

# South Holland District Council Housing Allocations Policy 2023

## Changes highlighted in yellow

### 1. INTRODUCTION

1.1. The South Holland Housing Allocations Policy sets out how the Council will:

- assess applications for housing,
- determine eligibility, qualification and level of housing need
- prioritise applications
- allocate accommodation.

1.2. In developing this Policy, the Council has taken into consideration the Housing Act 1996 (as amended), the Localism Act 2011, the statutory Code of Guidance on the Allocation of Accommodation June 2012 and other relevant legislation and government guidance. Some parts of this policy are set in legislation – it has been highlighted when this is the case.

1.3. This Policy is consistent with the Council's Corporate Plan, Countywide Homelessness Strategy and Rough Sleepers Strategy.

1.4. In developing this Policy, the Council has consulted with staff, partner landlords of social housing (formerly known as Housing Associations) with stock within South Holland, local voluntary and statutory agencies and elected members.

1.5. The Council's objectives for the Housing Allocations scheme policy is to:

- Provide an accessible, fair and transparent service
- Meet local housing needs
- Meet the housing needs of the most vulnerable
- Prioritise those with the greatest/most urgent housing needs
- Make the best use of existing social housing stock
- Support and create safe and balanced sustainable communities
- Offer applicants choice in relation to available accommodation.

1.6. The Council seeks to give all applicants choice in relation to location of accommodation but may have to limit choice in certain circumstances, such as where there is limited availability or where the Council is discharging a statutory duty to a homeless household.

1.7. Letting of Council properties and nominations to partner landlord's (set out in 3.1) within South Holland are covered by this Policy. This includes general needs accommodation for single persons, couples and families and sheltered accommodation.

1.8. The following types of allocation are **not** covered by this Policy:

- Tenancy successions
- Tenancy assignments, such as mutual exchanges
- Tenancy status changes, such as introductory to secure tenancies
- Tenancy transfers pursuant to Court Orders
- Management Allocations, such as:
  - Temporary lettings to existing Council tenants who need to be decanted pending major refurbishment or repair works

- Emergency management moves where there are extenuating circumstances and partner agencies support this move
- Temporary lettings to homeless households
- Where there is a legal requirement to offer accommodation to a household following a compulsory purchase of a property
- Where there is a legal requirement to offer accommodation to a displaced agricultural worker under the Rent (Agriculture) Act 1976.

1.9. The Council promotes equal opportunities and aims to implement and maintain services that ensure no applicant is treated unfairly on the grounds of age, sex, gender reassignment, marital status, pregnancy or maternity, sexual orientation, race, religious belief or disability or disadvantaged by the application of criteria that has a direct or indirect discriminatory effect that cannot be justified by law.

1.10. Personal information that the Council holds in relation to applications will be processed in accordance with Data Protection legislation. Information may need to be disclosed to Partner landlords or other landlords who may be able to offer accommodation. More information about how and why the Council may process personal data, data protection rights or how to contact the Council's Data Protection Officer is available in the Council's Privacy Notice, accessible on the Council's website.

## **2. EQUAL OPPORTUNITIES**

2.1. South Holland District Council and partner landlords are committed to the promotion of equality of opportunity for all existing and potential applicants.

2.2. In drafting this policy South Holland District Council has had regard to its public sector equality duty under s149 of the Equality Act 2010, in respect of the protected characteristics set out therein and has had regard to:

- Eliminating unlawful discrimination, harassment and victimisation
- Advancing equality of opportunity between different groups; and
- Fostering good relations between different groups.

2.3. As permitted by the Localism Act 2011, preference for allocations will be given to applicants in the reasonable preference categories and local lettings policies will not unjustifiably discriminate against persons possessing protected characteristics.

2.4. Where necessary, the Council will seek to provide interpretation and translation facilities, within a reasonable timescale, as well as using alternative or additional methods of communication.

## **3. PARTNERSHIPS**

3.1. Applicants will be considered for housing with the following partner landlords (and their successors and assigns) and any other suitable partner landlords as the Council may determine from time-to-time, by applying to the South Holland Housing Register:

- South Holland District Council
- South Holland Homes
- Longhurst Group
- Platform Housing Group
- Broadgate Homes
- Accent Housing
- CKH - Cross Keys Homes

- Hastoe Housing Association
  - LHP- Lincolnshire Housing Partnership
  - Lincolnshire Rural Housing Association
  - Muir Group Housing Association
  - Welland Homes Ltd.
- 3.2 The named partners have been consulted with throughout the development of the policy to ensure their views could be taken into consideration.
- 3.3 By making an application to join the Housing Register, the customer consents to their information being accessed by all our partner landlords.
- 3.4 Each partner landlord will sign an Information Sharing Agreement with the Council which requires them to hold all customer information in accordance with data protection legislation and to take all reasonable care and diligence in performing its obligations in relation to the Housing Register.
- 3.5 The partner landlords will not disclose confidential information to a third party except where:
- the individual who is the subject of the confidential information has consented to the disclosure;
  - the Partner landlord or the Council is required by law to make such disclosures; or
  - disclosure is made in accordance with an information sharing protocol.
- 3.6 The Information Sharing Agreement states that this clause will continue in perpetuity despite any termination or expiry of the agreement.
- 3.7 Partner landlords with housing stock within the South Holland district are expected to let their properties through the Housing Register as nominations. Nominations for s106 properties will be let in accordance with the relevant nomination agreement.

