



# HOUSING ALLOCATIONS POLICY

April 2019

	<b>Page</b>
<b>Foreword</b>	<b>4</b>
<b>1. Introduction</b>	<b>5</b>
<b>2. Applying, Initial Assessment and Information Needed</b>	<b>5</b>
2.1 How to make an application	5
2.2 What information you will need to apply?	5
2.3 Income and Expenditure	6
2.4 Obligation to be Truthful	6
<b>3. Tenancy Ready</b>	<b>7</b>
<b>4. How the Housing Waiting List Works</b>	<b>7</b>
<b>5. Who is and who is not allowed on the Housing Waiting List?</b>	<b>8</b>
5.1 Ineligible due to Immigration Status	8
5.2 How do you qualify to go on the Housing Waiting List?	8
5.3 No Housing Need	8
5.4 Debts relating to Housing, Convictions and Anti-Social Behaviour	9
5.5 Affordability	10
5.6 Home Owners	10
5.7 Council Discretion and allocations to which Part 6 and this Policy do not apply	11
<b>6. Information about Applicants and Applications</b>	<b>11</b>
6.1 Joint Applications	11
6.2 Multiple Applications	11
6.3 People aged 16 and 17	11
6.4 Divided Households	12
6.5 Change of Circumstances	12
6.6 Review of Applications	12
6.7 Removal from the Housing Waiting List	12
<b>7. Priority on the Housing Waiting List</b>	<b>13</b>
7.1 The Banding System	13
7.2 Condition of Property	14
7.3 Violence and serious Harassment	14
7.4 Hardship Grounds	15
7.5 Homelessness	16
7.6 Medical / Disability	17
7.7 Overcrowding and Size Criteria	18
7.8 Serving / former members of the Armed Forces	19
7.9 Under Occupation	19
7.10 Welfare Grounds	20
7.11 Those leaving short-term Supported Accommodation	20

<b>8.</b>	<b>Applicant takes steps to worsen their situation</b>	<b>21</b>
<b>9.</b>	<b>What happens if I am unhappy with a decision about my application?</b>	<b>21</b>
9.1	Requesting a review of a decision	21
9.2	How long will a review take?	21
9.3	Who undertakes a review?	21
9.4	Complaints	22
<b>10.</b>	<b>How will properties be let?</b>	<b>22</b>
10.1	Shortlisting	22
10.2	Viewing properties and receiving offers	22
10.3	Pets	22
10.4	Refusing a property offer	22
10.5	Withdrawal of an offer	23
10.6	Lettings to Council employed staff and Elected Members of the Council	23
10.7	Making best use of the housing stock	23
10.8	Legislative changes	23
<b>11.</b>	<b>Local Policies and Plans</b>	<b>23</b>
11.1	Rural allocation Policy	23
11.2	Local lettings Plan	24
11.3	Incentive Scheme	25
11.4	Succession, Left in Occupation and Ineligible Successors	25
<b>12.</b>	<b>Data Protection and Access to Information</b>	<b>26</b>
12.1	Data Protection	26
12.2	Confidentiality	27
12.3	Complaints regarding Data Protection	27
12.4	Equality and Diversity	27
12.5	Legal Framework	27
Appendix 1	The Armed Forces Covenant	29

## Foreword

One of Rugby Borough Council's priorities is to ensure that residents have a home that works for them and is affordable. There is great demand for all tenures of housing whether that be owner occupation, private rental or social housing.

Social housing is a limited resource which means that it is important to maintain a balance between creating sustainable communities and helping those who have the highest need for accommodation. This updated Housing Allocations Policy has been formulated to support residents in a sustainable and transparent way to meet the housing needs of households as effectively as possible.

The Homelessness Reduction Act 2017 introduced the most fundamental changes to homelessness legislation since such statute came into being in 1977. The scope of homelessness services provided by councils has been greatly extended and means that those at risk of becoming homeless must receive support at the earliest opportunity. Some of the changes incorporated into this policy reflect these new priorities and demonstrate the council's commitment to support homeless households.

At the heart of our approach is an ambition to promote financial inclusion and to support residents by working in partnership with them. This policy enables us to ensure that those most in need of housing are given priority for suitable housing which will best address their situation.

The Allocations Policy will provide clear and helpful guidance about who can be included on the council's housing waiting list. The policy will be kept under regular review to ensure it meets local housing needs and remains relevant and fit for purpose.



**Councillor Emma Crane**  
**Portfolio Holder**  
**Communities and Homes**



**Raj Chand**  
**Head of Communities and Homes**

## 1. Introduction

This document describes how to apply for social housing, how an applicant will be assessed and what service standards they should expect. It sets out who is and who is not able to join the list and what priority, if any, the application will be given.

The key objectives of this Allocations Policy are to:

- Provide housing applicants in Rugby with a fair and easy to understand way of letting social housing properties
- House those in the greatest housing need
- Make best use of social housing stock in the area

The Allocations Policy will help applicants to understand their realistic prospects of obtaining housing through the Council or with Housing Associations as well as the likely time frames. The policy also promotes other housing options such as private renting in order to meet the needs of applicants.

The Council can also nominate applicants for a tenancy with a housing association and this will be in accordance with this policy.

## 2. Applying, Initial Assessment and Information Needed

### 2.1 How to make an application

Applications for the Housing Waiting List will be made initially through self-referral via an on-line portal on the Council's website. After completing the on-line form, a member of the Community Advice and Support Team will contact the applicant to provide initial information regarding:

- eligibility
- the assessment process; and
- to discuss alternative options for seeking accommodation

The Officer will work with them, guiding them through the process from initial contact to final decision.

The Council recognises that some applicants will require additional support and will refer applicants to other agencies to provide support or access accommodation-based support.

