

# **Gedling Borough Council**

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

**CONSULTATION DRAFT**

### Alternative format of language required?

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

- Gedling Borough Council,  
Civic Centre,  
Arnot Hill Park,  
Arnold Nottingham.  
NG5 6LU
- Tel: 0115 901 3803 or 3651
- Email: [housingneeds@gedling.gov.uk](mailto:housingneeds@gedling.gov.uk)

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## 1.0 Introduction

### Broxtowe, Gedling and Rushcliffe Choice Based Lettings Scheme

- 1.1 Applications for and allocations to social housing, including both social and affordable rent, in Broxtowe, Gedling and Rushcliffe are administered through a Choice Based Lettings (CBL) scheme known as **Homesearch**. The three Councils share a website and software system, but they each have their own allocations policy, that outline how the scheme works, sets out how properties are advertised, who can bid, how bids are made and how lettings and offers of accommodation are made.
- 1.2 This policy does not cover the allocations of social housing made by Registered Providers (housing associations) outside the Homesearch system, direct matches, mutual exchanges, Right to Buy or temporary decants to another property.
- 1.3 The policy contains an appendix to describe when the Council will make a “private rented offer” in discharge of its homelessness duties under section 193 of the Housing Act 1996 ( as amended by the Homelessness Reduction Act 2017) (see Appendix A).
- 1.4 The policy also details to process for Out Of Area Placements (see Appendix B).

### Broxtowe, Gedling and Rushcliffe Allocations Policies

- 1.5 Broxtowe, Gedling and Rushcliffe Borough Councils have individual allocations policies, which control the way the scheme operates in their respective areas. It is important that you make sure that you refer to the correct policy for the area in which you live to find out whether or not you qualify to join the scheme.
- 1.6 The Gedling Allocations Policy (‘the Policy’) sets out who can apply for social housing in Gedling and how priority is given to different applicants. It is worth noting here that by joining the register, it does not guarantee an offer of social housing.
- 1.7 If you need to contact us about the Policy, you can do so by:
  - Online at [www.gedling.gov.uk](http://www.gedling.gov.uk)
  - By email to [housingneeds@gedling.gov.uk](mailto:housingneeds@gedling.gov.uk)
  - Online at [www.home-search.org.uk](http://www.home-search.org.uk)
  - By letter addressed to the Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU
  - By telephone on 0115 901 3651 or 0115 901 3803 (ask for the Housing Needs Team)
  - In person by coming to the Civic Centre at Arnot Hill Park during usual business hours.

- 1.8 **If you would like a copy of this document in another format such as large print, Braille, audiotope or translated into a different language, please contact us on 0115 901 3861 or email [housingneeds@gedling.gov.uk](mailto:housingneeds@gedling.gov.uk).**

### **Aims and Objectives**

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

### **Regulatory Code and Legal Framework**

- 1.10 The 'Allocation of Accommodation: Guidance for Local Authorities in England' is the statutory guidance issued in 2012 to Local Authorities in England under Section 169 of the Housing Act 1996. Housing authorities are required to have regard to it in exercising their functions under Part VI of the Housing Act 1996.
- 1.11 Section 166A of the Housing Act 1996 provides that authorities must have regard to their homelessness strategies when framing their allocations policy.
- 1.12 Additional guidance 'Providing Social Housing for Local People.' was issued in 2013 to assist housing authorities to make the best use of their flexibilities within the allocations legislation to better meet the needs of their local residents and their communities.
- 1.13 This policy has also been reviewed to comply with the requirements of the Homelessness Reduction Act 2018, and the new Code of Guidance.
- 1.14 The policy identifies the groups that will be given preference for social housing. The policy applies to existing tenants wishing to transfer from one tenancy to another and to new applicants, including people who are homeless. When we refer to an "applicant" in this document, it will refer to both new applicants including homeless people and tenants wishing to transfer (unless otherwise stated).
- 1.15 The policy will be effective from (?? to be completed) and will be kept under regular review to reflect changes in legislation or local housing priorities.

1.16 The Housing Act 1996, Part 6 states a housing authority allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation held by that authority
- Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
- Nominates a person to be an assured tenant of accommodation held by a private Registered Provider

1.17 For the purposes of this policy an allocation will be considered to be a nomination if the property has been advertised and shortlisted through the Homeseach Choice Based lettings Scheme.

#### **Direct Matches**

1.18 For direct matches, if a property has been advertised on several occasions, and there has been no or low interest expressed in the property, then the property could be directly matched to someone on the waiting list. Equally direct matches will be used for those applicants whose homeless application has been accepted.

## **2.0 Equality and Diversity**

2.1 We will promote equality of opportunity and anti-discriminatory practices when providing services. Communities thrive and prosper where individuals and groups are treated fairly and with respect, and are given equality of access to services.

2.2 The aim of the Policy is to ensure that you and all applicants for housing are treated fairly. In implementing this policy, people who can join this scheme will not be discriminated against on the grounds of race/ethnicity, age, disability, gender re-assignment, gender, religion or belief, marriage or civil partnership, pregnancy and maternity, sex or sexual orientation. Equality Act 2010.

2.3 We have carried out an Equalities Analysis and this will be kept under review.

## **3.0 Statement on offering choice**

3.1 We will offer choice where possible in allocating social housing within the Borough. However, the ability to offer choice has to be balanced against a legal requirement for an allocation scheme to ensure that those in the greatest housing need are given priority for social housing.

- 3.2 It must also be recognised that there is very high demand for affordable housing in Gedling Borough and that this demand cannot be fully met from the current social housing stock.
- 3.3 Applicants who have been in a high priority band for 8 weeks (Section 18.3) may have their application reviewed. This may result in you being placed in a lower band. We will notify you of any changes which are made to your application.
- 3.4 For any applicant owed a homelessness duty under S.195, 189B, 193(2) or 193c(4) of the Housing Act 1996 Part 7 ( as amended by the Homelessness Reduction Act 2017) the Council may make a direct offer of suitable accommodation at any time in order to resolve a threat of homelessness or homelessness itself. This may restrict the time an applicant is therefore able to bid for accommodation in an area where they would prefer to live. An offer of suitable accommodation could be made in an area either inside or outside the Borough that the Council consider is suitable for the applicant to live in where the need to offer suitable housing is more important than the need to respect the applicant's preference for the location where they wish to live.
- 3.5 Suitable offers can be either a private rented or social tenancy. Please see Appendix A.

#### **4.0 Confidentiality**

- 4.1 You will be asked on the application form to give permission for us to share the information provided with other members of the Choice Based Lettings scheme (such as Registered Providers) and other relevant agencies. We can also request specific information such as information from the Police or Probation service relating to convictions.
- 4.2 Sometimes, information must be shared even without your consent, e.g. to the police to prevent and/or detect crime (Crime and Disorder Act 1998, section 17 Safeguarding).
- 4.3 Subject to limited exceptions, you have the right to access the personal information we hold about you. This includes information we hold as paper and electronic records. If you would like to access the information we hold about you, please contact the Data Protection Officer at Gedling Borough Council.
- 4.4 We will use the information provided by you to progress your application to join the Choice based Lettings Scheme. The basis under which the Council uses personal data for this purpose is that this is necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the

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

4.5 The Data Controller is Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham, NG5 6LU. The Data Protection Officer can be contacted at the above address or by email at [dataprotectionofficer@gedling.gov.uk](mailto:dataprotectionofficer@gedling.gov.uk)

4.6 The information provided by you may also be used for the purpose of any other function carried out by the Council. Information about these functions and further information including how long we retain your data, who we share with and your rights can be found at <http://www.gedling.gov.uk/council/aboutus/policies/privacypolicies/>

## 5.0 How the housing allocation scheme will operate

5.1 We and our partner councils will offer properties through Homesearch, a Choice Based Lettings scheme, which provides people searching for housing more choice in where they live. The scheme is designed to be simple to use and easy to understand, but some words have a special meaning as follows:

**Register** – to register you need to complete an online application form.

**Qualify** – we will decide whether you qualify for social housing in Gedling Borough when you have provided all the necessary information (see section 7 for details).

**Bid** – you need to look at the weekly property adverts on the Homesearch website and tell us about the properties you are interested in by placing a bid on the Homesearch website, phoning us or visiting either the Civic Centre or the Carlton Access Point in person (contact numbers are in section 23). This is known as bidding.

5.2 When you apply to join the scheme, we will process your application and assess whether you qualify for social housing. If you do, we will give it a priority band (see sections 14-16), which reflects your level of housing need. We will also explain any limitations on the size and type of property you can bid for. Once we have received your application form and all supporting information, we will process your application as soon as possible.

5.3 The majority of applications will be determined by Housing Needs Administrators, however if a decision is required, for example on whether or not to allow someone to join due to:



- The applicant being under 18 years old;
- The applicant having committed criminal and or anti social behavior;
- The applicant being an owner occupier;
- Financial circumstances;
- Applications made under “exceptional circumstances;”

This will be made by a senior officer. In addition, appeals against either exclusion from the scheme or the banding priority which you have been awarded will also be considered by a senior officer.