#### **4. THE HOUSING REGISTER**

- 4.1. The Council maintains a Housing Register of households who are applying for Council or partner landlord properties within South Holland.
- 4.2. **Applying to the Register**
- 4.3. Individuals are usually only expected to be part of one active application at any one time, either as a main or joint applicant, or as a member of an applicant's household. Exceptions to this will be considered on a case-by-case basis.
- 4.4. Individuals must apply online at [www.sholland.gov.uk](http://www.sholland.gov.uk). Where exceptional circumstances exist, alternative arrangements will be made available by the Council – this may include referring the applicant to an outside organisation.
- 4.5. **Applications from members of staff, board members, employees and their close relatives**
- 4.6. Council employees, elected members and their immediate relatives may apply for housing in the same way as other customers. However, those that fall into these groups must declare their status as part of their application.

- 4.7. When handling an application from an individual that falls into one or more of these groups, the Assistant Director – Housing at South Holland District Council will be the officer responsible for verifying and approving the following:
- The level of priority awarded to the application.
  - The vetting of offers of accommodation made as part of this scheme.
- 4.8. **Young people aged 16 or 17**
- 4.9. Legislation allows for young persons aged 16 and 17 years old to apply to the Register in the same way as any other customer, however the law prevents those in this age group from holding the legal interest of a tenancy agreement until they turn 18 years of age. Any offers of accommodation to a 16 or 17 year old are likely to be dependent upon the specific requirements of the partner landlord.
- 4.10. In general, applicants that fall within this age group will require a trustee to hold the legal tenancy on trust, and will only be made an offer of accommodation where all of the following apply: **Change of language, same approach**
- the applicant's support needs have been assessed; and
  - they are considered to be:
    - able to maintain a tenancy without support, or
    - able to maintain a tenancy with support, and that support arrangements are in place; and
  - the applicant has or will have the financial means to cover the rent.
- 4.11. The details of the specific requirements of each partner landlord can be made available on request.
- 4.12. **Providing information**
- 4.13. The information included on the application must be accurate and not misleading. Applicants will be required to promptly provide documentary evidence to support the information on their application and demonstrate that they have a housing need, for example proof of identity, address, income, savings and custody/access to children.
- 4.14. Applicants who have indicated that they have a medical, mobility, welfare or hardship need will be required to provide supporting evidence and may need to be referred to an appropriate agency for an assessment.
- 4.15. **Consent to share data and information**
- 4.16. In order to access the Housing Register, the applicant must grant the Council consent to make necessary enquiries that will enable it to verify their circumstances. These enquiries may include:
- Credit agency reference checks in order to verify present and previous addresses, household information, instances of housing related debt and income details.
  - Cross referencing details with Housing Benefit and Council Tax records.
  - Contacting previous or existing landlords to establish whether tenancy terms have been adhered to.
  - Contacting other partner agencies such as the Police and the Council's Community Safety Team in order to verify incidents of anti-social behaviour.

- Contacting border agencies and embassies in order to establish whether an applicant has an interest in land and/or property outside of the UK.

4.17. The Council may make any further enquiries it deems necessary in order to confirm the information provided on an application. Applicants may be required to provide further information and evidence in relation to their circumstances.

4.18. At point of entering into a new social housing tenancy, social housing providers will share information about the new tenant and their household with the Department for Levelling Up, Housing and Communities. This data is recorded for research and statistical purposes. Further information is available at <https://core.communities.gov.uk/> **NEW**

#### 4.19. Applicant declaration and false statements

4.20. In order to access the Housing Register, applicants will be required to declare that the information provided as part of their application is accurate and true. Applicants will also be asked to declare any of the following:

- Details regarding income and assets, including any interest in land and/or property.
- Details of any criminal convictions, previous possession orders or injunctions made against them and any incidents of anti-social behaviour
- Details of any outstanding housing related debts, including rent and mortgage arrears.

4.21. A number of Acts make it a criminal offence to engage in social housing fraud, including the Fraud Act 2006. Additionally, it is a criminal offence under s.171 of the Housing Act 1996 for an applicant to knowingly or recklessly provide false information, withhold information or allow a third party to provide false information on their behalf in relation to a Housing Register application. Such an offence could result in prosecution and an unlimited fine. If an applicant provides false information, withholds information or allows a third party to provide false information on their behalf, the Council reserves the right to disqualify the applicant from the register, withdraw any offer of accommodation and recover possession of any tenancy obtained.

#### 4.22. Statement on choice

4.23. In applying to the Housing Register, applicants will be able to express choice over the following:

- The areas of the district that they wish to be considered for an allocation of accommodation
- The broad property type that they wish to be considered for (i.e. house, flat, bungalow etc) and that meets their needs.

Applicants can vary their choices at any stage during the time whilst they hold a live Housing Register application.

4.24. Where the Council accepts a Relief or Main Housing Duty (Housing Act 1996), area choices and property types will be determined by the Council as part of a suitability assessment.

