



Housing Allocations Policy

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Draft

Version Control

Revision History

Version	Date	Author	Changes
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Approvals

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Document Review Plans

This document is subject to a scheduled annual review. Updates shall be made in accordance with business requirements and changes and will be with agreement with the document owner.

Distribution

The document will be available on the Intranet and the website.

Please read this statement

It is a **criminal offence to obtain accommodation** from the Council or any other social housing provider by **knowingly and recklessly giving a false statement** or **deliberately withholding information**. By doing so you may be prosecuted and fined.

The Council or Registered Provider will **seek possession of any tenancy granted as a result** of information later found to be false or misleading. Any **offer of accommodation maybe withdrawn** or result in an **application being cancelled** and an **applicant being disqualified** from the housing register.

Table of Contents

1	Introduction	7
1.1	The Allocation Policy.....	7
1.2	Legal Framework	8
1.3	Definition of an ‘allocation’ of accommodation”	10
1.4	Data Protection and Confidentiality.....	11
1.5	Equality and Diversity	11
1.6	Force Majeure.....	12
1.7	Review of this Policy	12
1.8	Statement on Choice	12
2	Options for housing in Tamworth.....	14
2.1	Tamworth Allocations Model.....	14
2.2	Housing Register	15
2.3	Mutual Exchanges for Social Tenants	15
2.4	Low-Cost Home Ownership.....	16
2.5	Private Renting	16
2.6	Adaptations to your home.....	17
2.7	Help and Advice.....	17
2.8	Registered Providers	18
3	Eligibility and Qualification	19
	section Eligibility	19
3.2	Right to Move.....	19
3.3	Armed Forces	20
3.4	Applicants under 18 years old.....	21
3.5	Serious Offenders	21
3.6	National Witness Mobility Scheme (NWMS).....	22
3.7	Qualification	22
3.7.1	Qualifying Person.....	23
3.7.2	Local Connection	23
3.7.3	Local Connection Exemptions	24
3.8	Disqualification.....	25
3.8.1	Disqualified Persons	25
3.8.2	Disqualification Criteria	26
3.9	Reasonable Preference without meeting the Qualification Criteria	30
3.10	Exceptional or Mitigating Circumstances	30

3.11	Negotiated Tenancy Surrender.....	31
4	Application and Assessment	32
4.1	How to apply	32
4.2	Who can be included on the application form	32
4.3	Councillors/Board Members/Employees and their close relatives	33
4.4	Fraud, Misrepresentation or Withholding Information	33
4.5	Verification and Checks	34
4.6	Bedroom Entitlement	35
4.7	Property Eligibility	38
4.8	Banding.....	39
4.9	Reduced Preference	43
4.10	Cumulative Preference	45
4.11	Determination of an effective band date	45
4.12	Housing Need	46
4.12.1	Medical Grounds	46
4.12.2	Social, Welfare and Hardship grounds	47
4.12.3	Overcrowding	50
4.12.4	Move on from Supported Housing	51
4.12.5	Under-occupation.....	51
4.12.6	Incentive to Move scheme	52
4.12.7	Unsanitary or otherwise unsatisfactory housing	53
4.12.8	Decanting social housing tenants for major repairs	53
4.12.9	Best use of stock or tenants with an urgent need to move	55
4.12.10	Move-On from Care (Staffordshire County Council)	56
4.12.11	Homeless Households	56
4.13	Gypsies and Travellers	58
4.14	Notification of your assessment	58
4.15	Change of circumstances	58
4.16	Cancellation of Applications.....	59
5	Allocations and Lettings.....	60
5.1	Direct Lets	60
5.2	Choice Based Lettings	60
5.2.1	Advertising a property	61
5.2.2	Targeted adverts.....	61
5.2.3	Withdrawing a property	61
5.2.3	Bidding	61