- 5.4 Properties are advertised every week, from Thursday at 00:01 to Tuesday at 23:59. This is known as the “advertising cycle”. The advertisements can be found on the Homesearch website. If you do not have access to a computer, they are available free of charge at the Civic Centre, Carlton Access point or libraries, via a PC. The advertisements give information about each property, such as the number of bedrooms, location, rent, property type, and whether pets are allowed. The advertisements also say who is eligible to bid for the property. This is at the landlord’s discretion, not the Council’s.
- 5.5 Once you have found a property that you are interested in that you are eligible to bid for, you can let us know, via the website, by phone or in person (contact details in section 21). Bidding does not involve any money (It is an expression of interest, not a financial offer.) You can bid for up to three properties in each cycle.
- 5.6 Before you bid for a property, make sure you read any eligibility criteria carefully to make sure that your bid is not wasted. During the bidding cycle, you can check your position in the queue for that property, and move your bids to different properties where you are better placed, to increase your chances of being successful.
- 5.7 Once the advertising cycle closes, all the bids received for each property are drawn together in a shortlist, and the property is normally considered for the person at the top of it (see section 22 for more details.) However, there may be instances where the property is offered to an applicant lower down the list, for example, to avoid under-occupation (where the household moving in has more bedrooms than they need) or to make the best use of the property i.e. when the household has medical needs or requires a property which has been adapted. Note: that it is the Landlord (NOT the Council) who makes the decision about who the property is offered to. Please also note that if you have any arrears of rent then a Landlord may decide not to offer to you, but to offer to someone who is lower on the shortlist but who has no rent arrears.
- 5.8 The property is usually offered to the applicant who is in the highest priority band, has been waiting the longest and who meets the criteria of any local lettings policy of the Landlord. If that applicant refuses, the property is offered to the next highest placed

applicant and so on, working down the short list until the property is let. If the property is subsequently refused and a long period has passed since the property was advertised, it may be re-advertised, or offered as a direct match.

## 6.0 Eligibility

6.1 To be eligible to join the housing register, you must: be **aged 18 or over**. In addition there are certain groups of people who are eligible for social housing.

6.2 Accommodation will not be allocated to persons from abroad who are ineligible for housing if:

- They are subject to immigration control unless he or she comes within a class prescribed in regulations made by the Secretary of State;
- They are to be treated as ineligible for an allocation of accommodation as prescribed in regulations made by the Secretary of State;
- The term 'person subject to immigration control' is defined in S.13(2) of the Asylum and Immigration Act as a person who under the Immigration Act 1971 required leave to enter or remain in the United Kingdom (whether or not such leave has been given);

6.3 However most registered providers will only offer tenancies to applicants with indefinite leave to remain.

6.4 The following categories of people do not require leave to enter or remain in the UK:

- British citizens;
- Certain Commonwealth citizens with a right of abode in the UK;
- Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area within the UK which allows for the free movement of people. (The Common Travel Area is the United Kingdom (England, Scotland, Wales and Northern Ireland) the Channel Islands, the Isle of Man and the Republic of Ireland);
- EEA nationals, and their family members, who have a right to reside in the UK that is derived from EU law;
- Persons who are exempt from immigration control under the Immigration Acts.

6.5 All potential circumstances cannot be included in the policy. The UK Border Agency provides a service to housing authorities to confirm the Immigration Status of an applicant from abroad. If there is any uncertainty regarding eligibility, enquiries will be made before accepting an application.

- 6.6 A joint tenancy, for two or more people, will not be granted if any of the applicants are ineligible. However, if one of the applicants is eligible then the tenancy may be offered to that applicant only. Ineligible family members may be taken into account in determining the size of accommodation which is allocated.
- 6.7 If you are not sure whether you are eligible, you should contact the Housing Needs Team for advice.

## 7.0 Qualification

- 7.1 To join the register, applicants must; Be aged over 18, unless the following circumstances apply:
- Young people accepted under the homelessness legislation;
  - Care Leavers with a recommendation from Children Services;
  - People referred and placed in specialist or supported accommodation by the Council who are ready to move on to independent living;
  - Teenage parents;
  - Exceptional circumstances following an assessment by the Housing Needs Team and where a guarantor will be available.
- 7.2 Any tenancy granted to a person under the age of 18 will be held in trust for them by a responsible adult, appointed to act on their behalf. Most landlords will only consider granting a tenancy to 16 and 17 year olds if a suitable support package is in place. However the majority of registered providers will only consider applicants who are 18 years or older.
- 7.3 The Localism Act 2011 has given local authorities greater freedom to set their own policies about who can apply for social housing in their area. This means that we now have more freedom over how we operate our allocations scheme and can now set criteria for who *qualifies* to join the housing register. If you do not qualify, then we will not register your application.
- 7.4 The Council has therefore decided to restrict applications to people who have a defined need for re-housing, and that people who are adequately housed but have a desire to move will not qualify for social housing. The only exceptions to this are:
- a)** Applicants willing to downsize to a smaller social housing property, and/or
  - b)** Older applicants who would be eligible for Sheltered housing, and/or
  - c)** Applicants who are in receipt of the medium or high rate of the care element of Disability Living Allowance or Personal Independence Payment, who are willing to move into a sheltered living property. This is because the supply of sheltered properties is closer to the demand for that type of housing, whereas demand for “general needs” social housing greatly outweighs the supply.

7.5 To qualify to join the housing register, you must have a local connection to Gedling Borough Council, or fall into an exception category, and you must also meet at least one criterion from list 1, and at least one criterion from list 2.

<b>LIST</b>	<b>Need for housing , or exception</b>
1a	Demonstrate your need for re housing by meeting the criteria set out for Bands 1, 2 or 3 (see sections 14 to 16).
1b	Occupy a social housing property in Gedling Borough and have one or more spare bedrooms, and be willing to move to a smaller property.
1c	A household with no children who have one member in the household aged over 50 <sup>1</sup> , and be willing to move into a sheltered living property.
1d	A household with no children but you or at least one person in your household is receiving the medium or high rate of the care element of Disability Living Allowance or in receipt of a Personal Independence Payment, and you are willing to move into a sheltered living property.

<b>LIST</b>	<b>Local connection, or exemption</b>
2a	Currently living in the borough and have done so consistently for the last 3 years. Unless you have been housed in either a temporary tenancy or to receive support by Gedling Borough Council's Housing Needs team.
2b	Currently be working in permanent paid employment in the Gedling Borough area for 16 hours per week or more, and have been employed in Gedling Borough for at least 3 years. Or is a social housing tenant who needs to move to Gedling Borough, to take up an offer of employment in the borough.
2c	The applicant provides or receives personal care from a parent, sibling or adult child who has lived in Gedling for the last three years and they need to move so that care arrangements can continue. Care must be provided for at least 3 hours per day and for at least 7 days per week. A Community Care Assessment and/ or confirmation of the arrangements by the Adult Services Department must be provided to evidence this. A letter from a GP is not sufficient.
2d	Have been accepted by Gedling Borough Council under the homelessness legislation. Applicants will be made one offer anywhere either within the borough or surrounding areas. Those applicants accepted as homeless under S195 and S189(b) who do not have a local connection or who are unlikely to be owed the Main S.193 Duty and / or are likely to be found intentionally homeless may only be offered a private rented property to end the homelessness duty.
2e	Have been accepted for priority re-housing as a reciprocal arrangement with another Council or Registered Provider (RP)

<sup>1</sup> This is at the discretion of the housing provider, who may have different age restrictions.

2f	Have been placed in care as a child outside the area, but wish to return to Gedling (and previously lived in Gedling) and are still classed as a care leaver.
2g	Be a former care leaver aged 25 or younger who has been placed in care as a child in the Nottinghamshire County Council area, and wish to live in Gedling.
2h	Have been accepted as part of a witness protection recommendation by the police. (NB supporting evidence will be required)
2i	Have been living in temporary/supported accommodation provided by a local housing authority outside Gedling, but have had a local connection to Gedling (2a, 2b) before you were placed there. Or have been placed in supported housing by GBC anywhere as part of their prevention / relief work to prevent homelessness. NB Time spent in supported accommodation in the borough, for example Framework etc. will not give the applicant a connection to the borough. Their local connection will be determined by where they lived before they moved into the temporary / supported accommodation.
2j	The applicants is serving in the regular Armed Forces, Reserve Forces or Territorial Army, or have left those forces in the last five years, unless dishonorably discharged.
2k	Comprise of a household where the applicant is aged 50 <sup>2</sup> or over and there are no children in the household and are willing to move into a sheltered living.
2l	Have no children but at least one person in your household is receiving the medium or high rate of the care element of Disability Living Allowance or Personal Independence Payment and you are willing to move into a sheltered living property.
2m	Another special reason. This will only be awarded by the Revenue & Welfare Support Manager where the applicants can demonstrate a special reason for needing to reside in the Borough that is not covered under any other local connection category.
2n	The applicants' circumstances require them to live close to a special medical facility or support service which is only available in the Borough.
2o	Those individuals who have been awarded leave to remain, and are currently residing in the Borough.

7.6 Please note that if you apply for sheltered housing, you can still be eligible even if you do not have a local connection (2j and 2k in list 2), however, you will be placed lower on a property shortlist than applicants who do have a local connection to Gedling (all other criteria on list 2). Applicants who fall within this category will remain on a band 3 unless a local connection can be demonstrated.

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This is at the discretion of the housing provider, who may have different age restrictions

7.7 If you have committed criminal or anti-social behaviour then you may not qualify to join the housing register, even if you meet the criteria set out in lists 1 and 2 above. We will assess each case on its own circumstances. Further details are set out in section 9.

7.8 If you do not qualify to join the scheme, we will give you advice about other housing options that may be available to you, such as renting a home in the private sector. You also have the right of appeal.

## **8.0 Who Cannot Join The Scheme?**

### **8.1 People under 18**

You must be at least 18 years old or over at the time of applying, unless the criteria detailed at 7.1 applies.

### **8.2 People living outside the Common Travel Area**

You must be resident in the Common Travel Area at the time of applying. Further information and a definition of the Common Travel Area is available at <https://www.gov.uk/government/collectios.../common-travel-area-cta/common-travel-area-cta>

### **8.3 People who are not 'habitually resident' in the UK**

If you have lived outside the Common Travel Area within the last two years, you may not be classified as 'habitually resident', even if you are a UK citizen. People who are not 'habitually resident' are not eligible for re-housing. We will assess each case on its own circumstances.

