



**Ashfield and Mansfield Sub-Regional  
Choice Based Lettings Scheme**

# **Common Lettings Policy**

**Ashfield District Council  
Mansfield District Council**

## **Definition of Terminology**

### **Adapted Property**

This is a property that has been adapted for a person with disabilities.

### **Age criteria**

This will describe a property that is restricted to being let to people of a certain age.

### **Applicant**

The term “applicant” within this policy refers to all Main applicants, Joint applicants and all members of an applicant’s household.

### **Assignments**

This is where a tenant has the right to pass on their tenancy to a member of their family who would be entitled to succeed to the tenancy of their property in the event of their death. A tenant will need the landlord’s permission to do this.

A court order might also be made in certain circumstances transferring a tenancy from one partner to another in the event of a relationship breakdown

### **Bands**

An applicant will be placed in one of five bands dependant on their housing needs priority

### **Bids/Bidding**

When a vacant property is advertised, an applicant will submit an expression of interest called a bid. The process will be called bidding.

### **Bidding cycle**

This is the length of time vacant properties are advertised for. This will be from midnight on a Wednesday to the following Tuesday.

### **Choice Based Lettings (CBL)**

CBL is the process of letting social housing. It allows applicants for social housing (and existing tenants seeking a move) to apply for available vacancies which are advertised widely (e.g. in the local newspaper or on a website). Applicants can see the full range of available properties and can bid (i.e. apply) for any home to which they are eligible (e.g. a single person would not be eligible for a three-bedroom house).

### **Decant**

Where a tenant has to move out of their home during major improvements or repairs, and they have been offered temporary or permanent re-housing

### **Direct let**

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

### **Effective date**

This is the date an application is placed in a band.

**Eligibility**

The term used to describe factors that match an applicant to a property. For example, the size of an applicant's household and the number of bed spaces in a property.

**Extra care property**

A property that is specially designed for a frail older person or couple, Care and support will also be available for such a property

**Golden Transfer tenant**

The term given to a tenant who wants to move and has a good tenancy record.

**Homefinder**

The name of the Ashfield District Council and Mansfield District Council's Choice Based Lettings Scheme.

**Housing Register**

The Housing Register is the list of people who have applied to a Local Authority for housing. Only people on the Housing Register can get permanent accommodation from them, or be referred by them to a Registered Provider of Social Housing (RPSH).

**Labelling criteria**

The phrase used to refer to the information about properties advertised through the Scheme.

**Lettings Policy**

This explains the rules that determine how the Councils and the Registered Providers of Social Housing let their properties within this scheme. The policy also outlines other housing options.

**Local lettings policies**

These are dealt with in detail in Section 11 of this policy

**Low cost home ownership**

Low cost home ownership (LCHO), which is sometimes referred to as shared ownership (part-rent, part-buy) or share equity, offer those eligible the opportunity to purchase part of their home and begin building their own equity.

There are a number of schemes designed to help people buy an affordable home:

- New Build HomeBuy (shared ownership)
- Social HomeBuy
- Rent to HomeBuy
- HomeBuy Direct

These schemes are to help first time buyers, key workers and social tenants who would otherwise be unable to buy a home. They are open to households earning less than £60,000 a year. Each region in England has a designated HomeBuy Agent who will assess your application and advise you of the options for which you are eligible.

East Midlands Housing Association is the designated HomeBuy Agent for Nottinghamshire. Their contact address can be found in Appendix 2

### **Mutual exchange**

A swap of accommodation between two social housing tenants, that relies on each tenant moving permanently into the other persons/tenants property.

### **Nomination**

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

### **Participating Landlords**

These include, Ashfield District Council, using Ashfield Homes Ltd to manage its homes, Mansfield District Council, and participating Registered Provider of Social Housing (also known as Housing Associations) with properties in the Ashfield and Mansfield areas

### **Reduced preference**

This is where an applicant priority is reduced as a result of either their financial resources; outstanding rent arrears, or committed acts of anti-social behaviour.

### **Registered Provider of Social Housing (RPSH)**

Registered Provider of Social Housing (formally known as Registered Social Landlords) are government-funded not-for-profit organisations that provide affordable housing. They include housing associations, trusts and cooperatives. They work with local authorities to provide homes for people meeting the affordable homes criteria. As well as developing land and building homes, RPSH undertake a landlord function by maintaining properties and collecting rent.

### **Shared ownership**

See under Low Cost Homeownership

### **Shortlist**

A list of applicants that have expressed an interest in a particular property advertised through Choice Based Lettings.

### **Social housing**

The term used for affordable rental accommodation owned by a local Council or Registered Provider of Social Housing (RPSH) – sometimes known as a housing association.

### **Statutorily homeless**

This is a term that refers to people or families to whom a local housing authority has a duty to secure that accommodation is made available.

### **Sub-region**

The term “sub-region” refers to the Ashfield District Council and the Mansfield District Council Administrative areas.

## **Succession of tenancy**

When a tenant dies, providing there has not been a previous succession, the tenancy will normally automatically pass to any joint tenants, a partner or a close member of the tenant's family who has been living with them for at least one year.

## **Sustainable communities**

The Department for Communities and Local Government says a sustainable community is a place where people want to live and work now and in the future.

## **Types of tenancy**

- **Assured;** Usually used by RSLs, after the use of a starter tenancy. A tenant has the right to remain in the property unless the landlord can prove to the court that he or she has grounds for possession. The landlord does not have an automatic right to repossess the property when the tenancy comes to an end
- **Assured Shorthold:** Used in the private rented sector. With a shorthold tenancy, the landlord can regain possession of a property 6 months after the beginning of the tenancy, provided that they give the tenant 2 months' notice requiring possession.
- **Equitable;** Used by both councils and RSLs. Where a property is held in trust by a guardian or landlord for a 'minor' (someone under the age of 18), The minor becomes a tenant in equity until s/he reaches 18.
- **Introductory;** Is a council tenancy for a trial period of one year before a tenant becomes a secure tenant. Introductory tenants have fewer rights than secure tenants. The council can extend an introductory tenancy if there have been breaches of the conditions of the tenancy
- **Secure:** A council tenant will automatically become a secure tenant after 12 months of being an Introductory tenant, provided there have been no breaches of the conditions of the tenancy.
- **Starter:** Is a RSL tenancy for a trial period of one year before a tenant becomes an assured tenant. Starter tenants have fewer rights than assured tenants. An RSL can extend a starter tenancy if there have been breaches of the conditions of the tenancy

<b>Contents</b>	<b>Page</b>
<b>1. Ashfield and Mansfield Sub-Regional Partnership</b>	9
1.1 Introduction	9
1.2 Governance	10
1.3 Review of the Scheme	10
<b>2. Statement of Choice</b>	10
<b>3 Legal Framework</b>	11
3.1 Legal Requirements	11
3.2 Equality and Diversity	12
<b>4. Aims and Objectives</b>	13
4.1 Key aims and objectives for the Lettings Policy	13
<b>5. The Housing Register</b>	14
5.1 Eligibility – who can apply for housing	14
5.2 Joining the Housing Register	14
5.3 Joint applications	14
5.4 Multiple applications	14
5.5 Exclusion from the Housing Register	15
5.6 Applicants who will not be able to participate in Homefinder	15
5.7 Other Restrictions	16
5.8 Declaration	16
5.9 Social Housing applicants from outside Ashfield and Mansfield	16
5.10 False Information	16
5.11 Re-registration	17
5.12 Cancelling applications	17
5.13 Data Protection	18
5.14 Cross boundary moves	18
5.15 Councillors and Involvement in decision making	18
<b>6 Assessment of housing need</b>	19
6.1 Introduction	19
6.2 Housing need bands	19
6.3 Assessing applications	19
6.4 Deciding the effective date	20
6.5 Local connection to the sub-region	20
6.6 Local connection to a particular district	21
6.7 Applicants with no local connection	21
6.8 How local connection is determined	21
6.9 Reduced preference	22
6.10 Suitability to be a tenant	22
6.11 Reduced preference reviews and exceptions	23
6.12 Deliberately worsening circumstances	23
<b>7. Banding Scheme</b>	24

