

Gedling Borough Council

Choice Based Lettings and Housing Allocations Policy

January 2021

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1.0 Introduction

Gedling Choice Based Lettings scheme

1.1 Applications for and allocations to social housing, including both social and affordable rent, in Gedling are administered through a Choice Based Lettings (CBL) scheme known as **Homesearch**. The allocations policy, that outlines 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 Housing Associations outside the Homesearch system, for example mutual exchanges, Right to Buy or temporary decants to another property etc.

- 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).
- 1.5 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.
- 1.6 If you need to contact us, you can do so by:
- Online at www.home-search-gedling.org.uk
 - By email to homesearch@gedling.gov.uk
 - By letter addressed to the Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU
 - In person by coming to the Civic Centre at Arnot Hill Park during usual business hours.
 - By telephone on 0115 901 3651 or 0115 901 3803

If you would like a copy of this document in another format such as large print, Braille, audiotape or translated into a different language, please contact us on 0115 901 3681 or email Homesearch@gedling.gov.uk

Aims and objectives

- 1.7 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.
 - To ensure that applicants on the housing register are ready to move and actively bidding for properties
 - To ensure the accuracy of the housing register

Regulatory code and legal framework

- 1.8 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.
- 1.9 Section 166A of the Housing Act 1996 provides that authorities must have regard to their homelessness strategies when framing their allocations policy.
- 1.10 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.
- 1.11 This policy has also been reviewed to comply with the requirements of the Homelessness Reduction Act 2017, and the new Code of Guidance 2018.
- 1.12 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).
- 1.13 The policy will be effective from the 11th May 2021, and will be kept under regular review to reflect changes in legislation or local housing priorities.
- 1.14 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 Housing Association
- 1.15 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, or with the agreement of both the Housing Association and a senior Gedling Borough Council officer.

Direct Matches

1.16 Direct matches can be used for those applicants whose Prevention or Relief Homeless Duty has been accepted or 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.

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, age, disability, gender re-assignment, gender, religion or belief, marriage and civil partnership, pregnancy and maternity, sex or sexual orientation as per Equality Act 2010.

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

3.0 Statement on offering choice

3.1 The Council is committed to enabling applicants to play an active role in choosing where they wish to live. However, the housing pressures faced by the Council will limit the degree of choice that the Council is able to offer along with the legal responsibility the Council has to ensure that those in greatest housing need are given priority for social housing, therefore in certain circumstances choice may need to be restricted.

3.1 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.

3.2 Applicants who have been in a high priority band may have their application reviewed at the Council's discretion. This may result in you being placed in a lower band. We will notify you of any changes which are made to your application.

3.3 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. 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.

3.4 Suitable offers can be either a private rented or social tenancy (see Appendix A).

4 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 Housing Associations) 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.

General Data Protection Regulation GDPR

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 a 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

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 How the housing allocation scheme will operate

5.1 We 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. 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 section 14), 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 the Homesearch section, 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 and can be accessed by all devices. If you do not have access to the internet, please contact the Homesearch Team. 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 Housing Association’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 1.6). 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 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 offered a property.
- 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 21 for more details.) However, there may be instances where the property is offered to an applicant lower down the list, for example, to avoid underoccupation (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 Housing Association (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/mortgage then a Housing Association may decide not to offer to you, but to offer to someone who is lower on the shortlist.
- 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 Housing Association. 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.
- 5.9 Each week, you can see feedback from properties that have previously been let through Homesearch, including how many people bid for them, which band the successful applicant was in, and how long they had been waiting. This can help you to decide what type of properties to bid for in future, and see how likely you are to be successful.

6 Eligibility

6.1 There are certain groups of people who are eligible for social housing.

The eligibility provisions do not apply to applicants who are already secure, introductory or assured tenants of a private Registered Provider.

The regulations setting out which classes of persons from abroad who are eligible or ineligible for accommodation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (as amended).

6.2 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 1996 as a person who under the Immigration Act 1971 required leave to enter or remain in the United Kingdom (whether or not such leave has been given);
- The applicant is ineligible due to changes contained in the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020:
 - <https://www.legislation.gov.uk/ukpga/2020/20/contents/enacted/data.htm>
- The rights of European Economic Area (EEA) nationals, and their family members, who have citizen's rights under the European Union (Withdrawal Agreement) Act 2020 are protected.

6.3 However most Housing Associations 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);

- Persons who are exempt from immigration control under the Immigration Acts.

6.5 Not all potential circumstances can 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 Homeseach Team for advice.

7 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 Housing Associations will only consider granting a tenancy to 16 and 17 year olds if a suitable support package is in place. However the majority of Housing Associations 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 living property, 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 living 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.