### 2.2 What information you will need to apply

After completing the self-referral form, an officer from the Community Advice and Support team will contact the applicant to arrange an initial assessment meeting to discuss the application. When attending the meeting with the officer from the Community Advice and Support Team, the applicant will need to bring, proof of identity for all the persons on the application, and proof of residence for all persons aged 16 years or over, covering the past 2-years. Examples of acceptable proof are, **one** of the following:

For main applicants:

- Passports and birth certificates (photo id)
- Marriage certificates
- Driving licence
- National Insurance number card
- Mortgage statements
- Council correspondence
- P60
- Payslips
- Bank statements

For children / young people:

- Birth certificates
- Child benefit notification letter

Foreign nationals are required to provide:

- Proof of Immigration Status to confirm that they are eligible for social housing

### **2.3 Income and Expenditure**

The Council will need to be satisfied that any accommodation provided is financially affordable. At the start of the registration process and upon being made an offer of accommodation, you will be required to provide details of your income and expenditure. Support will be provided to ensure that any tenancy will be financially viable. This support may be provided internally by Council Officers or by referral to an external agency working in partnership with the Council. Advance rental payments will be expected from those applicants for whom it is financially viable. The Tenancy Coach Service will work with clients to undertake a financial assessment.

### **2.4 Obligation to be Truthful**

It is a criminal offence (under Section 171 of the Housing Act 1996) to withhold information that the council may reasonably require to assess an application, or to provide false information that leads to an applicant gaining a tenancy. The council will take appropriate action (including legal action) against anyone who gains a tenancy, or tries to gain a tenancy, through knowingly providing false information. A person guilty of an offence under this section is liable on summary conviction to a fine. Legal proceedings may begin if:

- any false information is given, or information withheld, on application to the Housing Waiting List
- any false information is given, or information withheld, in response to subsequent review letters or other update mechanisms
- any false information is given, or information withheld, by applicants during a review

Applicants who give false or misleading information will be excluded from the Housing Waiting List for a period of 2-years. Possession proceedings will be issued if a tenancy has already been granted and any associated costs recovered from the applicant.

### **3. Tenancy Ready**

If following the initial assessment meeting, the applicant is deemed not to be tenancy ready based on the following criteria:

- Life Skills
- Tenancy Skills
- Financial inclusion

Applicants will be required to engage with the Council's Tenancy Coach Service.

The Tenancy Coach will need to be satisfied of the following:

- The applicant can demonstrate that the rent is affordable and are aware of the need for paying rent (in advance), council tax and household bills
- The applicant's ability to budget for and pay other bills
- The applicant knows how to report a repair
- The applicant knows how to manage their home, utilities and minor maintenance (such as reading a utility meter, changing a light bulb etc)
- The applicant knows how to improve life / work skills / opportunities for volunteering

This will be assessed at the point a property is offered, based on information gained at the point of application.

This support may be provided by Council Officers or by referral to an external agency working in partnership with the Council.

The aim of this is to ensure that the Council supports prospective tenants to have a sustainable tenancy.

### **4. How the Housing Waiting List Works**

The Housing Waiting List covers both those who apply for general needs housing (accommodation intended for those under the age of 60) and those whose preference is for Independent Living accommodation.

Independent Living accommodation is for those applicants over the age of 60 years who wish to apply for designated older person's accommodation. Vacancies that fall within this category will only be open to this group of applicants. This will also cover couples where 1 person is of qualifying age for pension credit and the other is between 50 and 61.

The council does have discretion, in certain circumstances, to let to households with a particular need. For example, the council may let a property within an independent living scheme to a younger person, who is receiving the higher level of Care / Mobility component of Personal Independence Payment or Disability Living Allowance.

Each case will be considered with regard to the personal circumstances of the person involved, as well as any potential impact upon those persons living as part of a community of older people in an Independent Living scheme.

## **5. Who is and who is not allowed on the Housing Waiting List?**

### **5.1 Ineligible due to Immigration Status**

Some people travelling to the United Kingdom from abroad are not entitled to social housing on the basis of their status as detailed in Section 160A of the Housing Act 1996 as amended and Nationality, Immigration and Asylum Act 2002. Where a registration form indicates that this may be an issue, checks will be made to confirm the eligibility status of an applicant.

Applicants who may potentially be affected will need to provide evidence of their immigration status. This could be via their passport or other travel documents that have been issued.

If an applicant is subject to this section we have no duty to offer a home. Advice on other housing options will be provided by the Community Advice and Support Team.

### **5.2 How do you qualify to go on the Housing Waiting List?**

The council has the right (under Housing Act 1996 section 160ZA (7)) to determine 'classes' or criteria for households who do or do not qualify for entry to the Housing Waiting List. The following criteria have been laid out by the council for this provision. Please contact the Community Advice and Support Team if you need further information.

### **5.3 No Housing Need**

A household will not be accepted on to the Housing Waiting List unless they have a housing need. This means they fall within one of the categories required to have a 'reasonable preference' as laid out in the Housing Act 1996 s167 (2), these are:

- people who are homeless (within the meaning of Part 7)
- people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such 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 and



- people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)

A household must fulfil one of the following residency criteria to be accepted onto the Housing Waiting List:

- Currently live, or have lived, within the borough of Rugby and have done for at least 6 out of the last 12-months or 3 out of the last 5-years
- Have immediate family (mother, father, brother, sister, son, daughter, grandparents, step-relatives, adoptive parents) who are currently living in the Rugby borough area and have done for at least five years or more
- Have a contract of employment within the Rugby Borough area, if this is a zero-hours contract then they must prove that they have worked in the borough during the previous 4-weeks. This proof will be requested at the point of application and again at the time that an offer of a property is made
- The need to care for, or receive care from someone who lives in the borough. Evidence will be requested from a professional agency to support care required or being provided