#### 4.25. Assessment of applications

4.26. The Council will assess completed applications and the supporting evidence provided. They will decide whether the applicant qualifies for the Housing Register, which

banding is applicable to their circumstances and the type of properties they are eligible for. Incomplete applications will not be assessed and will be cancelled after 28 calendar days.

4.27. If an applicant is accepted onto the Housing Register, the applicant will be notified of the band their application has been placed in, the property type and areas they will be considered for.

4.28. If an applicant is refused access to the Housing Register, the applicant will be notified in writing that their application has been refused and the reasons why.

**4.29. Changes in circumstances**

4.30. Applicants must notify the Council of any relevant change in their circumstances. Following notification of a change in circumstances, the application will be reassessed and may be moved from one band to another, or removed from the Register. Applicants will be notified of the outcome in writing.

**4.31. Review of circumstances**

4.32. Applicants within Band 1 will be contacted every 6 months to determine whether the circumstances/needs that led to the award are still prevailing. If upon the Council's reassessment a lesser award is given, the application will be given the original date of registration.

4.33. Applicants within all other bands will be contacted at least every 12 months to determine whether the circumstances/needs that led to the award are still prevailing.

4.34. Applicants must respond to such requests within a specified time period (normally 14 calendar days). Failure to respond within the specified time period will result in the application being cancelled.

4.35. If at any time the Council receives evidence that an applicant who has already been accepted onto the Housing Register no longer qualifies, the applicant will be notified in writing that their application has been cancelled and the reasons for the cancellation. The applicant has a right to appeal this decision.

**4.36. Application Types**

4.37. Any applicant who does not hold an introductory, secure, starter, full assured or fixed-term tenancy with a Council or partner landlord will be regarded as a new applicant.

4.38. Any existing social housing tenant who holds a tenancy (i.e. an introductory, secure, starter, full assured or fixed-term flexible tenancy) with a Council or partner landlord will be regarded as a transfer applicant.

**5. ELIGIBILITY FOR OFFERS OF ACCOMMODATION UNDER PART 6 HOUSING ACT 1996**

5.1. In considering an application, the Council will firstly assess if an applicant is eligible for an allocation of accommodation and secondly, whether an applicant qualifies for an allocation of accommodation. To join the Register, applicants must be eligible as per Part 6 Housing Act 1996 and meet the qualification criteria (see section 6).

5.2. Eligibility and/or qualification status can change and accordingly can be reassessed by

the Council at any point. All applicants will be required to provide evidence to verify both their eligibility and qualification status at the point of application and again at the point of allocation.

5.3. Persons subject to immigration control - the Housing Act 1996 s160ZA determines that a person(s) who fall(s) into the following categories may not be allocated accommodation:

- A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (unless he or she comes within a class prescribed in regulations made by the Secretary of State) or
- Other persons from abroad who are not subject to immigration control but are prescribed by regulations as not eligible for an allocation of accommodation including British citizens not currently residing in the UK and therefore not Habitually Resident or
- Any persons who is excluded from entitlement to universal credit or housing benefit by virtue of s115 Immigration and Asylum Act 1999

5.4 In respect of People from Northern Ireland and those who are Stateless, we will comply with the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (S.I. 2006/1294) as amended by the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020.

## 6. QUALIFICATION

6.1. An applicant does not qualify to join the Register in any of the following circumstances:

- The applicant or members of their household have been found guilty of **or otherwise proven in a court of law to have** engaged in 'unacceptable behaviour' which would make them unsuitable to be a tenant including owing a housing related debt (subject to paragraph 6.16).
- The applicant or members of their household owns a freehold or long leasehold interest in a property. The only exceptions to this are where there is an overwhelming welfare need, as assessed by the Council and its partners, **or where the property is located in a country subject to active war.**
- The household's annual income and/or savings and assets would enable them to purchase or rent suitable accommodation on the open market.
- The applicant is presently serving a custodial sentence, and therefore unable to take up an offer of accommodation
- The applicant is incapable in law of holding a legal tenancy
- The applicant has refused the maximum number of suitable offers applicable (as per 8.32).

6.2. In general, tenants of partner landlords may be considered as qualifying persons at point of application and offer, but will usually not be provided with an offer of accommodation until the following has been satisfied:

- The rent account of their existing property is clear.
- The property has been inspected and has been assessed as being in a good condition.
- There have been no breaches of tenancy conditions within the last 12 months.

6.3. Tenants of partner landlords who wish to transfer must obtain a written reference from their landlord covering the points in 6.2 before joining the Housing Register. All transfer applicants must usually have held their current tenancy for a period of at least twelve

months before being considered for a transfer. A further reference will be required at point of offer.

#### 6.4. **Unacceptable behaviour**

6.5. Applicants who are unsuitable to be a tenant because they (or any member of their household) have been responsible for unacceptable behaviour will not qualify to join the Housing Register for a period of at least 12 months **from point of application**. The applicant's behaviour, and that of any household member, will be taken into account at registration and offer stage.

6.6. Examples of unacceptable behaviour include (but are not limited to):

- Being found guilty **of or otherwise proven in a court of law to have** engaged in the following behaviour within the last 2 years:
  - violence or threats of violence
  - domestic abuse
  - physical, sexual or financial abuse
  - threatening behaviour or intimidation
  - harassment
  - discriminatory abuse or harassment
  - anti-social behaviour
  - drug dealing
  - property damage
- Giving false information or withholding information in relation to an application for housing within South Holland or any other area
- Receiving a Possession Order on fault based grounds against a social housing tenancy in the last 6 months.