<b>8.</b>	<b>Housing Priority</b>	<b>28</b>
8.1	Deciding who has priority on the register	28
8.2	Homelessness	28
8.3	Accepted homeless applicants who refuse offer of property	28
8.4	Suitable accommodation	29
8.5	Other homeless households	29
8.6	Prevention of homelessness	30
8.7	Applicants in properties subject to emergency demolition orders	30
8.8	Tenants under occupying social housing	30
8.9	Rights of succession	30
8.10	Relationship breakdown of secure tenancy	31
8.11	An Applicant where tenancy surrender has been negotiated	31
8.12	'Move on' Nomination agreements	32
8.13	An applicant lacking or sharing facilities	32
8.14	No fixed address	32
8.15	An applicant offered employment or apprenticeships	32
8.16	Golden transfer tenants	33
8.17	Overcrowding	33
8.18	Medical grounds	34
8.19	Welfare grounds	35
8.20	Assured shorthold tenants	35
8.21	Owner occupiers	35
8.22	Tied accommodation	36
8.23	Rough sleepers	36
8.24	Qualifying agricultural workers	36
8.25	Armed forces	37
8.26	Mobile homes or caravans	37
<b>9.</b>	<b>Finding a home through "Homefinder"</b>	<b>38</b>
9.1	Advertising properties	38
9.2	Expressing an interest in advertised properties	39
9.3	Multiple properties	39
9.4	Selection process	40
9.5	Refusals	41
9.6	No interest in an advertised property	41
9.7	Feedback	41
<b>10</b>	<b>Offers of accommodation</b>	<b>42</b>
10.1	Choice of area	42
10.2	Offering a tenancy to an applicant having a housing- related debt	42
10.3	Type of tenancy offered	42
10.4	Bedroom size	43
10.5	An Applicant requiring an extra room	44
10.6	Property eligibility table	45
10.7	Sheltered properties	45
10.8	Bungalows	45
10.9	Properties with adaptations	45

<b>11. Local Letting Policies</b>	<b>46</b>
11.1 Legality	46
<b>12. Reviews</b>	<b>47</b>
12.1 Right to request a review	47
<b>Appendix 1 – Contact details for each Partner</b>	<b>48</b>

# **1. Ashfield and Mansfield Sub-Regional Partnership**

## **1.1 Introduction**

1.1.1 Ashfield District Council and Mansfield District Council have joined together to set up **Homefinder**, their Sub-regional Choice Based Lettings (CBL) Scheme. The Scheme intends to deliver greater choice to all those seeking housing in the Ashfield and Mansfield areas. It also intends to enable people to make better-informed decisions about their housing options.

1.1.2 This Scheme is to be known as Homefinder. The partners are:

- **Ashfield District Council who have transferred the management of their homes to Ashfield Homes Limited**
- **Mansfield District Council**
- **Participating Registered Providers of Social Housing (RPSH), also known as Housing Associations, with properties in the Ashfield and Mansfield areas.**

**These partners will be known as Participating Landlords.**

1.1.3 This Policy document sets out the rules of the lettings policy.

1.1.4 To be considered for re-housing through the Scheme, customers are asked to apply to join the Housing Register. Applicants will then be placed, once the required information has been provided, into one of five bands, based on the level of the applicant's housing need.

1.1.5 When a property owned by a Participating Landlord in either area, becomes vacant, it will be advertised in a variety of ways, with the exceptions outlined at Section 9.1.5. This may include adverts in local papers; on the internet; in a free sheet magazine; as well as in Council, Ashfield Homes and/or RPSH offices.

1.1.6 An applicant will then be able to 'bid' for a property, if they meet it's eligibility criteria. The successful 'bidder' will normally be the applicant in the highest band, with the earliest 'effective date'.

1.1.7 Homefinder will provide greater choice for applicants. It will be more transparent and should provide applicants with a more realistic view of their prospects of securing accommodation. The Scheme will not increase the number of properties available.

1.1.8 Homefinder is unlikely to satisfy the needs of all home seekers in finding affordable rented accommodation. The Scheme aims to advertise alternative housing options such as private rented accommodation and mutual exchanges, as well as low cost home ownership and shared ownership properties.

- 1.1.9 The Scheme will operate using a shared CBL Information Technology (IT) system and one Common Lettings Policy across the sub-region. However, there may be local variations in order to make best use of social housing. In such cases the criteria for properties will be clearly labelled in the advertisement.
- 1.1.10 There are Registered Providers of Social Housing (RPSH), also known as Housing Associations, within Ashfield and Mansfield. If they have nomination agreements with either Local Authority, they may advertise their available homes through the Scheme.
- 1.1.11 The Scheme is designed to be easy to use. It allows applicants to understand their housing situation, so they can make the best choice from all the housing options available to them.
- 1.1.12 Ashfield District Council and Mansfield District Council will ensure that housing advice and housing options information is available to everyone, free of charge. This will include information on how to apply for housing and where to get help to make an application, if the applicant cannot do so without assistance.

## **1.2 Governance**

- 1.2.1 The Scheme is subject to a sub-regional agreement. This agreement will ensure that the Scheme is up- to- date and meets national best practice guidelines. The Scheme is managed by a sub-regional Project Group made up of the Housing Managers from the Ashfield and Mansfield District Councils, RPSH and other stakeholders.

## **1.3 Review of the Scheme**

- 1.3.1 All Participating Landlords will contribute to monitoring, developing, funding and making Policy decisions about the Scheme. The Project Group will meet quarterly to review and monitor the Scheme. It will also monitor the effectiveness of the Lettings Policy, ensuring it meets the stated objectives and complies with legislative changes.

## **2. Statement of Choice**

- 2.1 The Participating Landlords are fully committed to enabling an applicant to play a more active role in choosing where they live, whilst continuing to house those applicants in greatest housing need.
- 2.2 The Scheme enables all eligible applicants the freedom to apply for accommodation in either or both the Ashfield or Mansfield areas.
- 2.3 In addition to giving an applicant the choice of where to live, they will also have access to information and advice on other housing options within the Ashfield and Mansfield areas. They will receive help in finding accommodation that best suits their housing needs.

## **Legal Framework**

### **3.1 Legal requirements**

3.1.1 The Policy meets the legal duties set out in Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002.

3.1.2 The key points contained in Part VI of the Housing Act 1996, which impact on the Policy are:

- Allocating Local Authority properties to new tenants;
- Transfers that are requested by Local Authority tenants;
- Allocating Local Authority properties to current tenants of Registered Providers of Social Housing (RPSH);
- Nominations that the Councils make to RPSH.

3.1.3 Section 167(2) of The Housing Act 1996, as amended by the Homelessness Act 2002, sets out the five groups of applicants where reasonable preference must be considered when being offered a property:

- An applicant who is homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002);
- An applicants who is owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by such authority under section 192(3) of the Housing Act 1996;
- An applicant occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- An applicant who needs to move on medical or welfare grounds (including grounds relating to a disability);
- An applicants who needs to move to a particular locality in the district of the Local Authority, where failure to meet that need would cause hardship (to themselves or to others).

3.1.4 The Lettings Policy is designed to ensure that an applicant who falls within the reasonable preference categories will be given due reasonable preference.

3.1.5 All applicants will have their housing needs assessed. They will then be placed in a housing needs band according to their individual circumstances.

- 3.1.6 In developing the Policy, regard has been given to the Allocation of Accommodation Code of Guidance for Local Housing Authorities (2008), Housing and Regeneration Act (2008) and “Fair and flexible: statutory guidance on social housing allocations for local authorities in England” (2009).
- 3.1.7 The Policy does not apply to assignments or mutual exchanges. In each of these instances, neither Ashfield District Council or Mansfield District Council, nor any of the other Landlords are required to identify a new tenant for the relevant property or properties.

## **3.2 Equality and Diversity**

- 3.2.1 Everyone has their own unique needs, skills, qualities and abilities. The Participating Landlords believe that this diversity must be valued so that everyone can play a full and active part in life, free from fear and discrimination.
- 3.2.2 Strong communities will thrive and prosper if individuals and groups are treated fairly, with respect, and given access to rights and services. The Participating Landlord’s aim is to create an environment where this is possible and to put equality and diversity at the heart of everything they do.
- 3.2.3 An applicant who is co-habiting, or in a civil partnerships, will be treated in the same way as a married applicant.

## **4. Aims & Objectives**

### **4.1 Key Aims & Objectives for the Lettings Policy**

4.1.1 The overall aim of the Policy is to ensure that all social housing within the Ashfield and Mansfield areas are allocated fairly and objectively to those with the greatest housing need. Regard will be taken to any legislative requirements; related case law; local strategies and Codes of Guidance issued by Government Departments and the Homes and Communities Agency (HCA).

4.1.2 This Policy has been developed with a view to meeting the following principles and key objectives:

- Meet the legal requirements for the allocation of social housing as outlined in the Housing Act 1996;
- To provide an applicant with the ability to be able to make informed choices about where they want to live;
- To improve local, regional and national mobility and to encourage balanced and sustainable communities;
- To ensure that every application is dealt with fairly and consistently irrespective of race, disability, gender, sexual orientation, religion, belief and age;
- To operate a choice based lettings system that is simple, easy to understand, transparent, open and fair;
- To ensure all Participating Landlords work within the same framework and objectives;
- To assist vulnerable applicants in accessing the Scheme.