### **8.4 People subject to immigration control**

If you are subject to immigration control, as defined by the Asylum and Immigration Act 1996, you are not eligible for social housing. These groups of people are set out by regulations. Please see further information at section 6.

### **8.5 People who have committed criminal or anti-social behaviour**

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

## 8.6 Homeowners

If you own part or all of a home you will not be able to join the scheme unless:

- The only property you own is outside the United Kingdom, and it is not reasonable to expect you to occupy it;
- You are an older or disabled owner-occupier living in poor housing conditions or in unsuitable accommodation. The resources available to you would be taken into account (including grants available for repairs etc. and the capital value of the property) before a decision is taken about whether you would qualify to register on the scheme;
- The decision about whether a homeowner is able to join the scheme is at the Council's discretion.

## 8.7 Financial Circumstances

If it is considered that you have sufficient resources/equity in your home to resolve your housing situation, then you will be excluded from the housing register. We will take into account a range of factors, based on your ability to access either the private rented sector or owner occupation. As guidance we would usually consider that a property is affordable that equated to one third of your income taking into account issues such as family size. Usually if an applicant has assets/ savings which are valued at £6k or over they would be excluded from the scheme.

8.8 However some low demand sheltered accommodation may be available for applicants who do not have children and are aged over 55 with or without a local connection to the borough and regardless of their financial situation. Those applicants will be restricted to those properties.

## 8.9 Sanctuary Scheme

People who have been approved or had Sanctuary measures installed in their properties within the last 12 months, and where there has not been a change in their circumstances, will not usually qualify to join or remain on the Homeseach Choice Based Lettings Scheme.

## 9.0 Criminal and Anti-Social Behaviour

9.1 Some people's behaviour means that they are unsuitable to become social tenants. If you or anyone in your household who is on the application with you, have behaved or are currently behaving anti-socially then you may not be allowed to join the scheme. Examples of behaviour that may disqualify you are as follows:

- If you (either in your current tenancy or in a previous one) have been in serious breach of your tenancy conditions due to anti-social behaviour;
- If you have been served with an injunction;
- If you have been or are currently subject to another court order (such as a suspended possession order) on the grounds of anti-social behaviour;
- If you have been evicted by your landlord because of anti-social behaviour;

- If you (or anyone in your household or any of your visitors) have caused willful damage to a council or Registered Provider property.
- If you have a history of, or are currently perpetrating, serious anti-social behaviour and/or criminal behaviour.

9.2 Behaviour likely to be considered as serious anti-social behaviour, for example :

- Physical assaults (such as domestic, racial and homophobic violence);
- Severe damage to property (including buildings, cars etc.)for example, arson attacks;
- Threats of violence and/or damage, including threats to kill (this includes perpetrators of domestic violence);
- Persistent and offensive verbal abuse, due to a person's religion, ethnicity, sexuality, disability or other reason;
- The use of dwellings for the cultivation, supply or use of drugs;
- The use of the dwelling for illegal or immoral purposes;
- Persistent/wide spread criminal activity such as burglaries or vehicle crime;
- Violence to or threatening behavior towards the staff of Gedling Borough Council, a Registered Provider, another previous landlord, the Police, Councillors, Emergency Services personnel, or NHS workers etc. either in person, via correspondence or social media;
- Persistent noise nuisance continuing for long periods of time; and
- Stalking, harassment and coercive behaviour

9.3 **Additional information – disclosure of spent convictions** The Rehabilitation of Offenders Act 1974 allows most convictions (and cautions) to be considered 'spent' after a specified period of time. Once a caution or conviction is spent the person is considered rehabilitated and the ROA treats the person as if they had never committed an offence.

9.4 The Act aims to rehabilitate offenders by not making their past mistakes affect the rest of their lives. This includes individuals' ability to access housing from local housing providers.

9.5 Probation providers make regular referrals to local authorities and housing providers, as part of the support provided to an individual to enable them to secure suitable accommodation. Often, as part of that process, Local Authorities will ask for information relating to the individuals criminal record. A recent High Court ruling ([2016] EWHC 1850 (Admin)) found that Local Authorities must not take spent convictions into account when making decisions relating to housing allocations or entering an individual onto the housing register.

9.6 Local Authorities may disqualify people for the waiting list on the basis of past conduct, such as anti-social behaviour or Arson offences. However, if the applicant is convicted of an offence relating to antisocial behaviour or arson the authority must be careful to comply with the Rehabilitation of Offenders Act 1974.



- 9.7 Guidance on the Rehabilitation of Offenders Act 1974 can be found at: <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offendersact-1974>
- 9.8 All applications will be considered on their individual circumstances before a decision is made whether they will qualify for the scheme. We will take into account the nature and severity of the criminal or anti-social behaviour, how long ago the incidents occurred, and anything you tell us about them. A manager or senior officer will decide if you qualify. If their decision is to dis-qualify the application, the applicant will be advised of this and for how long the exemption will be applied. You will also have the right to appeal the decision.
- 9.9 If at any time after you have been accepted onto the scheme, we or a partner in the Homeseach scheme obtains evidence that you have exhibited unacceptable behaviour as outlined above, then your application maybe suspended or cancelled. You will be informed in writing of this, and will have the opportunity to appeal against this decision, in accordance with the appeals procedure (see section 17 about appeals).

## 10.0 Application Requirements

### Assessment Criteria

- 10.1 This section contains the assessment criteria.
- 10.2 **Family Applications**  
You will be considered as a family household if you have at least one dependent child living permanently within your household. Dependent children are defined as children aged up to 18 and who must be living with you as their main home. This includes children who are adopted or fostered on a long-term basis. Children aged over 18 but still living at home are regarded as adult members of the household. Proof is required of child benefit. Some children can receive child benefit up to the age of 20, and as such they would be considered as a dependent.
- 10.3 Children who do not live permanently in your home, or who have their main home elsewhere (for example, due to access arrangements) are not considered as permanent members of the household and will not be counted for bed spaces.
- 10.4 **Joint Applications**  
Joint applications can be accepted from couples and people who are not couples but have a long term commitment to live together, up to a maximum of four people, all of

whom need to meet the requirements of the allocations policy. If this applies to you then you and all the other applicants must agree that you are applying together.

10.5 You may make a joint application if the following applies:

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

10.6 **Applicants no longer wishing to apply jointly**

If you and any other applicants in a joint application no longer wish to apply jointly, then you can all have separate applications. When a request to split the joint application is received, each applicant's circumstances will be reassessed separately and an appropriate band awarded from the original application date. However, if the re-assessment results in a higher band for one applicant, then the waiting time will only be effective from the date of their single application assessment.

10.7 **Single applications**

Single applicants can include single people living on their own, or people wanting to apply for a tenancy in their own right who may have other people included in their household on their application. If this applies to you and you are offered and accept a tenancy, the tenancy will be granted only in your name. A joint tenancy with a person who was not listed on the application will not normally be granted.

10.8 **Pregnant Applicants**

If you are pregnant you will be considered as a family applicant, requiring appropriately sized accommodation, as soon as your pregnancy has been confirmed. It is the choice of the registered provider if they will include your pregnancy in the household size calculation, prior to the children being born.

10.9 **Members of HM Forces**

If you are a serving or former member of

- The Regular Armed Forces;
- The Reserve Forces;
- The Territorial Army; or
- you have left those forces in the last five years and you have not been dishonorably discharged.

10.10 You will qualify for housing if you meet the criteria from list 1 in section 7 (recognised need for housing, or exception). You do not need a local connection to Gedling

Borough in order to qualify. If you do qualify for housing then you will be given additional preference by the Council, as described in section 15.

10.11 However, if you do not have a housing need, or do not meet the criteria set out in list 1 in section 7, then you will not qualify to join the scheme, even if you are a serving or former member of the Forces listed above.

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

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

#### 10.13 **Prisoners**

If you are a prisoner serving a custodial sentence then you will not have your application considered until you have been released. This is because it would not be fair for you to apply for the scheme and build up waiting time while you are serving a custodial sentence and are in no position to move. The release date must be verified by probation or prison staff. Your last settled address will be used to establish whether you have a local connection. NB please provide the information requested at section 11 to enable us to assess your eligibility to join the scheme.

#### 10.14 **Applicants with rent/ mortgage arrears**

If you have current or former rent arrears from a private, Council or Registered Provider tenancy or related to a mortgage then you may join the scheme, but only if you have made arrangements to pay the arrears and adhered to the arrangement for a minimum period of 6 months (supporting evidence will be required). If your rent/mortgage account was in arrears for over 6 months you may be ineligible to join the scheme. All arrears must be declared. This is at the discretion of the housing provider.

#### 10.15 **Foster Carers**

If you have been approved as a foster carer and need an additional bedroom to commence a placement then you will be placed in Band 2 as soon as we have confirmation from Social Care or a Fostering agency.

#### 10.16 **Homeless Applicants**

The definitions of the stages of the Councils homeless duty are:

- **Duty** - To provide assistance/ advice to all eligible applicants who are homeless.
- **Relief** - Where the local authority is satisfied that the applicant is both homeless

and eligible, assistance will be provided to help the applicant to secure accommodation that will be available for at least 6 months.

- **Main** - To secure ongoing accommodation for priority need applicants.

#### 10.17 **The Main Section 193(2) Homeless Duty**

Applicants who are homeless and are owed the Main Duty when the Relief Duty comes to an end because they have been assessed as being in priority needs and unintentionally homeless will be placed in Band 1.

