

Bolsover Council Housing Allocation Policy

Draft V4 Sept 2023

1: Introduction

This document is the revised Housing Allocation Scheme for Bolsover District Council. It describes the criteria and procedure that the Council use to prioritise housing applicants for the social housing that we allocate to, i.e., homes owned by the Council, and a proportion of homes owned by Private Registered Providers (commonly known as housing associations) in the District.

The Policy applies to both new applicants and existing council/social housing tenants who wish to transfer to another property and covers key areas such as:

- Who is eligible to apply for housing
- Circumstances when people will not be eligible to join the Housing Register or will not qualify to do so.
- The process of applying for housing, including 'bidding'
- How housing needs are assessed
- How properties are allocated to different household sizes and circumstances
- How the Council will consider exercising discretion
- How offers of accommodation are made

2 . Legal Context

Bolsover Council's Allocation Scheme sits within a legal framework that is summarised in this section.

The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocation Scheme. A summary of the Allocation Scheme must be published and made available free of charge to any person who asks for a copy. This document is available on the council's web site: <https://www.bolsover.gov.uk/c/council-housing/170-applying-for-council-housing>

The Housing Act 1996, (as amended) requires councils to give Reasonable Preference in their Allocation Schemes to people with high levels of assessed housing need who are defined as:

- all homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty)
- people who are owed a duty under Sections 189B, 190 (2), 193 (2), or 195 of the Housing Act 1996 (or under Sections 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing Authority under Section 192 (3)
- people occupying insanitary, overcrowded or otherwise unsatisfactory housing
- people who need to move on medical or welfare grounds (including grounds relating to a disability)
- people who need to move to a particular locality within the district to avoid hardship to themselves or others

The Housing Act 1996 also requires councils to state within their Allocation Scheme their position on offering applicants a choice of housing accommodation or offering them the opportunity to express a preference about the housing accommodation to be allocated to them. Our policy on choice is described in section 4 of this Scheme.

In developing the Scheme, the Council has had regard to the law and regulatory requirements, including:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England);
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017;
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”;
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”;
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483 Allocation of Housing (England) Regulations 2002, SI 2002/3264;
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments;
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869;
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989;
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015;
- ‘The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)’;
- Equality Act 2010;
- Data Protection Act 2018
- UK-GDPR (General Data Protection Regulation) 2021;
- Care Act 2014;
- Human Rights Act 1998;
- Domestic Abuse Act 2021; and
- Children and Social Work Act 2017

In framing the Allocation Scheme, regard has also been had to the Council's current:

- Housing Strategy
- Homelessness and Rough Sleeping Strategy
- Tenancy Strategy
- Relevant caselaw.

All references to statutory materials are by way of summary and are not used as substitutes for the details within the original.

The council will provide an electronic copy of this Scheme to anyone who asks for one. Copies in alternative formats will be considered on an individual basis. The whole of this Scheme is available for inspection by any person at the principal office of the council if someone is unable to access the Scheme online.

Any provision in this Scheme may be waived in exceptional circumstances at the discretion of the lead officer responsible for the housing services. The reasons why a provision has been waived will be documented. An applicant can ask for discretion to be applied for exceptional circumstances and the process for this is detailed in section 2 of this policy.

This is the revised Housing Allocation Scheme for Bolsover Council and will take effect on or after *insert date here when the Scheme has been approved and an implementation date has been agreed*. The assessment of need and qualifying criteria set out in the Scheme will be applied to all new and existing applicants from this date.

3: Making changes to the Policy

The policy will be reviewed and revised as required in response to:

- Any national policy or legislative changes, or
- Policy changes instigated by the Council, or
- To reflect the requirements of any leading and relevant new case law.

Any significant changes to this Scheme will be approved by a meeting of Bolsover's Executive

For minor changes to the Scheme, or changes to the procedures that administer the Scheme, decisions will be delegated to the Portfolio Holder responsible for Housing.

Formally, any major change to the Scheme can only be made after a copy of the proposed amendments have been consulted on by sending this Scheme to every Private Registered Provider operating in the district and giving them a reasonable period of time to comment on any proposed changes. This is a requirement under Section s166A (13) Housing Act 1996.

The council will take any steps as it considers reasonable (for example, by making contact via email, telephone, or letter, or by placing a notification on a council's

website, or via another suitable form of communication), within a reasonable period of time, to bring to the attention of applicants likely to be affected by:

- a) any alterations made to this policy
- b) any subsequent alteration to this Scheme that would affect the relative priority of a large number of applicants; or
- c) any significant alteration to any associated procedures for administering this policy.

Where a full review of the Scheme is undertaken, the council will adopt local government good practice guidelines and undertake a broad consultation that includes relevant statutory and voluntary sector organisations, tenant representatives, and applicants to the scheme.

4: key objectives of the scheme

- To meet the legal requirements placed on the council to give appropriate priority to applicants who fall under the Housing Act “reasonable preference groups”. This is to ensure that social rented housing is let to those in greatest need.
- To make the best use of the housing owned by the Council.
- To have a system that is transparent and easy to understand.
- To have a system that treats all sectors of the community fairly.
- To offer choice to applicants wherever practicable.

Section 2: The criteria for deciding who is eligible to be included on the Council Housing Register and the rules for when an applicant will not qualify.

1: The eligibility rules

Some groups of people cannot by law join the Council's Housing Register regardless of their housing need or circumstances. These are people who:

- come under a government rule which means they cannot lawfully access social housing as they are not eligible, or
- do not live habitually in the 'Common Travel Area' (UK, Channel Islands, the Isle of Man or the Republic of Ireland), or
- do not have the right to live in the UK, or
- Fall under other categories of people who the Government may in the future decide are not eligible for housing assistance.

The key relevant regulations that apply to eligibility are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294, and
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861), plus
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020 (SI 2020/667) implemented from the 24 August 2020.

The above is not a complete list of all the eligibility regulations. For example, there is significant legislation that relates to the UK's exit from the European Union and the implications for accessing housing assistance. These rules are complicated. Anyone who is impacted, or believes they may be impacted, can approach the council for advice, or can seek independent legal advice.

2: The non-qualification rules adopted by the council

Under Section 160ZA(7) of the Housing Act 1996 Part 6 a council is allowed to set criteria for classes of persons who are, or are not, qualifying persons. The non-qualification rules adopted by the Council mean that the following classes of person will not normally qualify to join the Housing Register unless the Council accepts there are exceptional circumstances.

Non qualification rule 1: The need to demonstrate a local connection to the Bolsover district.

To qualify for the Housing Register an applicant (or, alternatively the applicant's partner) must meet one of the following rules. They must have:

- a) Lived in the Council's area continuously for the last 2 years and that residence was of their choice. If registered they must continue to live in the area to remain on the Housing Register. Or
- b) The applicant or their partner are employed in permanent employment in the Bolsover Council's area and to travel to work by public transport would take them in excess of 90 minutes each way and they do not have their own transport. Employment is defined as paid employment for at least 16 hours or more per week for a continual period of at least 6 months and is not work that is considered to be temporary, casual or seasonal. Where there is a zero hours contract the assessment will consider if, on average over a 3-month period, the person is working for 16 hours a week or more and that zero hours contract is not a temporary contract. The applicant or household member must be working at the point any offer of a tenancy is made. Where an applicant is self-employed they must demonstrate that the self-employed work they perform is:
 - a) In the Councils area and
 - b) Cannot be performed from home, and
 - c) They have been self-employed for a continual period of at least 6 months and
 - d) Their self-employment is not work that is considered to be temporary or seasonal.

In addition the applicant or partner must be working self-employed at the point an offer of a tenancy is made.

Note: For applicants who are employed the employment must be their actual place of work in area and not employment based on a head office or regional office situated in the area but from which the applicant does not work. For people employed by a national company their actual place of work must be within the Bolsover district.

- c) Or, have close family (normally considered to be a mother, father, brother, sister, or adult son or daughter) that have lived in the district for a minimum of the last 5 years and the applicant, or their partner, need to be in the Council's area to give or receive essential support from close family. Note: it is for the Council to decide on whether an applicant meets this local connection qualification rule for close family needing to give or receive essential support.

Note 1: The Council will consider whether there are exceptional circumstances whereby other family members may be considered to provide a local connection. For example, the circumstances where a person has been brought up by an extended family member, in the absence of their own parents and the applicant continues to need to receive essential support from this person.

Note 2: The level of support required to qualify under c) must be essential and significant and cannot be short term or low level such as to carry out shopping once a week, and there is no existing support package in place.

Once registered an applicant must continue to meet one of the local connection qualification rules a-c above. If the applicant no longer meets this rule they will be removed from the register as they will no longer qualify for inclusion on the housing register.

If an applicant has lived in the Bolsover district for 2 continuous years in the circumstances where they have been placed into temporary accommodation in the Bolsover district by another local authority, they will not qualify to join the Housing Register. This rule is justified because a Council from outside of Bolsover that has placed a household into temporary accommodation in the Bolsover district will legally retain the responsibility for helping the applicant to obtain long term settled housing.

For the purposes of determining a local connection for residence, the Council will accept the following circumstances as demonstrating residence:

- a) Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch.
- b) People who are forced to sleep rough in the Bolsover Council area as long as they still meet the 2-year qualification period for residency.

There are a number of exceptions to the 2-year residency rule. These are:

1. Applicant's owed a main section 193(2) homeless duty by Bolsover Council only.
2. Where Bolsover Council has placed an applicant into temporary accommodation outside of the Council's area that period of time in temporary accommodation will count as residence in Bolsover.
3. Where the Council agrees that there are exceptional circumstances requiring a move into an area. This will be decided on a case-by-case basis. Examples where circumstances may be considered to be exceptional include:
 - Reasons of safety, for example when an applicant is fleeing domestic abuse or hate crime from another area, or
 - An applicant is on a witness protection programme and the Council has agreed that a move to the Bolsover area is essential.
4. The Council will consider any application from a gypsy or traveler household where the applicant may not meet the 2-year continuous period of residence rule, if the period has been broken by travelling. The facts of each case will be considered when deciding whether the rule should be waived.
5. Care Leavers below the age of 21 years (or 25 if they are pursuing a programme of education agreed in their pathway plan) who are owed a duty under section 23C of the Children Act 1989 by Derbyshire County Council or another County or Unitary Council and have been looked after in accommodation outside of Bolsover and wish to live in Bolsover.

6. Applicants who satisfy the right to move criteria. The Right to Move qualification regulations 2015 states that local connection qualification rules must not be applied to existing social tenants who seek to move from another Council district in England, and who have a need to move for work related reasons to avoid hardship. However, the Council's policy is to limit these moves to no more than 1% of all lettings per year. (See annex 3 for details of how the 'right to move' criteria will be applied.)
7. Where at the date of application the applicant is not currently resident in the Bolsover area whilst:
 - a) receiving medical or respite care
 - b) serving a custodial sentence

The applicant will be considered to have a local connection for residence as long as they had been living in the Council's area for 2 continuous years prior to their current accommodation circumstances

8. Applicants that satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 will be exempt from the local connection qualification rule. These are:
 - a) Applicants who are serving members of the regular armed forces
 - b) Applicants who served in the regular armed forces within the 5 years immediately prior to the date of their application
 - c) Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service
 - d) Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner.
 - e) The divorced or separated ex-spouse of a member of HM Armed Forces, who is currently serving or going through resettlement, will be exempt from the local connection criteria for a period of six months following the divorce or separation

Non-qualification rule 2: The requirement to have an assessed housing need as defined by the criteria set out in Bands A-C

Applicants who do not meet the housing need criteria for an award of a band A-C will not be admitted to the Housing Register. This is because the level of housing demand in the district means that any applicant who is not assessed as being in a statutory housing need will almost certainly not be able to receive an offer of accommodation.

There is an exception to this rule for applicants **who are not home owners** over the age of 60 without an assessed housing need and would qualify for an age restricted property. The exception is because the evidence is that a number of older applicants are able to receive an offer of older person housing or age restricted housing as there is a greater availability for this type of housing. Note applicants who qualify under this

exemption will only be considered for age restricted properties and not general needs properties. **For homeowners there are some exceptions where an applicant who 60 or over and a homeowner may be allowed to qualify for the housing register (see non qualification rule 5 below).**

Applicants with no assessed housing need are still able to apply directly to any of the Housing Associations with social housing stock in the Bolsover area or elsewhere in Derbyshire. Some Housing Associations may operate their own housing registers as not all properties that become vacant are let under a nomination agreement through the Council under this policy.