## **5. The Housing Register**

### **5.1 Eligibility – Who can apply for Housing**

5.1.1 Homefinder will operate an open Housing Register which, subject to certain exclusions outlined below, will be open to everyone over the age of 16, who are eligible for social housing in the UK. This includes all applicants that are owed a duty to be re-housed as a result of being found homeless.

5.1.2 Applications cannot be accepted from households that include:

- People who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996;
- People from outside the United Kingdom who fail the habitual residence test;
- People from outside the United Kingdom who are in breach of or whose residence does not comply with the European Union of Rights of Residence Directive and Statutory Instruments.

5.1.3 There is no duty on the Participating Landlords to offer accommodation to persons subject to any of the above restrictions. However, advice on housing options across the sub-region will be provided.

### **5.2 Joining the Housing Register**

5.2.1 To join the Housing Register, an applicant must fill in an application form. These forms are available on-line or at an office of one of the Participating Landlords. In some circumstances it will be possible to have a form completed on an applicant's behalf over the telephone.

5.2.2 An applicant needs only to apply once to the Housing Register to be considered for re-housing anywhere within the Ashfield and Mansfield areas for social housing. This is unless there are any restrictions that mean that an applicant can only bid for properties in one of the Ashfield or Mansfield areas. Examples of such restrictions are applicants who are owed a statutory homeless duty or who are being re-housed from 'Move-On' accommodation.

### **5.3 Joint applications**

5.3.1 Joint applications will be accepted provided both applicants are eligible, aged 16 or over and intend to occupy the property together as their only or main home.

### **5.4 Multiple Applications**

5.4.1 Multiple applications to more than one Local Authority will not be allowed.

## **5.5 Exclusion from the Housing Register**

- 5.5.1 An applicant may not be eligible to join the Housing Register because they, or a member of their household, has been found guilty of serious unacceptable behaviour that would make them unsuitable to be a social housing tenant.
- 5.5.2 Such serious unacceptable behaviour is defined as “only that behaviour, by the applicant or member of his households, which would if the applicant were a secure tenant of the Local Authority, entitle it to a possession order on any ground in The Housing Act 1985, Part 1, Schedule 2, other than ground 8 (which relates to decants).”
- 5.5.3 The decision will be made at the time of application. It will take into account all available evidence from relevant organisations, such as the applicant’s landlord, Environmental Health, Social Services or Police. The decision will be taken objectively and also take into account the overall circumstances of the applicant.
- 5.5.4 Should an excluded applicant consider that their circumstances have changed then they may make a fresh application. It will be up to them to show that their circumstances have changed and their behaviour has improved.
- 5.5.5 An applicant will be notified within ten working days, once all relevant information has been supplied, if they are not eligible to join the Housing Register. They will be notified of their right to request a review of the decision at the same time.

## **5.6 Applicants who will not be able to participate in Homefinder**

- 5.6.1 The following is a list of applicants who may not be allowed to participate in choice based lettings for a temporary period;
- An applicant who is currently housed in Ashfield District Council’s or Mansfield District Council’s private rented scheme and have more than two months left within the fixed term period of an assured shorthold tenancy. This is to ensure they do not incur costs for two tenancies and so will be prevented from taking part until the fixed term of their period ends. However, an applicant will be allowed to participate if the landlord is willing to release them early from that tenancy or they are able to pay the outstanding rent;
  - Persons who are considered as unable to sustain a tenancy because they have an identified vulnerability will be prevented from participating.
- 5.6.2 The Scheme will consider all available evidence in deciding if someone is not able to participate on choice based lettings.

5.6.3 An applicant who is temporarily suspended from the Scheme, will be provided with written reasons for their suspension; informed of all possible conditions that need to be met before they are allowed to take part and also the date by which they may request a review of this decision.

## **5.7 Other Restrictions.**

5.7.1 In some circumstances Homefinder may put limits on the sort of property or area an applicant can apply for. Homefinder will do this if there are concerns about the risks the applicant may pose, or which are posed to the applicant in a specific location or property type. This decision may be part of a multi-agency risk assessment.

## **5.8 Declaration**

5.8.1 When an applicant applies for housing, they must confirm that:

- the information they have provided is complete, true and accurate.
- they will notify the relevant Local Authority where their application is held of any change in circumstances.
- they understand that information will be shared with all the Participating Landlords and with other relevant organisations in order to complete or verify information or to prevent fraud or protect public funds in other ways.
- they consent to the Participating Landlords making enquiries of any relevant persons to confirm the information on the Application Form is correct, or to add to the information given where this is necessary to complete an assessment of need or consider suitability for housing.
- they agree to provide any documentation required to establish their eligibility to register for housing, the size of their household and that any children are their or their partner's responsibility.

## **5.9 Social Housing Applicants from outside Ashfield and Mansfield.**

5.9.1 Persons applying to the Housing Register, who currently live in Local Authority or RPSH accommodation outside of the Ashfield and Mansfield areas will be treated as "direct applicants" and **not** "transfer applicants".

## **5.10 False Information**

5.10.1 Under The Housing Act (1996) and Homelessness Act (2002), it is a criminal offence for anyone to knowingly give false information or to withhold relevant information if reasonably required to give it, on any matter regarding the allocation of housing.

## **5.11 Re-registration**

5.11.1 To maintain an updated Housing Register, Homefinder will operate an annual review of the Housing Register.

5.11.2 If an applicant does not respond within 21 calendar days to a written request for the information needed to assess the housing application review, the applicant may be removed from the Housing Register. In exceptional circumstances, this timescale may be extended.

## **5.12 Cancelling Applications**

5.12.1 Applications may be cancelled in circumstances such as listed below. Circumstances include, but are not limited to the following:

- A written request to do so has been received from the applicant (or their advocate).
- Where an applicant does not maintain their application through the re-registration process, or where they move and do not provide a contact address.
- The applicant has been re-housed by any of the Scheme's Participating Landlords.
- Notification has been received from an executor or personal representative that the applicant is deceased and s/he was the sole applicant.
- It is discovered that an applicant has given false or misleading information in their application.
- Evidence is obtained that confirms the applicant is no longer eligible.
- Information requested remains outstanding after reminders.

5.12.2 An applicant will be informed of the reason(s) why their application has been cancelled and of their right to request a review of the decision (see Section 12 - Reviews).

5.12.3 An applicant whose application has been cancelled is able to re-join the register. The 'effective' date on the register will be from the date they re-join the register, as outlined within Section 6.4.

### **5.13 Data Protection**

5.13.1 An applicant's personal information will be held and used in accordance with the Data Protection Act 1998. The Participating Landlords will not disclose such information to any unauthorised person or body. Where appropriate Participating Landlords will use such information in carrying out its various functions and services. Participating Landlords may also use this data in connection with the prevention or detection of fraud or other crime.

### **5.14 Cross Boundary Moves**

5.14.1 Participating Landlords will provide for cross boundary moves. This will make it easier for an applicant living in one Partner authority's district to apply for and be allocated accommodation in the district of the other Partner authority.

5.14.2 Participating Landlords will advertise their properties to applicants who have a local connection with Ashfield or Mansfield. Should at any time inward migration exceed outward migration significantly then properties will be restricted to bidding by applicants with a local connection to a particular Local Authority. In such cases properties will be clearly advertised to show a local connection rule applies. Cross boundary moves will be monitored closely and reviewed quarterly by the sub-regional Project Group.

5.14.3 The arrangements for cross-boundary mobility will be operated in line with the statutory requirements of Part VI of The Housing Act (1996).

### **5.15 Councillors and Involvement in decision making**

5.15.1 Elected Council Members cannot take part in the assessment and letting process. This does not prevent them seeking, or providing information, on behalf of their constituents, or being involved in future developments of this Policy.

## **6. Assessment of Housing Need**

### **6.1 Introduction**

6.1.1 All applications will be initially assessed. Upon receipt of all the required information, the applicant will be notified of which housing needs band they have been placed in normally within 10 working days.

### **6.2 Housing Need Bands**

6.2.1 An applicant will be placed in one of five Housing Needs Bands (Bands 1-5), based upon their individual circumstances and the information they provide.

6.2.3 Band 1 is for applicants with the most urgent housing need and Band 5 is for applicants with no housing need.

6.2.4 All Participating Landlords will operate the five Band system and where an applicant is placed in one of the five Bands, the banding will apply to the whole of the Scheme.