10.18 All applicants who are owed this duty will be placed on auto-bid and made one suitable offer either within or outside the borough, regardless of the areas requested by the applicant (unless the applicant(s) are fleeing in which case only areas considered to be safe will be offered) in order to prevent or relieve homelessness successfully. If the applicant refuses the offer, the homeless duty will end on their application will be placed on hold for 1 year. Applicants have the right of appeal, further details are contained in section 17.

10.19 The duty may be ended with any accommodation that is not social housing that is suitable and offered or secured for a 12 month minimum 'Fixed term Tenancy'.

**NB Applicants owed the Main Duty will be eligible for assistance, have a priority need and will not be homeless intentionally.**

#### 10.20 **The Section 189(b) Relief of Homelessness Duty**

Applicants who are homeless and are owed a relief duty and would be likely to be owed the Main Duty and would be, or would likely be found to be in priority need and un-intentionally homeless, will be placed in band 2, and placed on auto bid.

10.21 Applicants owed a Relief Duty but where they would not be owed or are unlikely to be owed the Main Duty when the Relief Duty comes to an end, or non-priority applicants with a local connection, assessed as unintentionality homeless where they have been issued with a decision that the relief duty has ceased and no further duty is owed despite the applicant still be being homeless, will be placed in Band 3, and awarded an additional 6 months waiting time.

#### 10.22 **The Section 195 Prevention of Homelessness Duty**

Applicants with a local connection who are owed a Prevention Duty and who would be likely to be owed the Main Duty if the Relief Duty were to end unsuccessfully will be placed in band 3.

10.23 Applicants who are owed this duty will be placed on auto-bid and made one suitable offer either within or outside the borough regardless of the areas requested, ( unless the applicant(s) are fleeing in which case only areas considered to be safe will be

offered) by the applicant in order to prevent or relieve homelessness successfully. The duty may be ended with any accommodation that is not social housing that is suitable and secured or offered with a reasonable prospect of being available for at least 6 months

10.24 Applicants without a local connection who are owed a Prevention Duty but where they would not be owed or are unlikely to be owed the Main Duty ( i.e. non-priority and intentionally homelessness ) when the Relief Duty comes to an end will be placed in Band 3. In these instances, applicants will only be offered one suitable private rented offer, secured or offered with a reasonable prospect of being available for at least 6 months either within or outside the borough, regardless of the areas requested by the applicant, ( unless the applicant(s) are fleeing in which case only areas considered to be safe will be offered. Please see section 17 for further information) in order to prevent or relieve homelessness successfully.

#### **Accepting the property offered**

10.25 You will be able to request a review if you do not believe the property is suitable for your needs. However, you will be advised to accept the tenancy while awaiting the outcome of this review as, if it proves unsuccessful, we will have discharged our homelessness duty and you will be required to leave any temporary accommodation provided. No further accommodation will be offered. By accepting the offer, if your appeal about the suitability of the property is unsuccessful, you will still have somewhere to live.

10.26 Properties cannot be held pending a review, and therefore our advice is to accept the tenancy, but you will need to sign for the tenancy and move in immediately pending the outcome of the review. If the offer is refused then no further offers of social housing will be made.

10.27 If you are homeless with no fixed abode then you must provide a 'care of' address where you can receive post. This could be a friend, a relative or a support agency's address.

### **11.0 Information you need to provide**

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

11.2 **Identification** – Proof of identity for all members of your household is required, such as a current passport, driving license or birth certificate. All documents must be in date.

- 11.3 **If you are a current tenant of a Homesearch member, and you are struggling to supply proof of identify, please contact your housing provider.**
- 11.4 **Children** – You will need to provide recent proof for all children who live permanently at your address. This must be a letter confirming Child Benefit or Tax Credits for each child living with you permanently. Please make sure that the letters shows your child/children's name and date of birth.
- 11.5 **Immigration status** - If you are not a UK citizen you will need to provide proof that you are eligible for social housing in the UK, such as Home Office documentation.
- 11.6 **Residency Checking** - The Council has to confirm that you are living at the address you state on your application form. The Council may use credit reference agencies to do this. If you are not registered for Council Tax or are not on the electoral roll, you will need to provide some other proof that you live at the address on your application form (such as a utility bill in your name, a NHS medical card, benefit letters etc.). These addresses must prove a minimum of 3 years consistent residency in Gedling Borough. NB bank statements are not sufficient.
- 11.7 You must also give full information about any criminal and/or anti-social behaviour as detailed in section 9 above. An applicant who has a conviction may still be accepted, but this is at the Council's discretion. Before an offer of a property is made further checks may be completed to ensure the suitability of the accommodation, such as Disclosure and Barring Service – (DBS) checks. Which would need to be provided at the applicants expense.
- 11.8 You must also provide full details relating to any rent or mortgage arrears as detailed at section 10. Partner landlords may wish to include former arrears in the terms of their tenancy agreement. Please see the "Supporting Documentation Check list" in the application form, which will tell you the information required. Applicants with additional support needs will be supported and assisted to provide the necessary information.

## **12.0 Assessing Applications**

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

### **12.2 Medical Need**

If you are applying to move because you have a medical condition, a mobility problem or a permanent physical disability, you will need to provide information about your

condition and how your condition is affected by your current housing (e.g. if you need to move following a stroke which has affected your mobility to such an extent that you can no longer manage stairs and require ground floor accommodation).

12.3 We may need further information regarding your need to move home. This could be a letter from your GP, Social Worker, Occupational Therapist or other health or social care professional who knows about your condition, and proof of any disability benefits which you are in receipt of.

#### 12.4 **Welfare Need**

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

#### 12.5 **Threatened with loss of accommodation**

If you have been asked to leave your home, you will need to provide proof, such as a copy of your notice to quit; possession order or letter from your employer or family member (if you live in tied accommodation). Enquiries will be made with your landlord and where there is evidence that you have colluded with your landlord in the issuing of a notice to quit, you will be excluded from joining the scheme for 1 year in line with other grounds for exclusions.

#### 12.6 **Deliberate worsening of circumstances**

Deliberate worsening of circumstances arises where the Council decides that you have given up accommodation that was suitable for your needs where there was no requirement or obligation to do so. To reduce the likelihood of people moving into poorer accommodation in order to qualify more quickly for re-housing. If you are found to have deliberately worsened your circumstances, you will not normally qualify for housing based on this situation for 12 months after you deliberately worsened your own circumstances. Examples of deliberate worsening of circumstances might include:

- Selling or giving up any property that was affordable and suitable for your household's needs;
- Moving from a secure or assured tenancy to insecure or overcrowded accommodation with family or friends, where there is no good reason for this move;
- Where there is evidence that it was reasonable that you could have remained in your original accommodation;
- Arranging for another person to move into your home, creating an overcrowded situation, where there was no good reason for this move.

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

### 13.0 False Statements and Withholding Information

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

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

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

13.3 If you are found to have given false information, you may be excluded from registering with Homesearch for a period of 1 year. If you have given false information and have obtained a property through Homesearch, the landlord may bring proceedings for possession of the property.

### 14.0 Allocations Policy and Banding Scheme

14.1 Once an application has been processed and determined to be eligible, the Council will place the application in one of three bands:

- **Band 1 – Urgent** – This is the highest band and is for applicants who are in urgent need of housing e.g. have been accepted as homelessness or cannot be discharged from hospital. In view of their urgent need for re-housing they will be placed on auto bids and matched to the next suitable property, as opposed to other applicants on lower bands who can bid for properties of their choice.
- **Band 2 – High** This band is for applicants who have a clear need to move, for example if they are fleeing harassment or are ready to move on from supported accommodation, but who will be allowed to bid for properties.
- **Band 3 – Moderate Need** – This band is for people with an acknowledged housing need, but who’s housing situation is not urgent, for example, applicants who are receiving homeless prevention advice or are interested in moving into older persons accommodation.

#### Band 1 – Urgent Priority

14.2 All applicants receiving a band 1 priority, with the exception of under occupation, will be placed on autobid. This means that applicants cannot place their own bids, but the system will place bids for them on the most suitable properties which they are most



likely to be matched to. Suitability is determined by the number of bedrooms not the property type, i.e. a two bedroomed flat as opposed to a two bedroomed house.

#### 14.3 **Urgent Medical Priority**

This applies if you have a permanent (life-long or terminal) or chronic medical condition, illness or disability and as a result of this condition you are unable to continue to occupy your current accommodation. Your current home must be assessed by a housing, health or social care professional or medical practitioner as no longer being accessible or suitable. You will only be awarded an Urgent Medical Priority where re housing is the only realistic option. Examples include:

- If you cannot be discharged from hospital to your present home; or
- If you are unable to access essential parts of your home e.g. bathroom, kitchen.

#### 14.4 **Urgent Property Factors**

This applies to you if:

- You are a tenant of a partner Registered Provider and live in the Gedling Borough but are required to leave your home as a result of a regeneration scheme, major repair order demolition/ clearance; or
- Your home is subject to a demolition order; or
- Your home is subject to Environmental Health action, such as statutory overcrowding, or has a Category 1 hazard (as defined by the Housing Act 2004) which cannot be resolved, in the near future and is likely to lead to homelessness, or which presents an immediate risk to your health and safety (until the remediation works have been carried out by the satisfaction of the Environment Health team); or
- You live in the Gedling Borough area, and are unable to return to your home due to extensive works required following a fire or flood. This would need to be confirmed by Environmental Health Officers and or other supporting evidence.

#### 14.5 **Statutory Overcrowding**

This applies to you if your current accommodation has been assessed as being statutorily overcrowded by an Environmental Health Officer, as defined in Part 6 of the Housing Act 1985. This assessment will take into account the number, ages, and gender of your household members living with you in the property along with the number and sizes of rooms.

