer of a British Citizen who is residing in the UK and the British Citizen would be unable to reside in the UK or in another EEA State if the carer is required to leave

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 annual income of more than £60,000 excluding Disability Living Allowance, or Personal Independence Payments.
- Generally, People who do not have a 'Local Connection' with the District. See paragraph 13 for the definition
- Households who include a family member that is over sixty years old applying for a flat or bungalow in the area with no local connection but with a wish to live in the District will be able to join the Housing Register, these applicants will only be offered accommodation after all other bids for that particular property have been considered.
- 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 the Council is under section 190 of the 1996 Housing Act (as amended) required to provide temporary accommodation and advice and assistance. Examples of making housing circumstances worse include
  - (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 two years
- People successfully housed into a social or affordable housing starter or introductory tenancy of less than 12 months, unless their circumstances have changed.

#### **5.4. People with current and/or previous tenancy related debt**

5.4.1 The accrual of rent arrears or tenancy related debt will affect the application to join the Housing Register and where paragraphs (a) or (b) below apply, the Council has a discretion to decide whether the applicant qualifies to join the Housing Register:

- a) an applicant owes rent from a current or previous tenancy (within the last 6 years) 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 of an amount that a court may grant an outright possession order.

5.4.2 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:

Debt below £100.99: applications to join the Housing 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 three months before an offer of accommodation is made.

Debt between £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 Housing Register is given. Thereafter the applicant should make regular agreed payments toward clearing the debt over a period of three months before an offer of accommodation is made.

Debt over £501+: regular agreed payments must be made to reduce the debt to under half of the original amount, before approval to join the Housing 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 the Council will take into account the reasons for the accrual of the debt. The Council's Head of Housing 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 may 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.

- 5.4.7 It is the applicant's responsibility to inform the Council when the debt has been cleared, regular payments have been made or a payment arrangement has been made.
- 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 established that 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 to whom the Council has a duty to rehouse under the Housing Act 1996 (as amended) 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 has engaged in housing related unacceptable behaviour in the previous three years, which the Council considers serious enough to make them or their household unsuitable to be a tenant they will not be accepted on to the Housing Register.
- 5.5.2 Upon receipt of an application to join the Housing Register the Council will-
- investigate the individual circumstances of an applicant's case to establish if there is evidence of unacceptable behaviour. This will include obtaining 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 have been any changes in the circumstances or behaviour of the applicant.
- 5.5.3 Where the Council is satisfied that the criteria in 5.5.1 is 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 the Council will act reasonably and will consider all relevant matters regarding health, dependents, social or other factors. Regard will also be given to the wider interests of the public. Applicants will be informed in writing of this decision, the reasons for it and the right to request a review of the decision.
- 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 two 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 two 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 the Council considers 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 5.5.1 apply.

5.5.9 Applicants to whom the Council has a duty to rehouse under the Housing Act 1996 (as amended) will be accepted on to the Housing Register even if the conditions in 5.5.1 apply.

## **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 (Housing Register). This means applicants only have to complete one housing application form to be considered for housing by all the South Derbyshire Homefinder Landlords.

6.1.3 Prior to completing an application for housing, potential applicants are advised to complete a 'pre-qualification' questionnaire to assess their eligibility to register (for example, home ownership, local connection, right to reside in the UK). Those who do not meet the criteria will be invited to a housing options interview to discuss other routes to meeting their housing need.

- 6.1.4 Applicants are required to complete an online housing application. The online form can be filled in at <http://www.southderbyshirehomefinder.org.uk>. Additional information from applicants may be requested to supplement the information input.
- 6.1.5 The application form will ask applicants to provide details of any medical circumstances that are related to their current housing situation. The council may ask for further information from medical or other professionals to confirm this position. It may also be necessary to visit applicants at home in order to make a correct assessment of their circumstances.
- 6.1.6 Online applications are preferred however, where absolutely necessary a paper application form can be obtained from [http://www.south-derbys.gov.uk/housing/council\\_housing/applying\\_for\\_housing/default.asp](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.
- 6.1.7 By submitting an application pursuant to 6.1.4 and 6.1.5, the applicant consents to the Council making all reasonable enquiries in order to satisfy itself that the applicant meets the eligibility and qualification criteria above.