The justification for the Council adopting this non qualification rule option is that there is clear data evidence that applicants without a statutory housing need as defined by the criteria needed to qualify for bands A-C have little or no prospect of being offered social housing but may not pursue alternative housing options based on the 'false hope' that by being registered they may eventually obtain an offer.

Non-qualification rule 3: Applicants who will be excluded from the Housing Register due to their unacceptable behaviour

The disqualification rule for unacceptable behaviour will apply where an applicant, or any member of their current or prospective household, has demonstrated serious unacceptable behaviour that, in the view of the council, makes them at the time of their application, or since their application, unsuitable to be a tenant. The assessment framework below refers to an applicant but this is to be taken to mean any member of an applicant's household.

The rule of non-qualification will apply where the council is satisfied that an applicant (or a member of their current or prospective household) has demonstrated a serious failure to adhere to the terms of a current or previous social housing or private rented tenancy agreement. This is defined as:

- a) failing to maintain any previous social rented or private sector rented property within the terms of their tenancy agreement, or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the area where they live or have previously lived. Non-qualification will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the council, their previous unacceptable conduct is unlikely to reoccur. This may include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour;
- b) conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy. It may include the circumstances where an applicant, or a member of their current or prospective household, is the subject of actions being taken by any council (or some other recognised body) on grounds of alleged antisocial behaviour (ASB).
- c) rent arrears for their last private rented tenancy in the circumstances where the council has obtained information that confirms on the balance of probabilities that a debt is owed. If there is a debt owed it will be for the assessing officer to decide on the facts gathered, regarding the level of debt

and the reasons for it, whether the applicant should be classified as a non-qualifying. Where it is established that a debt is owed the same rules will apply as per a social housing debt (see below).

- d) circumstances where the applicant, or any member of their household, has assaulted a member of the council's staff, whether or not an injunction is being sought, or has been obtained.

Other examples of serious unacceptable behaviour include:

- a) being subject to a court order (including an interim order) for breach of tenancy conditions;
- b) conviction for illegal or immoral use of their current or former home;
- c) causing nuisance and annoyance to neighbours or visitors;
- d) committing criminal offences in or near the home and still posing a threat to neighbours or the community such as drug dealing;
- e) being violent towards a partner or members of the family;
- f) allowing the condition of the property to deteriorate;
- g) paying money illegally to obtain a tenancy;
- h) unlawfully subletting their tenancy;
- i) applicants who have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974;
- j) having unspent convictions where an assessment by the Council concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities;
- k) an applicant or any member of their household has been responsible for any racial harassment or other hate crime. 'Racial harassment' and 'hate crimes' are defined as racist, religiously aggravated, faith, gender, age, disability, and trans phobic or homophobic or gender re-assignment harassment or hate crime. A hate crime or racist incident is defined as any incident which is perceived to be racist or hate crime related by the complainant or any other person.

The assessing officer will be guided by the following framework when assessing whether an applicant should not qualify based on their unacceptable behaviour:

- a) The behaviour need not have led to possession, prosecution, or other enforcement action by a statutory agency, provided that, on the balance of probability, the household is responsible;
- b) in normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer timescale may be appropriate;
- c) there must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats, or there might be a history of repeat offending;

When assessing whether behaviour may result in the applicant not qualifying the assessing Officer will consider:

- 1) the seriousness of the applicant's behaviour;

- 2) the duration of the behaviour and/or the number and frequency of incidents;
- 3) the length of time that has elapsed since the behaviour took place;
- 4) any relevant vulnerability or support needs that may explain the behaviour;
- 5) whether there is meaningful engagement with support agencies;
- 6) critically, whether there has been a significant and sustained change in the applicant's behaviour;
- 7) whether they believe on the evidence that the behaviour is likely to still reoccur now or at the point a tenancy was offered or commenced;
- 8) whether the circumstances that caused the behaviour have changed. For example, whether nuisance was caused by drug or alcohol problems that the applicant has since successfully resolved;
- 9) whether the member of the household responsible for the behaviour is still a member of the household;
- 10) whether the council can accept any assurances from the applicant as to future behaviour;
- 11) if the unacceptable behaviour is believed to be due to physical, mental or learning difficulties, whether, with appropriate support, the applicant could maintain a tenancy; and
- 12) the applicant's current circumstances. For example, health needs, dependents, and any other relevant factors.

Applicants to whom the rule is applied will be written to and informed that:

- 1) the unacceptable behaviour rule has been applied to their case and either they do not qualify, or that they qualify but cannot be considered for an allocation until the behaviour has been resolved.
- 2) what they must do to resolve the problem.
- 3) for a decision that they do not qualify it is the applicant's responsibility to notify the council when they have, in their view, resolved the issue and that they will need to present evidence to back up their view.
- 4) where an applicant is disqualified for unacceptable behaviour they will be informed that they have a right to ask for a review of the decision made to disqualify them.

Note: where an applicant is disqualified, any new application will only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of 12 months.

Note: The unacceptable behaviour disqualification rule will also apply to applicants currently on the Housing Register. An applicant's eligibility to remain on the Housing Register will be kept under review and an applicant may be rendered ineligible should the council be satisfied that the rule relating to unacceptable behaviour should be applied to their case.

Non qualification rule 4: Circumstances where an applicant has a current or former social housing rent arrears, or another relevant recoverable housing related debt.

This section sets out the rules for when an applicant:

- a) Will not be allowed to qualify for the Housing Register because of rent arrears or another recoverable housing related debt, or
- b) Will be allowed to qualify but will not be allowed to bid for any properties advertised until their rent arrears or housing related debt have been resolved to the satisfaction of the Council.

When carrying out an assessment, the Council will take into consideration all housing related debts, associated with either a current or former tenancy that relate to any social housing provider in the UK. Note the rules in this section only apply to social housing former or current rent arrears, occupation of temporary accommodation debts, and some other forms of housing related debt listed. This section does not cover rent arrears for a private sector tenancy, or licence. This is covered under the unacceptable behaviour rule set out in the unacceptable behaviour qualification rule above.

For the purposes of this qualification rule housing related debts include:

- a) Current or former tenancy rent arrears of a social housing tenancy. Note current social housing tenants seeking a transfer will not normally be allowed to transfer until they have met the relevant criteria set out in this section for addressing the debt (i.e. the criteria for £0-500, £501-£1000, £1001 plus).
- b) Outstanding re-chargeable repairs
- c) Current and former housing related service charge arrears
- d) Temporary accommodation charge arrears for a licence or a tenancy where that temporary accommodation was provided by the Council
- e) Failing to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt for a social housing tenancy, or temporary accommodation
- f) Any court costs incurred by the Council or a Housing Association associated with any of the above debts

Housing related debts apply to both the applicant and their partner

The purpose of this qualification rule is:

- 1) To ensure any relevant debt owed to a social landlord or the Council is recovered and
- 2) To consider whether an applicant's current position creates a risk of future non-payment of rent.

The following framework will be used to guide officers when applying this qualification rule. The Council will consider:

- The reasons why the applicant accrued the housing related debt and whether there are exceptional circumstances that should be considered when applying the rule.

- Whether the debt has been caused by factors difficult for the applicant to control, for example a case where an applicant was unable to pay the full rent due to being impacted by the 'spare room subsidy' rule.
- Whether the applicant still owes that debt, and if they do, the extent of the arrears/debt as well as whether it is a recoverable debt, or a statute barred debt.
- Whether the applicant has taken debt advice, acted on it, and entered into an arrangement to clear the arrears/debt.
- If an arrangement has been made, the amount of arrears/debt paid off, any amount outstanding, and the regularity of payments made.

After considering the above the Council will decide whether the applicant will not qualify for the housing register, or that they will be allowed to qualify, but not allowed to bid for properties until the issue has been resolved to the satisfaction of the Council.

There is no time limit regarding when a person can make a new application following disqualification under this rule. Where a new application is made, the Council will assess whether the applicant has taken appropriate action to address the rent arrears/debt.

If disqualified an applicant will be informed of the actions they need to take to resolve the debt in order to qualify.

How decisions for applicants with a housing related debt will be made

a) Applicants with debts of £1,000 or more who have not made any arrangement to address the debt

Applicants with debts of £1000 or more who have not made an arrangement acceptable to the Council to address the debt. They will be ineligible to join the housing register unless the circumstances surrounding the debt are exceptional and an assessment concludes that there is no real risk of future non-payment.

b) Applicants with debts of £1,000 or more who have already made an arrangement to address the debt at the point of their application

Applicants will be permitted to join the register and be able to bid for accommodation if they have maintained a payment arrangement for at least 13 weeks and have repaid at least 25% of their original debt.

Applicants who satisfy the above will be permitted to bid for properties. All partner housing association landlords are encouraged to abide by these guidelines and to accept bids on this basis. However, a housing association to whom the debt is owed, may wish to see that a longer period of repayment has been kept to. Any requirement by the partner to whom the debt is owed for payments to be maintained for a longer period should not prevent an applicant from bidding for properties advertised by another housing association partner.

In order to encourage good financial management and discourage applicants from using doorstep lenders, who often charge high interest loans, lump sums of 50% or

more for the total debt owed will be accepted but the applicant must still demonstrate that repayments have been made for at least 13 weeks prior to the lump sum payment in order to be allowed to bid.

Where a discretionary housing payment (DHP), or payment from homelessness grant funding has been agreed to clear or reduce debt to the level required an application may be activated. A decision will be made on a case-by-case basis which will focus on whether there is still a significant risk of the applicant defaulting on rent payments for a future tenancy.

The Council will not always require debts of £1000 plus to be paid in full. To always require the debt to be paid in full may act as a disincentive to make an attempt to repay the debt and for some applicants is likely to result in having to demonstrate an extended repayment period of several years before they can be considered for accommodation. This would be unfair on applicant's who have demonstrated through their repayment actions a commitment to pay off the debt, meaning that the risk of any further debt for a new tenancy is low. Requiring a debt of £1000 plus to be paid off in full, also makes it more likely that the social landlord will be unable to recover the debt.

c) Applicants with debts of £500-£999

Applicants with debts of £500-£999 will be eligible to join the register but ineligible to bid, unless the applicant can demonstrate to the Council that there is a low risk of non-payment for a new tenancy. They will still be allocated a band and will accrue their time in band whilst they take action to resolve the debt as per the rules in the policy.

Evidence of a low risk of non-payment for a new tenancy could include:

- a) A history of not having housing debts,
- b) A history of regular rent payments, and
- c) A history of payment arrangements having been maintained.

Where no such evidence exists, an applicant will be unable to bid until there is evidence such as:

- a) Maintaining a payment arrangement for 13 weeks, or
- b) Reducing the debt to below £500, or
- c) Demonstrating that the issues that caused the debt have been addressed.

In order to encourage good financial management and discourage applicants from using doorstep lenders, who often charge high interest on loans, lump sums of 50% or more of the total owed will be accepted but the applicant must still demonstrate that repayments have been regularly made for at least 13 weeks prior to the lump payment in order to be allowed to bid.

Where a discretionary housing payment (DHP), or payment from homelessness grant funding has been agreed to clear or reduce debt to the level required an application may be activated. A decision will be made on a case-by-case basis which

will focus on whether there is still a significant risk of the applicant defaulting on rent payments for a future tenancy.

d) Applicants with debts of £1-£499

Applicants with debts of £1-£499 will be eligible to join the register and eligible to bid, unless there is clear evidence of a future risk of non-payment.

Evidence of a future risk could include factors such as:

- a) A long history of housing debt,
- b) A long history of poor rent payments, and
- c) A long history of breached payment arrangements

Where such evidence does exist, the applicant will be unable to bid until there is evidence of:

- a) Maintaining a payment arrangement for 13 weeks and
- b) Demonstrating that the causes of the previous problems have been addressed.

Applicants who are disqualified for a housing related debt of £1,000+ should notify the Council immediately when they have either repaid at least 25% of their original debt so their circumstances can be reassessed. If it is agreed they can then join the housing register their effective registration date will be the date they have been assessed as qualifying for the register and will not be the date of their earlier application which resulted in the decision that they did not meet the qualification rule.

The only exception to the rent arrears or housing related debt rule is where an applicant can demonstrate that their circumstances are exceptional, and they would therefore face serious hardship or risk through not being allowed to qualify.

An exception may be considered where for example, an applicant has a good payment history but has incurred a debt as a result of a 'one off' problem, or where a tenant had to flee domestic abuse and a subsequent debt has built up for the tenancy left.