LIST 1: Need for housing , or exception	
1a	Demonstrate your need for re housing by meeting the criteria set out for Bands 1, 2 or 3 (see section 14).
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 ¹ , 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 subject to any age restriction determined by the Housing Association.

LIST 2: Local connection, or exemption	
2a	Currently living in the borough and have done so consecutively for the last 3 years.
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, which would usually be for 16 hours per week or more.

2c	The applicant provides or receives personal care (paid or unpaid) for/ from a parent, sibling or adult child who has lived in Gedling for the last five 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 5 days per week. A Community Care Assessment and/ or confirmation of the arrangements by the Adult/ Children’s Services Department must be provided to evidence this, and proof of any carers allowance etc. A letter from a GP is not sufficient.
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¹ This is at the discretion of the Housing Association, who may have different age restrictions.

2d	Have been accepted by Gedling Borough Council under the main homelessness duty 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 Housing Association
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. 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.
2g	Have been accepted as part of a witness protection recommendation by the police. (NB supporting evidence will be required)
2h	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.
2i	The applicant is serving in the regular Armed Forces, Reserve Forces or Territorial Army, or have left those forces in the last five years, unless dishonourably discharged.
2j	Another special reason. This will only be awarded by a senior 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.
2k	The applicants' circumstances require them to live close to a special medical facility or support service which is only available in the Borough.

7.6 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.

7.7 You also have the right of appeal.

8 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/publications/common-travel-area-guidance/common-travel-area-guidance>

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 £6,000 or over they would be excluded from the scheme. This figure is in line with the maximum assets/savings for a household to be eligible for Housing Benefit.

8.8 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 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 Housing Association property.
- If you have a history of, or are currently perpetrating, serious anti-social behaviour and/or criminal behaviour.

NB these requirements apply to the applicant, and any household members or visitors.

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 Housing Association, 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 Associations.
- 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, on the basis of past conduct, such as antisocial 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:
www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-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, obtain evidence that you have exhibited unacceptable behaviour as outlined above, then your application may be 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 16 about appeals).

10 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, child tax credits or Universal Credit. 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 must meet the requirements of the allocations policy and local connection criteria. 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;
- 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 reassessment 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 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 Housing Association if they will include your pregnancy in the household size calculation, prior to the children being born.

10.8 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.

10.9 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 an additional 9 months waiting time.

10.10 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.

10.11 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.

10.12 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.

10.13 Applicants with rent/ mortgage arrears

If you have current or former rent arrears from a private, Council or Housing Association 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, whether or not to offer someone with arrears a tenancy.

10.14 **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.

10.15 **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.
- **Prevention** – applicant is facing homelessness within 56 days and is eligible to help prevent them from becoming 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

10.16 **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 need, eligible, have a local connection and are unintentionally homeless will be placed in Band 1.

10.17 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.

10.18 Applicants have the right of appeal, further details are contained in section 16.

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'.

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 unintentionally 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, autobid. In these instances, applicants will only be offered one suitable 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 16 for further information) in order to prevent or relieve homelessness successfully. NB applicants are unlikely to be offered a social tenancy.

10.25 If the homeless applicant refuses this offer and they are in Band 1 or Band 2 and have a local connection as defined in List 2, section 7 they will be moved to Band 3. Applicants in Band 3 with no local connection who refuse this offer will no longer be eligible for the housing register, but would be able to reapply after 1 year.

10.26 **Failure to Co-operate**

193C(4) – A deliberate and unreasonable failure to co-operate is defined within the Homelessness Reduction Act 2017, as when an applicant refuses to cooperate when s/he does not take a step (or steps) in her/his Personalised Housing Plan (PHP) This might be a step which:

- the applicant agreed to

- the authority identified as a step which the applicant was required to take

In such cases, the concern will be raised with the applicant, and may result in their application being closed.

Accepting the property offered

10.27 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 main 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.

10.28 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.

10.29 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 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 could be a letter confirming Child Benefit; Tax Credits or Universal Credit for each child living with you permanently

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, such as Disclosure and Barring Service – (DBS) checks which would need to be provided at the applicant's expense
- 11.8 You must also provide full details relating to any rent or mortgage arrears as detailed at section 10. Partner Housing Associations 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. For applicants with additional support needs assistance is available from the Housing Needs Team to provide the necessary information. Equally, there are independent advice and support services such as CAB.

12 Assessing applications

12.1 When an application is received it will be assessed by a member of the Homesearch 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 that 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, please see section 2C. A Community Care Assessment and / or confirmation of the arrangements by the Adult/ Children's 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 to verify the grounds for serving the notice, and also to try to mediate to save your tenancy.

12.6 Collusion

If following these enquiries 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.

12.7 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.

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

13 False statements and withholding information

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

“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 Housing Association may bring proceedings for possession of the property.