5.2.4	Shortlisting	62
5.2.5	Successful bidders	63
5.2.6	Unsuccessful bidders	63
5.2.7	Rejection by a Registered Provider	64
5.3	Sensitive lets	64
5.4	Hard to lets	64
5.5	Reciprocal arrangements	65
5.6	Offer of accommodation	65
5.7	Limited Offers	65
5.8	Affordability	65
5.9	Refusals	66
5.10	Tenancy Determination	66
5.11	Tenancy Sustainment	67
5.12	Lettings Plans	67
5.12.1	Annual Lettings Plan	67
5.12.2	Local Lettings Plan	67
6	Decisions, Complaints and Reviews	69
6.1	Decisions	69
6.2	Complaints, Compliments and Comments	70
6.3	Reviews	70
6.3.1	Band 1 and Band 1+ review (Priority Card)	70
6.3.2	Annual Review	71
6.3.3	Disqualification Review	72
6.3.4	Homelessness Suitability Review	73
6.3.5	Statutory Right of Review	74
6.3.6	External Reviews	75
	Appendix 1: Allocation Panel Terms of Reference	76
	Appendix 2: Age Restricted Properties in the Borough	77

1 Introduction

1.1 The Allocation Policy

- 1.1.1 Every local Housing Authority is required to have a Housing Allocations Policy in accordance with the requirements of The Housing Act 1996 (Part VI) as amended. The Allocations Policy determines priorities and defines the procedures to be followed in allocating social housing. This is Tamworth Borough Council's (Tamworth) Allocation Policy.
- 1.1.2 The Allocations Policy sets out in detail who is and who is not eligible for housing, who is qualified to join the housing register and how this assessment is made. It also sets out how applicants can apply for and access housing and what service standards an applicant can expect.
- 1.1.3 The policy also provides advice on other housing options that applicants are advised to consider.
- 1.1.4 Tamworth operates a Choice Based Lettings (CBL) scheme called Finding a Home, which can be accessed online at: www.findingahometamworth.co.uk . The "Finding a Home Tamworth" is an independent website which focuses on housing options in the borough.
- 1.1.5 This document explains how the Council will allocate its own properties and make nominations to other social landlords within the borough where the Council has nomination rights. Other social landlords referred to as registered providers have their own lettings policies, and these will apply in relation to the letting of their stock.
- 1.1.6 The registered providers who may advertise properties through **Finding a home at Tamworth** are:
- Platform Housing Group www.platformhg.com
 - Places for People www.placesforpeople.co.uk
 - Midland Heart www.midlandheart.org.uk
 - Anchor Housing Association www.anchor.org.uk
 - Orbit Homes www.orbithomes.org.uk
 - Metropolitan Thames Valley www.metropolitan.org.uk
 - Walsall Housing group www.whg.uk.com
 - Clarion Housing Association www.myclarionhousing.com
 - Bromford Living www.bromford.co.uk
 - Sage Housing www.sagehousing.co.uk
 - Southern Housing www.southernhousing.org.uk
- 1.1.7 A copy of the Allocations Policy is available free of charge. A summary is available routinely to everyone making an application for social housing.

- 1.1.8 Advice and assistance relating to access to housing is also available free of charge from the Housing Solutions Team. Please call: **01827 709709** or email them at: housingsolutions@tamworth.gov.uk. Face-to-face appointments are available by prior appointment.
- 1.1.9 Anyone can approach the Housing Solutions service for advice and assistance. However, social housing in Tamworth is very limited, and the Council no longer holds an 'open' register'. Instead, the Council operates a 'managed register', which requires applicants to meet qualification criteria. Where an applicant does not qualify to join the housing register, the Council will still provide advice and assistance, which can include signposting and referring the applicant to alternative routes into housing where possible and where appropriate.
- 1.1.10 This Allocations Policy is focussed on the assessment of applications for the housing register, and it is not a statement of how the Council deals with homelessness. Whilst there are references made to the provision of homelessness within this policy, there are separate processes and procedures for dealing with homeless applications. The Council has a Homelessness Prevention Strategy which sets out how the Council aims to prevent Homelessness within the borough and this document and supporting evidence can be found on the Council's website: www.tamworth.gov.uk/housing-policies.