Note 1: It is the responsibility of the applicant to make the case as to why their circumstances are exceptional. Once a request has been made for exceptional circumstances to be applied to their case it will be considered under the statutory review procedure.

Note 2: This qualification rule also applies to applicants currently on the register. An applicant's eligibility to remain on the register will be kept under review. An applicant may be rendered ineligible (or allowed to remain on the register but not be allowed to bid) should the Council become satisfied that there is new evidence, or a change of circumstances, meaning that this rule should be applied.

Note 3: For applicants who have had their rent arrears included in a 'Debt Relief Order', bankruptcy declaration or individual voluntary agreement (IVA) a period of at least 12 months has to pass from the declaration of insolvency to the point a debt is cleared. Should an applicant maintain their finances for this period, this will be considered as strong evidence that their previous problem has been resolved.

Non qualification rule 4: Making false or misleading statements or withholding information

Under s171 Housing Act Where a person approaches the Council seeking an allocation of housing the Act named makes it an offence, punishable with a fine, for a person to make a false statement or to withhold information which is relevant to their claim.

Any applicant seeking to obtain accommodation by making a false or misleading statement, by withholding relevant information, or by failing to inform the council of any material change in circumstances may be prevented from qualifying for the Housing Register, or where they are already registered, may have their application cancelled. Prosecution will be considered where it appears to the council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.

It will be for the housing assessing officer in the first instance to decide if any errors contained in an application were deliberately made or not. If the officer is satisfied that the errors were not deliberate, or that they had no impact on the application, then no action will be taken though the applicant may be warned about the need to provide accurate information and the consequences for not doing so.

Once an applicant is disqualified from joining the register or removed from the register on these grounds they will normally not be able to reapply for a period of 12 months. Decisions will be made based on the seriousness of the attempted fraud or false information given, including an assessment of why information was withheld.

Non qualification rule 5: Homeownership

An applicant cannot qualify for the housing register if they or their partner own a residential property in the UK or abroad. Applicants who have been the owner of a residential property within the last 5 years will be required to provide proof of the proceeds from the sale and of the disposal of any proceeds. Where the Council considers that the proceeds from any sale have been spent recklessly an applicant can still be determined as not qualifying for the housing register.

Applicants who do not qualify under the homeownership rule may be considered as an exception if:

- a) If as a result of a divorce settlement a Court has ordered that an applicant may not reside in the former matrimonial or civil partnership home in which they still have a legal interest for a period which is likely to exceed 5 years and that restriction is not due to being a perpetrator of domestic abuse, or
- b) Where someone is a homeowner and homeless due to domestic abuse and whose property has not yet been sold. In these circumstances a decision will be made as to whether to treat this as an exemption based on the facts and circumstances of the case, or
- c) The applicant has a substantial disability, and their current home is not suitable for their specific needs and cannot be adapted in a reasonable period of time and they cannot find an alternative property suitable for their disability on the open market.

Non qualification rule 6: Current Council and Housing Association tenants who apply within 3 years of the commencement of their current tenancy

Any applicant who is a Council or Housing Association tenant will not normally be allowed to join the Housing Register for a period of 3 years (from the start date of their current tenancy), however in some circumstances exceptions may apply such as for example:

- A change in the number of people in the household (including births and deaths but excluding lodgers) and as a result of this the home is either under occupied or overcrowded.
- In exceptional circumstances, for example, the property is no longer suitable for tenants (or a member of their household) due to a disability or the property/location is impacting on their health and wellbeing.

Each case will be assessed on its own merit.

Non qualification rule 7: Previous Council and Housing Association tenants

Any applicant who has voluntarily given up a Council or Housing Association tenancy, including assignment, will be unable to apply for housing for a period of 3 years starting from the final day of their tenancy. In exceptional circumstances an exemption may be applied.

Non qualification rule 8 : Applicants must be over the age of 18 to apply

An applicant must be over the age of 18 to apply. There may be an exception for applicants aged 16 or 17 who are being assessed in conjunction with Derbyshire County Council's Children's Social Care Team.

If in exceptional circumstances a person who is 16 or 17 is granted a tenancy, this will normally be held in trust until they reach the age of 18. This means that another suitable person (such as a parent, legal guardian, social worker or relative) will normally be responsible for the tenancy. Priority will only be given for a home located in an area that will enable the necessary support to be provided.

3: How exceptional circumstances will be considered in respect to any of the qualification rules, or any other rule adopted under this policy

Bolsover Council will retain the ability, in exceptional circumstances, to exercise its discretion when applying any of the qualification rules listed or any other rule adopted under this policy.

Where an applicant makes a case in their application to join the register for discretion to be applied for exceptional circumstances this will be considered as part of the application. Otherwise it is for the applicant to request a review and make the case for why discretion should be applied to their case for exceptional circumstances. A request for a review by an applicant of a decision that an applicant

does not meet a qualification rule, or for a rule to be waived, will be taken as a request for any exceptional circumstances to be considered.

Where requested, the council will consider whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that discretion should be applied.

The applicant will receive a written decision on their claim for exceptional circumstances to be applied and, where that decision is that the case is not considered to be exceptional, reasons will be given.

Note the council cannot waive the eligibility rules for any applicant who is not allowed to access social housing under the immigration and 'persons from abroad' rules set by Central Government.

In deciding whether an applicant's circumstances are exceptional the council will fully consider the Equality Act 2010 and Children Act 2004 where children are part of the applicant's household. With regard to the Equality Act, the council will specifically consider:

- a) whether the person, or a member of their household, meets the definition for one or more of the nine protected characteristics listed in the Equality Act 2010
- b) if we agree that the applicant or a member of their household comes under the definition for a protected characteristic, the council will fully comply with Section 149 of 2010 Equality Act and ensure it has obtained all relevant information relating to the applicant's protected characteristic and will consider that if they were not able to qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with that protected characteristic; and
- c) ensure any decision that the applicant's circumstances are not exceptional will be a decision that is a proportionate means of achieving the legitimate objectives for the Scheme.

Section 3: Applying to join the Housing Register

1: How to apply to join the Housing Register

Anyone over the age of 18 can apply to join the Council's Housing Register. Applications will be rejected if:

- a) they are ineligible to be considered by law; or
- b) they come within one of the 'non qualification' categories adopted by the Council (see section 2 of the Policy).

The Bolsover Homes website provides an online housing application form to join the Housing Register.

People wishing to join the register should apply on-line through:
<https://bolsoverhomes.bolsover.gov.uk/oalive/ibsxmlpr.p?docid=home>

Any applicant who may need help in completing their on-line application can call or visit the Customer Advisers at our Contact Centres where they will be guided through the process of making their application on-line.

There is free access to the 'internet' at libraries, and at some community facilities. A home visit or office appointment can be offered when an applicant has no access to the 'internet' or is unable to use the 'internet'.

If the Council agree that an applicant is unable to apply on-line it will arrange for a paper application form to be issued. The paper form can be made available in different formats to meet the needs of the applicant. This includes:

- Arranging to explain any letters or forms in a language suitable for the applicant
- Provide large print versions of the form or letters received on request.

Once submitted the application will be created and the applicant will be provided with an application reference number, at this stage they will also be asked to provide proofs of identification and where applicable documentation in support of their application based on their circumstances. The application will remain suspended until this information has been received and verified by the Council.

The Bolsover Council housing application webpages contain a list of the supporting documents that an applicant must provide in order to progress an application.

Once the application has been received there may be a need for additional information. If so, this will normally be requested via the applicant's portal account, however, in some circumstances the applicant may receive a phone call, email or letter asking for the additional information needed and explaining how it can be provided.

Any application forms that are not fully completed or, where verification evidence has not been provided, cannot be processed meaning that an applicant will not be able to access the housing register until the information is fully completed and assessed.

The Council will make any enquiries it considers necessary in order to verify and assess an application for housing. This may involve contacting previous landlords, health or medical advisors, police etc. Applications will be processed within a reasonable period of time (relative to the particulars facts given in the application) after all documentation has been received.

If accepted onto the Housing Register the applicant will be informed of:

- 1) The band they have been placed in (this determines priority)
- 2) The date of application (this is used to determine priority within the band allocated)
- 3) The size and type of properties for which they can bid
- 4) Their application reference number (applicants will need this to bid)
- 5) How to seek a review against their banding if they think it is wrong.

If an application to join the housing register is refused the applicant will be informed in writing and will have a right to review the decision made.

2: Who can apply to join the Housing Register?

The Housing Register is open to anyone over the age of 18 years who has a housing need, unless they come within one of the 'ineligible' or 'non qualification' categories set out in section 2 of the policy.

A person can apply to join the Housing Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.

3: Persons entitled to be considered as part of the application

Sole applications or joint applications may be accepted. Joint applicants will be treated as one application. The housing circumstances of the whole household will be considered in assessing housing need.

Persons entitled to assistance must be members of the applicant's immediate family who normally reside with the applicant. Any other person or persons will only be considered as part of the household if the council is satisfied that it is reasonable for that person to reside with the applicant. This will normally exclude lodgers or anyone sub-letting from the applicant.

Applicants should only include persons on their application who will be a permanent member of their household and who will be occupying the accommodation offered as their only or principal home.

People who usually live with the applicant but are temporarily absent due to circumstances beyond their control (for example, they are in prison on a short-term sentence, or in the care of the local authority, staying in hospital, or undertaking a

college or university course), may be considered as a 'usual' household member at the discretion of the council, and depending on the facts presented.

Specifically, a person's housing application can include the following household members:

- a) spouses or civil partners where the applicant lives with and/or intends to live with their spouse or civil partner;
- b) partners where the applicant is currently cohabiting with a member of the same or opposite sex;
- c) children who reside with and are dependent upon the applicant. Children are defined as under 18 for these purposes;
- d) a carer, where the council decides that on the evidence there is a need for a live-in carer. Note: even if a carer is in receipt of Carer's Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer will be assessed based on whether there is a need to provide live-in support. In these circumstances the applicant must provide supporting evidence from other agencies e.g., Social Care or a health professional. Note: the provision of overnight care would not automatically result in the inclusion of the carer in the application. An overnight carer may not require a bedroom as they would be expected to stay awake to provide that care.
- e) any other household member such as an adult child where it is accepted that they are currently living with the applicant, and this isn't a short term or temporary arrangement. Decisions on whether any other adult relative can be included will be at the discretion of the council;
- f) family members who do not currently reside in the UK cannot be added to a Housing Needs Register application.

The council will normally carry out a visit to the applicant's current residence if their priority is sufficient for an allocation of housing under this Allocation Scheme. Visits conducted will include an inspection of the accommodation and facilities and are usually arranged by appointment.

Joint tenancies are normally granted by the Council or a Private Registered Provider where applicants have a long-term commitment, for example, married, or unmarried couples, or civil partners. This decision is for the Council or the relevant Private Registered Provider offering accommodation, who will decide whether to allow a joint tenancy depending on the circumstances.

4: Households with access to children/shared residency order or Child Arrangement Orders

As part of the assessment process the Council will record whether the applicant claims to have children that live with them part of the week and whether or not this arrangement is set by the court or not.

The Council will adopt the test set out in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with and is dependent on the applicant.

Unless this test is passed an applicant will only be able to be considered for the size of accommodation relevant to their circumstances.

Following this assessment there will be cases where it is agreed that children live with the applicant on a 'shared arrangement' even though they do not exclusively live with the applicant.

In these cases, even though the child/children can be included as part of the application there will be a number of factors that will be considered when deciding what size accommodation can be offered. These factors include:

- a) The ability of the applicant to afford the rent with or without help from benefits
- b) The availability and popularity of family housing in any area that an applicant expresses a preference to live in. For example, a partner housing association may be willing to be more flexible where a vacancy relates to a flat than a house as long as the rent is assessed as being affordable.

For households with access to children through a Child Arrangement Order, the council will adopt the test set out in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with and is dependent on the applicant. Unless this test is passed an applicant will only be able to be considered for the size of accommodation relevant to their circumstances.

5: Applications from Care Leavers

Young people under the age of 21 who have been or are still in the care of Derbyshire County Council's Children's Services, and people aged from 21 up to the age of 25 who are receiving support from the Children's Social Care Personal Advisor can be accepted on to the housing register and receive priority housing. The local connection criteria will normally be waived for this group (see exceptions to the local connection rules in section 2) to enable the right care and support to be put in place.