## **6.2 Checking Housing Register Applications**

- 6.2.1 Applicants are required to provide all the information requested in the application form. If this is not supplied the application will not be registered. All applications will be checked, and additional information requirements identified and requested.
- 6.2.2 Applicants must provide one piece of identification such as a passport, photo driving licence or birth certificate. Applicants must also provide proof of current address. It is the applicant's responsibility to supply proof to confirm their identity.
- 6.2.3 Where applicants have been or still are the tenant of a private or social landlord the Council will contact the landlord to obtain a tenancy reference. Applicants may also be requested to provide other proof of identity or other information relevant to the application. Applications will not be activated until all information requested is received.
- 6.2.4 The Council may also check an applicant's details with a credit-referencing agency.
- 6.2.5 Applicants must declare in the application form if they and/or other members of their household have current and past rent arrears, re-chargeable repairs or other housing related debt from any tenancy that they have held. If applicants do not provide this information and it is later discovered, the application may be cancelled, and legal action may be taken against the applicant if they have been allocated housing.
- 6.2.6 An application will be suspended until such time the information requested is received.

6.2.7 If, the information has not been provided within 28 days of request, the application will be cancelled. If an applicant provides false and/or misleading information on their application form or as part of the assessment process the application will be cancelled.

### **6.3.1 Activating Housing Register Application**

6.3.2 The Council aims to activate application forms within 10 working days of receipt, provided they are complete and are accompanied with all the required supporting information, including landlord references and any additional information requested.

6.3.3 Applications are assessed based on the information provided on the form 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 allocation.

6.3.4 Once an application has been assessed in accordance with this Policy the applicant will be informed in writing:-

- whether or not their application has been accepted and if it has been accepted then they can start to look for properties advertised on South Derbyshire Homefinder
- of their unique housing application number
- of the South Derbyshire Homefinder band they have been placed in
- whether they have been awarded a multiple or single need
- of the band award date
- of 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 the Council and the homefinder landlords can apply to go on the Housing 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, or it is found that false or misleading information was provided to help secure accommodation, then the Council may take further action against the applicant. .

6.4.3 All applications falling in this category must be submitted directly to the Council's Housing Team Leader or Head of Housing where they will be assessed to ensure no advantage or disadvantage is received.

6.4.4 Any subsequent allocation to an applicant falling into this category must be approved by the Strategic Director (Service Delivery)

## **7. Change of circumstances**

7.1 Applicants must let the Council 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.

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 there is a change in circumstances of an applicant and of which the Council has not been informed then this could affect their banding. .

7.3 It is the applicant's responsibility to inform the Council of any change in their circumstances. They may need to complete a change of circumstances form so that their circumstances can be re assessed. The application will be suspended until the review is complete. The Council aim to complete this within 10 working days of receipt of the form.

7.4 If there is a change in circumstances that affects an applicant's band and the banding award date. The Council will write to an applicant to advise them of any changes it makes to their banding.

7.5 If the applicant's, or a member of their household needs change they can request a review their South Derbyshire Homefinder Banding.

## **8. The Choice based lettings system**

### **8.1 Advertising Vacant properties**

8.1.1 Vacant properties will be advertised, and applicants are 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.

## 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 on a regular cycle and will be advertised on the Council's website.