14 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 sheltered living housing.

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 rehousing 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 Housing Association 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 etc. 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 all 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 Housing Association and currently live in Gedling Borough, and your Housing Association has made a firm recommendation that you should move urgently. This is called an 'urgent management move' and an award of Band 1 will only be granted following approval by a senior officer at the Council.

14.8 Under occupation by two or more bedrooms

This applies if you are a tenant of a partner Housing Association 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 bed roomed 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, as per the Local Offer to Care Leavers, agreed across Nottinghamshire.

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 12 month minimum 'Fixed Term Tenancy'. 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 successfully2c

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 Housing Associations 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.

Band 2 – High priority

14.13 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.

14.14 Housing Associations 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.

14.15 Please note: 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 and awarded an additional 6 months waiting time. 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.

14.16 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.

14.17 This priority will only be awarded to you following an interview with a Housing Needs Officer. You may come in this category if:

- 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.
 - You are an owner-occupier faced with repossession through no fault of your own, where other options are not viable, and you do not have available resources to secure accommodation in the private sector
 - You have been asked to leave by other members of your current household and you do not have available resources to secure accommodation in the private sector
- OR**
- 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.

14.18 **Failure to Co-operate**

193C(4) –A deliberate and unreasonable failure to co-operate is defined within the Homelessness Reduction Act 2017, as when an applicant refuses to cooperate when s/he does not take a step (or steps) in her/his Personalised Housing Plan (PHP) This might be a step which:

- the applicant agreed to
- the authority identified as a step which the applicant was required to take

In such cases, the concern will be raised with the applicant, and may result in their application being closed.

14.19 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 Housing Association we will require supporting evidence from your landlord, such as confirmation that they would consider you for an urgent management move.

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

14.21 Succession

Applicants who have succeeded to the tenancy of a property in Gedling owned by one of the partner Housing Associations, 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. A referral to an Environmental Health Officer could be made.

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

14.23 Move-on from supported accommodation where referred by Gedling

If you are ready to move from supported accommodation which you were placed in by Gedling Borough Council staff, then you will be awarded this category. We will need confirmation from the support provider that you are ready to move on. This band is a referral arrangement between the support provider and the Council.

14.24 Different criteria apply to leaving care applicants. Please see section 14.10, 28, 29 and 30.

14.25 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. An Environmental Health referral could be made for a home inspection as part of this process. Gender overcrowding is defined as:

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

Household Member	Bedroom Eligibility
Couple/single 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

14.26 Under-occupation

If you are a tenant of a partner Housing Association, 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.

14.27 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.

14.28 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.

14.29 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 Social Care.

14.30 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 for all areas within Gedling.

14.31 Please see the local connection criteria at 2F. The link to the County wide Care Leavers offer is included at appendix C.

14.32 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.

14.33 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.

14.34 Social housing tenants who no longer require adaptations

If you are a tenant of a partner Housing Association 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

14.35 Move-on from supported accommodation where not referred by Gedling

If you are ready to move from supported accommodation and the support provider confirms you are ready to move on.

14.36 Homelessness Prevention with a Local Connection

This Band will be awarded with an additional 6 months waiting time 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 could be 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 secure and offered with a reasonable prospect of being available for at least 6 months.

14.37 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 homelessness;
- 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;
- Your case will be closed if you do not co-operate or engage with the team or if we lose contact with you;
- 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.

14.38 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.

14.39 General Overcrowding

If your household is overcrowded by one bedroom then you will be placed in Band 3.

14.39 Moderate Medical Priority

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

14.40 Social Hardship

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

- People who need to be close to specialist educational facilities
- Other special reason

14.41 Applicants aged under 50² 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 living accommodation.

Additional preference groups

14.42 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.

² This is at the discretion of the Housing Association, who may have different age restrictions.

14.43 **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.

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

15 **Renewals**

15.1 Your application will be reviewed every 6 – 12 months, and we will ask you to tell us if your circumstances have changed in any way and ask you to provide evidence of your current housing need. 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.

15.2 **Priority Reviews**

If you are placed in Band 1 or Band 2, this represents an urgent housing need, so you are expected to place bids for any properties that match your needs. Your application will be reviewed to check whether your circumstances still warrant that level of priority. This may result in your banding being reduced. This does not apply if you have been awarded Band 1 or Band 2 priority because you are under-occupying your current home.

15.3 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.

15.4 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.

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

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

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

15.8 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 Reviews and appeals

16.1 Reviews 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. You should submit any relevant additional information you feel will support your application. Your request for a banding review should be sent in writing within 21 days of your original registration or banding notification letter. The request for a banding review 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 banding review, usually within 21 working days.

16.2 If your banding review 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.

16.3 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 banding reviews should be made within 21 days of you receiving the letter confirming that you are not able to join the scheme in writing.