"Care leavers" means persons who are former relevant children (within the meaning given by section 23C(1) of the Children Act 1989). The statutory guidance Section 3 of the Children & Social Work Act 2017 widened the criteria to introduce a new duty to provide Personal Advisers (PA) to support all care leavers up to the age of 25, if they want this support. Click on the link below to see the statutory guidance.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683701/Extending_Personal_Adviser_support_to_all_care_leavers_to_age_25.pdf

6: Applications from elected council members, staff members or relations

To ensure the council is seen to be treating all applicants fairly, any application for housing or rehousing from members of the council or employees of the council must be disclosed.

If an applicant has a connection with the Council they are treated no differently than any other applicant. However, before any offer of accommodation is made this must be authorised by the Assistant Director for Housing Management or the Chief Executive. For this purpose an applicant with a connection includes the following circumstances plus the level of authorisation required:

- Any applicant who is a current elected member of the Council, or a former elected member of the Council – (CEO)
- Any applicant who is a current member of staff of the Council (AD)
- Any applicant who is a current member of the Housing Service (CEO)
- Any applicant who is a former member of staff of the Housing Service within the past 10 years - (AD)
- A close relative of any current member of the Council's Housing Service defined as mother, father, son, daughter, brother, sister, partner, nephew, niece, uncle, aunt, grandparent, or grandchild - partners and people living together are treated in the same way as if they were married. (AD)

Canvassing is not allowed in any circumstances by, or on behalf of, a councillor or member of staff.

7: Applications from ex-offenders from a Prison or Institution of care

The Homeless Reduction Act 2017 specifies that statutory agencies including prisons (and care institutes) should refer to the council those people who are either homeless or at risk of being homeless upon release.

Ex-offenders can apply for help with their housing if they are homeless now, or due to leave prison or an institutional care facility and don't have anywhere to stay on release.

On referral we will work with the prisons Resettlement Team to provide help and/or advice in accordance with the statutory guidance of the Homeless Reductions Act 2017.

As well as the Resettlement Team, we may work with other organisations as appropriate to determine what support may be required for the applicant to live independently and to help sustain a tenancy, for example, the Probation Service, Community Rehabilitation Team or Youth Offending Team.

When a member of an applicant's household is in prison and not applying for accommodation in their own right, this person may be included in the applicant's household (for the purpose of the allocations criteria) 4 weeks before their confirmed release date from prison.

Applicants or members of their household who are leaving prison or institutional care will also be assessed in accordance with the Risk Management procedure (see point 9 below on risk management).

8: Checks into any court cases or unspent criminal convictions

All applicants and members of their prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

The council may use any information disclosed (or any other information obtained during the assessment or following registration) to ascertain whether the applicant should be disqualified from joining, or from remaining on the Housing Register, after applying the serious unacceptable behaviour rule.

Spent convictions are not required to be disclosed and will not be taken into account in assessing a person's eligibility to join the Housing Register. The assessment will consider whether there is evidence of any current serious unacceptable behaviour regardless of whether a person has been convicted in the past for that behaviour.

If the council decides that, on the information obtained during the assessment process, there is a pressing need for a Disclosure and Barring Service (DBS) check, or further information from the Probation Service, relevant inquiries will be made.

Information gained will not automatically exclude an applicant from the Housing Register. Information received may also be used to make informed decisions about the suitability of any property that may be offered.

All assessments will be carried out in accordance with data protection and information sharing policies and other legal requirements.

9: The requirement for references

All applicants who are currently in rented accommodation (excluding Bolsover District Council tenants) will normally need a reference from their current landlord to support their application.

During the application process the applicant is asked to provide contact details for their current landlord and are asked if Bolsover District Council can make contact for a reference. The Housing Admin team will then make contact with the landlord directly guiding them to the 'Self-Service' Landlord Reference Form via a dedicated link. Once submitted and reviewed by the Housing Needs Assistant the application will be updated to reflect that the Landlord Reference has been received. All instances where an applicant has indicated that they do not want us to contact their landlord for a reference will be reviewed by the Housing Needs Officer on a case-by-case basis and the reasons why the applicant does not want the Council to contact the landlord will be considered.

At the time of allocation if the reference is over 6 months old an additional up to date reference will be requested. If a landlord does not provide an up to date reference within 7 days the applicant will be contacted and asked a series of questions about their history of behaviour and their ability to conduct a tenancy (this is in addition to any financial assessment that is carried out). This information will be recorded on a 'Declaration of Truth' form. The information from this form will be used to complete a risk assessment of the applicant before any firm offer of accommodation is made.

The tenant will be made aware that if a tenancy is granted and the information is incorrect, the council may take action to evict the tenant. For clarity, under no circumstances can the Declaration of Truth replace the initial landlord reference as this is a requirement of registration.

10: Assessing Applications

In order to assess an applicant's housing need and their place on the Housing Register the policy has adopted a 'needs based' banding system detailed in section 5.

Any band awarded reflects an applicant's housing need with the higher the band awarded reflecting the greater level of housing need.

Applicants will be required to sign a declaration, or to give informed consent, to confirm their understanding that:

- a. The information given is correct and that they will notify the Council of any change in their circumstances.
- b. Enquiries will be made concerning their eligibility for housing and level of priority.
- c. Information will be provided to other partner organisations that are part of the scheme.

Once an applicant provides information, the Council will process that information under Article 6 GDPR. The processing is necessary under the 'Public Task' purpose and is necessary for the Council to perform a task in the public interest or for its official functions, in this case to meet its legal responsibility to assess housing applications, and we are satisfied that the task or function has a clear basis in law.

It is the responsibility of the applicant to provide all the information requested to assess their circumstances, and to provide any supporting information or documents that are requested. Incomplete applications will not be made active until such time as the Council is satisfied that it has in its possession all of the information it requires to complete its assessment.

All incomplete applications will be cancelled after a period of 28 days measured from the date further information has been requested. If cancelled this does not prevent the applicant making a subsequent application at a later date, although in such cases the applicant's effective date of registration would not be backdated to the date of the earlier application.

The Council may request information or a reference from an applicant's current or previous social or private rented landlord.

Where a social or private landlord does not reply any other information or records available will be checked to try to determine whether there have been any concerns over the way an applicant may have conducted their tenancy. An applicant should not be disadvantaged if, despite every effort, it is not possible to obtain a reference from their current or previous landlord.

All applications are subject to verification checks and these may be applied:

- At the point of initial application
- Following any change of circumstance notified to the Council by the applicant
- Following any routine validation audits
- Following an annual review of the application
- At the point of an offer of accommodation
- At the point of letting

11: The requirement to inform the council of any change of circumstances

Applicants are required to inform the council in writing or by updating the portal of any material change in their circumstances that may affect their priority for housing. Proofs will need to be provided for the assessment to take place. Examples of a change in circumstances include but are not limited to:

- a) a change of address or contact details, for either themselves or members of their household
- b) a change in their medical condition or disability (either existing or newly acquired)
- c) additional family members or other people they wish to add to their application (It will be for the council to decide whether they will allow additional people to join the application)
- d) any family member or any other person on the application who has left their household; and/or
- e) any significant changes in income, savings, or assets, that may require a reassessment under the income and savings qualification rule.

Applications may be temporarily suspended while the council assesses the information provided by the applicant and completes further enquiries that may be necessary.

Where following a change in an applicant's circumstances this results in a change to the applicant's application or banding, they will be informed in writing.

Note: on allocation of accommodation, verification checks into the applicant's current circumstances are likely to be carried out again by the council or Private Registered Provider Housing Association that owns the property advertised. This is to ensure the allocation is being made in accordance with the applicant's current housing circumstances and needs at the time of a prospective offer. Therefore, a failure to notify the council of a change in circumstances may lead to an offer of housing being withdrawn and the application suspended whilst changes that were not notified to the council are assessed.

12: Cancelling applications

An application will be cancelled from the Housing Needs Register in the following circumstances:

- a) at the request of an applicant

- b) where an applicant does not respond to an application review, within the specified time set out in any correspondence sent to them
- c) where the Council or Private Registered Provider has housed the applicant
- d) when a tenant completes a mutual exchange
- e) where the applicant moves and does not provide a contact address
- f) where the applicant has died
- g) where, at the housing application or any reassessment, an applicant has not supplied information requested within 28 days
- h) where an applicant already registered becomes ineligible or is disqualified under the rules adopted for this policy
- i) where the applicant buys a property either through the Right to Buy or Right to Acquire or through the open market or inherits a property.

Any applicant whose application has been cancelled has the right to ask for a review of that decision.

13: Reviewing the application

Every active applicant on the Register will have their application reviewed annually, or more frequently if required, to ensure the application information is kept up to date and in order to efficiently manage the administration of the register.

At the anniversary of the application date, or when carrying out a review, each applicant will be contacted, usually by letter or email, to confirm their application is still required and will be asked to check their application details are still correct against their online portal and update them where necessary. In the instance of an applicant being unable to check and update their online application via the online portal, a paper review form will be issued and should be returned within the timescales provided.

If an applicant has not responded after 28 days a second reminder will be sent by email (or by letter, if the applicant does not have an email account). If no response is received to the renewal reminder then the application will be cancelled.

14: Deliberate worsening of circumstances

Where there is evidence that an applicant has deliberately made their housing situation worse in order to gain a higher banding, the assessment of their needs will be based on the circumstances before the change in their situation brought about by their actions to deliberately worsen their circumstances.

Examples of deliberately worsening circumstances include:

- applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- homeowners who have transferred their property to another family member within the last five years from the date they make their application to the Housing Needs Register.

- applicants who have given up affordable and suitable private rented accommodation that they are able to maintain to move in with other relatives or friends, creating a situation of overcrowding.
- requesting or colluding with a landlord or family member to issue them with a notice to leave their accommodation.

These are examples only. There may be other circumstances in which the council decides that an applicant has deliberately worsened their circumstances.

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Section 4: General Rules and Conditions

1: The Council's statement on choice

It is a legal requirement for the Council to include within its Allocation Policy a statement on choice.

The Council will let the majority of properties (but not all properties) through a system called 'choice-based lettings' (CBL). This means the majority of properties will be advertised and applicants will be able to 'bid' on properties that suit their needs.

Applicants who are eligible to be considered for properties under the policy will be able to express a preference for an area in which they would like to live and the type of property they would prefer. See the table in Appendix 4 for eligibility of property types. However, the ability to satisfy their preferences is extremely limited by the lack of available social housing in the Bolsover district.

The considerable housing pressures faced in Bolsover limit the degree of choice that can be offered, along with the responsibility the council has to offer housing to applicants in urgent housing need. These pressures include the need to reduce the financial impact on the council for households placed into temporary accommodation under a homelessness duty.

Therefore, expressing a preference over where an applicant would prefer to live does not mean that preference can be met, or that an applicant won't be offered suitable accommodation outside of their preferred area.

An applicant may be asked at time of registration to state any area in which they believe they cannot live due to fear of violence, harassment, or domestic abuse. The assessment of their application will then consider the facts and decide whether the applicant is allowed to restrict areas.

Priority for Council and Private Registered Provider properties being let as secure, flexible, or assured tenancies will be determined by housing band, with those applicants in Band A having a greater priority than those in Bands B and C, and those in Band B having a greater priority than those in Bands C. Within bands, priority will normally be determined by the date the applicant is registered in that band.

In selecting properties to allocate the council will take into account the following factors:

- the number of bedrooms required (as measured against the criteria adopted in this policy).
- any essential requirement concerning the type or location of housing
- the housing band into which the applicant's case falls, and
- the date registered within that band (except for when a property may be allocated outside of band and date order (see section below for details))

The Council will not normally take into account:

- non-essential preferences concerning the location or type of rehousing requested by the applicant, or
- an applicant's preference concerning an allocation of a Council property or a nomination to a Private Registered Provider Housing Association property.