### **6.3 Assessing Applications**

6.3.1 Once an application has been received it will be assessed and entered onto the Housing Register; the applicant will receive an acknowledgement letter. The letter will:

- Explain which band and the reason why the applicant has been placed in it following initial assessment. If they are subsequently assessed as having a medical or welfare need they will be advised separately after the assessment has been made.
- Confirm the size (and if applicable the type) of property the applicant is eligible for.
- Provide them with their unique reference number.
- Confirm the applicant's effective date.
- Include a reminder about informing the assessing Local Authority of any change in circumstances.
- Give details of the Appeal and Review procedures.
- Inform the applicant that if they have been temporarily suspended (see Section 5.6) from bidding or have reduced preference, and provide the reasons why.
- Detail the Local Authorities where the applicant has a local connection.

6.3.2 If there are any changes to an applicant's circumstances they must notify the assessing Local Authority, as soon as those changes occur. This may be done by email, telephone, writing or in person so that the applicant's level of need can be reassessed.

#### **6.4 Deciding the effective date**

6.4.1 An applicant's effective date will usually be the date on which the application is received, except in such circumstances where;

- They are moved into a higher band, when their effective date will then be the date their circumstances changed.
- They are given priority on medical or welfare grounds, when their effective date will be when they applied for this award.
- They are accepted as homeless, when their effective date will be the date when they applied as homeless, unless they already qualify for Band 1 with an earlier date.

#### **6.5 Local Connection to the Ashfield and Mansfield areas**

6.5.1 The Participating Landlords recognise that the housing needs of local people must take priority over those that live outside of the Ashfield and Mansfield areas and have no local connection to Ashfield or Mansfield.

6.5.2 An applicant will be counted as having a local connection to the Ashfield and Mansfield areas if they fit into one or more of the following categories:

- They live or have lived in the Ashfield and Mansfield areas for a period of 6 months during the previous 12 months;
- They live or have lived in the Ashfield and Mansfield areas for 3 years during the previous 5 years;
- They previously lived in the Ashfield and Mansfield areas and lived there for 5 years or longer;
- They have close family connections with someone living in the Ashfield and Mansfield areas. A close family connection is defined as "a parent, child, grandparent, grandchild, sibling, legal guardian or any positive relationship, which provides the main source of support, providing that the relative has lived in that area for a period of 6 months during the previous 12 months, or 3 years during the previous 5 years."
- Their regular place of work is located within either of the Local Authority areas within Ashfield or Mansfield. Casual, temporary or contract work less than 12 months in duration does not qualify. Applicants will only be considered to have a local connection in these circumstances, if it is unreasonable to expect them to commute to their place of work from their existing home;

- They are leaving HM Armed Forces and have a local connection through any of the above criteria;
- Through Section 315 of the Housing and Regeneration Act (2008), persons serving in HM Armed Forces establish a local connection through residence or employment in the same way as a civilian person;
- Persons who have been placed in accommodation within the Ashfield and Mansfield areas by a specialist housing provider (for example women's refuges); or
- Persons who have a connection to areas within the Ashfield and Mansfield areas because of exceptional circumstance. This may include the need to access specific medical treatment or support.

6.5.3 The local connection rule will not apply to an applicant who is assessed as having an urgent housing need due to an imminent risk of violence or to those who are part of a witness protection scheme.

## **6.6 Local connection to a particular district**

6.6.1 To ensure local housing needs are met, some properties advertised through Homefinder may be advertised as available only to applicants with a local connection to an individual Local Authority area.

6.6.2 The local connection criteria to an individual Local Authority area will be the same as the criteria for local connection to the Ashfield and Mansfield areas. However, it only will relate to that Local Authority area.

## **6.7 Applicants with no local connection**

6.7.1 The Ashfield and Mansfield sub-region is a high demand area where demand for social housing is in excess of supply. For this reason an applicant who lives outside the Ashfield and Mansfield areas with no local connection to it, cannot expect the same priority for housing as those with a local connection.

6.7.2 An applicants living outside the Ashfield and Mansfield areas will be assessed in the same way as others to establish their band. If an applicant has no local connection to the Ashfield and Mansfield areas the application will then be placed one band lower than the assessment. If an application is assessed in band 5, they will stay in band 5.

## **6.8 How local connection is determined**

6.8.1 For the purposes of determining local connection, living in the Ashfield and Mansfield areas means living in permanent accommodation and will not include:

- occupation of a mobile home, caravan or motor caravan which is not placed on a residential site; or
- occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday.

## **6.9 Reduced Preference**

6.9.1 Section 167 (2A) of the Housing Act (1996), as amended by the Homelessness Act (2002), allows allocation schemes to give reduced preference to the following groups of applicants:

- An applicant with “significant financial resources” where the applicant was financially able to secure alternative accommodation at market rent for themselves.
- Where the “behaviour of the applicant (or member of his household) affects their suitability to be a tenant.”

### **6.9.2 Significant Financial Resources**

6.9.3 Where an applicant applies to join the register and they are assessed as having reasonable preference, but also have sufficient resources to buy their own property, their priorities may be reduced due to the financial resources available to them.

6.9.4 The decision to reduce preference for this reason will be based on a financial assessment. This will take into account the applicant’s income, savings, capital and/or interest held (and which could be redeemed) in a current home or other property along with their ability to get a mortgage and the size and type of property needed.

## **6.10 Suitability to be a tenant**

6.10.1 Where an applicant has a housing related debt to any Participating Landlord, RPSH, or other Local Authority, and consistent and regular repayments have not been maintained, and they have a Housing Need they will be placed into Band 4 to reflect the reduced preference. In the absence of a Housing Need they will be placed into Band 5.

6.10.2 A Participating Landlord may also consider that an applicant who has a housing-related debt with their current private landlord may be unsuitable to be a tenant. In such circumstances, if they have a Housing Need they will be placed into Band 4 to reflect the reduced preference. In the absence of a housing need they will be placed into band 5.

6.10.3 In considering whether an applicant is suitable to be a tenant, Participating Landlords will normally consider the last 5 years housing history of the applicant. They do retain the right to look beyond this timescale in exceptional circumstances.

6.10.4 Where an applicant (or members of their household) have:

- committed acts of anti-social behaviour;
- deliberately damaged a property and action has been taken against them;
- assaulted or harassed an employee of a Local authority or RPSH,

they will be placed into Band 4 (unless there is no Housing Need then they will be placed into Band 5).

6.10.5 This is not a blanket Policy. In exceptional circumstance an applicant may still be given additional preference. This may be considered if there is an urgent medical or welfare need or they are fleeing violence or have been assessed as being owed a statutory homeless duty.

## **6.11 Reduced Preference Reviews and Exceptions**

6.11.1 An applicant will be notified of any reduced preference given and they are entitled to ask for a review of this decision (see Section 12). The applicant will also be informed if there is any action they can take to improve their situation. Decisions will be reviewed on a six- monthly basis, except in the case of an applicant in rent arrears, where the debt has been repaid in full, will be entitled to request a review of the decision.

6.11.2 If after reviewing the original decision, an applicant no longer has a reduced preference. They must maintain regular and consistent repayments before an offer of accommodation is made.

## **6.12 Deliberately Worsening Circumstances**

6.12.1 Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher priority on the Scheme, no additional priority will be given. An applicants will retain any priority they held before worsening their circumstances. At the applicant's request, this decision may be reviewed after a period of at least 12 months.

## **7. Banding Scheme**

7.1 All applications will be assessed on their individual circumstances and placed into one of five bands based on the outcome of the assessment. Band 1 has the highest priority and Band 5 the lowest. An applicant is prioritised in each Band based on their 'effective date'.

The bands are outlined below.