The following households will be exempt from these criteria:

- People who are moving into the borough to take up work or escape violence
- People connected to the armed forces
- Applicants who meet the reasonable preference criteria as set out in the Housing Act 1996 section 167(2) but have no local connection will be placed in band 3
- Social housing tenants who need to move because the tenant works or has been offered work in the borough and has a genuine intention to take up the offer

#### **5.4 Debts Relating to Housing, Convictions and Anti-Social Behaviour**

- If an applicant owes any property related debts to a council, a social or private landlord, and the debt is being pursued by the landlord, they must be able to demonstrate that a repayment arrangement has been entered into with the landlord and payments have been made in accordance with the arrangement for a continuous period. An applicant who has not demonstrated that they have a sustained repayment arrangement will have their banding priority reduced by two bands if they would ordinarily be classed as Band 1 or Band 1 Plus. Those who would ordinarily be classed as Band 2 or Band 3 will not be able to access the waiting list

For example; an applicant assessed as meeting the criteria for being placed into Band 1 will be placed into Band 3 until they can show the repayment arrangement has been complied with for a continuous period.

Those falling within the provisions of the Homelessness Reduction Act 2017 i.e. those to whom the Rugby Borough Council has accepted a prevention duty, relief duty or main housing duty are dealt with separately within this policy (see Section 7.5).

- If the applicant is in receipt of Universal Credit, property related debt not subject to a repayment arrangement must not exceed the equivalent of two months' rent. This is to allow for a possible delay in the payment of Universal Credit
- Neither the applicant nor any member of his or her household has been convicted of a criminal offence related to their current or previous property or vicinity of property within 2-years preceding the date of application where the council considers the offence serious enough to pose a risk to other tenants. This can include drug dealing from the property or burglary
- Neither the applicant nor any member of his or her household has been convicted of a criminal offence serious enough for the council to consider them to be a risk to other tenants in the last 10-years
- Neither the applicant nor any member of his or her household has been subject to any civil or criminal actions or sanctions relating to tenancy or property within the last five years. This would include; Community Protection Notices, injunctions relating to anti-social behaviour, etc. The Council will consider each case on its merits taking into account whether these orders would pose a serious risk to other tenants

### **5.5 Affordability**

An applicant will not qualify for the Housing Waiting List if the household's gross income is more than;

- £45,000 (gross income before deductions for tax, national insurance, etc.) per year for a couple or single person with children
- £25,000 (gross income before deductions for tax, national insurance, etc.) per year for a single person without children
- Or have Savings (including shares, investments, etc) of more than £16,000

The above limits apply and will be checked both at the point of application and at the point of offer of a tenancy.

### **5.6 Home Owners**

Applicants with sufficient levels of equity that would enable them to access market housing within the Borough will not qualify for the Housing Waiting List. "Sufficient levels" will be calculated by comparing the equity in the property with the cost of renting suitable accommodation (including deposits and moving costs) for a period of six months.

For example, an applicant will have equity from the sale of their current property of £30,000. They require a house with two bedrooms. The average price of renting a two bed property is £700 per calendar month. For the purposes of calculating sufficient levels of equity;

Total rent for 6 month (£700 x 6)	£4,200
Deposit	£ 700
Moving Costs	£1,000
Total costs	£5,900

The applicant would be assessed as having sufficient levels of equity to access housing on the open market and would not qualify for the Housing Waiting List.

Equity levels will be checked at the point of application and again at the point of an offer being made.

Homeowners requiring adaptations to their property, will be referred to the Warwickshire Home Environment Assessment & Response Team (HEART) <https://www.nuneatonandbedworth.gov.uk/info/21036/heart> If the means test shows that they qualify for funding but that the property is inappropriate for adaptations, they will qualify to join the Housing Waiting List. Those who qualify for adaptations costing more than £30,000 and fail to secure discretionary funding will qualify to join the Housing Waiting List. Those failing the means test will be expected to fund their own adaptations.

**5.7 Council Discretion & Allocations to which Part 6 & this Policy do not apply**  
The council retains the ability, in exceptional circumstances, to exercise its discretion when making decisions with regard to including persons on the Housing Waiting List. Such cases will be referred to the Community Advice and Support Team Leader / Manager for agreement.

The range and complexity of cases means that sometimes Officers will deal with scenarios that are not covered by the existing Allocations Policy. Transfers that the housing authority initiates for management move purposes (for example; a household requiring a move very quickly due to emergency) will be referred to the Head of Communities and Homes as they have delegated authority to make a decision.

## **6. Information about Applicants and Applications**

### **6.1 Joint Applications**

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

### **6.2 Multiple Applications**

Only one application can be considered at a time.

### **6.3 People Aged 16 and 17**

Applicants who are 16 or 17 years old can only be a tenant of a council property, if the tenancy is held in a Deed of Trust on their behalf.

The Deed of Trust must only be completed in the following circumstances:

- The applicant must be 16 or 17-years old

- The applicant has been offered a property or qualified to succeed to a tenancy of another tenant under the Housing Act
- The property being offered must be the applicants only home
- The signer of the Deed of Trust must be over 18 and be a suitable and responsible adult (Rugby Borough Council cannot act in this capacity)
- The signer of the Deed of Trust understands that they are not liable for rent arrears but that they will assist the young person to conduct their tenancy in a satisfactory manner and there will be an expectation of assistance if the young person has to go to court because of their tenancy

#### **6.4 Divided Households**

Where a household is living apart only one application can be registered. In order to determine which property provides the basis of the housing needs assessment the circumstances at both addresses will be considered.

The address with the lowest housing need will be used to consider housing need and priority for the Housing Waiting List.