14.6 A claim of overcrowding is usually only considered where it arises as the product of natural growth (i. e. when a new child is born, adopted or fostered). Overcrowding caused by people of any age coming (back) to live in the property would not usually be awarded this priority, unless there is proof that the person causing the overcrowding had no other option but to move into the property. In this case, the application will only be placed in this band once the situation has existed for 12 months. We will determine

over-crowding after considering the best use of the rooms available to the household. An Environmental Health referral could be made for a home visit / inspection.

#### 14.7 **Urgent management cases**

This applies if you are a tenant of a partner Registered Provider and currently live in Gedling Borough, and your landlord has made a firm recommendation that you should move urgently. This is called a 'management move' and an award of Band 1 will only be granted following approval by a manager from the Registered Provider and the Council.

#### 14.8 **Under occupation by two or more bedrooms**

This applies if you are a tenant of a partner Registered Provider and live in Gedling Borough and your current home is too big for the needs of your household by two or more bedrooms.

14.9 You will only be considered for this category if you are willing to move to a one-bedroom home or give up two bedrooms. The property you bid for must have at least two bedrooms fewer than the property you currently live in. For example, if you live in a three bedroom house and are accepted in this category you will only be able to bid for zero to one bedroomed properties.

#### 14.10 **Care Leavers**

Accepted applications from care leavers who, if after 8 weeks on band 2 have not secured a property, will have their priority increased to band 1 and placed on auto bid.

#### 14.11 **Homelessness**

This band will be awarded where the Council has accepted a Main Homelessness Duty i.e. eligible for assistance, have a priority need and not be homeless intentionally. The applicant will be placed on auto-bid from the date accepted, and directly matched to the next available suitable property in any area either within or outside the borough regardless of the areas requested by the applicant in order to prevent or relieve homelessness successfully. The applicant may also have a duty ended with any accommodation that is not social housing that is suitable and secured or offered for a 6 month minimum 'Fixed Term Tenancy'.

14.12 In terms of the size of property you will be offered, in recognition of the impact of welfare reform and also the practice of avoiding under occupation by registered providers in the borough the following table will determine the number of bedrooms. This means that children will be expected to share a bedroom until

- Two children of the same sex when one reaches 18 years old
- Two children of different sex when one reaches 10 years old.

- 14.13 If you feel that the property is not suitable for your needs, then you have the right of appeal, please see section 17. Properties cannot be held pending a review, and therefore our advice is to accept the tenancy, but you will need to sign for the tenancy and move in immediately. By doing this if your appeal is unsuccessful, you will still have somewhere to live.
- 14.14 If you are offered a suitable property, whether social housing or private rented housing, and refuse it, then the Council's duty to secure you accommodation will be discharged. No further offers will be made and your application will be removed from the choice based lettings system. You will not be able to re-apply to join the scheme for one year.

### **Band 2 – High Priority**

#### **14.15 Homelessness Relief**

This Band will be awarded where an applicant is owed a Relief Duty and who would be likely to be owed the Main Duty if the Relief Duty were to end unsuccessfully. The applicant will be placed on auto-bid in this band from the accepted date and directly matched to the next suitable available property either within or outside the borough regardless of the areas requested by the applicant in order to prevent or relieve homelessness successfully. The applicant may also have the duty ended with any accommodation that is not social housing that is suitable and secured or offered with a reasonable prospect of being available for the next six months.

- 14.16 Registered providers will be advised not to skip or accept refusals from the applicant without referring to the Housing Needs Team first. Where refusals are deemed to be unreasonable the band may be reduced to band 3 whilst still in the Relief of Homelessness stage.
- 14.17 NB Applicants owed a Relief Duty but where they would not be owed or are unlikely to be owed the Main Duty when the Relief Duty comes to an end will be placed in band 3. Equally where enquiries are being made to ascertain a local connection prior to a formal referral being made to another Council, applicants will be placed in band 3.

#### **14.18 No Local Connection**

If an applicant were to become homeless the new local connection section referral power under:

- section 198a(1) would allow for a referral of the Relief Duty to be made at this point, and would mean an applicant would then be no longer owed a reasonable preference because the prevention duty would have ended, and the Relief Duty would not be owed as the authority has exercised its power to refer the 198b Relief of Homelessness Duty to another LA in England, where the applicant does have a local connection. The referring LA does not owe the applicant a section

198b Relief Duty once the referral is made.

- Section 189b(2) Unless the authority refer the applicant to another local housing authority in England ( see section 198(A1), the authority must take reasonable steps to help the applicant to secure that suitable accommodation becomes available for the applicants occupation.
- Section 198(A1) If the local authority would be subject to the duty under section 198B (initial duty owed to all eligible persons who are homeless) but consider that the conditions are met for a referral of the case to another local housing authority in England, they may notify that authority of their opinion.
- Section 189B(2) and 198 (A1) confirm that when the Relief Duty has been referred the referring local authority does not owe the applicant the Relief Duty S.189b. They would only owe the relief duty if the authority considering the referral rejected that referral and the referring authority accepted the reasons for the rejection.

14.19 This priority will only be awarded to you following an interview with a Housing Needs Officer and does not normally include family/parental exclusions. You may come in this category if:

14.20 You are a private tenant and have been served with a valid notice to quit through no fault of your own and you do not have the available resources to secure further private accommodation;

14.21 You are an owner-occupier faced with repossession through no fault of your own, where mortgage rescue or other options are not viable, and you do not have available resources to secure accommodation in the private sector;

14.22 You are, a tenant of tied accommodation (for example, a care taker in a school) retiring through age or ill health, or you are being made redundant, and you do not have available resources to secure accommodation in the private sector.

14.23 **Personal Protection/Harassment**

If you are at risk in your current home in the Gedling Borough area because you are experiencing harassment which may be racial and /or homophobic harassment, domestic violence or other threats of violence, and where all housing options have been explored, then you will be allocated to this category. You will need to provide evidence from the police, anti-social behaviour unit or other relevant agency and will only be offered accommodation which is considered a safe distance from the threat (i.e. at least 5 miles away). If you are a current tenant of a registered housing provider we will require supporting evidence from your landlord, such as confirmation that they would consider you for a management move.

14.24 If you are fleeing to the borough from another area, we will assess your situation by taking a homeless application.

**14.25 Succession**

14.26 Applicants who have succeeded to the tenancy of a property in Gedling owned by one of the partner Registered Providers, where the property is unsuitable for the successor, because, for example, it is too big, or has special adaptations, and suitable alternative accommodation is being sought, will be placed in this band.

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

**14.28 Move-on from specialist and supported accommodation**

If you are ready to move onto independent living from supported accommodation, and you are not leaving care, then you will be awarded this category. We will need confirmation from the accommodation or support provider that you are ready to move on and have the life skills to maintain an independent tenancy, and details of any move-on support package in place. This band is available only where we have referral arrangements. You will also need to be able to prove a local connection to the borough for the last 3 years. If you cannot prove a local connection you will not be able to join the list.

14.29 For those applicants who have been placed in supported housing by the council as part of the Council's prevention role they will be placed in band 3. F

14.30 Different criteria apply to leaving care applicants. Please see section 14.

**14.31 Severe Overcrowding**

If your household is subject to severe overcrowding, and is assessed as being two bedrooms short of the number of bedrooms required or where there is gender overcrowding, then you will be placed in Band 2. Gender overcrowding is defined as:

- Where a child aged 10 or over has to share a bedroom with a child or adult of the opposite sex;
- Where a child aged 1 or over has to share a bedroom with their parent or parents.

Household Member	Bedroom Eligibility
Couple/single person	1 bedroom
Single adult(age 18+)	1 bedroom
Person with confirmed medical need for own bedroom	1 bedroom
1 child or 2 children of the same sex until one is 18 years old.	1 bedroom
2 children of different sexes, until the eldest is 10 years old	1 bedroom
2 children of different sexes where one is aged 10+ years old	2 bedrooms
The needs of transgender household members to have their own room will be included.	1 bedroom

14.32 Once the criteria have been reached the higher band will be awarded, but the Council cannot advise when a property will be offered, as this is dependent on both the availability of stock and the level of need in the borough.

**14.33 Under-occupation**

If you are a tenant of a partner Registered Provider, and live in Gedling Borough, and your present home is too big for the needs of you and your household by one bedroom, and you wish to move to smaller accommodation, you will be placed in Band 2. The property you bid for must have 1 bedroom less than your current home.

**14.34 High medical priority**

If you or a member of your household has a serious medical condition, illness or disability which is made worse by your current accommodation, and as a result of this condition a move is essential as it is not reasonable to continue to occupy your current accommodation on a long term basis, and it cannot be adapted in a reasonable timeframe you will be placed in Band 2. The Supporting evidence required would be a report from an Occupational Therapist, or Social Care report.

**14.35 Foster Carers**

If you have been approved as a foster carer and need an additional bedroom to commence a placement (when confirmed in writing by the Social Care or Foster Agency) you will be placed in Band 2.

**14.36 Care Leavers**

Those care leavers aged under 25 years old who are either moving on from care or who's current accommodation arrangements have broken down are able to approach the Council for assistance. Supporting information will be required from adult / Children's' Social Care.

14.37 Accepted applications from care leavers will be placed in band 2 for 8 weeks. If after 8 weeks a property has not been secured, the applicants banding will be increased to band 1 and they will be placed on auto bid.

14.38 Please see the local connection criteria at 2F & 2G

**14.39 Human Trafficking / Exiting Modern Slavery**

Those individuals who have been trafficked/placed in slavery and who have subsequently been awarded leave to remain will be assessed with reference to the homelessness person's legislation.

**14.40 Seeking Asylum**

Those applicants who are seeking asylum and have been granted leave to remain will be assessed with reference to the homelessness person's legislation.