### **Band 1**

- **A Homeless applicant to whom the Council has accepted a full duty. (Section 8.2)**
- **An applicant in a property subject to an Emergency Prohibition Order, or Demolition Order. (Section 8.7)**
- **An applicant assessed as having a severe medical need. (Section 8.18)**
- **An applicant assessed as having a severe welfare need. (Section 8.19)**
- **An applicant identified for a 'Move on' nomination from an agreed agency and ready to move and able to sustain a tenancy. (Section 8.12)**
- **A Social Housing tenant who has negotiated the surrender of the tenancy.(Section 8.11)**
- **An applicant in tied accommodation who qualifies under the Rent Agricultural Act 1976. (Section 8.24)**
- **A Social Housing tenant 'succeeding' to a tenancy where the property is not suitable for their needs. (Section 8.9)**
- **An applicant who does not have a right to succeed to a Social Housing tenancy but is left in occupation, but the property is not suitable to their needs and they meet the agreed criteria. (Section 8.9)**
- **A Social Housing joint tenant, who qualify to move to a smaller property, as a result of a relationship breakdown.(Section 8.10)**
- **An applicant in Band 2 with two or more needs.**

## **Band 2**

- **An applicant threatened with homelessness within 3 months who is likely to lose their accommodation through no fault of their own.***(Section 8.6).*
- **An applicant assessed as having a moderate medical need.***(Section 8.18).*
- **An applicant assessed as having a moderate welfare need.***(Section 8.19).*
- **A Social Housing tenant within Ashfield or Mansfield, who is under occupying by 2 or more bedrooms.***(Section 8.8)*
- **A Social Housing tenant within Ashfield or Mansfield, who is under occupying and is willing to move to property designated for the elderly.***(Section 8.8).*
- **An applicant whose household is overcrowded by 2 or more bedrooms***(Section 8.17).*
- **An applicant who have been rough sleeping for 4 weeks or more.***(Section 8.23).*
- **An applicant currently in Armed Forces accommodation, who will be discharged within 6 months, have a priority need and who has been based, lived or has family in Ashfield or Mansfield***(Section 8.25).*
- **An applicant assessed as having a need to move to a particular locality within Ashfield or Mansfield in order to take up an offer of employment or apprenticeship.***(Section 8.15).*
- **An applicant assessed as meeting Band 1 criteria but with no local connection to the sub-region.**
- **An applicant in Band 3 with 4 or more needs.**

### **Band 3**

- **An applicant living in poor housing conditions.***(Section 8.13)*
- **An applicant who has been assessed as homeless or threatened with homelessness, but is not in priority need or intentionally homeless.** *(Section 8.5).*
- **An applicant who has No Fixed Address.** *(Section 8.14).*
- **An applicant assessed as having a low medical need.** *(Section 8.18).*
- **An applicant assessed as having a low welfare need.** *(Section 8.19).*
- **A 'Golden Transfer' tenant who has been a tenant for 2 years, has a clear rent account for 12 months, no record of any other breaches of their tenancy and no anti-social behaviour record.** *(Section 8.16).*
- **An applicant whose households are overcrowded by 1 bedroom.** *(Section 8.17).*
- **An applicant served with valid Notice to Quit.** *(Section 8.20).*
- **A Social Housing tenant in Ashfield and Mansfield who is under occupying by 1 bedroom.** *(Section 8.8).*
- **An applicant in Tied accommodation who has been provided with a legal notice asking them to leave their accommodation.** *(Section 8.22).*
- **An applicant assessed as meeting Band 2 criteria but with no local connection to the Ashfield and Mansfield areas.**

#### **Band 4**

- **An applicant assessed as meeting Band 3 criteria but with no local connection to the Ashfield and Mansfield areas.**
- **An applicant with significant financial resources and who is financially able to secure alternative accommodation within the owner occupied sector.**
- **An applicant whose behaviour, or the behaviour of a member of their household, affects their suitability to be a tenant**

#### **Band 5**

- **An applicant with no housing need**
- **An applicant in properties requiring repairs that are able to be carried out.**
- **An applicant who is in accommodation that meets their needs.**
- **Owner occupiers. (*Section 8.21*).**
- **An applicant in tied accommodation who is not required to leave.**
- **An applicant who reside in a Caravan and boat. (*Section 8.26*).**
- **An applicant who is currently in prison. (*Section 8.14*).**

## **8. Housing Priority**

### **8.1 Deciding who has priority on the register**

8.1.1 Each applicant will be placed in one of the five bands following an assessment of their individual circumstances. The Law (the Housing Act 1996) requires certain groups of people to be given 'reasonable preference'.

### **8.2 Homelessness**

8.2.1 Statutory homeless applicants are those who have been assessed under Part VII of The Housing Act 1996, as amended by The Homelessness Act 2002. To be statutory homeless a local authority has to be satisfied the applicant is homeless, eligible for assistance and has a priority need, and did not become homeless intentionally.

8.2.2 An applicant who is statutory homeless will have a letter from a Local Authority. This letter will confirm that there is a full duty to assist the applicant in obtaining housing.

8.2.3 A Homeless applicant to whom a full duty is owed will be placed in Band 1.

8.2.4 Assisted bidding will be offered to the most vulnerable applicants. This is to make sure they receive an early offer, acknowledging their choice of area and accommodation.

8.2.5 If, after 6 weeks, where an applicant with a statutory homeless duty has not bid for suitable properties or are bidding for unsuitable properties, the Local Authority (which decided that the applicant was statutory homeless) will review the application. The Local Authority might then bid on the applicant's behalf. Alternatively, they may provide the applicant with a "direct offer" of accommodation.

8.2.6 If an applicant is bidding for suitable properties but has been unsuccessful, they will continue to be able to participate in bidding for properties after their application has been reviewed.

### **8.3 Accepted homeless applicants who refuse an offer of accommodation**

8.3.1 If a statutory homeless applicant refuses an offer of suitable accommodation there will be no further duty owed to them. The refusal will be regarded as discharging the Local Authority's duty under S.206(1) of the Housing Act 1996. In these circumstances an applicant's banding will be reconsidered.

## **8.4 Suitable accommodation**

8.4.1 An offer of accommodation will be regarded as suitable where:

- The accommodation is affordable taking account of the financial resources available to the applicant, and the cost of the accommodation. This is defined in the Homelessness (Suitability of accommodation) Order 1996.
- The accommodation is of an appropriate size and type to meet the reasonable requirements of the household. It also needs to satisfy the need for special features to meet any limiting illness or disability of any member their household.
- The location does not deny reasonable access to receive needed support. This support could be due to vulnerability or a disability. It could also include reasonable access to specialist medical facilities where a member of the household needs regular access.
- Its location does not deny reasonable access to a specialist educational establishment for a member of the household who has particular special educational needs.
- Its location is not in close proximity to a perpetrator who has threatened or caused violence or domestic violence to a household member whose life or safety would otherwise be threatened.
- Its location is not in close proximity to a perpetrator who has caused intimidation or harassment to a household (e.g. due to race, nationality, sexuality, gender, religion or belief, age or disability).
- Its location takes account of access to employment and educational requirements of the household. This is in addition to family support networks; established links to schools; doctors; social workers and other key services, and support essential to the well being of the household.

## **8.5 Other Homeless households**

8.5.1 A Homeless applicant, who is found not to be statutorily homeless, will be provided with advice and assistance to help them secure accommodation. An applicant who has been found not to have a priority need or are intentionally homeless will be placed in Band 3.

## **8.6 Prevention of homelessness**

- 8.6.1 An applicants in the Ashfield or Mansfield areas threatened with homelessness within 3 months will be given priority to assist them in being re-housed. If they are likely to lose their accommodation through no fault of their own, for which there is no legal redress; where they are likely to be in priority need; and they have exhausted all other prevention options, they will be placed in Band 2.

## **8.7 Applicants in properties subject to Emergency Prohibition Orders**

An applicant in a property subject to an Emergency Prohibition Order under the Housing Act (2004) within the Ashfield or Mansfield areas, or Demolition Orders, with written confirmation from Participating Landlords, will be placed in Band 1.

## **8.8 Tenants under occupying social housing**

- 8.8.1 A current Social Housing tenants in the Ashfield or Mansfield areas who is under occupying their property, will be offered priority. This priority will only be offered to a tenant who want to move to a smaller property.
- 8.8.2 An applicant under occupying by 2 or more bedrooms will be placed into Band 2, whilst an applicant who is under occupying by one bedroom will be placed into Band 3.
- 8.8.3 An applicant who is under occupying by one or more bedrooms, is willing to move into property designated for the elderly and meets the eligibility criteria for such properties, will be placed into Band 2.

## **8.9 Rights of Succession**

- 8.9.1 Rights of Succession apply if an applicant qualifies to 'succeed' to a tenancy when the tenant dies, but the property is bigger than the applicant needs. As a result they may be asked to move to more suitable accommodation.
- 8.9.2 To succeed to a tenancy an applicant has to meet certain rules. Usually they must be related to the tenant, or be their partner, and have lived in the property for a certain time. The rules for this are in the tenancy conditions for the property.
- 8.9.3 An applicant qualifying to succeed to a tenancy will be placed in Band 1.
- 8.9.4 When an applicant does not have a Right To Succeed to a tenancy, but is left in occupation on the death of the tenant, their landlord may consider whether the applicant can be considered for Band 1. Each case will be assessed and the applicant must meet any of the following circumstances:

- They have been living with the tenant for a year before the tenants death, or;
- They have been looking after the tenant for a substantial period of time (for example, 12 months or more) or:
- They have accepted responsibility for the tenant's dependants.