#### **6.5 Change of Circumstances**

It is the applicant's responsibility to advise the council of any changes in contact details (home and mobile telephone numbers and email addresses). If they do not inform the council of a change of contact details they may miss out on properties that become available. The applicant should also contact the Community Advice and Support Team to report any change to their circumstances which may affect their priority for housing.

Any changes should be reported via email to [housingsupportteam@rugby.gov.uk](mailto:housingsupportteam@rugby.gov.uk)

Change of circumstances include:

- A change of address for the applicant or any other person on the application
- Any additions to the family or any other person that they would wish to join the application (although it is for the council to decide whether they will allow a person to join the application)
- Any change in their income, assets or savings
- Any change in their medical conditions or property requirements

#### **6.6 Review of Applications**

The council will review all applications on the Housing Waiting List on a regular basis. If the applicant fails to respond to the review, their application will be deleted from the Housing Waiting List. If good reason can be shown why there was a failure to respond to the review within one calendar month of the application being closed then the application may be reinstated.

#### **6.7 Removal from the Housing Waiting List**

An application will be cancelled from the Housing Waiting List in the following circumstances:

- At the request of the applicant
- Failure to respond to a Housing Waiting List Review without good cause
- If the applicant becomes ineligible for housing
- If the applicant has been housed by another local authority or social housing provider
- Where the applicant moves and does not provide either a current address or up to date contact details
- Where attempts have been made to contact the applicant in relation to finding a suitable home and the applicant fails to contact the Council and there are no exceptional circumstances which prevented contact being made

The applicant will be informed of the reason for removal from the Housing Waiting List, using their last known address. They will have a right to request a review of the decision made on their housing application.

A fresh application will be considered if, for example:

- The applicant's immigration status has changed
- The applicant can demonstrate good behaviour for a minimum of 2 years
- A minimum of 2-years has passed since the applicant has knowingly given false or misleading information, or withheld information that has been reasonably requested
- The applicant's financial circumstances have changed, and they now meet the affordability criteria

## **7. Priority on the Housing Waiting List**

### **7.1 The Banding System**

Properties are allocated to applicants in greatest housing need. To establish the applicant's priority on the Housing Waiting List all applications will be placed into a band. The Bands are 1+ 1, 2, or 3.

#### **Band 1+**

This applies to a very limited number of cases where there is cumulative urgent housing need, or applicants are covered by the Military Covenant (see appendix 1)

#### **Band 1**

Those with urgent housing need.

#### **Band 2**

Those with a high housing need.

#### **Band 3**

Those with a moderate housing need.

The banding allocated will be based on the highest banding allocated from the following categories;

- Condition of current property
- Violence and serious harassment
- Hardship
- Homelessness
- Medical / Disability
- Over Crowding and Size of current accommodation
- Serving and former members of the Armed Forces
- Under Occupation of current accommodation
- Welfare Grounds
- Leaving short-term Supported Accommodation

In addition to the banding allocated to an applicant, the date of the application will also be used in determining priority within each band.

## **7.2 Condition of Current Property**

### **Banding decisions available**

#### **Band 1**

- Applicants who are required to leave their home as a result of an emergency Prohibition Order served under the Housing Act 2014
- Applicants in properties that are assessed as having a lack of facilities or that are subject to statutory Prohibition or Demolition Orders in accordance with legislation and statutory regulations. This would also include situations where the condition of the property occupied is seriously detrimental to the health of any of the household and the defects to the property cannot be readily remedied
- Existing tenants of the Council who are being decanted to enable regeneration or improvement of properties

#### **Decision making criteria**

- A copy of the Prohibition Order, Demolition order or Housing Health and Safety Ratings System (HHSRS) identifying issues resulting in potential high risk of harm will be required
- A Council decision to regenerate or improve a property and that tenants are required to move out

## **7.3 Violence and Serious Harassment**

### **Banding decisions available**

#### **Band 1**

Applicants who cannot continue to live in their current home because of serious harassment or violence.

### **Decision making criteria**

In these circumstances evidence would be required to support the case and an investigation will be carried out in conjunction with other agencies as appropriate.

Examples would include:

- An applicant suffering domestic abuse from a partner, former partner or relative with whom they currently reside and for whom the use of an injunction or other form of legal action may not be appropriate
- An applicant suffering serious harassment and legal remedies are not working or are inappropriate. Harassment implies a degree of deliberate intent with some underlying motive and can be distinguished from neighbour disputes or nuisance

## **7.4 Hardship Grounds**

### **Banding decisions available**

#### **Band 1**

Where the applicant has an urgent need to move to a specific area and serious hardship (financial or personal) would be caused if they did not move.

#### **Band 2**

Where the applicant has a non-urgent need to move to a specific area and serious hardship (financial or personal) would be caused if they did not move.

### **Decision making criteria**

An assessment will be made to identify the impact of the current accommodation on the applicant and the degree of hardship that is being caused by their current accommodation.

Examples of circumstances relating to Band 1 include;

- An applicant needs to move to take up employment and the failure to move would lead to significant financial hardship. A financial assessment will need to be undertaken to show the level of financial impact
- An applicant needs to move to provide care and support to a vulnerable relative and there is no other alternative without causing a significant amount of hardship to the applicant. This would not only take into account financial hardship but also the impact on the quality of life of the applicant and their household
- The applicant is unable to afford their current housing costs. A financial assessment will need to be undertaken to show the level of financial impact and that no other expenditure can be reduced to meet the housing costs

Examples of circumstances relating to Band 2 include:

- An applicant needs to move to take up an education opportunity and the failure to move would lead to significant financial hardship. A financial assessment will need to be undertaken to show the level of financial impact.