6.7. In determining whether an applicant does not qualify due to Unacceptable Behaviour, we will consider:

- The seriousness of the applicant's behaviour
- The duration of the behaviour and/or the number and frequency of incidents
- The length of time that has elapsed since the behaviour took place
- Relevant vulnerabilities and support needs
- Whether there has been meaningful engagement with support agencies
- Whether there has been a significant and sustained change in the applicant's behaviour.

6.8. Applicants that do not qualify to join the Housing Register due to unacceptable behaviour will be refused access for a 12 month period **backdated to the date of application**. They will be informed in writing stating the reasons and their right to request a review of this decision.

6.9. At the end of the 12 month period, the applicant will need to approach the Council again and provide evidence that their behaviour has improved, and/or that they have taken action to help improve their chances of being accepted. If they qualify to join upon reassessment, the application will be placed into the appropriate band from the date the application was reassessed.

6.10. We will attempt to work collaboratively with the applicant and all relevant agencies including the police, probation, social services and prison service in an effort to resolve an applicant's ineligibility.

#### 6.11. **Housing related debt**



- 6.12. Housing related debt concerns the following:
- Rent or service charge arrears for a current or former tenancy or licence
  - Recharge debts relating to a current or former tenancy or licence
  - Court costs relating to a current or former tenancy or licence
  - Debts relating to temporary accommodation placements, such as bed and breakfast or hostel accommodation placements
  - Mortgage arrears
  - Debts relating to rent in advance/deposit schemes or other homelessness prevention schemes
  - Housing Benefit/Universal Credit Housing Cost overpayments.
- 6.13. Only recoverable housing related debt will be considered. A debt is defined as not being recoverable where:
- the debt is statute barred
  - the debt is part of an Individual Voluntary Arrangement (IVA), **Debt Relief Order (DRO)** or bankruptcy arrangement.
- 6.14. Applicants who owe a housing related debt of £250 or more will not be able to access the Housing Register until they have adhered to a repayment plan for at least the last 12 consecutive weeks. The repayment plan will be determined by the Council in conjunction with the applicant.
- 6.15. Tenants of partner landlords (including tenants of South Holland District Council) must have clear rent accounts on their existing accommodation.
- 6.16. If there is evidence of genuine financial hardship or an overriding housing need, an applicant may be considered to qualify even if they have not been able to consistently maintain repayments for at least the last 12 consecutive weeks.
- 6.17. **Worsening of circumstances**
- 6.18. Applicants who are found to have worsened their housing circumstances in order to improve their prospects of receiving an offer of social housing will not be eligible for inclusion onto the Housing Register. Deliberate worsening of circumstances arises where the applicant or anyone in their household has given up accommodation that was suitable for their needs and where there was no requirement or obligation to do so. For example, an applicant moves from a secure tenancy to an insecure tenancy and it can be evidenced that they did this deliberately (or against professional advice) in order to increase their banding.
- 6.19. If we believe that the applicant has deliberately made their housing circumstances worse, inclusion onto the Housing Register will be refused for 12 months from the date the circumstances were worsened. Applicants will be informed in writing stating the reasons. Applicants will have the right to request a review of this decision.
- 6.20. At the end of the 12 month period, applicants can request reassessment of their application. On reassessment, the application will be placed into the appropriate band from the date the application was reassessed.
- 6.21. In some cases, people may have worsened their circumstances but did not do so to deliberately improve their banding. Reasons may include (but are not limited to) the applicant or anyone in their household who has within the past 12 months:
- abandoned a previous tenancy

- moved to new housing that is worse than their previous housing without good reason
  - moved from an adapted to an un-adapted home
  - sold a property or given notice on a tenancy without getting other housing first.
- 6.22 In this situation, we will refuse access for a period of 3 months. Inclusion onto the Housing Register will be refused for 3 months from the date the circumstances were worsened. Applicants will be informed in writing stating the reasons. Applicants will have the right to request a review of this decision.
- 6.23 At the end of the 3 month period, applicants can request reassessment of their application. On reassessment, the application will be placed into the appropriate band from the date the application was reassessed.
- 6.24 **Homeowners**
- 6.25 An applicant is not a qualifying person if they own a freehold or long leasehold interest in a property anywhere in the world. The only exceptions to this are where one or more of the following apply:
- Where the council is satisfied that an applicant is legally threatened with homelessness.
  - Where an applicant can demonstrate that there is an overwhelming welfare need (as assessed by the Council and its partners) that is best met through accommodation in the social housing sector.
  - Where the applicant is applying for and meets the criteria for sheltered accommodation. In this situation, an applicant will be considered to be a qualifying person but only for the purposes of being allocated sheltered accommodation.
  - Where the property is located in a country subject to active war.
- 6.26 **Applicants with sufficient income, savings, assets and equity**
- 6.27 An applicant will not be considered to be a qualifying person if:
- They have sufficient income, levels of assets or savings that would enable them to purchase or rent suitable accommodation on the open market. The annual income level will be set at one-third of the average lower quartile housing sale price for the district (published by Hometrack). This figure will be set annually in April based on the figure reported for October of the preceding year. For 2023/24, the limit per household is £62,000 gross income.
  - The threshold for household assets or savings will be consistent with the Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates (or any succeeding publication). For 2021/22, this limit is £16,000.
- 6.28 Where an applicant has a beneficial interest in a property, the applicant would be expected to demonstrate appropriate consideration regarding realising this interest.
- 6.29 **Local Connection**
- 6.30 To enhance mobility within South Holland, we will give preference to applicants with a local connection to South Holland. Local connection is defined in s199 Housing Act 1996:

- The applicant has lived through their own choice in the Council's Local Authority area for the six of the last twelve months, or had at least three years residence in the district during the previous five years.
- The applicant has parents, adult children, brothers or sisters residing in the district, and the relatives have been resident for the previous five years
- The applicant or a member of their household have paid employment or a confirmed offer of paid employment within South Holland. The main place of work must be located within South Holland and the employment would normally need to be for at least 16 hours per week and on a contract that is permanent or expected to last for a period of at least 12 months).
- The applicant is aged 18, 19 or 20 and was looked after, accommodated or fostered by Lincolnshire County Council between the ages of 16 and 18.
- The applicant is a former Lincolnshire County Council care leaver aged under 25 years and receives advice and support from Lincolnshire County Council under a 'pathway plan'.

6.31 Households with no local connection will be able to join the Register if they can demonstrate contribution to the district and have a housing need. Households in this category will remain in band 4.

6.32 As per Housing legislation, the local connection test does not apply to certain members, former members and bereaved spouses or partners of the Regular Armed forces as set out at paragraph 7.4 of this scheme and as required by s160ZA(8) of the Housing Act 1996. Further, the local connection test does not apply to those fleeing domestic violence.

## 7 THE STRUCTURE OF THE PRIORITY BANDING SYSTEM

7.1 A banding scheme has been adopted to prioritise the housing need of applicants. They are prioritised by date of registration within the band.

7.2 There are four housing bands

- Band 1 – Emergency Priority
- Band 2 – Urgent Priority
- Band 3 – High Housing Need
- Band 4 – Identified Housing Need

7.3 Further information on the banding categories can be found in appendix A.

### 7.4 Statutory Reasonable Preference

7.5 Section 166A(3) of the Housing Act 1996 states that certain groups of people shall have 'reasonable preference' within any scheme of allocation. These groups are:

- People who are homeless (within Part 7 of the Housing Act 1996 as amended by the Homelessness Act 2002); this includes people who are intentionally homeless, and those who are not in priority need;
- People who are unintentionally homeless or threatened with homelessness and who are in priority need who are owed a duty by any housing authority under section 193 (2) or 195 (2) of the Housing Act 1996 (or under Section 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 or overcrowded housing or otherwise living in unsatisfactory housing conditions;

- People who need to move on medical or welfare grounds, including grounds relating to disability;
- People who need to move to a particular locality in the area, where failure to meet that need would cause hardship (to themselves or to others).

## 7.6 Additional preference

7.7 Under s166A (3) a scheme of allocation can give additional preference to applicants with urgent housing needs in the following circumstances:

- Current and former members of the armed forces (even where there is no local connection) who:
  - are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
  - formerly served in the regular forces,
  - have recently ceased, or will cease to be entitled to reside in accommodation provided by the Ministry of Defence 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
  - are serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
- Persons who are terminally ill and must move to suitable accommodation
- Other exceptional circumstances.

7.7 The date of application is backdated by 12 months in cases where additional preference is awarded.

## 8 LETTING PROPERTIES

### 8.1 Letting Bedroom Standard

8.2 Housing providers will generally let in accordance with the social size criteria, introduced by the Welfare Reform Act 2012. The rules allow 1 bedroom for

- Every adult couple
- Any other adults aged 16 or over
- Any 2 children of the same sex aged under 16\*
- Any 2 children aged under 10\*
- Children who can't share a bedroom because of a disability or medical condition
- A carer (or team of carers) providing overnight care

8.3 \*Unborn children will be taken into account when assessing bedroom eligibility from week 26 of the pregnancy.

8.4 One spare bedroom is allowed for

- An approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement
- A newly approved foster carer for up to 52 weeks from the date of approval if no child is placed with them during that time.