#### 14.41 **Social housing tenants who no longer require adaptations**

If you are a tenant of a partner Registered Provider currently living in an adapted property with significant adaptations in Gedling Borough (for example, a stair lift, through floor lift or a level access shower ) which are no longer required (when confirmed by for example an Occupational Therapist) then you will be placed in Band 2.

### **Band 3 – Moderate Priority**

#### 14.42 **Lodgers with dependent children or who are pregnant**

If you share facilities (e.g. kitchen, bathroom) with family, friends, an ex-partner or a landlord who lives in the same property (but not people who are tenants, joint tenants or owners of the property they occupy) then you will be placed in Band 3.

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

The Council will give 6 months waiting time priority to those homeless applicants who are not in priority need. This band will be awarded where an applicant with a local connection is owed a Prevention Duty and would be likely to be owed the Main Duty if both the Prevention Duty and the Relief Duty were to end unsuccessfully. The applicant will be placed on auto-bid in this band from the date accepted, and directly matched to the next suitable available property, either within or outside the borough, regardless of the areas requested by the applicant in order to prevent or relieve homelessness successfully, unless they are fleeing in which case only areas considered safe will be offered. The applicant may also have the duty ended with any accommodation that is not social housing that is suitable and secure and offered with a reasonable prospect of being available for at least 6 months.

#### 14.44 **Homelessness Prevention Other Circumstances**

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

- Not in a priority need;
- Intentionally homeless;
- Have refused an offer of suitable accommodation as discharge of the Council's Main, Prevention or Relief Homelessness Duties, after being suspended for 1 year;
- Do not have a local connection or where enquiries are being made to ascertain a local connection prior to a formal referral being made to another Council.

14.45 In these instances, the prevention duty will only be ended with a suitable and secured offer of a private rented property with a reasonable prospect of being available for at least 6 months.

**14.46 General overcrowding**

If your household is overcrowded by one bedroom then you will be placed in Band 3 (unless it is due to gender overcrowding when you will be awarded Band 2. 14).

**14.47 Applicants aged under 50<sup>3</sup> with no children and with no other housing need**

If there are no children in your household, but you or another applicant is receiving the medium or high rate of the care element of Disability Living Allowance or Personal Independence Payment, and are willing to move into a sheltered living property, you will be placed in Band 3, for sheltered accommodation, even if you do not have a local connection to the borough. Those applicants who meet this criteria, but do have a local connection will be prioritised over those who do not. Applicants without a local connection will not be eligible for a higher banding than 3.

## **15.0 Additional Preference Groups**

15.1 We have decided that we wish to give additional preference to applicants from certain groups. We will achieve this by applying additional waiting time to these applicants, so that if this applies to you, then you will be placed higher within a single band than you would otherwise be.

**15.2 Armed Forces applicants**

We support the principles of the Armed Forces Community Covenant. The aims of the Community Covenant are to:

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

15.3 In order to further these aims, if you qualify for housing (see section 7) and you are a serving member of the regular Armed Forces, Reserve Forces or the Territorial Army, or you have left those forces in the five years prior to your application, you will be

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<sup>3</sup> This is at the discretion of the housing provider, who may have different age restrictions.



awarded an additional nine months' waiting time. This means that your effective date will be nine months earlier than the registration date on your housing application form.

## **16.0 Reviews**

16.1 Your application will be reviewed every 6 – 12 months, and we will ask you to tell us if your circumstances have changed in anyway. It is important to respond to your letter, phone call or email. If we do not hear from you within 14 days, we will assume that you no longer need housing and will remove you from the housing register.

16.2 As well as the annual review, we may review your application at any time in order to confirm that we still have the correct information. If we are not able to contact you, via letter, email or phone call then we may suspend your application. If we do this, we will write to inform you. If we still do not hear from you, we may cancel your application. It is important therefore that you tell us if your address, email or telephone number has changed after you completed the forms.

### **16.3 Changes in circumstances**

You should let us know about any changes in your circumstances immediately. For example, someone moves in or moves out, or there is a change to your income. Changes will mean that we have to review your application and your priority banding may change, or mean you no longer qualify to remain on the housing register.

16.4 If you are moved to a lower band, because your need for housing has reduced, you will keep the same "effective date" to determine how high up that band you will be. However some changes may mean you no longer qualify to remain on the housing register.

16.5 If you are moved to a higher band, because your need for housing has increased, your "effective date" will change to the date your change of circumstances request was approved.

16.6 This is so that applicants who have been in this high level of need for a longtime will remain above applicants who have recently joined this band.

16.7 If you move to a new property, and still wish to remain on the housing register, then you will need to complete a new form or visit the website to find out if you still qualify to remain on the scheme. If your application is closed, and you then re-apply to join the housing register, your registration date will be from the new application, not the previous one.

16.8 If you bid for a property successfully, and it is later found that your housing situation was different from the most recent details you provided to us, then this is an offence (please see section 13) for which you could be prosecuted and the offer might be

withdrawn or the landlord may take action to recover possession of the property. You could also be excluded from the housing register for 1 year.

## **16.9 Periodic Reviews**

If you have been placed in a priority band, either 1 or 2, and you are not regularly placing bids, we may review your application and contact you to discuss why you have not been placing bids. This may result in your application being re-banded or removed from the waiting list.

## **17.0 Appeals**

### **17.1 Appeals against qualification and banding decisions**

If you disagree with the band you have been placed in, or have been advised that you do not qualify to join the scheme, you have the right to ask for your application to be looked at again (this is an 'appeal'). You should submit any relevant additional information you feel will support your application. Your request for an appeal should be sent in writing within 21 days of your original registration or banding notification letter. The request for an appeal can either be made by the applicant or their representative. A senior officer will review your application and write to you to tell you the outcome of the appeal, usually within 21 working days.

17.2 If your appeal is accepted, and your application is placed in the higher band, your "effective date" will be backdated to the date the new information was provided, unless there are exceptional circumstances.

### **17.3 Appeals against non-qualification or anti-social behaviour**

If you have been notified that you do not qualify to join the scheme, because of criminal or anti-social behaviour, you have the right to appeal against the decision. All appeals should be made within 21 days of you receiving the letter confirming that you are not able to join the scheme in writing.

17.4 If you can provide evidence that your behaviour has improved and you are suitable to become a tenant (perhaps following a successful private tenancy or stay in supported accommodation) you may be allowed to reapply to join the scheme. The time needed to demonstrate a change in behaviour will depend on the circumstances of each case and is at the Councils discretion, though usually for 1 year. Any offer of a property will still be at the discretion of the Registered provider.

17.5 Appeals against suitability of accommodation as a final offer (accepted homelessness duty only). If you are offered accommodation in discharge of our homelessness duty, you have the right to request a review of the offer if you think the accommodation offered is not suitable. However, if you intend to request a review of this type, we strongly advise you to accept the offer pending the outcome of the review so that you

will have somewhere to live in the mean time, and also as the Council may no longer have a duty to provide you with temporary accommodation. The request must be made, ideally in writing, within 21 days of you receiving the offer letter, giving clear reasons for the request, and any supporting evidence. The appeal can be made by either the applicant or their representative. Appeals against the suitability of a property appeals are usually determined within 56 days. Whilst your appeal is being considered, your application will be suspended pending the outcome.

## 18.0 Choosing a home

18.1 Properties are advertised every week. The adverts are available on the website at [www.home-search.org.uk](http://www.home-search.org.uk). The website can be viewed from any computer that has internet access (such as at the local library or through friends and relatives and from the computer kiosks provided in our offices at both the Civic Centre and Carlton Access Point - Carlton Fire Station, 46 Manor Road, Carlton, NG4 3AY (open Wednesdays from 8.45am until 12.30pm and 1.30pm until 5.15pm) and via mobile phones.

## 19.0 Choosing the right property

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

	How many bedrooms the property has		Wheelchair accessible or
	Property has a garden	 No dogs except guide dogs	No pets allowed except guide or assistance pets
	Sheltered accommodation		Off-road parking

## 19.2 Property Types

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

<b>Property type</b>	<b>Occupancy standard</b>
2 Bed Houses	Usually let to families with one or two children
3 Bed Houses	Usually let to families with two or more children, dependent on the age and sex of the children. 3 bed properties are also suitable for extended families.
1bed flats/maisonettes	Usually let to single people or couples without dependent children.
2+bed flats/maisonettes	Usually let to families with one or two children Person with a carer
Parlour houses	These are houses with two living rooms and are usually let to larger families or families who have a medical recommendation for a ground floor bedroom
1 Bed Bungalows– General Let	Usually let to single people or couples who need single level accommodation
2 Bed Bungalows– General Let	Usually let to single people or couples who need single level accommodation, with one or more children.
1 Bed Bungalow– Sheltered or Retirement Housing	Usually let to single people or couples over 50*, who need sheltered accommodation and where there is a need for single level accommodation.
2 Bed Bungalows – Sheltered Housing	Usually let to single people or couples over 50*, who need sheltered accommodation with two bedrooms (for example, there is an evidenced need i.e. proof of carers allowance and a care plan is in place.), and where there is a need for single level accommodation.
Supported accommodation (sheltered housing)–	Usually let to people over 50*. People aged under 50 who have a need for the services of sheltered or retirement accommodation may also be eligible. i.e. if they are in receipt of disability benefits

<sup>1</sup> \*This is at the discretion of the housing provider, who may have different age restrictions.

### 19.3 **Note : Resident Carers**

- An extra bedroom will be allocated for those households with resident carers.
- Note: Proof of overnight care every night is required, and could be provided by, for example, an Occupational Therapist or Social Care officer or receipt of carers allowance
- \*Many different housing providers participate in Homesearch, and each may have different age restrictions for their sheltered or retirement accommodation. The advertisement will state what the minimum age requirement for any property is.
- Enquiries should be directed towards the housing provider.
- Enquiries about specific properties should be raised directly with the landlord.