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 Council's Civic Offices
- By telephone (01283 228773) should the applicant be classed as vulnerable and unable to access the either of the above

8.2.5 Applicants on the Housing Register can make up to three 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 An applicant may refuse an offer of a property on which they have bid. An applicant may only refuse the offer of three properties in any six-month period. If they exceed this quota their application will be suspended for a period of 6 months and the applicant will not be able to bid on any other properties during this time. An offer of a property will be made by telephone, email or by post. If an applicant does not respond to an offer left as a telephone message or sent by post, this will be considered to be a refused offer.

8.2.7 Whilst the Council aims to allocate all its empty properties via the choice based letting scheme it reserves the right to allocate up to 5% of its empty properties otherwise than by the choice based letting scheme and at the discretion of the Council by direct matching to applicants 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.
- 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 situations the Council's Housing Team Leader will review each case individually and decide whether a direct letting is appropriate. All direct lettings will be authorised by the Council's Housing Services Team Leader and Head of Housing.

8.2.9 Information on all the properties let through the choice based letting system will be provided on the <http://www.southderbyshirehomefinder.org.uk> each quarter.

8.3.1 Each Homefinder landlord manages their own offers and will contact the successful applicant with details of the 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 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 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 Council's Tenancy Sustainment Officer and can provide details of a guarantor. See section 14.0 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 three 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.
- 8.3.6 Where the first applicant refuses an offer, the property will be offered to the next highest banded applicant and so on.
- 8.3.7 Applicants are given the opportunity to view any property offered to them. Following the viewing the applicant is expected to decide whether they wish to accept the offer.
- 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.

#### **8.4 Offers of accommodation made to staff, councillors and members of their family**

- 8.4.1 Applicants and their family members who are Councillors or are employed by the Council.
- 8.4.2 Applicants defined under section 8.4.1 will be asked to register their status as an employee of the Council at the point of registering their application. This will also apply to applicants who are related to a Councillor or member of staff.
- 8.4.3 To ensure transparency and fairness, all offers of accommodation made to members of staff, Councillors and members of their family will be approved by the Council's Head of Housing and the Strategic Director, Service Delivery.
- 8.4.4 Records of offers of accommodation made to staff will be reported annually to the Council's Housing and Community Services Committee

### **9. Where this policy does not apply**

- 9.1 There are instances where this 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 Housing Register.

## **10. Data Protection Statement**

- 10.1 All personal information provided to the Council will be held and treated in confidence in accordance with the Data Protection Act 2018. 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 the District. For example, where the demand for housing needs to be assessed in particular locations where new developments are being considered.
- 10.2 Where equality information is provided as part of the application, this is classed as 'Sensitive Personal Data' and will be treated as such and used for monitoring purposes only. Only Council employees who require this information as part of their job will have access to it.
- 10.3 Information may be shared with 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 wish 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](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 Applicant's housing circumstances will be categorised 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.

### **11.2 Emergency band**

11.2.1 Applicants will be placed in this band if:

- The Council has made a decision that it owes a duty to the applicant to rehouse them under the Housing Act 1996 (as amended)

- The Council has assessed a private sector applicant's property and found it to be 'statutorily overcrowded', and the applicant has not intentionally caused the 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 four weeks. In situations where bids are not being made the Council will offer further advice. If this bidding pattern continues after the four-week period, the Council will consider making a direct offer of accommodation on the applicant's behalf and discharge the Council's 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 with section 193(7AA) of the Housing Act 1996 (as amended). The Council will 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. The Council will make any final offer in writing, and state that it is a final offer, and that it discharges its 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 review whether 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
  - (d) the offer has taken into account any other relevant circumstances of which the Council has been informed prior to the making of the offer.
- 11.2.8 Applicants may refuse a 'final offer' of housing. If they do, the applicant will lose their emergency status and if they are a qualifying person their application will be moved to Band A. An applicant considering refusing a final offer, should discuss this first with their homeless case officer.
- 11.2.9 The Council can discharge its homeless duty by securing the applicant a 12-month assured short hold tenancy in the private rented sector and if the applicant on expiry of that tenancy becomes unintentionally homeless again within a maximum of two years, a full homelessness duty will be owed regardless of priority need.
- 11.2.10 Where an applicant with emergency status has bid on properties but has not been successful, the Council will consider whether to extend the period beyond eight weeks.