- 8.5 Rooms used by students and members of the armed or reserve forces will not be counted as 'spare' if they're away and intend to return home.
- 8.6 If an applicant shares the care of a child with the child's other parent, the child will be treated as living with the parent who provides the child's main home. If the child spends equal amounts of time with both parents, they will be treated as living with the parent who claims Child Benefit for them. This may mean that the applicant won't be allowed a bedroom for the child. The partner landlord might be lenient if there is low demand for the type of property requested and the applicant can provide evidence they can afford the rent payments.
- 8.7 **Sheltered housing**
- 8.8 Sheltered Housing provides communal living for individuals who wish to live independently. Letting of these properties is subject to additional qualification criteria.
- 8.9 The following will qualify for Sheltered Housing:
- Where the main applicant is at least 55 years of age regardless of sex,
  - Where no other member of the household is aged below 45 years of age, except a partner.
  - Where all other 'qualifying person' criteria tests in relation to local connection, unacceptable behaviour, owner-occupation and 'sufficient resources' are met.
- 8.10 The following may qualify for Sheltered Housing:
- The main applicant falls below the automatic qualification age, but in the view of the Council would benefit from living in the communal environment that sheltered housing provides including a need for the telecare service, or
  - Those ordinarily considered being 'non-qualifying persons' on the grounds of being owner-occupiers or having sufficient resources, but where individual need is demonstrated.
- In this scenario, the following must also be taken into account:
- Whether the applicant has a vulnerability and/or health and wellbeing need that is best met in a sheltered housing environment.
  - Whether the applicant has an overwhelming medical need that is best met in a sheltered housing environment.
- 8.11 All applicants for sheltered accommodation must agree to undertake the following:
- To subscribe to and pay for an alarm monitoring and assistance system
  - To allow quarterly home visits to test their alarm monitoring and assistance system.
- 8.12 **Accessible properties for people with disabilities**
- 8.13 Accessible properties are homes that have been designed for or significantly adapted to meet the needs of people with physical or sensory disabilities. We will prioritise applicants with an assessed need for accessible accommodation.
- 8.14 **Local lettings policies, planning conditions and s106 Agreements**
- 8.15 The Council may develop Local Lettings Policies for specific properties or areas, in order to meet local housing need or support the development of balanced and sustainable communities. Local Lettings Policies include criteria that are designed to address specific issues or needs. Examples of these criteria include:
- Village or Parish Connection

- Age
- Behaviour.

8.16 Consideration will always be given to the implications of a Local Lettings Policy for equal opportunities and the statutory 'reasonable preference' criteria. Overall, preference for allocations will be given to applicants in the reasonable preference categories and local lettings policies will not discriminate unjustifiably, directly or indirectly on the ground of a protected characteristic. Local Lettings Policies will be reviewed and removed once their objectives have been achieved.

8.17 New developments may have planning conditions with letting restrictions or Section 106 agreements. To support the delivery of balanced, sustainable communities, we will aim to allocate the new homes to a mixture of applicants with 50% of lets from band 1 and 50% of lets from band 2.

#### 8.18 **Offering a property**

8.19 The Council reserves the right not to consider applicants in the following circumstances:

- Where the applicant is already under offer for a different property
- Where the applicant poses a risk to individuals or the community where the property is based
- Where there are Local Lettings Plans in place and the individual does not meet the criteria of the Plan
- Where the property is accessible and the household has no need for the adaptations - we will always aim to let an accessible property to a household that needs those adaptations. In some circumstances, priority may be given outside of date or band order, if the property is particularly suitable for the needs of an applicant.

#### 8.20 **Allocations and Offers**

8.21 The Council's Housing Team will allocate properties in accordance with this Policy.

8.22 Properties will be shortlisted in the following order:

- By need for specialist components in the property e.g. disabled adaptations
- By housing band
- By registration date within the band.

8.23 If more than one applicant has the same band and registration date, we will allocate based on the individual housing circumstances of the case and all relevant factors.

8.24 We will match applicants who have a need for adaptations to accessible properties. A specialist such as an Occupational Therapist may be consulted on the suitability of the property.

8.25 Successful applicants will be offered the property in writing and will have 5 working days to respond to an offer of accommodation. Some applicants may be given longer to consider an offer, for example where there are identified vulnerabilities that significantly affect the applicant's ability to respond.

- 8.26 In the case of existing tenants of partner landlords (including SHDC Council tenants), and in accordance with paragraph 6.2 of this Scheme, prior to offer, the Council will make contact with the landlord to satisfy themselves that:
- The rent account of their existing property is clear
  - The property has been inspected and has been assessed as being in a good condition
  - There have been no breaches of tenancy conditions.
- The partner landlord is expected to provide this information within 5 working days.

8.27 All applicants will be required to provide documentary evidence to confirm the circumstances detailed on their application at the point of offer.

8.28 Additional steps will be required for the following scenarios:

- Where applicants are in homeless categories (Relief and Main Duty), a suitability check is required to confirm the property and location is suitable for the household. This is because it will be treated as a Final Offer of accommodation and the duty discharged.
- Where applicants owe housing related debt of more than £250, they will need to supply evidence that they have adhered to a repayment plan for at least the last 12 consecutive weeks within 10 working days (subject to paragraph 6.16 of this Scheme). If this is not completed within the reasonable timescales, then the offer will be withdrawn.
- Applicants may be required to complete an affordability assessment to confirm that the accommodation offered will be suitable. If this is not completed within the reasonable timescales, then the offer will be withdrawn.
- Where applicants are subject to a Personalised Housing Plan all steps will need to be completed and all evidence provided within 5 working days of the offer being made. If this is not completed within the reasonable timescales, then the offer will be withdrawn.

#### 8.29 **Withdrawal of offer**

8.30 The Council reserves the right to withdraw any offer of accommodation where there is just cause. The Council will explain to the applicant why an offer has been withdrawn.

8.31 If the applicant provides proof that demonstrates their circumstances have changed to such an extent that they are no longer eligible for the property, the offer will be withdrawn. If the applicant is unable to provide proof of their circumstances, the offer will be withdrawn and the application will be suspended until the required information has been provided and the application has been reassessed.