- An applicant needs to move to provide care and support to a vulnerable relative and there is no other alternative without causing personal hardship to the applicant. This would not only take into account financial hardship but also the impact on the quality of life of the applicant and their household

### **Council Discretion**

The Community Advice and Support Team Leader / Manager may exercise discretion regarding the following:

- Care and Support for a non-relative would be considered, where it can be shown that no other support networks exist

## **7.5 Homelessness**

### **Banding decisions available**

#### **Band 1**

- Applicants assessed as statutorily homeless owed a main duty
- Applicants to whom the authority owes a prevention or relief duty for whom social housing is deemed the only appropriate tenure

#### **Band 2**

- Those owed a prevention or relief duty with local connection to Rugby Borough
- Those who have made a homeless application and are assessed as homeless but do not have a priority need (those without dependent children, non-care leavers and those without significant illness or disability). This will have been set out in a decision letter received by the applicant

#### **Band 3**

- Applicants assessed as statutorily homeless owed a main duty, but have a property related debt without a sustained payment arrangement in place
- Those owed a prevention or relief duty with no local connection to Rugby Borough
- Those owed a prevention or relief duty with local connection to Rugby Borough but have a property related debt without a sustained repayment arrangement, or criminal conviction
- Those deemed to be intentionally homeless as the result of an adverse main duty decision
- Those homeless applicants who do not engage with prevention and relief activities required of them (including refusal of a suitable or final offer)

### **Decision making criteria**

The Council has a duty under Part VII of the Housing Act (as amended by the Homelessness Act 2002) to ensure that homeless applicants owed a full housing duty are provided with suitable accommodation. Applicants meeting this criterion will receive a letter from the Council confirming that they have a duty to assist the applicant to obtain housing. Homeless applicants to whom the full duty is owed will be placed in Band 1.



Homeless applicants are awarded priority within the allocations scheme because of their urgent need to be rehoused. For this reason homeless applicants will be placed in Band 1 and this banding will be taken from them if they do not accept an allocation which the council considers to be suitable and reasonable. Failure to accept the offer will mean that the council has discharged its responsibility to house the applicant unless the applicant submits a review request to the Community Advice and Support Manager and the review is successful. This is known as a Suitability Review.

A homeless applicant can move into a property and request a Suitability Review. If the applicant is successful in a review they will receive another offer.

## **7.6 Medical / Disability**

### **Banding decisions available**

#### **Band 1**

Where there is evidence to support that the applicant is unable to continue to live in their current accommodation due to medical need or disability

#### **Band 2**

Where the applicant is experiencing a significant detrimental effect on the ability to live independently in their current accommodation

#### **Band 3**

Where a move to more suitable housing would improve the applicant's health

### **Decision making criteria**

An assessment will be made to:

- Identify the impact of the current accommodation on the applicant
- a further assessment will be made to identify any adaptations that could be made to their current accommodation to make it more suitable
- How alternative accommodation, and what type would better meet the applicant's needs, should the existing property not be adapted within reasonable timescales and cost

In all cases evidence will be required to both support the application and prescribe the impact on the applicant. Evidence could be provided from a Doctor, other Medical Specialist, Occupational Therapist or qualified support worker.

Examples would include;

- If an applicant has an upstairs bathroom and is unable to access the upstairs with or without additional aids. (e.g. stair lift), are likely to qualify for band 1
- If an applicant has an upstairs bathroom, and can access the upstairs with difficulty, they are likely to be placed into band 2
- If an applicant has an upstairs bathroom, and can access the upstairs but with some discomfort, they are likely to be placed into band 3

## **7.7 Over Crowding and Size Criteria**

### **Banding decisions available**

#### **Band 1**

Overcrowded because the current property is short of three or more bedrooms

#### **Band 2**

Overcrowded because the current property is short of two bedrooms

#### **Band 3**

Overcrowded because the current property is short of one bedroom

### **Decision making criteria**

The number of bedrooms required for the household is compared with the number of rooms within the property that could reasonably be used as a bedroom, the actual use of the room is not taken into account (e.g. a separate dining room could be used as a bedroom).

### **Size criteria**

In determining the household, it will take into account;

- Applicant
- Partner (if living permanently with the applicant)
- Only children permanently living with the main applicant are included. In the case where a child is the subject of shared custody, but does not usually live with the applicant, they will not be considered as part of the household for the purpose of applying to the housing register
- Anyone else who usually lives with the applicant on a permanent basis

In determining the number of bedrooms required, one bedroom is required for each of the following:

- Applicant and Partner
- Two children of different sexes up to the age of 10
- Two children of the same sex under the age of 16
- Each child over the age of 16
- Each child in receipt of the higher or middle rate of care component of Disability Living Allowance or Personal Independence Payment
- Where an overnight carer is required

### **Council Discretion**

The Community Advice and Support Team Leader / Manager may exercise discretion regarding the following:

- Where the applicant is an approved foster carer, the size of the property required will take into account the number of children normally fostered during the last 12 months
- Where the applicant is downsizing from a current Rugby Borough Council Property, this will be subject to an assessment of need and affordability

- Under-occupation of a larger hard-to-let property, this will be subject to a financial assessment confirming that the rent is affordable

The Council will also take into account any recent moves that have been made by the applicant and it is deemed that this was to facilitate a later request for social housing. This would include where the applicant has moved from a property that was of a suitable size to one where they are now deemed to be overcrowded. In these case the accommodation that best met their accommodation needs will be treated as the accommodation still occupied by the applicant.

## **7.8 Serving / former members of the Armed Forces**

### **Banding decisions available**

#### **Band 1+**

- Those who have a connection with the armed forces as set out in the Armed Forces Covenant, see Appendix 1
- Bereaved, divorced or separated spouses or civil partners of those serving in the armed forces where:
  - (i) The bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner.
  - (ii) The divorced or separated spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation.