8.9.5 If an applicant who has 'succession' priority has not expressed an interest within six months of their application their case will be reviewed. Their landlord then may express an interest in suitable properties on their behalf. If three offers of a new home are refused the landlord may review an applicant's situation and serve a Notice Seeking Possession.

## **8.10 Relationship Breakdown of secure tenancy**

8.10.1 A Social Housing tenant, who was a joint tenant and suffers a relationship breakdown and their former partner moves out, would be placed in Band 1 if they qualify to move to a smaller property. This would be time limited to 6 months and then be subject to review if they have not expressed an interest during this time.

8.10.2 If the applicant qualifies to be offered their current property, consideration will be given to granting them the tenancy. This letting would not be classed as part of the Homefinder Scheme.

## **8.11 An Applicant where tenancy surrender has been negotiated**

8.11.1 An applicant who is in this category would be placed into Band 1 if they offer to end their tenancy upon the following conditions being met;

- They were a tenant of a social landlord within the Ashfield and Mansfield areas when taken into custody **and** any offence committed did not mean they had breached their tenancy agreement, **and**
- They have or are likely to be sent to prison for more than 13 weeks; and
- They have conducted their tenancy in a reasonable way; and
- Their rent is up to date; and
- They have not been served with a 'Notice Requiring Possession'.

8.11.2 If the above criteria is met then written confirmation of the surrender will be provided.

- 8.11.3 An applicant who has been granted negotiated surrender priority, may be able to bid for properties within 28 days of their confirmed release date. However, an applicant must be in a position to sign tenancy agreements and move into the property once it is ready or the offer of accommodation may be withdrawn.

## **8.12 'Move on' Nomination Agreements**

- 8.12.1 An applicant who is currently living in supported housing accommodation and specific 'Move On' arrangements exist with Ashfield District Council or Mansfield District Council, such as leaving care protocol, will be placed into Band 1 upon referral from the agreed agencies. An applicants must have been identified by the provider as "ready to move" and able to sustain a tenancy. Each case will be considered individually. The referral should also include details of a Move-On package of support.

- 8.12.2 An applicant who is currently living in supported housing and have been found 'intentionally homeless' within the previous 12 months will not be considered for Move-On priority.

- 8.12.3 An applicant living in supported housing accommodation that is not ready to move or able to sustain a tenancy will be placed in Band 4.

## **8.13 An Applicant sharing or lacking facilities**

- 8.13.1 An applicants who is currently occupying accommodation which is lacking in cooking, washing, toilet or heating facilities will be placed in Band 3.

- 8.13.2 An applicant who is sharing cooking, washing, toilet or heating facilities with people who aren't members of their household will be placed into Band 3.

- 8.13.3 An applicant whose property is lacking facilities due to disrepair issues would require an assessment of the property. This would be carried out by the Private Sector Housing or Environmental Health team before any priority is awarded.

## **8.14 No fixed address**

- 8.14.1 Where an applicant has no fixed address, for example persons who are living with friends, they will be placed into Band 3. This does not apply to an applicant currently in prison who will be placed in Band 5.

## **8.15 An applicant offered employment or apprenticeships**

- 8.15.1 If an applicant or members of their household have specific need to move, in order to take up the offer of employment or apprenticeships in Ashfield or Mansfield, they may be offered priority to assist them.

8.15.2 If an applicant indicates that they have such a need, their individual circumstances will be considered by the Welfare Assessment Panel (see section 8.19). An applicant will be required to provide written confirmation from their prospective employer. Other relevant evidence may also be needed.

8.15.3 An applicant who are assessed as having a specific need for these reasons will be placed in Band 2.

8.15.4 Should an applicant lose their job before they have been able to move, or the job offer be withdrawn, then their application will be reviewed, and they may lose this priority.

## **8.16 'Golden Transfer' tenants**

8.16.1 Current Social Housing tenants who want to move to another property will be placed in band 3 upon the following conditions being met;

- they have been tenants with same landlord within the Ashfield and Mansfield areas for 2 years or more; **and**
- they have no current rent arrears and have kept a clear rent account for 12 consecutive months, **and**
- they have no record of any other breaches of their tenancy and no anti-social behaviour record.

8.16.2 Should an applicant breach any of these conditions, after being assessed as a 'golden' transfer tenant, then their application will be reviewed. They will then be placed in the band appropriate to these new circumstances.

## **8.17 Overcrowding**

8.17.1 An applicant will be placed in Band 2 if they are overcrowded by two or more bedrooms. An applicant will be placed in Band 3 if they are overcrowded by one bedroom.

8.17.2 Overcrowding priority will not be given if someone moved into the applicant's household making them overcrowded. It will also not be given if the applicant moved into accommodation knowing that by doing so they would become overcrowded.

8.17.3 Where an applicant is pregnant and they may be entitled to a larger property they will not be given overcrowded priority until they receive their maternity certificate (MATB1).

8.17.4 Overcrowding priority will only be awarded if an applicant is the main carer for children. The property must also be the children's main residence.

8.17.5 The Scheme will use the property eligibility table (section 10.6) to assess the number of bedrooms you need. The Scheme will also

take into account the bedroom size criteria (section 10.4) to assess if an applicant is considered overcrowded.

8.17.6 The Participating Landlords have agreed that a separate bedroom is needed for:

- the applicant and their partner (if any);
- each child, except:
  - two children of the same sex with an age gap of less than 8 years. They will be expected to share the same bedroom; or
  - two children of the opposite sex under the age of 7. They are expected to share a bedroom; or
  - any person who, after an agreed medical advisor's opinion, should sleep in a separate bedroom.

## **8.18 Medical Grounds**

8.18.1 An applicant may be awarded priority on medical grounds. If an applicant indicates a move will benefit their health or a member of their household's health, their circumstances will be assessed. Evidence will be required to support the applicant's case.

8.18.2 In deciding the level of medical need an applicant has, Participating Landlords will consider if the provision of adaptations will assist with improving their housing circumstances.

8.18.3 An applicant requiring a move on medical grounds will have their circumstances assessed. Priority will then be awarded at three different levels as shown below:

### **Severe**

An applicant cannot continue to live in their current accommodation because they have an urgent medical need and/or disability.  
(see table 8.18.5)

### **Moderate**

An applicant requires suitable alternative accommodation. This is because their medical condition and / or disability is having a negative affect on their ability to live in their present accommodation.  
(see table 8.18.5)

### **Low**

An applicant is assessed as needing a move to suitable alternative accommodation. This is because the move would improve their health. (see table 8.18.5)

8.18.4 In all cases, the effect that an applicant's housing has on their medical condition will determine which band they are placed in.

8.18.5 The table below is used to act as a guide to priority:

Effect on housing	Medical problem		
	Severe	Moderate	Low
Severe	Band 1	Band 2	Band 2
Moderate	Band 2	Band 2	Band 3
Low	Band 3	Band 3	Band 3

## 8.19 Welfare Grounds

8.19.1 An applicant's need to move on welfare grounds will be considered by the Assessment Panel. The Panel will be made up from Senior Housing Officers from Homefinder Partner Landlords. Each case will be assessed on its merits to determine whether welfare priority should be awarded. The Welfare Assessment Panel will look at whether the situation is serious and enduring. It will also consider whether the situation is directly affected by the applicant's present housing and if the situation would improve if rehoused.

8.19.2 If an applicant or member of their household has a severe welfare issue then they will be placed into Band 1. If an applicant or member of their household has a moderate welfare issue they will be placed into Band 2 and those with a low welfare issue assessment will be placed into Band 3.

8.19.3 Statutory homeless applicants will not be looked at under welfare grounds or medical grounds.

## 8.20 Assured Shorthold Tenants

8.20.1 Assured shorthold tenants who have received a legal 'Notice to Quit' from their landlord will be placed in Band 3 if there is less than two months before the notice expires.

## 8.21 Owner Occupiers

8.21.1 Owner occupiers who are adequately housed, or have the resources to obtain suitable alternative accommodation, will normally not get any priority. They will be placed into Band 5. However if an owner-occupier, or a member of their household, is vulnerable because of their age or a disability this will be taken into account.

8.21.2 Owner occupiers may be considered for medical or welfare award. If they are over 60 and have been assessed as being unable to meet their housing needs from their own resources, they may be moved into a higher band.

8.21.3 Owner occupiers who have a disability and need an adapted property, may be considered for priority. However, they must have also been assessed as being unable to meet their housing needs from their own resources.

## **8.22 Tied Accommodation**

8.22.1 Applicants are considered to be in 'tied' accommodation if the occupation of their home is essential for the performance of their duties as an employee. This includes applicants who are accommodated by HM Forces.