## 20.0 **Restrictions**

### 20.1 **Age**

Some properties are only suitable for people over a particular age. The property advertisement will tell you if there is any age restriction.

### 20.2 **Local Lettings Policies**

These are policies that have been agreed with the landlord to help create sustainable communities. Local Lettings Policies are restricted to particular areas or estates and have set criteria written to meet the objectives of each scheme. The property advertisement will tell you if there is a local lettings policy in place and what the criteria are.

### 20.3 **Sensitive Lets**

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

### 20.4 **Direct Lets**

A direct let is where a property is let to a registered applicant without it being advertised, or when a property has been previously advertised but not allocated. All members of the Homesearch partnership have the ability to undertake direct lets under certain circumstances. This may include but is not limited to:

- Lets to homeless applicants who have not secured a property within a reasonable timescale;
- Emergency re-housing when requested by the Police or other statutory organisation (only by the agreement of the senior officer);
- In other exceptional circumstances (by agreement of the senior officer);

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

20.5 It is the intention of the Homesearch Partnership to let the vast majority of available vacancies via the property advertisements.

#### 20.6 **Hard to Let Properties**

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

### 21.0 **How to bid (express your interest)**

21.1 Expressing your interest (also known as bidding) on a property lets the Council know which properties you would like to be considered for. Bidding doesn't involve any money (except the cost of a telephone call if you choose to bid that way). If you bid on line it's completely free.

21.2 You can bid for up to three properties in each advertising cycle.

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

#### 21.4 **Online**

Logon to the website at [www.home-search.org.uk](http://www.home-search.org.uk) and follow the "How to Express Your Interest" instructions.

#### 21.5 **In Person**

You can also bid in person at the Gedling Customer Contact Centre at the Civic Centre on the self serve computers, and the Carlton Connection Point - Carlton Fire Station, 46 Manor Road, Carlton, NG4 3AY. (Open Wednesdays from 8.45am until 12.30pm and 1.30pm until 5.15pm).

#### 21.6 **By Proxy**

Someone can place bids on your behalf if you wish. This could be a family member, support worker, social worker or someone else. This may be useful if you do not have a computer, or if you will struggle to use the methods above. Please let us know if you want someone to bid on your behalf.

#### 21.7 **Bidding for properties in another area.**

Whilst applicants may be able to bid on properties in another borough, priority will always be given to those applicants who do meet the local connection criteria to that borough.

## 21.8 **If you do not express your interest**

If you do not bid for suitable properties, we may review your priority on the housing register and it maybe suspended or closed (see section 16).

## 21.9 **Automatic Bidding**

This is when we make bids on your behalf. Automatic bids will be placed on the accommodation that best suits your situation, based on available properties and the general housing circumstances of the borough. Automatic bids are based on property size not type, for example, if you are eligible for a two bed roomed property, bids will be placed for both flats, masionettes and houses. Automatic bids will be placed on those properties where there is the greatest chance of the bid being successful.

21.10 Automatic bidding may be used in circumstances such as:

- Where the Council has accepted either a Main Homelessness Duty, a Relief Homelessness Duty or Homelessness Prevention Duty
- If you are vulnerable and ask Homesearch to make bids on your behalf.

21.11 If you think you may need extra help to use Homesearch, or if you need this information in a different format (for example, another language), please contact us. If you require any assistance with your on line application, help is available from the One Stop and appointments can be booked via 0115 901 3901 or for any enquiries regarding the application please ring 0115 901 3803 or 0115 901 3651.

## **22.0 What happens next?**

### 22.1 **Short listing**

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

- Priority band (i.e. Band 1, then Band 2, then Band 3)
- The date you were placed in the band (effective date)

### 22.2 **Local connection**

The Registered Provider (housing association) will normally offer the property to the applicant who has a local connection, from the highest band who has been registered for the longest time. If you are made an offer and refuse it, the property will then be offered to the next person on the shortlist.

22.3 However, there are some exceptions to this general rule, such as where local lettings policies apply, or where the landlord will not allow any under-occupation of the property, or where you have rent arrears and the landlord has decided that he does not wish to

let to anyone with rent arrears. If it is because the landlord does not want under occupation, then he may offer the property to the highest-placed applicant whose household will make the most efficient use of the property within the band they are placed. For instance, this means that on a shortlist for a three bedroom house, a family with one child, or two young children, may be by passed in favour of a lower-placed but larger family within that band that needs all three bedrooms. This is at the discretion of the registered provider (housing association). Full details will be advertised with the property.

#### 22.4 **Offers**

If you have been successful with your bid, the landlord that owns the property will contact you with details of the potential offer. Each landlord may have a different process that they follow when offering a property.

#### 22.5 All landlords participating in the Homesearch scheme reserve the right to:

- Give preference to applicants who specifically need the services or facilities that are part of the property;
- Carry out checks on the information you provided as part of your application;
- Carry out further checks with statutory agencies on the applicants that have been successfully shortlisted for a sensitive let property;
- Carry out a property inspection;
- Withdraw an offer if you have provided inaccurate information;
- Withdraw an offer if the property becomes unavailable for letting;
- Not make an offer to anyone who has rent arrears.
- Not to make an offer to anyone with a history of criminal / antisocial behavior.

#### 22.6 **Viewing**

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

#### 22.7 **Refusing Offers**

If you refuse or do not respond to offers, we will review your priority and may suspend your Homesearch application pending a review.

#### 22.8 Different rules apply to applicants who have applied as homeless to the Council. See section 10 or more details.



## 23.0 Complaints

23.1 If you are not satisfied with the way we have dealt with your application, or how we have considered your request for a review or appeal, then you can make a complaint to the Council in a number of ways:

- By using the online complaint form at [www.gedling.gov.uk](http://www.gedling.gov.uk)
- By email to: [housingneeds@gedling.gov.uk](mailto:housingneeds@gedling.gov.uk)
- By letter (to Civic Centre, Arnot Hill Park, Arnold, Nottingham, NG5 6LU)
- By telephone on 0115 901 3901
- Or in person at the Civic Centre, Arnot Hill Park, Arnold, Nottingham, NG5 6LU.

23.2 You can also ask someone to send us feedback on your behalf. Equally advice centers such as the Citizens Advice Bureau can help you. However you will need to give your representative authority for us to discuss your case with them.

23.3 If you make a complaint to us, we will follow a three stage complaint process:

### **Stage 1 - Service Department Complaint** (Investigated at point of service delivery)

- An acknowledgement should be sent within 2 working days of receipt of the complaint.
- A full response should be sent within 10 working days of receipt of the complaint. If this is not possible because of the complexity of the complaint, the customer will be advised that the investigation is continuing and giving an indication of when it will be completed. Regular contact should be maintained until the complaint is resolved.
- The customer will be advised in the Council's response of what they need to do to progress to stage 2 if they remain dissatisfied with the outcome of the complaint.

### **Stage 2 - Service Department Reviews**

- An acknowledgement should be sent within 2 working days of receipt of the request for a review.
- The relevant Service Manager (or Director if the stage 1 complaint was dealt with by the Service Manager) will ensure that an objective review is carried out for any stage 2 complaint that is received. As well as reviewing the original complaint and the Council's response under stage 1 of the complaints procedure it will also take in to account any further relevant information provided by the customer.
- A full response should be sent within 10 working days of the request for a review. If this is not possible, because of the complexity of the complaint, the customer will be advised that the investigation is continuing and giving an indication of when it will be completed. Regular contact should be maintained until the complaint is resolved.
- The customer will be advised in the response that they may complain further to the Local Government and Social Care Ombudsman if they remain dissatisfied with the outcome and sent details of their procedure.

### **Stage 3 – Referral to the Local Government and Social Care Ombudsman (Ombudsman)**

- Any correspondence received from/sent to the Ombudsman will be handled by the Council's Service Manager: Legal Services on behalf of the Council's Monitoring Officer who will enter the referral on to the LGO system. The actual referral will also be sent to the relevant Service Manager for their comments.
- To contact the Local Government Ombudsman
- Call 0300 061 0614 for help making a complaint
- Text 'call back' to 0762 481 1595
- Lines are open Monday to Fridays 8.30am to 5.00pm ( Except public Holidays)
- Website: [www.lgo.org.uk](http://www.lgo.org.uk) using the online form
- The Local Government Ombudsman has a leaflet called "Complaint about the Council? How to complain to the Local Government Ombudsman." You can get a copy by telephoning or writing to the address above, or you can download it from the Ombudsman's website.
- If you contact the Local Government Ombudsman without giving us the opportunity to resolve the issue first, then your complaint will be judged as premature and passed to us to resolve.

#### **County Court Appeals**

23.4 An applicant can appeal to the County Court on any point of law for one of the following reasons:

- If they feel the review decision is legally incorrect; or
- If the Council has not met the time limit to complete the review process

23.5 All appeals must be made to the County Court within 21 days of the review decision.

23.6 Applicants considering an appeal to the County Court are advised to obtain independent legal advice .e.g. from the Citizens Advice Bureau or Shelter.

23.7 The Council is not legally obliged to provide the applicant with accommodation during the appeals process.

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

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

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

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

## **24.0 Accommodation options during and after a review decision**

24.1 During the review process, the Council is not legally obliged to provide the applicant with temporary accommodation. Applicants will be advised to accept the final offer of accommodation whilst the review is being considered. This is because the applicant will have somewhere to stay during the review process and there is no guarantee of a further offer of accommodation following the outcome of the review.