## 11.3 Band A

### 11.3.1 Applications will be placed in this band if:

- The Council has made a decision that the applicant is statutorily overcrowded. (the B band criteria of requiring an additional bedroom does not apply)
- The Council has prohibited the use of the property an applicant is living in under the Housing Act 2004 and considers that it is not reasonable for the property to be brought back into use
- The applicant has been assessed as non-statutorily homeless. Applicants in this category will be given one 'need' only and will not be assessed under any other Band A or B need, unless authorised by a senior officer of the Council.
- The Council's Housing Options and Housing Team Leader has assessed an applicant as having an essential need to move on medical or mobility grounds. In circumstances where the applicant's 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. A home visit will be arranged to assess this.
- The applicant, or a member of their household, has an urgent need to move on welfare grounds which is supported 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 another 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 is currently living in a hostel or supported housing and is ready for move-on to independent living
- It is unreasonable for the applicant to stay in their current accommodation due to exceptional financial hardship and moving home would alleviate that hardship. A financial review will be undertaken by the Council's Housing Options Advisor or Tenancy Sustainment Officer and recommendations made to reduce household costs. If an applicant's income is still below the level of the assessed reasonable household expenditure the need may 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.
  - An applicant is 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 moved 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 been notified of the making of a Compulsory Purchase Order in respect of the property or the 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 Check Armed Forces Covenant**

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 if they meet **one** of the additional criteria below. They are;-

- a serving member of the armed forces or a former member who has served in the regular forces within five years of the date of their application and they need 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 has served within five years of the date of their application and they need to move because of a serious injury, medical condition or disability sustained as a result of his/her service.
- a former member of the regular forces who has served within five years of the date of their application (Royal Navy, The Royal Marines, regular army or the Royal Air Force).

## 11.4 Band B

11.4.1 Applicants will be placed in this band where; an applicant, a joint applicant, any other member of their household or any number of people identified on their housing application are:-

- aged 60 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;
- assessed 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;
- in need of one or more additional bed spaces but they are not classed as statutorily overcrowded.
- living in an upper floor flat and have a child under 10 years old.
- 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.
- suffering a relationship breakdown and are living in the same property as their partner. Applicants in these criteria will not be granted a 'sharing facilities' need in addition.
- suffering from low level anti-social behaviour or harassment. The evidence of which must be provided by a South Derbyshire Homefinder Landlord.
- seeking 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 where the applicant is aged 60 or over and lives in a rural community.
  - give non-essential care and support-

- needing to move to access specialised medical treatment for a defined period of time which is less than 24 months.
- needing to move to take up particular employment or training opportunities, which is for a defined period of time less than 24 months.
- in supported, hostel type accommodation and have made an initial application to South Derbyshire Homefinder.

## **11.5 Band C**

- 11.5.1 Applicants will be placed in this band if they are considered to be already adequately housed in their current accommodation. Adequately housed means that a move to other accommodation offered by South Derbyshire Homefinder Landlords would not alleviate or improve any issues the applicant is experiencing.
- 11.5.2 The Council will after any enquiry or housing options assessment explain to an applicant if it considers that the application only meets Band C criteria, before the application is approved to join the Housing Register.

## **11.6 Applicants with multiple needs**

- 11.6.1 Where applicants have multiple needs these will be accounted for and applied to the banding of an application
- 11.6.2 The circumstances of an applicant, joint applicant, any other member of their household or any number of people identified on application will be assessed to identify any multiple needs. This means that an applicant or household can be assessed as having multiple needs and an applicant or household with two needs or more will have greater priority than an applicant with one need within any given band.