2: When the council may choose to make a direct offer outside of the 'choice based lettings' (CBL) system and sometimes outside of the band and date order system

There may be circumstances in which there are urgent strategic, operational, or financial reasons to make a direct offer of housing outside of CBL, or outside of the normal band and date order criteria. Specific examples include but are not limited to:

- a) people that need to move due to a fire or flood, or severe storm damage to their home.
- b) where there is an evidenced threat to life in the area in which an applicant currently lives for example, people who are at imminent risk of violence and are to be housed through a Witness Protection Programme.
- c) people who it has been agreed must be housed urgently as part of a multi-agency protocol such as a MAPPA, MARRAC case where it is agreed there is a need to manage where a person should be housed.
- d) where a vacant adapted property or a property designed to disability standards becomes available it may be offered to those households with a need for this property type regardless of their band or the date they were registered.
- e) in the case of a secure or flexible council tenant who is willing to transfer from a property they do not require, and which is particularly suitable for an applicant with special or support needs.
- f) applicants who have given up their secure council tenancy whilst they are in prison.
- g) where an applicant is homeless and in temporary accommodation and owed a Section 189B (2) Relief duty or 193(2) Main duty under the Housing Act 1996 and the council wishes to make a direct offer to move applicants out of temporary accommodation to manage any budgetary or legal requirements placed on the council.
- h) persons whom the council has a duty to rehouse under Section 39 of the Land Compensation Act 1973.
- i) a vulnerable applicant where the outcome of an assessment is that a managed let in a particular suitable location is the best letting solution for that applicant; or

- j) Special allocation arrangements may also apply in respect of properties available for letting on new-build developments.
- k) Where the previous tenant of a vacant property has perpetrated anti-social behaviour and there may be a need to let that property sensitively in respect of understanding the impact on the community of the previous tenant.

Decisions to allocate properties outside of band and date order system will be recorded, with the reasons why an allocation has been made.

Note: social housing tenants that may be at risk due to, for example significant repair issues will be decanted and made a direct offer outside of this Allocation Scheme. Any offer will be a management initiated move and these transfers sit outside of the legal requirements set under allocations legislation.

3: The Councils policy on choice: Penalty for refusing 2 suitable offers.

Any applicant who refuses 2 suitable offers within a 12-month period will be suspended from the housing register for 12 months and therefore not allowed to bid. They will however, keep their band and effective date for that band whilst they are suspended. After 12 months they will be allowed to bid again and would only be further penalised if they refused 2 further offers in a 12 month period starting from the date the suspension was lifted.

This adopted rule is intended to tackle the problem of some applicants making a successful bid and then refusing the property offered, which has the impact of increasing the time it takes to re-let that vacant homes.

The Council will determine whether an offer was reasonable for an applicant to accept using the reasonable offer criteria set out at appendix 1. An offer is to be taken to mean where an applicant has been contacted after the bidding cycle (or contacted with a direct offer) and offered a viewing for a specific property. If an applicant who is contacted refuses to view the property where a viewing has been offered this will be taken as a refusal and will count as one of the applicant's 2 offers unless the Council accepts the reasons given for refusing to view or failing to attend the viewing that has been arranged.

4: Choice and offers made to any applicant owed a statutory homelessness duty under Part 7 of the Housing Act 1996

For applicants owed any statutory homelessness duty under Part 7 of the Housing Act 1996, the need to offer suitable housing is considered to be more important than allowing an applicant to wait for an offer of accommodation in a location where they would prefer to live. Therefore, there is therefore no minimum time set that an applicant owed a statutory homeless duty will be allowed to bid for social housing before a direct offer can be considered.

An offer of accommodation for an applicant owed a statutory homeless duty could be either a private rented property, or a social rented property. Should the applicant refuse an offer which is considered both suitable for their needs and reasonable then,

subject to the Council's homelessness review procedure, the homelessness duty owed will be discharged and they will lose any priority status granted to them based on the homelessness duty owed.

In these circumstances the Council will then assess whether they have another housing need that means they should be awarded bands A-C. If they don't, they will be removed from the Housing Register.

A statutory homeless duty is defined as:

- a) The prevention of homelessness duty under Section 195(2)
- b) The 'relief of homelessness duty under Section 189B(2)
- c) Where the relief duty has come to an end and an applicant is then owed a section 190 Intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty),
- d) The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty

5: When an application may be suspended

An application can be suspended for various reasons set out in this policy. Where an applicant is suspended the applicant remains on the Housing Register and continues to accumulate waiting time within their band. They cannot however express an interest (bid) or receive any offer of accommodation. An applicant can be suspended for various reasons which include

- Waiting for verification information
- Investigation of incomplete or inconsistent details on the application
- Awaiting proof of change of circumstances
- Applicants in supported accommodation who are not ready for move on
- Some applicants with rent arrears (see section 2 non qualification rule for details of when an applicant will be allowed to qualify but suspended from bidding)
- Applicants considered not to have mental capacity

6: If the applicant is not capable of entering into a contract

Where an applicant who has qualified to join the housing register is assessed as lacking the mental capacity to understand the contractual responsibilities of a tenancy they will be suspended from being considered for any offer of accommodation. The Council cannot enter into a contractual agreement with applicants who are unable to understand the contract. Mental capacity can change and if the applicant, following their suspension, is subsequently assessed as possessing sufficient mental capacity the suspension can be lifted.

7: Assessing whether a band should be awarded for any impact of an applicant's current housing on a medical condition or disability

Priority banding may be given if applicants with a local connection to the district suffering ill-health, which is aggravated by their housing conditions and which would be helped by a move elsewhere.

When assessing whether to award Band A or B or no priority, the council will follow the five-stage assessment set out below:

- 1) Is the medical/disability issue serious enough for a priority banding to be considered?
- 2) If the medical condition is serious enough for a priority banding to be considered the assessing officer should then decide if there is a direct link between the identified medical problem and the applicant's current housing accommodation/situation, i.e., on the facts obtained (from the applicant and any medical information or reports submitted including any advice from an independent medical advisor or occupational therapist) does the assessing officer accept that the applicant's current housing accommodation/circumstances are making their medical condition or disability substantially worse, or will make it worse?
- 3) In practical terms, the officer will consider the adverse effect this has on the applicant's ability to manage day-to-day tasks in their current home. The applicant's current housing accommodation/circumstances may be impacting on their medical condition or disability but not to the extent that an award of Band A or B priority should be granted under the criteria adopted for the Scheme. There are examples listed in appendix 2 for when an award of Band A or B may be awarded, and they are used to guide the officer when making their decision.
- 4) Before making an award, the assessing officer needs to be satisfied there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly improved through the provision of alternative accommodation.
- 5) If the officer is satisfied that the impact on the identified medical condition/disability would be removed or significantly improved, they would then decide whether to award Band A or B depending on the severity of the impact. The Housing Needs Officer will make their final decision based on a medical adviser's recommendations and the medical adviser will be guided by this five-stage assessment process.

As an example circumstances may be:

Physical Health:

- Crisis or volatile situation, requiring re-housing in the very near future in order to avoid serious repercussions on health.
- Serious physical dysfunction or deterioration.

Mental illness/learning disability:

- High risk or actual breakdown.
- To live in ordinary housing is essential to avoid loss of life.
- Serious mental ill health or deterioration (including severe PTSD caused by serving in the Armed Forces)

Environment:

- Life threatening situation developing if not re-housed away from existing home/neighbourhood.
- Dangerous or unsafe physical environment

8: When medical priority will not normally be awarded

Medical priority will not normally be awarded in the following circumstances:

- a) where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied
- b) health problems that are not affected by housing or cannot be improved by moving
- c) where a move would only make a marginal improvement to the applicant's condition
- d) medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame
- e) where another reasonable course of action is available to the applicant to resolve their difficulties
- f) time-related medical problems (e.g., pregnancy-related problems or a broken leg)
- g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note: under the Scheme an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact)
- h) overcrowding not impacting significantly on the applicant's medical condition. (Note: under the Scheme an applicant may receive priority separately for being overcrowded)
- i) if the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.

Medical assessments are not just related to banding. The council will also consider recommendations for future housing, for example regarding the floor level a household may need and whether an extra bedroom is required due to a child having for example autism, ADHD, Asperger's, sensory processing difficulties, and other mental or physical health problems.

An applicant or member of their household who considers themselves to have a disability will only be given housing priority banding (based on the disability), if the property is assessed as no longer suitable for their needs. If the assessment indicates that a move to a different type of property would be more beneficial to the household's health and wellbeing, then priority will be awarded. For example, an applicant with a disability who finds it difficult to walk up steps would be awarded priority if their current property had stairs (and no adaptation to help), they would not

be awarded any priority if their current housing was level access or contained adaptations to make the property suitable.

9: Need for an Adapted Property

An applicant with an assessed need for specific adaptations will not normally be offered a property where these adaptations are not already fitted, this excludes minor adaptations such as handrails. Exceptions to this can be considered only after a full assessment has been carried out by the Occupational Therapists, and this includes options for adapting the applicant's current property.

If an applicant has been awarded additional priority as they (or a member of their household) have a medical need, accommodation will only be given for a housing type that will resolve the housing need as determined in the medical assessment. The applicant will not be offered an unsuitable property.

If an applicant with a need for adaptations moves into a property and has neglected to inform the Council of their disability needs, the Council will not automatically carry out these adaptations, or will consider charging the applicant for the cost of the works. For more details the applicant can ask for a copy of the Welfare Adaptations Policy.

10: When the Council has provided adaptations to the current home

If a person has an adaptation fitted to their current home to meet their needs, (regardless of whether this is a Council property) and the person has signed an undertaking to remain in that home for a period of time, the applicant will not be considered for rehousing until a period of 3 years after the fitting of the adaptation, or other period determined by any grant conditions. If there has been a significant change in circumstances, as assessed by the Housing Needs Officers, this timeframe may be waived and the decision will be recorded

Exemptions to this provision are Council properties where the adaptations are no longer needed by any member of the household.

11: Allocations to bungalows and adapted properties

Particular care needs to be taken in allocating bungalows and sheltered housing. Such properties can only be allocated to people who have a need for the facilities provided. An incorrect allocation could have an impact on the:

- Concessionary Television Licences to other residents
- Contract requirements which provides support for some residents, and
- Perceived danger and insecurity felt by current vulnerable residents and their families.
- Sheltered accommodation is currently excluded from the Right to Buy.

Inappropriate allocation may lead to this being questioned and some properties could be lost to the Right to Buy legislation.

To make the best use of housing stock and to reduce voids, where homes have a minimum age limit and every attempt has been made to offer the property to someone above that age, we may consider allocation to younger applicants. This can be for individual properties or a group of properties, for example:- upper floor flats that are normally allocated to applicants over the age of 60 may allow applicants over the age of 50 to be considered. If this is the case it will be made clear on the property advert.

In all cases homes with aids and adaptations will be restricted to applicants with mobility needs in the first instance.

Where allocations to bungalows and adapted properties are made where there are other family members (with the exception of any partner or joint tenant), the tenant will be informed that should a succession occur due to any unforeseen circumstances, or the tenant needs to move out of the property with no foreseeable return and there is no other household member with the need for the facilities in that property, the Council will seek to move the remaining family into alternative suitable accommodation.

12: 'Move On' Accommodation

This covers applicants from Bolsover District or who have a local connection who are currently living in temporary supported accommodation and are requesting to move as part of a planned support process.

People leaving temporary supported accommodation is defined within the Derbyshire Move On Plans Protocol (MOPP), more information on the MOPP can be found on Derbyshire County Council website at www.derbyshire.gov.uk.

Where the applicant is leaving temporary or 'move on' accommodation, referrals will be considered using the Derbyshire 'Move on Protocol.'

Note where a person who is assessed as ready to leave supported accommodation does not meet the residency requirement there is an exception for applicants to whom the Council has accepted the main homelessness duty under section 193 (2) of the Housing Act 1996.

13: Local Lettings Policies

Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities. Note all new developments will be subject to a local lettings plan.

Local lettings plans will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development, or may be applied to a parish or a village in a rural area). Each local lettings policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may

include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan or the need to provide housing for local people in rural villages and parishes).

See appendix 4 for full details of how local lettings policies will be agreed and applied.

15: Assessing overcrowding and the bedroom size that will be allocated to applicants

For the purpose of assessing overcrowding and the bedroom size to be allocated to a household for rehousing purposes the following criteria will be used:

1 bedroom will be allowed for:

- a) Each single adult
- b) Each couple
- c) 2 children of the same gender under 21
- d) 2 children under 10 (regardless of gender)
- e) Any additional children under 10 can share the same bedroom where that room is 110 square feet or more (10.2 square metres) and this would not result in sex overcrowding (except foster children who can have their own room).