### **Decision making criteria**

In accordance with The Allocation of Housing (Qualification Criteria for armed Forces) (England) Regulations 2012, the local connection criteria will not be applied to applicants who are homeless, threatened with homelessness or living in unsuitable conditions which renders their property uninhabitable.

This does not apply to those who have been dishonourably discharged from the Armed Forces.

Applicants with a connection to the armed forces are expected to provide evidence in support of this.

## **7.9 Under Occupation**

### **Banding decisions available**

#### **Band 1**

- Current Council tenants moving from a family sized property to more suitable sized accommodation

### **Decision making criteria**

This is where a current council tenant is living in a property that is larger than they require and wish to move to a smaller property. Access to the waiting list will be subject to an assessment of need and affordability.

## **7.10 Welfare Grounds**

### **Banding decisions available**

#### **Band 1**

Where the applicant has an urgent need to move, and failure to move would have a serious impact on the wellbeing of the applicant. Evidence will need to be provided from a Doctor, other Medical Specialist, Occupational Therapist or qualified support worker.

#### **Band 2**

Where the applicant has a high need to move to a specific area.

#### **Examples of circumstances relating to Band 1 include;**

- Applicant or partner is pregnant and within third trimester and living in a House in Multiple Occupation
- Parents forced to live apart (where they have previously lived together), except where it could be reasonably be expected for both parents to live in either of the homes that they occupy
- A child separated from parents (where they have previously lived together) where the child cannot occupy the current home of the parent, and that they will live as a family unit
- Applicants with a high degree of vulnerability and their housing situation is having a detrimental effect on their quality of life

#### **Examples of circumstances relating to Band 2 include;**

- Applicants who need to move to receive care or support
- Applicants who need to move as part of an agreed support plan to re-integrate them into the community

## **7.11 Those leaving short-term Supported Housing**

### **Banding decisions available**

#### **Band 1**

Applicants who are in short term supported housing (up to 2-years) and are required to move on to alternative accommodation urgently.

### **Decision making criteria**

Confirmation about these circumstances will be required from the organisation providing the supported accommodation.

## **8. Applicant takes steps to worsen their situation**

Where the Council has reason to believe that an applicant has deliberately made their housing situation worse to support their application for social housing, the Council will make further investigations. In these cases the Council may use their previous accommodation (that best met their needs) when considering an application for social housing, e.g. an applicant has moved from a property that was suitable for their medical condition to a property that is not suitable for their needs. In this case they would be treated as though they still lived in the accommodation that met their needs.

This will usually be for six months but may be longer in cases where a fixed term of greater than six months or secure (tenancy or owner-occupation) accommodation has been left.

## **9. What Happens if I am Unhappy with a Decision About My Application?**

If you are unhappy with a decision you can request a review of any decision made by the Council on your housing application (under Part VI of the Housing Act 1996). Examples may be:

- Decisions about the facts of your case which are likely to be, or have been taken into account in considering whether to allocate housing accommodation
- Ineligibility for allocation based on immigration status

Decision letters issued will advise of the right of review and provide guidance on the review process.

Only one review request can be made. If following the internal review, you disagree with the outcome of the review, on the grounds that material facts have not been taken into account, you can appeal to the County Court.

### **9.1 Requesting a review of a decision**

A request for a review can be made in writing or verbally to a member of the Community Advice and Support Team. It must be requested within 21 days of the receipt of the letter containing the decision to be reviewed.

### **9.2 How long will a review take?**

A review will be considered within 28 days and a written response outlining the outcome and the reasons for the outcome within five working days of the decision being made.

### **9.3 Who undertakes a review?**

Reviews are carried out by an officer who was not involved in the original decision and who is senior to the officer responsible for the original decision.

## **9.4 Complaints**

If you disagree with the handling of your application, you can make a complaint through the Council's Complaints procedure. Details of the Complaints procedure can be found on the Council's website.

## **10. How will properties be let?**

### **10.1 Shortlisting**

Applicants are matched to suitable properties and will be placed in the order of banding priority. If two or more applicants within the same band are matched to the same property for which they qualify, their application date or the date they entered their current band will be used to determine the higher priority.

Where properties are targeted at specific client groups, they will be given priority for that type of accommodation e.g. accessible accommodation for clients with disabilities.

In addition to the priority by banding, local connection criteria will also be taken into account.

Prior to allocation, some properties may be deemed as sensitive lets. In these cases, the broader circumstances of the applicant will be taken into consideration before an offer is made.

### **10.2 Viewing Properties and Receiving Offers**

A member of Housing Services Team will contact applicants if they are shortlisted for the offer of a tenancy. An applicant is expected to keep the Housing Services Team updated of any changes in their contact details. If an applicant does not return contact within 24 hours of being contacted regarding an offer of a tenancy, then they will be overlooked for that offer. This timescale may be extended if there are exceptional circumstances which prevented contact being made.

If the applicant fails to return contact on three occasions, their application will be suspended. An interview will be required to seek reinstatement.

### **10.3 Pets**

Certain council owned properties are not suitable for households with certain types of pets. Applicants may be contacted when they come up for properties that meet their need, but a formal offer may not be made if the property is not suitable for their pet(s). The final decision on suitability of a property will be made by an Officer of the Council.

### **10.4 Refusing a Property Offer**

Applicants who refuse more than two offers of suitable accommodation will have their priority reviewed. Where there is no justifiable reason for the refusals, their application will be treated as withdrawn.

An applicant who has been accepted as statutory homeless will receive one offer of suitable accommodation. Refusal of a suitable accommodation offer will result in the applicant being moved into Band Three.