## **11.7 Reviewing banding**

- 11.7.1 Applicants in any band have the right at any time to request a review of their banding.
- 11.7.2 All applications placed in the Emergency Band will be reviewed every eight weeks. Applications in Bands A and B will be reviewed annually to check whether their housing needs have changed.
- 11.7.3 An applicant's needs and banding will also be reviewed at the time of any offer to ensure the need award and banding is still applicable.

## **12. Property Allocation**

- 12.1 Shortlisted applicants will be offered accommodation based on the number of people in their household. See 12.4 below.
- 12.2 The Council will inform the applicant which size of property it considers to be most suitable for them. The Council will advertise properties with the minimum and maximum number of occupants. If there is a permanent carer in residence or a medical condition that justifies the need for an extra room, accommodation with an additional bedroom will usually be offered
- 12.3 Some properties will be advertised with an age requirement. For example, where the Council states ‘applicants over the age of 40 years’, there must be at least one member of the household that meets this requirement.
- 12.4 The table below provides a guide as to how many bedrooms an applicant or household are usually entitled to bid for. There will be circumstances where it is necessary to allocate properties outside of these guidelines

	Studio flat	1 bedroom flat	1 bedroom bungalow	1 bedroom house	2 bedroom flat	2 bedroom	2 bedroom bungalow	2 bedroom house	3 bedroom flat	3 bedroom	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 house	1 bedroom house	2 bedroom flat	2 bedroom house	2 bedroom house	3 bedroom flat	3 bedroom house	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								✓	✓	✓	✓	✓

12.5 There may be occasions where applicants are offered a property, that has an extra bedroom. Before bidding for that property, applicants who are in receipt of Universal Credit or other benefits will need to check what size of property their benefit entitlement will cover. If an applicant is unable to meet the cost of the rent from their income the South Derbyshire Homefinder Landlord may by-pass the applicant 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 The Council has just under 1000 supported housing units which are normally allocated for households with at least one occupant who is aged over 60 years old. These properties are typically bungalows or flats with communal entrances. These properties are not normally allocated to anyone under this age.

12.6.2 If an applicant under the age of 60 is currently receiving Disability Living Allowance (DLA) or Personal Independence Payment, the South Derbyshire Homefinder Landlords may offer them a property that's normally considered for someone over 60, if the move to this type of accommodation alleviates an issue with their current housing situation. i.e. a wheelchair user moving into a bungalow

12.6.3 A number of properties will have adaptations suitable for people with disabilities. Wherever possible the Council reserves the right to make the best use of these adaptations and allocate properties to those applicants with needs matching the property adaptations.

### **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 the District.

13.2 To qualify for 'local connection' and be accepted on to the Housing Register, the applicant must:

- have lived in the District for six out of the last 12 months, or
- have lived in the District for three out of the last five years, or
- worked permanently in the District immediately prior to the application, for a period of 6 months or longer, or
- have an immediate family member (grandparent / parent / adult child / sibling), with whom they are in close contact, living in the District who themselves meet the local connection criteria in this policy.

13.3 Applicants will need to provide evidence of their local connection with the District.

- If applicants claim a local connection through employment, they will need their current employer to provide written evidence of their employment
- Where applicants claim a local connection through family, they will need provide evidence to confirm the family connection.

### **13.4 Other local connection circumstances**

13.4.1 These circumstances are:

- applicants who have been accepted by the Council under homeless legislation
- applicants who have been accepted for priority re-housing as a reciprocal arrangement with another local authority. 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.
- members of the Armed Forces, who are seeking accommodation under the terms of the Armed Forces Covenant.
- Households with an occupant over the age of 60 with no local connection but with a desire to live in South Derbyshire.

### **13.5 Local Lettings Policies**

- 13.5. In some cases, South Derbyshire Homefinder Landlords may decide to let properties within a local area or new development on a different basis. A “Local Lettings Plan” for either newly built or existing properties will be adopted where there is evidence that indicates that such an approach is necessary.