8.22.2 Applicants in 'tied' accommodation will be placed in Band 5 unless they have received a legal notice requiring them to leave. If they have received a legal notice requiring them to leave they will be placed in Band 3, except those in HM Forces accommodation. (see section 8.25).

## **8.23 Rough Sleepers**

8.23.1 Rough sleepers who have previously received and followed Housing Options advice may be considered for priority. It must be verified that they have been sleeping rough within Ashfield and Mansfield for a prolonged period will be placed in Band 2. Verification should be by:

- A direct access hostel; or
- An agency for rough sleepers; or
- Assessment by the Housing Options Service; or
- Day-centre or non-mobile soup kitchen.

## **8.24 Qualifying Agricultural Workers (Protection under the Rent Agricultural Act (1976))**

8.24.1 Some agricultural workers who are provided with accommodation as a condition of their employment, may be protected against eviction even if their employment comes to an end.

8.24.2 A qualifying agricultural worker can only be asked to leave their accommodation following a decision by an Agricultural Dwelling House Advisory Committee (ADHAC).

8.24.3 If an ADHAC decides that a worker must leave their accommodation, the local housing authority must use their best endeavours to offer housing to the worker. In such cases, the applicant will be placed in Band 1.

## **8.25 Armed Forces**

- 8.25.1 An applicant in the Armed Forces, who will have served a minimum of 4 years at the point of discharge, and who have less than six months to serve, will be placed in Band 2. This will be providing they are likely to have a priority need and have a local connection to the Ashfield or Mansfield areas. (see section 6.5)
- 8.25.2 If an applicant is not successful in bidding for properties prior to being discharged, they will then be required to be assessed under homelessness provisions in Part VII of The Housing Act 1996.
- 8.25.3 An applicant who have been dishonourably discharged from HM Armed Forces will only be assessed in the same way as that of civilian applicants.

## **8.26 Mobile Homes or Caravan**

- 8.26.1 An applicant living in a caravan, mobile home or houseboat will be placed in Band 5 if there is no other Housing Need. Should the accommodation be lacking facilities, they will be placed into Band 3.

## **9. Finding a Home through “Homefinder”**

### **9.1 Advertising Properties**

9.1.1 All Participating Landlords within the Scheme will advertise their properties as widely as possible, using the methods described in section 9.1.3.

9.1.2 The Scheme aims to maximise the number of RPSH properties that are advertised through the Scheme.

9.1.3 Properties within the Scheme will be advertised using the following methods:

- The Internet.
- Local Council offices.
- A Property Newsletter to be sent to each RPSH and all agencies who have requested it.
- An applicant considered vulnerable, or those with carers – in Band 1 or Band 2 – will, if possible, be sent the Property Newsletter or have it made available for collection.

9.1.4 There will be as much information describing the property as is possible, but all advert will include details of;

- Location;
- Type (flat, bungalow etc);
- Size;
- Rent payable;
- Whether it has a garden;
- Type of heating (and any heating charge);
- Eligibility criteria;
- If pets are allowed;
- Support charges;
- Service charges;
- Age criteria;
- Local connection criteria.

9.1.5 In some cases, properties will not be advertised and will be offered through a 'direct let' process, for example where it is:

- required to assist an urgent need to deal with an emergency to facilitate a decant;
- required to fulfil duties under s.188 or s.193 of the Housing Act 1996;
- an "extra care" property; or
- needed for someone to be moved immediately on grounds of safety.

9.1.6 Where a direct let is made, the property will not be advertised under the Scheme. However, it will be publically reported that it has been used as a direct let. This is to ensure the Scheme is fully transparent.

9.1.7 If any properties are withdrawn from the bidding cycle, the landlord of that property will notify any applicants that may have already placed a bid on the property.

## **9.2 Expressing an interest in advertised properties**

9.2.1 If an applicant meets the labelling criteria of an advert they may apply for an available property at any time within the bidding cycle. The bidding cycle will run from midnight Wednesday to midnight the following Tuesday.

9.2.2 An applicant will be able to express an interest in two eligible properties per bidding cycle.

9.2.3 The bidding cycle and number of bids each applicant has will be monitored and reviewed. If necessary these may be subject to change upon consultation with applicants.

9.2.4 An applicant who feels they are unable to participate in bidding or have an identified support need will be offered assistance to use the Scheme.

## **9.3 Multiple Properties**

9.3.1 Where there are several available properties within a new development, they may be advertised within one advert, rather than a number of single adverts. In such circumstances, the advert will clearly state the number of properties available as well as the general property description.

9.3.2 Where multiple properties are advertised, applicants expressing an interest will be doing so against all properties that they are eligible for within that advert. However, this will only count as one of the two expressions of interest per cycle that applicants are allowed.

## **9.4 Selection Process**

9.4.1 Once the bidding cycle has ended a shortlist of those applicants expressing an interest in properties will be produced from those meeting the labelling criteria.

9.4.2 These applicants will be contacted by the appropriate landlord to view the property as quickly as possible.

9.4.3 An applicant may not be offered a viewing of a property if they are found to have;

- made false declarations;
- a change in their circumstance; or
- an issue identified that makes them unsuitable to be a tenant.

In such circumstances the applicant will be informed of the reasons why.

9.4.4 All Participating Landlords will try to provide accompanied viewings for an applicant. Should this not be possible, an applicant will be notified and alternative arrangements will be made.

9.4.5 Each landlord will decide if there will be multiple applicant viewings or individual appointments.

9.4.6 The applicant who is highest on the shortlist, and wishes to accept the property after the viewing, will be offered the tenancy. This will be the one in the highest band and with the earliest effective date.

9.4.7 If possible, an applicant wanting to accept the offer of accommodation may sign-up the tenancy agreement on the same day as viewing it. An applicant will be contacted prior to the viewing and will be notified if this option is available.

9.4.8 An applicant will be given a reasonable amount of time to consider an offer of accommodation and this would normally be 24 hours to decide whether to accept the offer, unless there are exceptional circumstances.

9.4.9 Before an offer is made some checks may need to be carried out on the information supplied in the application form.

9.4.10 If an applicant provides false information, this may result in legal action being taken against the applicant. This may have severe consequences, resulting in a fine or imprisonment. Legal action can also be taken against an applicant re-housed, and is later found to have acquired the property through deception or fraud.

## **9.5 Refusals**

- 9.5.1 Where a property is refused by an applicant, the next person on the shortlist will be considered.
- 9.5.2 An applicant may be requested to complete a viewing feedback form, if they refuse the offer of a property.
- 9.5.3 If an applicant refuses 3 offers of accommodation they will be contacted and an assessment review will take place. Upon review the applicant may then be required to contact a Participating Landlord prior to making any further expressions of interest. An applicant who is owed a full homeless duty and refuses a suitable offer of accommodation will be subject to penalties outlined in section 8.3.1.
- 9.5.4 Once a tenancy agreement has been signed, the applicant legally becomes the tenant and it is not possible to refuse the property at this stage, unless they give four weeks written notice.

## **9.6 No interest in an advertised property**

- 9.6.1 If there are no expressions of interest in an advertised property within the bidding cycle, the property will be re-advertised in the next cycle and the criteria for selection may be reviewed.

## **9.7 Feedback**

- 9.7.1 In order to assist an applicant in making informed decisions about their housing options, feedback will be available after each advertising cycle and will include:
- Property size and type;
  - Location;
  - Number of applicants that bid on each property;
  - Band of the successful applicant; and
  - Effective date of the successful applicant.
- 9.7.2 The feedback will cover properties let through the Scheme and those where a direct let is made and the property had not been advertised.

## **10. Offers of accommodation**

### **10.1 Choice of area**

10.1.1 An applicant is able to bid on properties in any of the Ashfield or Mansfield areas. This is subject to certain restrictions below.

10.1.2 An applicant may be restricted on bidding on some properties unless they have a local connection to a village or local area. These properties will be clearly shown in the labelling criteria.

10.1.3 A statutory homeless applicant will be limited to bidding for properties in the Local Authority area where they have been accepted as homeless. However, in cases where an applicant has been accepted as homeless due to violence, such a restriction may be removed to allow bidding on properties in both the Ashfield and Mansfield areas.

10.1.4 An applicant identified as a 'Move On' nomination in Band 1 will also be restricted to bidding in the Local Authority area they come from. However, there might be some exceptions agreed where support can be better met by enabling them to be re-housed in the other Local Authority area.

10.1.5 An applicant who have been given a welfare award to give or receive support will be restricted to bidding for properties to the locality where continuous support is given or received.

### **10.2 Offering a tenancy to an applicant having a housing- related debt**

10.2.1 A social housing tenant (or previous tenant) of one of the Participating Landlords who has a housing- related debt will not normally be offered a tenancy until consistent and regular repayments have been made and a financial assessment has been undertaken, or the debt is cleared in full.