### **10.5 Withdrawal of an Offer**

There may be occasions when the offer of a tenancy may be withdrawn. Reasons for withdrawal could include, but are not limited to:

- A change in the applicant's circumstances
- The applicant is found to be ineligible for the property
- Where the offer may put a vulnerable person at risk
- The applicant has attempted to obtain a tenancy by deception

### **10.6 Lettings to Council Employed Staff and Elected Members of the Council**

In order to ensure that the council is seen to be treating all applicants fairly, any application for housing from council employees, Elected Members or associated persons or contractors working for the council must be disclosed. These applicants will be assessed in the normal way, but any offer of housing must be approved by the Housing Services Manager in conjunction with the council's Monitoring Officer.

### **10.7 Making Best Use of our Housing Stock**

The Council has housing stock that is either categorised as general needs (aimed primarily at those of working age and have no additional support requirements), or Independent Living Accommodation aimed at those of Pensionable age and may have additional support needs.

The council will, wherever possible, seek to make best use of the existing housing stock. Where accommodation has no demand, the council reserves the right and discretion to consider a change of use for that property. For example, converting a larger property into accommodation for shared use or converting a property designated as Independent Living Accommodation into general use or vice versa.

### **10.8 Legislative Changes**

Any legislative changes that impact on the Allocations Policy will be referred to the Head of Communities and Homes for a delegated decision.

## **11. Local Policies and Plans**

### **11.1 Rural Allocation Policy**

For some properties in rural settings a local connection to the parish will need to be established.

A local connection to a parish is established if the applicant has, at the time of registration on the Housing Waiting List:

- been continuously resident within the parish, or adjoining parish, for the last 5-years
- been a person, or persons residing permanently in the parish, or an adjoining parish for 5 years, or more, within the previous 20-years

- has a contract of employment at a workplace within the parish, or adjoining parish, and this work is not of a casual or temporary nature
- current family associations within the parish, i.e. parents, sons, daughters, brothers or sisters who have lived within the parish, adjoining parish, for the last 5-years
- Someone needing care from a person in the Parish

If there is not an applicant that meets the above local connection criteria, we will adopt the following approaches, listed in order of how we will use them:

- Firstly, we will consider applicants resident in the parish, or adjoining parishes that have lived there from 4-years down to 12-months; those having been resident longest receiving highest priority
- Secondly, if there are still no qualifying applicants we will then consider those resident in the surrounding parishes, initially resident for 5 years, then if there is no suitable applicant, those that have lived there from 4-years down to 12-months; those having been resident longest receiving highest priority

Finally, if there is still no qualifying applicant in the adjoining or surrounding parishes we will consider other applicants resident within the borough initially resident for 5-years, then if there is no suitable applicant, those that have lived there from 4-years down to 12-months; those having been resident longest receiving highest priority. The Rural Allocation Policy applies to all villages and rural communities within the boundaries of the borough, with the exception of the town of Rugby and the villages of Dunchurch and Long Lawford.

### **11.2 Local Lettings Plan**

A Local Lettings Plan (LLP) is a set of guidelines and/or criteria governing which households can be allocated accommodation in a specific designated area.

The criteria will be based on one or a number of characteristics presented by the household applying for housing set in conjunction with the needs of the designated area and the requirement to produce safe and sustainable communities.

There are two types of Local Lettings Plan used by Rugby Borough Council:

- Local Lettings Plans for re-lets in a designated area
- Local Lettings Plans for first time lets on new developments

As a general rule, LLPs for re-lets are introduced as a result of one or more of the following issues being in evidence in a designated area:

- General anti-social behaviour (ASB)
- High levels of vulnerable people congregated within a small area
- Drug-related nuisance
- Where there is a refurbishment programme in the area requiring tenants to decant temporarily or permanently



LLPs for new developments are written to ensure that mixed, balanced and sustainable communities are created at the outset and to ensure that one particular applicant group does not place an undue burden on local services.

Applicants will be informed if the property they are moving into is considered under a Local Letting Plan.

### **11.3 Incentive Scheme**

To try and make better use of its limited housing stock, the council offers an incentive scheme for tenants who want to move out of large family council houses into an independent living scheme. To be eligible, tenants must live in council housing that is suitable for a family, i.e. a 2, 3, 4 or 5 bedroom house (not a flat).

Under this scheme the council will pay for the tenant's removals as well as the disconnection and reconnection of their cooker and the transfer of their telephone line.

A payment of £1,000 is also made by the council toward the miscellaneous costs associated with moving. Although you will technically be renting two properties for one week whilst you are moving, rent will only be charged on one of them. We will only ask you to pay for repairs to the property if we think it is because of deliberate damage or neglect. If you do not pay for this damage or neglect, we will take the money out of your Incentive Scheme payment. Please contact the Housing Services Team if you would like to discuss the Incentive Scheme. They can be contacted on [housingservices@rugby.gov.uk](mailto:housingservices@rugby.gov.uk)

### **11.4 Succession, Left in Occupation and Ineligible Successors**

If your tenancy started after 01 April 2012, there is one statutory right of succession, and that is for a spouse, civil partner or a person living with the tenant as if they were a spouse or civil partner. The successor must be living with the tenant at the time of death. No other family member has an automatic statutory right of succession unless the tenancy agreement expressly allows for someone else to succeed, this is in accordance with Section 160 of the Localism Act 2011.

If your tenancy started before 1 April 2012, then Section 87 of the Housing Act 1985 allows for only one statutory succession on a secure tenancy, either a surviving spouse or civil partner or a member of the deceased tenant's family ("family" is defined under section 113 Housing Act 1985). If the current tenant is already a successor there can be no further statutory succession.