#### 8.32 **Refusals of suitable offers**

8.33 Failure to respond to an offer within 5 working days will be treated as a refusal. If an applicant fails to respond to an offer, their application will be suspended pending contact and confirmation of their circumstances. The application will be cancelled if there is no contact within 28 days.

8.34 Applicants in 'homeless' categories and the 'ready to move on' category will be subject to one suitable offer of accommodation in any location that the Council

believes to be suitable for the household. Applicants in all other categories will be subject to a maximum of two suitable offers. Applicants that have refused their maximum amount of offers will be disqualified from the Housing Register for a 12 month period, after which time a new application must be made.

8.35 If a homeless applicant who is owed the Relief Duty under Section 189B of the Housing Act 1996, the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 refuses a Final Offer of suitable accommodation, their application will be cancelled and they will lose their priority status and the relevant homeless duty will be discharged.

#### 8.36 **Hard to Let Properties**

8.37 In order to ensure the best use of available housing stock, consideration will be given to changes in the qualification criteria for properties for which there is no waiting list.

8.38 The Council may consider advertising hard to let properties and letting these properties to residents that live in the district but do not meet the local connection criteria.

#### 8.39 **Council tenancy sign-up process**

8.40 Before the tenancy is signed and keys released, applicants offered Council properties will be required to:

- show proof of submission of new tenancy information to DWP or the Council's Housing Benefit department where benefits are required or received. This applies to existing Universal Credit claimants or new claimants where a move will trigger a Universal Credit claim. A text message, email or screen shot of the Universal Credit online account will be acceptable.
- Arrange payment of four weeks rent in advance, unless there are extenuating circumstances where this amount may be reduced.

### 9 **DISCRETIONARY LETTINGS**

9.1 The lettings below can be made at the sole discretion of the Council and fall outside of the Allocations Policy:

- When one party gives notice on a joint tenancy this has the effect of bringing the whole tenancy to an end. In the case of existing Council tenancies, the Council will have regard to all the circumstances of the case and, if so requested, decide whether to grant a sole tenancy to the former joint tenant who remains in the property. Factors to be considered include (but are not limited to) responsibility for children, caring for a relative, the size of the property having regard to the household size of the applicant requesting the property, and the demand for that particular property at the time.
- Where the Family Court determines a transfer of tenancy - this is not considered an Allocation.

### 10 **REQUESTING A REVIEW AND THE HOUSING ASSESSMENT PANEL**

10.1. The Housing Assessment Panel will meet once a month and partner landlords will form part of this panel. A minimum of 3 members will be present.

10.2. The Housing Assessment Panel will consider the following:



- Review requests from the applicant
  - Consideration around relaxation of the qualification criteria for exceptional cases (presented by partner landlords and Council Housing Officers).
- 10.3. Every Applicant has the right to request a review of;
- the band into which they have been placed
  - decisions taken in relation to their Registration
  - the suitability of the property/location where they have been offered (for homeless cases).
- 10.4. All requests for a review must be:
- in writing, addressed to the Housing Services Manager at South Holland District Council, Council Offices, Priory Road, Spalding, Lincs, PE11 2XE or email HAP@sholland.gov.uk
  - received within 21 days from the date of the decision letter, from the applicant(s) or their representative, clearly stating the grounds on which the review is being sought and providing any supporting evidence. Verbal representation will be allowed in exceptional circumstances.
- 10.5. The Housing Assessment Panel will review such requests and provide a written response within 56 days of receipt of the request setting out the reasons for the decision. The outcome of a review will always be given in writing.

## **Appendix A - Banding Structure**

### **1. BAND 1 – EMERGENCY PRIORITY**

- 1.1. Applicants in this band will be entitled to one suitable offer of accommodation in any area of the district that the council considers to be suitable. See section 8 for more information.
- 1.2. **Homeless Duty**
- 1.3. Homeless applicants who are owed the Main Housing Duty under Section 193(2) of the Housing Act 1996 by the Council.
- 1.4. The offer made will be treated as a final accommodation offer. If a homeless applicant refuses a final offer of suitable accommodation, (which may be an offer of private sector accommodation), the relevant homeless duty will be discharged and their application will be reassessed.
- 1.5. **Emergency medical, welfare or hardship**
- 1.6. There is a serious medical condition or disability that is made substantially worse by the current housing. This would include people whose life is at risk due to their current housing conditions or who are completely housebound because of the type of accommodation they live in.

#### **1.1. Dangerous or hazardous housing conditions**

- 1.2. Where an applicant is living in a private rented sector property and the Council has determined that the property poses a Category 1 hazard (excluding overcrowding) under the Housing Health and Safety Rating System, and there is no prospect of the disrepair being remedied within a timescale that the Council considers to be reasonable. Additionally, the Council has assessed and is satisfied that as a result of continuing to occupy, the accommodation will pose a considerable risk to the applicant's health.
- 1.3. A private sector property (either owned or rented) is subject to a Council prohibition or demolition order for disrepair.
- 1.4. Where the applicant has been assessed as statutorily overcrowded in accordance with the Housing Act 1985 and/or the Housing Act 2004. This does not apply if the applicant has been placed in the accommodation temporarily by the Council.