## **25.0 Reviewing the Allocations Policy**

25.1 The new policy will be reviewed in line with any significant change in legislation, guidance issued by the Government of significant case law.

## **Appendix A: Private Rented Offer (Homelessness) Policy**

When the Council is working with people who are either homeless or at risk of becoming homeless, properties in the private rented sector will be considered, as detailed in the national guidance (detailed below).

### **Purpose**

To set out when we will make a private rented offer, within the meaning of Section 193 of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) to a homelessness applicant.

To set out the factors we will take into account when assessing the suitability of a private rented offer, in relation to the condition of a property and its location.

To set out what steps an applicant can take if they do not believe that accommodation offered is suitable.

This approach will also be used to appraise out of area placements.

### **Background**

For any applicant owed a homelessness duty under section 195, 189B, 193(2) or 193C(4) – deliberate and unreasonable failure to co-operate, of the Housing Act 1996 Part 7, as amended by the Homelessness Reduction Act 2018 the Council may make a direct offer of suitable accommodation at any time in order to resolve a threat of homelessness or homelessness itself by means of an offer of suitable private rented housing, where the applicant is being offered a tenancy of a least twelve months (s.193(2)) or 6 months (s.195, S189B)

We understand that many people would prefer to live in social housing than the private rented sector, because the rent can be lower and social tenants normally enjoy greater security of tenure via an assured tenancy. However, there is much greater demand for social housing than there is supply in Gedling. There are over 630 applications on the Housing register as at October 2019, and only 320 approx. lettings of social (including sheltered housing) housing per year. Each social housing property advertised attracts an average of 15 – 45 bids, of which only 1 can be successful.

Most private rented properties are ready immediately and there is a wide range of choice available, although some or all of that choice maybe outside Gedling. Whilst we provide good-quality accommodation, it is only a temporary solution, and so it is in the interests of all parties to minimise the time that applicants have to spend in temporary accommodation, often by using the private rented sector. We will also look to the private rented sector for those applicants who have been accepted, but who are currently not staying in temporary accommodation, for example those who are staying with family or friends.

### Policy aims and objectives

The policy will ensure comprehensive and consistent needs and risk assessments are carried out for each statutory homeless household. This approach will ensure applicants' needs are appropriately met and risks to personal safety and that of staff and the community are minimised. This policy and the needs assessments procedure will ensure there is no discrimination on the grounds of gender, age, religion or belief, race or ethnicity, disability, marriage or civil partnership, pregnancy and maternity sex or sexuality and gender re-assignment.

Each case will be assessed on an individual basis to avoid blanket policies. The policy will comply with:

- The Housing Act 1996, as amended by the Homelessness Act 2002;
- The Localism Act 2011;
- Equality Act 2010;
- The Homelessness (Suitability of accommodation) (England) Order 2012;
- The Homelessness Reduction Act 2017;
- The Homelessness code of Guidance 2018.
- Ministers letter regarding Out Of Area Placements.

### Assessment Procedure

When we make a decision to accept a main homelessness duty to an applicant. We will assist applicants to find accommodation; this might include searching for properties, liaising with landlords and arranging incentives such as the Discretionary Housing Benefit and use of the Council's prevention fund.

We will place bids on behalf of homeless applicants on any suitable social housing that becomes available, via auto-bids on the CBL scheme and assist applicants to search for private rented properties that may be suitable.

A private rented offer will be considered for all homeless households owed a duty under section 195, 189B, 193(2) duty initially, but a thorough assessment process will be undertaken to ensure that this type of accommodation is appropriate.

Private rented accommodation must meet the requirements of Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012, if it is to be considered as suitable when offered:

- To bring to an end the s103(2) Main Duty;
- As a final accommodation offer made in the 189B relief stage; or
- To an applicant who has a priority need in order to prevent or relieve their homelessness.

Article 3 does not apply to accommodation secured for households that do not have a priority need, or to accommodation that the Council helped the applicant to secure (for example through a deposit Guarantee or financial assistance) but which the applicant

identified themselves. However, Councils will need to make reasonable efforts to ensure that private rented accommodation is safe and in reasonable condition and that applicants have sufficient guidance for them to consider the standards of the accommodation.

Where the landlord confirms they are willing to offer a tenancy to the applicant, this will constitute a private rented offer and a final offer letter will be sent to the applicant. If the applicant does not accept this offer of accommodation then the Council will consider that it has discharged its duty in full to secure accommodation for the applicant, and no further offers of accommodation will be made. Equally this will also end the duty to provide temporary accommodation.

When assessing the suitability of accommodation, the Council will also take into account:

- Bedroom eligibility under the Local Housing Allowance rates;
- Financial circumstances and affordability;
- Physical mobility / health needs;
- Mental and emotional health needs;
- Practical support needs;
- Cultural or faith related needs;
- Risks to personal safety;
- Risk to self (e.g. substance misuse / self-harming);
- Recent housing history;
- Ability to manage finances and maintain a tenancy;
- Ability to manage personal health and hygiene;
- Whether school children are due to sit final exams;
- Distance / journey to place of employment;
- Other relevant issues raised by the applicant.

### **Suitability of Accommodation**

When assessing whether a property is suitable, the Council will use the criteria set out by the Government. We will normally regard a property as suitable unless, in our opinion:

- It is not in a reasonable condition;
- Any electrical equipment supplied does not meet safety regulation standards;
- Reasonable fire safety precautions have not been taken;
- The landlord has not taken reasonable steps to prevent carbon monoxide poisoning;
- The landlord is not a fit and proper person;
- It is a House in Multiple Occupation subject to licensing (either mandatory or discretionary), and has not been properly licensed;
- It does not have a valid Energy Performance Certificate;
- It does not have a gas safety record;
- An adequate written tenancy agreement has not been provided.

We will also take into account the circumstances of the applicant and their household (for instance, disability or health needs) and make sure that any property offered as a private rented offer is suitable for their particular needs.

#### **Affordability of accommodation**

We will also take into account whether the accommodation is affordable to the applicant in the long term, or whether the rent would be excessive given their income (including any Housing Benefit or Universal Credit they would be entitled to) and their essential household expenditure.

Applicants should note that if they need to claim Housing Benefit or Universal Credit to pay their rent, they will only be eligible for the Local Housing Allowance rate for the size of property they require. For instance, a couple with two children under 10 would be eligible for the two bedroom rate, not the three bedroom rate.

Single applicants who need to claim Housing Benefit or Universal Credit to pay their rent and are under 35 years old should note that they will normally be eligible for the Local Housing Allowance shared room rate, not the higher 1 bedroom rate. We will normally try to assist these applicants to find shared accommodation, as this may be more affordable for them.

#### **Location of accommodation**

So far as possible, we will aim to find accommodation within Gedling so that applicants do not need to move out of the borough. However, Gedling has higher house prices and higher rents than many of its surrounding areas and very few properties advertised in the private rented sector are priced to be affordable under the Local Housing Allowance rates. This is particularly the case for family sized properties.

We will therefore look for properties located outside Gedling, which may be suitable for a private rented offer. When deciding whether a property is suitable, we will take into account:

- The distance of the property from Gedling Borough Council;
- The significance of any disruption to the employment, caring responsibilities or education of any member of the applicant's household;
- The proximity and accessibility to medical facilities or other support which are essential to any member of the household's wellbeing ( and whether they could access alternative facilities or support in the area they were moving to);
- The proximity and accessibility to local services and transport.

When we discharge our duty by securing that applicant a property that is in a different local housing authority's area, we will notify that authority of the name of the applicant, the people who form part of their household, the fact that we have discharged our homelessness duty, and that the duty will reoccur on us should they become homeless again (except if intentionally) within the next two years. If the household becomes

homeless again after two years of our duty being discharged, they should normally approach the Council where they now reside for advice and assistance.

### **Reviews on the suitability of accommodation offered**

As part of the offer process and in accordance with the Allocation Policy and Procedures, applicants will be advised of their right to request a review on the suitability of the accommodation offered. Applicants will also be advised of the advice services, for example: Citizens Advice Bureau or Shelter who could support them in this matter.

### **Review Process**

Applicants can request a review within 21 days once we consider an offer to be suitable and that the Council's duty under the homeless legislation can be discharged. Review requests must be made in writing to the senior manager. Review requests can either be made by the applicant or their representative. We will advise the applicant of the full procedure and process for completing a review of the suitability of the accommodation offered. A senior manager will consider review requests received after 21 days, but is not obliged to agree to carry out the review. Once a review request has been received, the Housing Needs Team will write to the applicant to:

- Acknowledge the request
- Provide details of the review procedure

The benefits manager or other appropriate manager will complete the review within 56 days of receiving the applicant's review request (unless a longer period is agreed, by the applicant and the Council).

The review will be carried out by the a senior manager so long as they have not been involved in the original decision. If they have been involved in the original decision, the review will be carried out by a senior manager.

### **Review outcomes**

The review outcome can be:

- Unsuccessful – in this situation the Council's original decision will stand.
- Successful – in this situation the Council will amend the original decision.

Once the review has been completed, the Housing Team will write to the applicant informing them of the review decision. The letter will be sent to the applicant or will be available for collection from the Council offices.

The outcome letter will explain the review decision, how the Council reached this decision and the right to appeal the review decision to the County Court if the applicant believes the decision is legally incorrect. An appeal must be made within 21 days of being notified of the review decision.



## **Appendix B: Out of Area Placements**

In accordance with the Code of Guidance, whilst the Council will endeavour to rehouse applicants in the borough, due to the pressure for housing, and the issues around securing affordable housing, it may be necessary to secure accommodation outside the borough. In such instances the same checks as those used for accessing accommodation in the private sector. Detailed at Appendix A will be followed. In addition, a Section 208 will be sent to the relevant local authority.

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