Section 88 of the Housing Act 1985 specifies that the only allowable succession will have already taken place if the current tenant:

- 1) Succeeded to that tenancy under the provisions for statutory succession (even if the tenancy was still an introductory one when the succession took place), or
- 2) Was a joint tenant and has become the sole tenant, or

3) There has been a previous assignment of the tenancy, other than an assignment ordered by the courts as part of divorce proceedings, on termination of a civil partnership, under the Children Act or for an exchange

For all other applicants, they must provide proof that they have lived with the tenant throughout a 12-month period ending with the tenant's death and been a member of the tenant's family (defined under section 113 Housing Act 1985 ) which is restricted to the following:

- Persons living together as if they were spouse or civil partner
- Parent
- Grandparent
- Child, including stepchild and any illegitimate child
- Grandchild
- Brother
- Sister
- Uncle
- Aunt
- Nephew
- Niece
- Step-relations, half relations

Where a tenant has succeeded to a tenancy that is dated pre-2012 and they are under occupying the property we can seek possession on the ground that they are under occupying, but this does not apply to spouse, civil partner or persons living together as if they were spouse or civil partner.

## **12. Data Protection and Access to Information**

### **12.1 Data Protection**

When an applicant applies to the Housing Waiting List, the council will only seek information that they require to assess the applicant's application and housing needs. All data is held in accordance with the General Data Protection Act 2018. More information can be found on the Council's website detailing information to be collected, how it is to be stored and who it may be disclosed to.

The applicant (data subject) has the right:

- To request a copy of information that is held about them
- To correct data that we hold about them that is inaccurate or incomplete;
- In certain circumstances they can ask for data we hold about them to be erased from our records
- Where certain conditions apply, to have a right to restrict the processing;
- In some circumstances, to have the data we hold about them transferred to another organisation
- To object to certain types of processing such as direct marketing

- To complain if we refuse a request they may make using these rights and they are not happy with our reasons

## **12.2 Confidentiality**

Confidential information held about applicants will not be disclosed to third parties apart from:

- Where the individual who is the subject of the confidential information has consented to the disclosure
- Where the council is required by law to make such disclosures
- Where a disclosure is made in accordance with Data Protection Act 1998

## **12.3 Complaints regarding Data Protection**

Complaints regarding Data Protection can be made to the Council's data Protection Officer, or to the Office of the Information Commissioner. Full details can be found on the Council's website.

## **12.4 Equality and Diversity**

The allocations scheme aims to recognise and support diversity to ensure that no sections of society are excluded and that the service meets the needs of those who require additional care and support. This policy seeks to meet the needs of all applicants regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and to comply with all relevant legislation.

## **12.5 Legal Framework**

This Policy has had regard to any legislative requirements (please see below) and Codes of Guidance issued by the Ministry of Housing, Communities and Local Government and the Homes and Communities Agency. The policy also has regard to the Warwickshire Tenancy Strategy under the Localism Act s153 and our current Homelessness Strategy under Homelessness Act 2002 s1

The legislative framework we have had regard to is The Housing Act 1996 (as amended by the 2002 Homelessness Act) which requires local authorities to make all lettings and nominations in accordance with a published allocation scheme. A summary of the allocation scheme must be published and made available free of charge to any person who asks for a copy. The Allocation Scheme is available from Rugby Borough Council offices at the Town Hall, Evreux Way, Rugby CV21 2RR and on the council's website [www.rugby.gov.uk](http://www.rugby.gov.uk)

The Housing Act 1996 (as amended), requires local authorities to provide reasonable preference in their allocation scheme to people with high levels of assessed housing need. This includes homeless people, those who need to move due to welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area. The Homelessness Reduction Act 2017 further extended the scope of homelessness provision and in doing so the widened the scope of reasonable preference provision.

The Localism Act 2011 allows local authorities to have significant control over who qualifies for housing and the priority given to national and locally determined groups that are assessed as being in housing need. These flexibilities are now reflected in this Allocations Scheme.

This Allocations Scheme takes into account the Allocation of Accommodation Code of Guidance for Housing Authorities 2012 which replaced all previous statutory guidance on social housing allocations. The Allocations Scheme is drafted and framed to ensure it is compatible with the council's equality duties including the Equality Act 2010. The policy will be regularly reviewed to ensure that its implementation does not have a disproportionate disadvantage for a person with a protected characteristic as compared to those that do not share that characteristic.

## **The Armed Forces Covenant**

The Armed Forces Community Covenant is a promise from the nation ensuring that those who serve or have served in the Armed Forces, and their families, should be treated with fairness and respect in the communities, economy and society they serve with their lives.

Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given the most such as the injured and the bereaved.

The obligation involves the whole of society: it includes statutory, voluntary and charitable bodies, private organisations, and the actions of individuals in supporting the Armed Forces.

The issue the Covenant is addressing is the fair and equal access to goods, services, information and support whether from statutory, voluntary or commercial organisations.

This means:

- Ensuring that service personnel, ex-service personnel and their families are NOT disadvantaged through military service.
- Ensuring a level playing field so that there is equal access to any form of service or support or information.
- Special consideration is given on a case by case basis and is at the discretion of the organisation providing it.

The purpose of the Armed Forces Covenant is to put the individual (or family) in a position comparable to that of an equivalent citizen (or family) that is not in the Armed Forces. This is about bringing the Armed Forces individual / family UP to the level of the ordinary citizen rather than getting them beyond what an ordinary citizen may be entitled to. There is no special treatment apart from the support to reduce the disadvantage members of the Armed Forces and families may experience.

The Armed Forces Covenant does not confer a legal right to the provision of services and support over and above what is the legal right and entitlement of an ordinary citizen.

Special consideration is appropriate in some cases, especially for those who have given the most such as the injured and the bereaved.

Special Consideration is proportionate and related to the sacrifice the individual or family have made. This is discretionary and provided by the organisation to which

the request for special consideration is made on a case by case basis. It does not confer any right or entitlement, it can only be asked for and not enforced.