Notes re the above criteria:

- 1) All foster children (also applies when no foster children live there as long as the room isn't empty for more than 20 weeks)
- 2) Each adult child in the Armed Forces or each reservist would be allowed their own bedroom where the evidence is they have no other accommodation when 'home' on leave
- 3) Adult children over the age of 18 should only be regarded as part of the household if they have always lived with the applicant, otherwise the non-dependent criteria may apply.
- 4) Children are not considered as part of the household of the applicant if the children have a main permanent residence elsewhere.
- 5) Families headed by a single parent will be treated in the same way as a family headed by a couple.
- 6) Two people living together will be treated as a couple regardless of their marital status or sexual orientation.
- 7) Couples should always have their own bedrooms and not share with children.
- 8) Couples can be treated as needing two bedrooms only if there is a medical need and the Council's medical assessment agrees with this need.
- 9) A child up to the age of 1 will be disregarded when measuring overcrowding but counted for the purposes of the size of accommodation an applicant would be entitled to.
- 10) Children over the age of 18 should only be regarded as part of the household if they have always lived with the applicant. If they have moved away and then moved back with the applicant, for example after a relationship breakdown they will be treated as a non-dependent (excluding members of the Armed Forces who continue to live with their parents but are away on operational duty and Students who are away on a temporary basis i.e. at university or college).

- 11) Non-dependent children will only be considered as a member of the household if they have been living with the applicant as their permanent full-time residence for a period of over 12 months. This may be waived for non-dependents who give or receive care from the applicant.
- 12) Other non-dependents who have lived with the applicants for less than 12 months will be disregarded.
- 13) Commercial lodgers are never considered as non-dependents. (In this context commercial Lodgers are non-family members who are receiving board and/or lodgings in return for payment, or payment in kind).
- 14) Any property with 2 reception rooms will have one counted as a bedroom
- 15) Applicants may be permitted to bid for properties with one fewer bedrooms than their assessed bedroom need.
- 16) A severely disabled adult or child who needs their own room but would be expected to share under the criteria above if the Council assess that there is an essential need for an extra bedroom (see appendix 3 for more details as to how a claim for an extra bedroom will be assessed).
- 17) Carers who provide regular overnight care. Note: other dependent family members or 'live in' carers in receipt of carers allowance will be taken into account when deciding the size of accommodation that the household is entitled to. The fact that there is overnight care will not necessarily mean an extra bedroom will be allowed. The decision will be based on the facts of the case including:
 - the number of days overnight care is provided.
 - whether there is a requirement for the carer to remain awake and
 - what other facilities are available in the home.

16: Data protection

Bolsover Council will ensure personal information of all applicants (new, existing, and deleted) is:

- a) stored lawfully;
- b) processed in a fair and transparent manner;
- c) collected for a specific, explicit and legitimate purpose;
- d) kept up to date and held until it is no longer required; and
- e) shared only with other organisations for legitimate processing.

The Council's privacy notice, which sets out when and why it collects personal information about people who access its services, how it uses it, how it keeps it secure, and individuals' rights, can be found on its website:

<https://www.bolsover.gov.uk/data-protection-cctv-and-foi/251-privacy-statements>

The UK-GDPR and the Data Protection Act 2018 provide individuals with a right to request access to any of their personal data held by the Council and a right to know where the data came from, how it is used, and why it is held. Such a request is called a "subject access request" and applies to personal data in housing files. Information about making a subject access request is available on the Council's website:

https://www.bolsover.gov.uk/index.php?option=com_content&view=article&id=101

Applicants must state their name and provide proof of their identity, such as a copy of a passport, driving license, or recent utility bill. The Council will not usually charge a fee to deal with a subject access request.

Once the Council has received the information and proof of ID, it must provide the requested information within one month. There is a limited range of exemptions from the right of subject access.

17: Right to information

Anyone has the right to request access to recorded information held by the council under the Freedom of Information Act 2000 (FOIA).

Requests under the FOIA must be made in writing using a form that can be downloaded from our website.

https://www.bolsover.gov.uk/index.php?option=com_content&view=article&id=101

Once a valid request has been reviewed the council must usually respond within 20 working days.

Requests made by individuals for their own personal data will be treated as “subject access requests” under the UK-GDPR and Data Protection Act 2018 (see section above for information).

18: Equality, accessibility, and monitoring

Bolsover Council is committed to ensuring that the Scheme, and the implementation of all associated guidance and procedures, are non-discriminatory, taking into account the needs of groups protected by the Equality Act 2010, the Human Rights Act 1998, and for children, Section 11 of the Children Act.

To help the council identify the needs of applicants, the application form contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability, and other relevant criteria. The information obtained will be used to monitor the impact of the Scheme to enable a better understanding of people’s housing needs and ensure no one is discriminated against as a result of the way this Scheme has been framed or during the administration of it.

Under the Equality Act 2010, and in particular Section 149 of the Public Sector Equality Duty, a council is required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, when exercising a public function such as implementing their legal ‘Housing Allocation Policy’.

The Council will ensure this Scheme complies with current equality legislation. It will be subject to a full Equality Impact Assessment (EIA) before it is adopted. The EIA will be regularly reviewed as information regarding the impact of the Scheme is obtained. A copy can be requested directly from the council.

19: Complaints

Complaints are separate to the circumstances in which an applicant is entitled to seek a review of a decision made on their housing application. A request for a review of a decision made on an application should be made under the review procedure (set out in the section below) and not through the council's complaints process.

Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made using the self-service portal on the Council's website. Access to the portal and information about how to make a complaint and how the Council will deal with it can be found at <https://www.bolsover.gov.uk/c/177-compliments-comments-and-complaints#:~:text=You%20can%20make%20a%20compliment,one%20of%20our%20Contact%20Centres>

Where a complaint relates to how an applicant has been dealt with under this policy an applicant has the right to continue with their complaint to the Local Government Ombudsman Service if they are unhappy with the response to their complaint.

The Local Government Ombudsman is an independent service run by Central Government to make sure that Councils provide the required standard of service to their customers.

The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what has been done simply because someone did not agree with it.

Website: www.lgo.org.uk

20: When an applicant has a right to request a statutory review

Under the housing legislation an applicant has a legal right to request a review of any of the following decisions reached by the council:

- a) a decision that an applicant is ineligible, or not a qualifying person to join the Housing Register
- b) a decision regarding which band an applicant has been awarded
- c) the priority date granted for the band awarded
- d) to remove an applicant from the Housing Register
- e) any decision about the facts of the case that has been used to assess their application including the decision the council has made regarding who can be included in the application
- f) where an applicant considers that a decision has been reached based on incorrect information.

21: How a request for a review will be dealt with

Applicants who are unhappy with a decision (listed above) made under the Allocation Scheme should in the first instance contact the Housing Allocations Team and explain why they think the decision is not correct or not reasonable. An initial

informal review will then be undertaken by either the housing officer who dealt with their case or an equivalent officer.

The applicant will be notified whether the decision still stands and the reasons for this usually within two working days via a telephone call, text, email, or letter.

If an applicant wishes to take the matter further, they can make a request for a formal review of the decision which must be made within 21 days of receiving the decision. The request can be made verbally or in writing by letter or email. In these cases, the applicant will then be invited to make a written submission stating the reasons for their request for a review. Formal reviews will be conducted by a Housing Manager who will notify the applicant of the outcome of the review in writing, including the reasons for their decision. The council aims to notify the applicant within 56 days; however, this is a target timescale and may be longer depending on operational pressures.

There is no right to request a review of a review decision.

22: The Role of the HARP Panel

Most decisions will be made by the assessing officer or the manager for the service where a decision is considered to need further scrutiny. However, there are a number of decisions where a case will be referred to the Housing Application Review Panel (HARP) due to the complexity of the decision to be made. There are no set criteria for when a decision will be referred to the HARP Panel. The Assistant Director for Housing Management or manager for the applications and allocations team will make a decision based on the facts and circumstances as to whether a decision needs to be considered by HARP or not.

The HARP panel is made up of 2 members:

- Housing Services Manager
- Community Safety & Enforcement manager
- Or an appropriate substitute of an appropriate seniority

Either the Housing Services manager or Community Safety and Enforcement Manager must be in attendance.

The panel will meet monthly, or as needed to consider urgent cases. The panel will consider for example:

- Decisions on whether to award Band A for medical, welfare or exceptional circumstances where the manager for the applications and allocations function is of the view that the case is not straightforward and would benefit from being considered by the Panel.
- Complicated cases where on the facts and circumstances a decision is needed as to whether to exercise discretion, for example should discretion be applied where an applicant does not meet a qualification rule but has made a case for discretion to be applied and the facts presented are not straightforward.

Minutes will be kept of each meeting and decisions noted. Applicants will be informed of their case within 10 working days of each meeting.

DRAFT

Section 5: How an applicant's housing needs and circumstances are assessed

1: The Banding system that has been adopted by the Council

The demand for social housing exceeds supply in Bolsover and therefore this policy prioritises the housing of applicants assessed as being in the greatest need. Once registered many applicants will still unfortunately, not have sufficient housing need to be offered a property.

The banding system set out in this section will normally be used to decide when to make an offer of accommodation and to whom.

The council has chosen to adopt a simple and transparent system creating four 'queues' where people will normally be ranked by date order in each queue as long as they qualify to join the housing register. The housing bands are summarised below, and full details are then set out.

Band A – Urgent priority statutory housing need to move: these are applicants that are owed a statutory award of 'reasonable preference' but whom the Council also believes should also be awarded 'additional preference' based on their very urgent housing need.

Band B – High priority statutory housing need to move:

This band consists of applicants that are owed a statutory award of 'reasonable preference' under the policy and have been awarded band B priority based on their assessed high housing need.

Band C – Lower priority statutory housing need to move:

This band consists of:

- a) applicants with a statutory need but that need is assessed as being lower than Band B
- b) Applicants over the age of 60 without a statutory housing need and who are not homeowners and are willing to consider accepting a tenancy for older person housing only in the district.

The date a band will be allocated

The band start date is the date the assessment of the applicant's Housing Register application has been completed and not the date the application was received. If following being banded, an applicant's housing need and/or circumstances change and a reassessment results in the applicant being placed in a higher band then in these circumstances, they will not retain the date they were awarded the lower band as the new higher band reflects a higher level of housing need. Therefore their date

for the higher band will be the date they were awarded that band for that higher assessed housing need.

Note: for eligible homeless applicants who meet the qualification rules to join the Housing Register the following will apply with regard to their band start date:

- a) owed a Section 195(2) Prevention of homelessness duty – Band date is the date the duty was owed and not the date of the homelessness application.
- b) owed a Section 189B (2) Relief of homelessness duty – If an applicant has not been owed a prevention duty then the band date is the date the relief duty is owed and not the date of the homelessness application. If the applicant was owed a prevention duty which ended because they became homeless and they are then owed a relief duty, the effective date is the date the prevention duty was owed.
- c) owed the Main Section 193(2) duty – Band date is the date the Relief of homelessness duty was owed and not the date the Main duty was owed. This is because to start the date at the date the Main duty was owed would disadvantage an applicant by 56 days who has been found to be in priority need and unintentionally homeless.
- d) circumstances where the relief duty has ended, and the applicant is assessed at this point as not being in priority need - Band date is the date the Relief of homelessness duty is owed (or the date the prevention duty was owed if the applicant had been owed a prevention duty before being owed the relief duty) and not the date that the Relief duty is brought to an end.
- e) circumstances where the relief duty has ended, and the applicant is assessed at that point as not being owed a main duty due to being intentionally homeless - Band date is the date the Relief of homelessness duty is owed (or the date the prevention duty was owed if the applicant had been owed a prevention duty before being owed the relief duty) and not the date that the Relief duty is brought to an end.
- f) where the applicant becomes homeless unintentionally within 2 years of accepting a private rented sector offer, offered to bring the main Section 193 homelessness duty to an end, the effective date will be the date of the new application.

THE BANDING SYSTEM AND THE ADOPTED HOUSING NEED CRITERIA TO QUALIFY FOR EACH OF THE 3 BANDS

The following section provides details for how the policy defines and assesses housing need for an award of a band is described below. Where there are further details, beyond the details set out below for how the housing need criteria will be assessed, these are set out in appendices. For example, the detail for how the Council will assess applications where it is claimed there is a housing need based on the impact of an applicant's current housing on a medical condition including physical or mental health, or a disability is detailed in appendix 2.

It is important to note that applicants will be placed in the appropriate band following an assessment that their housing need meets the threshold for that band. An applicant who qualifies under more than one of the housing need criteria will be awarded the highest priority they are entitled to under the criteria. They will not be awarded a higher band just because they meet more than one housing need criteria. For example, an applicant who meets 2 housing need criteria for Band B will still only be awarded band B and not Band A.

BAND A: URGENT PRIORITY, STATUTORY HOUSING NEED TO MOVE

This band includes applicants with the highest need for rehousing.