16.4 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. If accepted onto the register, any offer of a property will still be at the discretion of the Housing Association.

16.5 Appeals against suitability of accommodation as a final offer (accepted main 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 are usually determined within 56 days. Whilst your appeal is being considered, your application will be suspended pending the outcome.

17 Choosing a home

17.1 Properties are advertised every week. The adverts are available on the website at www.home-search-gedling.org.uk.

18 Choosing the right property

18.1 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 adapted for disabled use
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	Property has a garden		No pets normally allowed unless at discretion of the Housing Association.
	Sheltered living accommodation		Off-road parking

18.2 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:

	Single person	Couple	Single pregnant/ couple and pregnant	Family with 1 child	Family with 2 children	Family with 3 or more children	Single person over 50	Couple both over 50	Single person with overnight carer
Studio flat	✓								
1 bed flat	✓	✓							
2 bed flat Without garden	✓	✓	✓	✓	✓				✓
2 bed flat With garden			✓	✓	✓				
3 bed flat			✓	✓	✓				
1 bed maisonette	✓	✓							
2 bed maisonette			✓	✓	✓				✓
3 bed maisonette					✓				
1 bed house	✓	✓							
2 bed house			✓	✓	✓				
3 bed house			✓	✓	✓	✓			
4+ bed house						✓			
1 bed bungalow (general)	✓	✓					✓	✓	
2 bed bungalow (general)			✓	✓	✓			✓	✓
1 bed bungalow (age restricted)							✓	✓	
2 bed bungalow (age restricted)							✓	✓	✓
Group/ alarm linked or Retirement Living							✓	✓	

18.3 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 living 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 Housing Association

19 Restrictions

19.1 Age

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

19.2 Local Lettings Policies

These are policies that have been agreed with the Housing Association, or for a designated area 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.

19.3 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 Housing Association 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.

19.4 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.

19.5 Hard to Let Properties

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

20 How to bid (express your interest)

20.1 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.

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

20.3 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.

20.4 Online

Logon to the website at www.home-search-gedling.org.uk and follow the "How to Express Your Interest" instructions.

20.5 In Person

You can also bid in person at the Civic Centre on the self-serve computers.

20.6 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.

20.7 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 may be suspended or closed (see section 16).

20.8 Automatic Bidding

This is when the Council 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.

20.9 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.

20.10 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

21 What happens next?

21.1 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)
- Local connection
- The date you were placed in the band (effective date)

The Housing Association 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.

21.2 However, there are some exceptions to this general rule, such as where local lettings policies apply, or where the Housing Association will not allow any under-occupation of the property, or where you have rent/mortgage arrears and the landlord has decided that he does not wish to let to anyone with rent/mortgage arrears. If it is because the landlord does not want under occupation, then he may offer the property to the highestplaced 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 Housing Association. Full details will be advertised with the property.

21.3 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.

21.4 All Housing Associations 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;
- May not make an offer to anyone who has rent/ mortgage arrears;
- May not make an offer to anyone with a history of criminal or anti-social behavior.

21.5 Viewing

Each Housing Association 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.

21.6 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 that may result in your application being cancelled.

21.7 Different rules apply to applicants who have applied as homeless to the Council. See section 10.15 for more details.

22 Complaints

22.1 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
- By email to: 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.

22.2 Gedling Borough Council's complaints procedure is available on-line at <https://www.gedling.gov.uk/council/aboutus/complaintsandcompliments/complaintsprcedure/>

22.3 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.

22.4 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.

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 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

22.5 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

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

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

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

23 Accommodation options during and after a review decision

23.1 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.

24 Reviewing the Allocation Policy

24.1 The new policy will be reviewed annually or in line with any changes in legislation or Government guidance.

GLOSSARY

Adapted properties

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

Allocation policy

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

Autobid

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

Bid (also known as expressing an interest).

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

Band

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

Category 1 Hazard

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

Choice Based Lettings

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

Direct let

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

Effective date

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

Eligibility

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

Expressing an interest (also known as bidding)

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

Nomination

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

Qualification

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

Housing Association

A Housing Association other organisation registered with Homes England (formerly, the Homes and Communities Agency) to provide social housing. Also known as a Registered Social Housing Association; RSL or Registered Provider.

Retirement Housing

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

Social Services

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

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 620 applications on the Housing register as at November 2020, and only around 320 lettings of social (including sheltered living housing) housing per year. Each social housing property advertised attracts an average of 15 – 45 bids, of which only one 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 may be 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 and 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 landlord 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 etc. 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

A senior 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 a Senior Officer 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 another 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 Senior Officer 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.

Appendix C – County wide offer to care leavers

<https://www.nottshelpyourself.org.uk>