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

- 14.1 Applicants can apply to join the Housing Register once they are 16 years old. However, if they are under 18, after they register and before they can be offered a home, they will be expected to attend an independent living interview with the Council’s Tenancy Sustainability Officer.
- 14.2 Applicants under 18 years old must provide details of a guarantor (someone who accepts legal responsibility for the tenancy on their behalf) otherwise accommodation will not be offered to them.
- 14.3 The guarantor will be interviewed by the Council’s 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 criterion the offer of accommodation will be withdrawn.
- 14.5 Young people in the care of the local authority (Care) will be allowed to apply to join the Housing Register when they reach 17 years and 6 months old. If their application is complete and meets the qualifying criteria of the policy, it will be considered in accordance with this Policy and assessed at a minimum Band A.
- 14.6 Upon the young person turning 17 years and 11 months old they will be allowed to bid for applicable properties advertised each week. Accommodation will not be offered until on or after their 18th birthday. If a bid is successful before their 18th birthday the tenancy sign up will take place following their 18th birthday.
- 14.7 The Council’s Housing Services’ Tenancy Sustainment Officer will carry out a case review and provide support to the young person at the point of an offer of accommodation, through to the early stages of their tenancy.
- 14.8 In order to sustain tenancies offered to young people leaving Care, the Council will manage these tenancies in accordance with the South Derbyshire ‘care leavers protocol’.

### **15. Types of tenancy offered**

- 15.1 The Council will offer an Introductory Tenancy of 12 months. Where the Introductory Tenancy period is successfully completed, the Introductory Tenancy becomes a secure tenancy.
- 15.2 Other South Derbyshire Homefinder Landlords will normally offer a Starter Tenancy of 12 months. This will be followed by the tenancy type determined in the Landlord's tenancy policies.

## **16. Reviews**

- 16.1 The Housing Act 1996 (as amended), gives applicants the right to ask for a review if the Council decides not to allow applicants to join the Housing Register or makes a decision that affects their application.
- 16.2 Requests for review must be made in writing to the Council's Head of Housing. Applicants or their representative may give their reasons for requesting a review in person, if it is difficult to provide their reasons in writing.
- 16.3 A Council senior officer, who has not been involved in the original decision, will consider the request for a review. The officer will base their decision on the known facts at the time of the review. In some cases, the applicant may be asked for more information to help make a decision.
- 16.4 The Council will write to the applicant about their decision and explain their reasons for it within 28 days of receipt of the request for a review

## **17. Complaints**

- 17.1 The Council is committed to providing the best possible housing service.
- 17.2 If an applicant is unhappy with the service provided by the Council's Housing Options Team they should contact the team to try to get the resolve the problem.
- 17.3 If an applicant is still not satisfied with the response, they should obtain the 'Making a Complaint about Council Services' form, available from the Council's offices. The complaint will be considered by the Council's Corporate Complaints Officer.
- 17.4 If a complainant is unhappy with the Council's Corporate Complaints Officer's reply, they can either
  - 17.4.1 refer their complaint to the Council's Designated Persons, who will attempt to assist the applicant in finding a satisfactory resolution. Designated Persons are; an elected Councillor, a member of the Council's Performance & Scrutiny Panel or the local MP If 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, or

#### 17.4.2 refer their complaint directly to the Local Government Ombudsman

- the **Local Government Ombudsman Advice Team** on 0300 061 0614. Our helpline is open Monday to Friday, between 9am and 12 noon or via their website at [www.lgo.org.uk](http://www.lgo.org.uk)
- the **Independent Housing Ombudsman** for complaints about registered social landlords.

Call us on 0300 111 3000

9.15am - 5.15pm, Mon to Fri

Housing Ombudsman Service

PO Box 152

Liverpool L33 7WQ

Email at [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk) or use our online complaint form

Website at [www.housing-ombudsman.org.uk/](http://www.housing-ombudsman.org.uk/)