### **2. BAND 2 – URGENT PRIORITY**

#### **2.1. Ready to 'Move-On'**

- 2.2. Where tenants of supported accommodation are ready to move on, leaving supported housing as part of an agreed plan to re-integrate into the community. It may be necessary to defer offers until the move-on plan and support needs have been assessed.
- 2.3. Applicants who are residing in accommodation provided by Lincolnshire County Council under Section 20 or Section 22A of the Children Act and are ready to move to independent accommodation.

2.4. Applicants residing in accommodation which are at risk of exclusion and ready to live independently. This category will only apply where mediation enables the applicant to continue to occupy the accommodation for at least 6 months.

2.5. Applicants in this category will be entitled to one suitable offer. A second offer will be made in rare and extreme circumstances at discretion of Assistant Director - Housing.

2.6. **Severe moderate medical, welfare or hardship**

2.7. The applicant or a member of their household has a medical condition that is severely impaired by their housing situation or their housing contributes to causing serious ill health.

2.8. Alternatively, there are exceptional circumstances where the only way a housing need can be resolved is through the use of discretion. In the interests of fairness to all applicants, these circumstances are kept to a minimum.

2.9. **Management need**

2.10. Applicants are social housing tenants within the district and

- have succeeded to or have been assigned a social housing tenancy in the district and are required to move to alternative accommodation as the property is not suitable for their needs because of its size or type.
- are occupying a significantly adapted property and they no longer require the adaptations. (The award will be granted only where the landlord will be given vacant possession of the property).
- are under-occupying the property and willing to downsize to a smaller property (This award does not apply where the applicant has been placed in any interim/temporary accommodation by any Local Authority).
- require extensive disabled adaptations and are prepared to move to a property with such adaptations rather than adapting their existing home. Medical evidence will be required including Occupational Therapist recommendations.

2.11. Applicants are currently occupying social housing within the district who are not eligible to succeed to a social housing tenancy in the district but lived in the property with the tenant for at least 12 months prior to the tenant's death, and continue to occupy the property.

**3. BAND 3 – HIGH HOUSING NEED**

3.1. **At risk of homelessness or homeless**

3.2. The following circumstances will come under this category:

- Applicants who are owed the Prevention Duty under Section 195 of the Housing Act 1996 by the Council.
- Applicants who are owed the Relief Duty under Section 189B (2) of the Housing Act 1996 by the Council.

3.3. The offer made will be treated as a final accommodation offer. Applicants in this category will be entitled to one suitable offer. If a homeless applicant refuses a final offer of suitable accommodation, (which may be an offer of private sector accommodation), the relevant homeless duty will be discharged and their application will be reassessed.

### 3.4. **Moderate medical, welfare or hardship**

3.5. The applicant or a member of their household has a medical condition that is impaired by their housing situation, but they are generally able to cope. Alternatively, an applicant needs to move to relocate to give a defined and evidenced level of care or support (i.e. 20 hours of respite care per week).

### 3.6. **Disrepair or other poor housing conditions**

3.7. ~~The applicant requires single person accommodation and is living with family or friends in accommodation where they are sharing facilities (such as bathroom, kitchen or toilet) without sole use of a bedroom.~~ **DELETED. Covered by “no security of tenure” category.**

3.8. Applicants are living in accommodation that has disrepair, where the issues cannot be remedied by the landlord within a time period that the Council considers to be reasonable. This will be assessed in partnership with the Council’s Private Sector Housing Team.

## 4. **BAND 4 – IDENTIFIED HOUSING NEED**

### 4.1. **Not statutorily homeless**

4.2. People who are not in priority need or are considered intentionally homeless and/or any relief duty has been discharged as per the Homeless Reduction Act 2017. Applicants in this category will be entitled to one suitable offer.

### 4.3. **No security of tenure previously band 3**

4.4. The applicant has no security of tenure, for example lives with a resident landlord or is lodging with friends.

### 4.5. **Overcrowding previously band 2 for social tenants and 3 for private tenants**

4.6. The household requires one or more bedrooms than they presently have.

### 4.7. **Other forms of tenancies**

4.8. The applicant is renting a property and is not a social housing tenant.

### 4.9. **Ex-armed forces personnel**

4.10. Applicants who are current or former members of the armed services, or their bereaved spouse or civil partner, as set out at paragraph 7.4 of this Scheme, will qualify for a Band 4 award automatically.

### 4.11. **Offer of employment**

4.12. Applicants do not currently reside in the district but have paid employment or an offer of paid employment within the district.

### 4.13. **Relationship breakdown**

4.14. Applicant is a joint social housing tenant within the district and has suffered a relationship breakdown.

4.15. **Sheltered Housing benefit**

4.16. Applicants have no housing need but are aged 55 or over and seeking sheltered housing. They would benefit from the provision of a telecare service and the community aspect that sheltered housing provides.

4.17. **No local connection**

4.18. The applicant and their household do not meet the local connection criteria however live in the district or can demonstrate contribution to the district and are in housing need. Community contribution is defined as an applicant or a household member undertaking voluntary work for at least ten hours per month and has done so for at least six months continuously. **NEW**