1: Homeless applicants who are owed one of the following duties by Bolsover Council only

- the Main Housing Duty under Section 193 of the Housing Act 1996, or
- a relief duty under Section 189B (2) where the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is accommodated in interim temporary accommodation.

2: Significant impact of an unfit private sector property

- Private sector tenants and residents of dwellings where the council's Private Sector Housing Team has determined the property poses a Category 1 hazard under the Housing Health and Safety Rating System (e.g. crowding and space, excessive cold or risk of falls) and
- Following assessment, the applicants property is subject to a prohibition order, emergency action, demolition order or clearance under the Housing Health and Safety Rating System of the Housing Act 2004, and
- The council is satisfied that the problem cannot be resolved by the landlord within six months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or living conditions that are a statutory nuisance, and there is no prospect of the problems being remedied within a six-month time period.

3: Urgent need to move status due to exceptional circumstances where the only way an exceptional housing need can be resolved is through a Band A award.

These decisions may be made by the Allocations Manager , in conjunction with the Housing Services Manager.

In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:

- a severe threat to life
- emergency cases whose homes are damaged by fire, flood, or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life
- households which, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community
- cases nominated under the Police Witness Protection Scheme or other similar schemes that the council has agreed to be part of
- an applicant who has an exceptional need that is not covered in the Allocation Scheme. For example, where child or public protection issues require rehousing or for domestic abuse where all other options to remain in the home have been considered
- a care leaver assessed as ready to move to independent settled housing with a profound disability or assessed as having a significant vulnerability over and above the fact that they have been in care, who is assessed as needing to be housed urgently to significantly improve the impact their current circumstances are having on their disability or vulnerability
- other exceptional circumstances as authorised by the Head of the Housing Service or equivalent.

For any Private Registered Provider tenant, the expectation is that, where it is safe to do so, the RP would arrange for a like for like management transfer would be granted or an emergency decant provided whilst a suitable transfer can be arranged.

4: Succession – Bolsover District Council tenant who has succeeded to the tenancy of a property and is willing to move to a smaller property –

5: Existing Bolsover District Council tenants who:

- a) Will release a property which was specially built or substantially adapted for a person with a disability and the accommodation is no longer needed

- b) Has succeeded to the tenancy of a property which was specially built or substantially adapted for a person with a disability and they do not need this accommodation (see the succession policy for further information).
- c) Has an identified need for adaptations to their current property and there is another property with these adaptations already fitted. This will only apply when the applicant has been assessed by an Occupational Therapist and excludes minor adaptations i.e. grab rail.

6: Emergency medical or disability need:

A Band A award is for applicants who are suffering sudden or severe progressive life-threatening medical conditions or disability and need an immediate move (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and poses an immediate and serious danger to the individual.

The following Band A examples are intended to guide the applicant on the threshold set for a Band A award.

- where an applicant's condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the provision of suitable care
- the condition is life threatening and the applicant's existing accommodation is a major contributory factor
- the applicant's health is so severely affected by the accommodation that it is likely to become life threatening
- the applicant has severe mobility issues, is housebound and is unable to leave their accommodation save with assistance that will result in high risk to themselves or their carer. They have an assessed need to move to accommodation that meets their needs
- the applicant is a wheelchair user who is unable to use their wheelchair within their current accommodation and has an assessed need to move to wheelchair suitable accommodation
- the applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months
- where overcrowding in the property leaves the applicant at risk of life-threatening infection.

7: Armed Forces who meet the following criteria

Applicants with urgent housing need and have access to no other accommodation who:

- a) Are serving (and will soon leave) the regular forces and are suffering from serious injury, illness, mental ill health, or disability which is attributable to the person's service
- b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the MOD following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service or
- c) Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.

BAND B – HIGH PRIORITY, STATUTORY HOUSING NEED TO MOVE:

These are applicants that are owed a statutory award of 'reasonable preference' under the policy and have been awarded band B priority based on their assessed high housing need.

1: Severe medical or disability impact:

- Where an applicant (or a member of their household) is living in accommodation with a severe, long term, medical conditions (chronic or progressive) or severe disability that means they urgently need to move because their home is assessed as being highly unsuitable and is directly detrimental to the applicants' physical or mental health.
- Where an applicant's (or a member of their household) housing is unsuitable because of severe medical reasons or because of their disability. The applicant (or member of their household) is not housebound, but their current housing is exacerbating their health conditions.

2: Existing Bolsover District Council tenants who

- will move into a smaller property releasing a high demand property
- occupy a house and wish to move to a general needs flat
- occupy a two-bedroom bungalow or elderly persons flat and wish to move to a one bedroomed bungalow or into sheltered accommodation

3: Care Leavers

- A Derbyshire County Council care leaver who is ready to move to independent settled housing and is genuinely prepared for a move to independent living; and
- They possess the life skills to manage a tenancy including managing a rent account; and
- The care leaver is in need of either a long term or medium-term tenancy support; and
- That support package has been assessed and is in place.

4: Applicants owed one of the following homelessness duties

Applicants owed any of the following homelessness duties by Bolsover Council as set out below:

- a) Applicants where the Section 189(B) Relief duty has been brought to an end and an applicant has been assessed at that point as being intentionally homeless (and hasn't been disqualified under the unacceptable behaviour disqualification rule).
- b) Applicants owed the Section 193 C (4) Main duty where the Prevention or Relief duty was ended by the council due to their deliberate non-cooperation.
- c) Applicants owed a Section 189B (2) Relief duty by the Council and not considered likely to be in priority need.
- d) Applicants owed a Section 195 (2) Prevention of homelessness duty by the Council and not considered likely to be in priority need.
- e) Applicants where the Section 189(B) Relief of homelessness duty has been brought to an end and the applicant is determined to be homeless but not in priority need and therefore not owed a Main homeless duty.

Note: Applicants owed a main homeless duty by any other council will not be allowed to qualify for the Housing Register unless there are exceptional circumstances.

5: Former Regular Armed Forces Applicants

Note armed forces that meet the legal requirement for additional preference have been added to band A as legally required. Band B armed forces below cover former members who have left the service in the last 5 years or are due to leave.

Members of the Armed Forces persons who meet the following criteria:

- a) They are serving in the regular forces and will be discharged within 6 months and have served for 5 years or more, or
- b) They were serving in the regular forces and they apply to join the housing register within 1 year of discharge, and
- c) Had been previously living in the SMP district immediately before joining the armed forces or since leaving

And d and e below must also apply

- d) They did not leave the armed forces as a result of a dishonorable discharge, and
- e) They do not own or have a legal interest in any other property

For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.

6: Overcrowded by 2 bedrooms as defined by the bedroom standard set out in this policy

This group is defined as applicants overcrowded by 2 or more bedrooms who are living in the Bolsover District as defined under this Policy's overcrowding standard.

7: Ready to move on from Council accredited supported housing schemes

- An applicant is in a Council accredited supported housing scheme in the Bolsover district, and
- Is ready to move to independent settled housing on the recommendation of the support worker or equivalent; and
- The applicant is in need of medium to long term rather than short term ongoing tenancy support; and
- That support package has been assessed and is in place.

These cases will normally be approved by the Allocations Manager in conjunction with the Housing Services Manager, or in more complicated cases by the HARP Panel.

8: Insecurity that risks homelessness

A pregnant woman or applicant with a child or children who are sharing a home with family who are not part of their household and where:

- a) They have no ownership or tenancy rights, and the arrangement is short term and very insecure and only available whilst the applicant is actively seeking an offer of social housing or alternative accommodation with friends or in the private rented sector, and
- b) They were owed a prevention of homelessness duty as they were assessed as likely to become homeless within 56 days, and that duty has ended because they have been allowed to remain at home whilst they bid for social housing with their Band B priority and it is likely that they can remain for at least a year, and
- c) The family member with the interest in the home has agreed to allow the applicant to remain for at least a year.

BAND C – LOWER PRIORITY, STATUTORY HOUSING NEED TO MOVE:

1: Applicants over 60 without a statutory housing need and who are not homeowners and are willing to consider accepting a tenancy for older person housing only in the district.

Note applicants who wish to sub-let their property and move into older person housing will not qualify for this band.

2: Overcrowding by 1 bedroom in Bolsover district as per the definition of overcrowding adopted under this policy.

3: Hardship: Applicants who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others). (This includes the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015). See appendix 2 for further guidance

4: Move on from supported housing from people not living in Bolsover

People leaving move on accommodation outside of the Bolsover District area and without a local connection but with a local connection in Derbyshire who are currently living in temporary supported accommodation and are requesting to move as part of a planned support process.

Advertising Properties

All properties available for bidding will be advertised through the Bolsover Homes website which can be accessed via www.bolsover.gov.uk and newsletters will be available each week from our Contact Centres, in Clowne, Shirebrook, South Normanton and Bolsover. We can arrange to post newsletters but we will make a charge to cover the cost of this.

Adverts will clearly indicate any restrictions on bidding (e.g., where properties have been adapted and/or are specifically for people with disabilities) and will detail any particular criteria that apply (e.g., any affordability criteria).

Available properties will normally be advertised on a regular basis and applicants given a restricted timeframes to place a bid. The bidding rules and deadlines will be available to applicants. We will not accept any bids received after the deadline.

3: The bidding and selection process

Properties are advertised on a weekly cycle from Thursday to Tuesday and will be uploaded to the Bolsover District Council website. Each listed property will have a closing date within which the customers will need to register their bid.

Applicants should note that they should only place bids for properties that they wish to accept. A bid that is valid at the end of the bidding cycle will amount to an offer if the applicant is invited to view the property. The refusal of 2 reasonable offers will mean that an applicant is suspended from bidding for a period of 12 months.

All properties advertised will be advertised for a minimum of 5 days including weekends and bank holidays. An applicant may express an interest through bidding on any advertised property that meets their needs.

- Bids will only be registered if the applicant is on the housing register

- Applicants will not be contacted individually if their bid is unsuccessful, however the results of the bids will be advertised on a regular basis.
- Applicants can express an interest on a maximum of 3 properties in any single bidding cycle.
- Bids can be withdrawn at any time prior to the closing date.
- Bids will be accepted from nominated representatives of the applicant. To make a bid on behalf of an applicant the representative will be required to give the Housing Application Reference Number and date of birth for the first applicant.
- Bids received after the advertised closing date and time will not be accepted
- Applicants are encouraged to check the 'My Bids' section of the Bolsover Homes website to ensure the bids they have placed are recorded and the order of priority reflects their preferences.

Note: where applicants are being shortlisted for a 4-bedroom property and there are more than one household who have bid from the same band, any household with 3 or more children under 16 will be shortlisted before a family where there are children over the age of 16 or where there are adult children over 18 unless a child over 16 or adult child has an assessed disability which is impacted by their current housing. The reason for this policy is that the demand for 4-bedroom properties is far higher than the number that become available to let and families with younger children are more likely to require and larger property for longer than a family with older children where it is more likely that 1 or more of those children will move out.

4: Offers of accommodation

This section sets out the procedure that will apply to making an offer of accommodation once an applicant has been selected from a shortlist of successful applicants bidding for that property.

Once selected and, prior to an offer being made a further verification of the applicant's eligibility and the circumstances that had resulted in the band award priority will be normally carried out. In certain situations, the offer will not be made, or if made may be withdrawn if:

- Since joining the scheme an applicant has become ineligible.
- On verification of the applicants' details, the priority band has been incorrectly awarded due to the information received by the applicant, or due to mistakes in the assessment of the application itself.
- The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.
- The Council or the Housing Association landlord for the property being advertised has evidenced housing management reason not to offer the property to the person selected.

As part of the pre allocation verification checks applicants will be expected to provide evidence of their identify and the identity of anyone to be rehoused with them, as well as their current address before any tenancy can be agreed.

Wherever practical applicants will be visited prior to making an offer of accommodation. The purpose of the visit is twofold:

- Firstly, to check household details
- Secondly, to check requirements have not changed.

If the visiting officer discovers the details are incorrect, no offer of accommodation should be made, and the applicant informed of the reasons in writing.

If the applicant is a current tenant of the Council, the visit should also look at the condition of the property. If there is a breach of tenancy such as damage to the property, unauthorised alterations or rent arrears, the tenant should be informed that they will not be offered alternative accommodation until the breach is resolved.

Applicants will be considered for an offer of any property which they have placed a successful bid.

Applicants will only be offered one property at a time. Once an offer has been made to the applicant they will not be able to bid or be considered for other offers of accommodation until the current offer is refused.