10.2.2 An applicant who has a current housing debt to a private rented landlord will not normally be offered a tenancy until consistent and regular repayments have been made and a financial assessment has been undertaken, or the debt is cleared in full.

10.2.3 Exceptions to the above rules will be homeless applicants to whom a Local Authority has accepted a full statutory duty, or where there is an urgent need to move due to violence or harassment.

### **10.3 Type of Tenancy offered**

10.3.1 An applicant will normally be offered either an introductory or secure tenancy for Local Authority properties. If the property belongs to a RSPH, the applicant will be offered an Assured or Starter tenancy.

10.3.2 An applicant who is under 18 years of age will not normally be offered accommodation, except in circumstances where there is a statutory homeless duty; they are care leavers or are moving on from supported accommodation.

10.3.3 Where a property is offered to an applicant who is under 18 years of age it will be under an equitable tenancy. The tenancy agreement forms part of this contract, which allows the minor to enter into possession of the property.

#### **10.4 Bedroom Size**

10.4.1 To decide whether the existing home is big enough for an applicant's household, Participating Landlords will use the space standards set out below:

Floor Area	No. of persons
Less than 6.5 sq mtr	Not considered suitable for more than 1 child
Between 6.5 – 10.21 sq mtr	Not considered suitable for more than 2 children
Less than 8.36 sq mtr	Not considered suitable for more than 1 non dependant adult

#### **10.5 An Applicant requiring extra room**

10.5.1 An applicant can request the need for an extra bedroom because of medical or social needs. Supporting evidence will be required and an assessment made.

#### **10.6 Property Eligibility Table**

10.6.1 The size and type of property that Homefinder normally offers an applicant will depend on the size of the applicant's household.

10.6.2 An applicant aged under 60 years of age may be considered for ground floor accommodation which includes a support service, for example bungalows. This eligibility is dependent upon the outcome of a Needs / Medical assessment being carried out by a Participating Landlord.

<b>This table is to be used as a general guide only.</b>	Elderly Bed-sit	General Needs Bed-sit	1 Bedroom Flat	1 Bedroom Bungalow	1 Bedroom House	2 Bedroom Flat	2 Bedroom Bungalow	2 Bedroom House	3 Bedroom Flat	3 Bedroom House	4 Bedroom House	5 Bedroom House
1 Adult under 60 years		x	x		x	x						
1 Adult over 60 years	x		x	x	x	x	x					
Cohabiting Couple under 60 years			x		x	x						
Cohabiting Couple over 60 years			x	x	x	x	x					
2 non-cohabiting adults both under 60						x						
2 non-cohabiting adults one over 60 years						x	x					
Applicants who have shared residency or staying access of a dependent child or children						x						
1 adult (or cohabiting couple) with 1 dependant child or expecting 1 <sup>st</sup> child						x		x				
1 Adult (or cohabiting couple) with 2 dependant children of the same sex, where age gap is less than 8 years						x		x	x	x		
1 adult (or cohabiting couple) with 2 dependant children of opposite sex where both children are under 7 years						x		x	x	x		
1 adult (or cohabiting couple) with 2 dependant children of opposite sex where one child is aged 7 years or more									x	x		
1 adult (or cohabiting couple) with 2 dependant children of the same sex where there is an age gap of 8 years or more									x	x		
1 adult (or cohabiting couple) with 2 dependant children and the applicant or partner is pregnant									x	x	x	
1 adult (or cohabiting couple) with 3 dependant children									x	x	x	
1 adult (or cohabiting couple) with 4 dependant children (all same sex or 2 boys and 2 girls)										x	x	
1 adult (or cohabiting couple) with 4 children (3 of 1 sex, and 1 of the other) or up to 6 children										x	x	x
1 adult (or cohabiting couple) with 6 or more children											x	x

## **10.7 Sheltered Properties**

- 10.7.1 An applicant's suitability for sheltered properties will be dependant upon an assessment of need. An applicant will be informed if they are considered suitable for such properties.
- 10.7.2 Landlords within the Scheme have different age restrictions for sheltered housing. The minimum age for an applicant for sheltered housing, will be clearly stated when each property is advertised.

## **10.8 Bungalows**

- 10.8.1 Bungalows will normally be advertised for applicants aged over 60 years of age or for applicants with disabilities. Across the Ashfield and Mansfield areas there is differing demand and stock levels. Therefore, it will be clearly stated in the advertisement if there is any age restriction for such properties.
- 10.8.2 Applicants with disabilities under 60 of age will be required to have an assessment carried out by an Occupational Therapist before being considered for a bungalow.

## **10.9 Properties with adaptations**

- 10.9.1 Adapted properties will clearly be labelled on the adverts. In the first instance, preference for expressing an interest in them will be given to an applicant requiring the adaptation(s) that the property has.

## **11. Local Letting Policies**

### **11.1 Legality**

11.1.1 The Scheme has legal provision<sup>1</sup> to allow some lettings to occur outside this scheme. These lettings will be part of a policy objective to build strong and sustainable communities, achieving a variety of objectives, including:

- Dealing with concentrations of deprivation or creating more mixed communities by allocating properties to applicants who are in or have been provided with an offer of employment.
- Attracting key workers into the district.
- Prioritising people with a local connection to specific areas in s.106 (Housing Act 1996) exception sites.
- Dealing with areas that pose a significant management problems, which put other tenants at significant risk and other actions have failed to deal with the issue.
- Dealing with applicants who have committed serious offences.

11.1.2 When a local lettings policy is to be implemented it will be made public on both Local Authority's websites. All local lettings policies will take into account local factors such as, the size and composition of the waiting list, the stock profile and the number and size/type of vacancies which are available overall.

11.1.3 In existing developments evidence will be provided to justify the variation away from normal policy. It will also be subject to a time-limited review of not more than 2 years.

11.1.4 In new developments lettings local lettings policies will aim to ensure that mixed and sustainable communities result.

11.1.5 A RPSH may have agreements that a proportion of their own properties will be allocated to their own tenants and in such a case these properties will be advertised accordingly.

---

<sup>1</sup> This provision is made under Section 167(2E) of the Housing Act 1996 - which provides for a statutory basis for allocating properties to people of a particular description who do not fall into the reasonable preference categories.

## **12. Reviews and complaints**

### **12.1 Right to request a review**

12.1.1 An applicant has the right to request a review of decisions made about their application for housing. These include decisions to exclude them from the housing register; the level of priority awarded; or the way in which their application has been dealt with.

12.1.2 A request for a review should be made in writing by an applicant to either Ashfield Homes Ltd or Mansfield District Council within 21 days of the date of the decision. The review is legally required to be concluded within 56 days.

### **12.2 Complaints**

12.2.1 If an applicant is generally unhappy with the way their housing application has been dealt with an applicant should raise this as early as possible with whichever local authority or RPSH has been dealing with their applicant.

12.2.2 Each Local Authority and RPSH has its own formal complaints procedure. If an applicant continues to feel dissatisfied, they, should request a formal complaint's form to complete.

12.2.3 If having exhausted the review or complaints procedure an applicant is not satisfied with the process or outcome they may send a written complaint to the Local Government Ombudsman or Housing Ombudsman Service.

12.2.4 The Local Government Ombudsman can be contacted at:

Local Government Ombudsman  
10<sup>th</sup> Floor  
Millbank Tower  
Millbank  
London, SW1P 4QP  
**Tel:** 020 7217 4620  
**Email:** [www.lgo.org.uk](http://www.lgo.org.uk)

12.2.5 The Housing Ombudsman Service can be contact at

The Housing Ombudsman Service  
81 Aldwych  
London, WC2B 4HN  
**Tel:** 020 7421 3800  
**Email:** [www.ihos.org.uk](http://www.ihos.org.uk)

## Appendix 1

### Contact details for each Partner

Ashfield District Council  
Urban Road  
Kirkby-in-Ashfield  
Nottinghamshire  
NG17 8DA  
Telephone: 01623 450000  
Website: [www.ashfield-dc.gov.uk](http://www.ashfield-dc.gov.uk)

Ashfield Homes Limited  
Broadway, Brook Street  
Sutton-in-Ashfield  
Nottinghamshire  
NG17 1AL  
Telephone: 01623 608889  
Website: [www.ashfieldhomes.co.uk](http://www.ashfieldhomes.co.uk)

Mansfield District Council  
Civic Centre  
Chesterfield Road South  
Mansfield  
Nottinghamshire  
NG19 7BH  
Telephone: 01623 463463  
Website: [www.mansfield.gov.uk](http://www.mansfield.gov.uk)