The successful bidder will normally be contacted within 48 hours of the close of bids. Applicants should ensure that at the time of bid that current up to date contact details are available. If contact cannot be made with the successful bidder within 48 hours this could result in the bid being withdrawn and the property being offered to the next suitable bidder.

As part of the offer we will provide details of the property and make arrangements to view it as quickly as possible. Applicants are expected to decide whether to accept or refuse the offer at the viewing and will also be offered the opportunity to sign for the tenancy at the viewing. If applicants do not inform Bolsover District Council of their decision within 48 hours of the viewing the offer may be withdrawn and the property allocated to the next suitable bidder.

If an applicant does not reply to an invitation in writing, by letter or email or text, to view a property within 2 working days the offer will be deemed to have been refused and the property will be offered to the next applicant on the shortlist who qualifies for that offer. This will then count as one of the applicant's 2 reasonable offers unless a satisfactory explanation for the applicant's failure to respond is accepted by the Council.

Where the offer is to an applicant owed a statutory homeless duty a property will not be reoffered until the Council have been informed of the applicant's refusal or failure to attend the appointment to view and have made a decision whether or not to enforce the offer to end the homeless duty owed.

A suitable and reasonable offer of accommodation is defined in appendix 1 of the policy.

There may, unfortunately, be exceptional circumstances where, following a viewing or notification of offer an offer may still be withdrawn. This can be done up to the point before a tenancy is signed. Examples of reasons when a property offer may be withdrawn are:

- The property is not suitable for the households needs
- The property fails to become available
- There is an issue and concern for community safety
- It comes to light that information has been withheld
- It comes to light that that the household or member of the household has a property related debt
- The offer has been made in error
- The household's circumstances changed
- The property is required for an emergency
- It transpires that the rent would not be affordable

There must be clear grounds for refusing or bypassing applicants who are top of any shortlist that are recorded by the Council, or a partner Housing Association where the property advertised is owned by them.

Appendices

Appendix 1 – Definition of a suitable offer

Appendix 2 – Right to Move qualification criteria

Appendix 3 – Local Lettings policy criteria

Appendix 4 – Eligibility of Propwerty Type Table

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APPENDIX 1: DEFINITION OF A SUITABLE OFFER

Where accommodation is offered an applicant will normally be expected to accept an offer of a property that meets their specified needs. Reasonable offers are those that are deemed as suitable and appropriate to meet the housing and medical needs of the household concerned and are affordable to the applicant and his or her household.

The suitability criteria used to determine whether an offer to end a main homeless duty owed under Section 193(2) of the Housing Act 1996) or a relief of homelessness duty owed under Section 189b, will be the criteria set down in the Suitability of Accommodation Order England 2012, as amended by Section 12 of the Homelessness Reduction Act 2017, relevant case law and statutory guidance.

These criteria only apply to an offer of social housing or private rented housing made with the intention of ending a full homeless duty. Where an offer is made to any other banded applicant who is not owed a full homeless duty it is for the council to decide on the facts of the case whether the offer is suitable using the guidance in this appendix to help the officer make the decision.

The council will consider that a property is suitable if all of the following criteria are met:

- it is located in an area that the council considers to be suitable for the applicant and their household. This could include accommodation located outside of the Bolsover area;
- if it is affordable for the applicant and his or her household based on his or her financial circumstances at the time of offer;
- it is sized in accordance with the criteria in this Scheme;
- it complies with any recommendation made by a medical or other relevant advisor.

In determining the suitability of accommodation, the council will consider the following:

- a) the significance of any disruption to the employment, education or caring responsibilities of the applicant or a member of the household;
- b) the accessibility of medical or other support facilities that are currently used by the applicant or a member of the household;
- c) the accessibility of local services, including places of worship, amenities, and transport;
- d) its duty to safeguard children under Section 11 Children Act 2004;
- e) its public sector equality duty under Section 149 Equality Act 2010;
- f) if a suitable property is located outside of the borough's boundary then the council has to take into consideration the distance from the applicant's existing accommodation in the borough.

The above are matters for the council to determine based on the facts of the case.

Guidance for assessing officers on how the council will assess reasonable and unreasonable refusals:

1) Property size

The property must be the appropriate size for the household's needs at the time of making the offer. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.

It is the applicant's responsibility to ensure that they register any change in their circumstances that will affect the number of bedrooms to which they are entitled.

Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the lettings standard, this will normally be considered to be an unreasonable refusal unless the applicant provides new medical information at the offer stage that is accepted by the council.

2) Property type

It will not be considered to be a reasonable refusal due to a dislike of the property type. Therefore, an applicant cannot reasonably refuse an offer because for example, it is in a tower block, it does not have a garden or a particular heating system, it is on a wrong floor, or does not have a lift. If the applicant states medical grounds for refusing the property, these should already have been disclosed and considered as part of the assessment of their application, unless new information is submitted that is accepted by the council.

Where specialist accommodation is offered to a household inappropriately, this is considered to be a reasonable refusal. This may be for example:

- a) offers of wheelchair standard housing to households which do not have wheelchair users;
- b) offers made to disabled applicants which are unsuitable for their needs, for example where they are unable to open a door entry system because the doors are too heavy;
- c) offers of sheltered housing where the applicant is not of the appropriate age.

3) Property condition

Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the voids team decides to withdraw the property from letting for further works to be carried out.

4) Area of choice

An offer will still be considered reasonable even if it is not within an applicant's area of choice.

5) Racial harassment

Where an applicant from an ethnic minority household refuses the property prior to viewing because the previous tenant was rehoused as a result of racial harassment, or there is a known problem of racial harassment in the vicinity of the property, the refusal is considered reasonable.

6) Choice of landlord

An applicant cannot choose whether they are rehoused by a specific Private Registered Provider. Therefore, any refusal for example by an applicant of a property because it is a Private Registered Provider property with no 'Right to Buy', or 'Right to Acquire', or the rent is higher than another social landlord will not be considered to be reasonable (unless in the example of the rent level the assessment is that the offer is unaffordable for the applicant in question).

7) Pets

One of the conditions of the tenancy agreement is that a tenant must obtain the written consent of the landlord before keeping domestic pets.

Any intention to keep a pet must comply with the council or Private Registered Provider tenancy terms and conditions, which means that permission must be sought and agreed prior to signing the tenancy agreement for the property. Therefore, any refusal on the basis that permission has not been granted to keep a pet is not reasonable.

APPENDIX 2: RIGHT TO MOVE QUALIFYING CRITERIA

Right to Move – Statutory guidance on social housing allocations for local housing authorities in England

An existing social housing tenant (living outside of the Bolsover area) will not be disqualified on the grounds of no residential connection if they have reasonable preference under s166(3)(e) because of a need to move to the Bolsover area because the tenant works in the Bolsover district or needs to move to take up an offer of work.

Whether or not the applicant meets the above criteria isn't solely determined by the need to move for work, but that it would cause them hardship if they were able to do so.

Definition of Work

- Work should be a permanent contract or one with a minimum term of 12 months.
- Work should be of 16 or more hours a week (unless it can be demonstrated that the earnings are substantial).
- Work should not be voluntary.
- Work can include apprenticeships.
- The relevant district should be the main place of work.
- In the case of self-employed tenants, work should be regular as opposed to intermittent.

Distance, time and travel costs

When determining hardship, the time taken to travel to work and the cost of the travel should be taken into account. The council considers the following criteria may suggest hardship:

- Travel time to get to work is in excess of two hours each way (personal or public transport depending on circumstances).
- Travel costs are more than £30 per day or 25% of net income from the employment or there is no transport available at all.

Other factors

These factors are all considered on a case-by-case basis as to whether hardship would be faced by the applicant if they could not move:

- Would failure to move mean the applicant would lose an opportunity to gain a better job/promotion, an apprenticeship, increase hours/pay or move from unemployment to employment.
- If the nature of work likely to be available closer to the applicant's home.
- Personal factors including care responsibilities and medical conditions affected by the tenant not being able to move closer to work.
- Any other situation where hardship would be demonstrable if the tenant could not move.

Discretion

Every application will be dealt with on a case-by-case basis allowing all circumstances and variables to be considered.

Proof of Work

A combination of the following can be used to prove that work or a job offer is genuine:

- Contract of employment (particularly if stating main place of work).
- Wage slips showing hours worked (particularly if zero hours contract) but they are unlikely to evidence the location of work.
- A letter offering employment (it is likely that the employer will be contacted to confirm acceptance).
- A letter from an employer to prove the work and location.

Right to Move Quota

No more than 1% of all lettings will be prioritised for Right to Move applicants based on the total of the previous year's lettings by the council.

APPENDIX 3: HOW ANY LOCAL LETTINGS POLICY WILL BE APPLIED AND REVIEWED

Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities.

They will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development, or may be applied to a parish or a village in a rural area). Each local lettings policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan or the need to provide housing for local people in rural villages and parishes).

The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.

- 1) Age restrictions.
- 2) Prioritising applicants who are key workers, as defined by the Council.
- 3) Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
- 4) Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
- 5) Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
- 6) Ensuring that there is a balance of working and non-working households allocated to a scheme.

New developments will normally have local lettings policies (usually only applies to first lettings) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.

In order to ensure a reasonable mix of household sizes and types, and families with children of different ages, a local lettings policy will normally be used for new developments larger than four properties. This may set restrictions on the number of lettings, which can be made to families with young children, for example, or the number of families who are not working.

How will a local lettings policy be assessed and agreed?

The Council will decide when a local lettings policy may be appropriate and why.

There must be a clear evidence base for adopting a local lettings policy. The following framework will be used by the Council to decide whether a local lettings policy is appropriate:

- 1) That there is a clear definition of the objective to be achieved by that particular local lettings policy.
- 2) That there is a clear evidence base to back up the need for a local lettings policy.
- 3) That any potential equality impact has been considered.
- 4) How long the local lettings policy is intended to operate.
- 5) When the local lettings policy should be reviewed.

A written record of each policy adopted or rejected should be kept.

It is the intention that local lettings policies will be fluid with new policies being added as are required and existing policies being deleted once the objective for that policy has been met.

Any property advert will state whether there are any local lettings restrictions or criteria.

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Appendix 4

GENERAL NEEDS ACCOMMODATION								OLDER PERSONS ACCOMMODATION			
HOUSEHOLD CATEGORY	FLATS		HOUSES					BUNGALOWS		OLDER PERSONS FLATS	INDEPENDENT LIVING SCHEME
	1 BED	2 BED	1 BED	2 BED	2 BED +	3 BED	4 BED	1 BED	2 BED	2 BED	1 AND 2 BEDS
GENERAL NEEDS											
Single Applicants and Couples	Y	Y	y	N	N	N	N	N	N	N	N
Single Applicants and Couples who are pregnant	N	Y	N	N	N	N	N	N	N	N	N
Households with 1 child	N	Y	N	Y	Y	N	N	N	N	N	N
Households with 2 children of the same gender											
Both under 21	N	Y	N	Y	Y	Y	N	N	N	N	N
Both over 21	N	N	N	N	Y	Y	N	N	N	N	N
One under 21 and one over	N	N	N	N	Y	Y	N	N	N	N	N
Households with 2 children of different gender											
Both under 10	N	Y	N	Y	Y	Y	N	N	N	N	N
One under 10 and one over	N	N	N	N	Y	Y	N	N	N	N	N
Household with 3	N	N	N	N	Y	Y	Y	N	N	N	N
Household with 4	N	N	N	N	Y	Y	Y	N	N	N	N
Household with 5	N	N	N	N	N	N	Y	N	N	N	N
All adult 2 person	N	Y	N	N	N	N	N	N	N	N	N
All adult 3 person plus	*	*	*	*	*	*	*	N	N	N	N
Household with a need for adapted accommodation	**	**	**	**	**	**	**	**	**	**	**
OLDER PERSONS											
Single applicants and couples over 50	Y	Y	Y	N	N	N	N	Y	N	N	N
Single applicants and couples over 60	N	N	N	N	N	N	N	Y	Y	Y	Y
Applicants with a need for adapted accommodation	**	**	**	**	**	**	**	**	**	**	**

NOTE – The table refers to 2 bed + houses. These are 3 bedroomed houses in areas with very limited 2 bedroomed accommodation.

If analysis of the allocation system suggests that the needs of these communities can be better met with flexibility, HARP can consider designating a proportion of properties as + (plus) properties in specific areas.

All adult households refers to 2 or more people living together but not in a relationship.

* To be approved by HARP

** To be approved by the Welfare Adaptation Panel

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