1.2 Legal Framework

- 1.2.1 Legislation relating to allocation policy is set out in the following:
- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
 - The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
 - Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
 - Allocation of Housing (England) Regulations 2002, SI 2002/3264
 - Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
 - 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)'
 - Homeless Reduction Act 2017 and all subsequent amendments to 2020
 - Equality Act 2010
 - Data Protection Act 2018 and contained within the UK General Data Protection Regulation 2018 (UK-GDPR)
 - Care Act 2014
 - Human Rights Act 1998
 - Domestic Abuse Act 2021
 - Children and Social Work Act 2017

- The Regulatory Framework for Social Housing 2019
- Armed Forces Act 2021

1.2.2 When framing the allocations policy further guidance has been sought from:

- Homelessness Code of Guidance for Local Authorities
- The Council's Housing and Health Strategy
- The Council's Homelessness Prevention Strategy
- The Council's Tenancy Strategy

1.2.3 The Housing Act 1996 (as amended) requires all Local Authorities to give '**reasonable preference**' to certain groups of people who are in most housing need. These groups are set out as follows;

- i. All homeless people as defined in Part VII of the Housing Act 1996, including people who are intentionally homeless and those who are in priority need.
- ii. People who are owed a duty by any local housing authority under section 190(2), 193(2), 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)
- iii. People occupying unsanitary, statutory overcrowded or otherwise unsatisfactory housing
- iv. People who need to move on medical or welfare grounds (including grounds relating to a disability)
- v. People who need to move to a particular locality within the district to avoid hardship to themselves or others.

1.2.4 In framing this Housing Allocation Policy, the Council is also required to have regard to the following considerations:

- a. The policy must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.166a of the Housing Act 1996 over those who do not.
- b. Whilst there is no requirement to give equal weight to each of the reasonable preference categories, housing authorities should demonstrate why applicants are given a particular priority.
- c. There is no requirement for housing authorities to frame their policy to afford greater priority to applicants who fall within more than one reasonable preference category (cumulative preference) over those who have reasonable preference on a single non-urgent basis.

1.2.5 Local authorities can give additional preference to other groups of people who have a reasonable preference, if they have urgent housing needs. The Allocations Code of Guidance provides the following examples to whom housing authorities should consider giving additional preference within their allocation policy because they have an urgent need to move:

- Those who need to move urgently because of a life-threatening illness or sudden disability.
- Families in severe overcrowding which poses a serious health hazard.
- Those who are homeless and require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence.

1.2.6 The Social Housing Regulatory Act requires the Council to allocate accommodation in the fairest way possible, ensuring accessibility to suitable homes for people with disabilities and balanced award of priority. The allocation of properties should be transparent made more so by the publication of letting results.

Tamworth is working continuously to:

- Improve joint working with registered providers to ensure that social housing is allocated efficiently.
- Remove barriers to accessing social housing for homeless households.
- Ensure that vulnerable households are able to navigate allocations systems.

1.3 Definition of an ‘allocation’ of accommodation”

1.3.1 What is an Allocation?

The Housing Act 1996 as amended provides that the Council allocates housing accommodation when they:

- Select a person to be an introductory or secure tenant of housing accommodation held by the Council.
- Select a person to be a fixed term tenant of housing accommodation held by the Council.
- Nominate a person to be an introductory or secure tenant of housing accommodation held by another housing authority.
- Nominate a person to be a starter tenant (also known as probationary) or assured tenant of housing accommodation held by a Registered Provider.

1.3.2 What is not an Allocation?

Secure, introductory or demoted tenancies arising in the following circumstances are not covered by the allocation’s provisions of the Act, and therefore fall outside of the scope of this document. These are contained within the Tenancy Management Policy (2009) and include:

- i. Succession to a tenancy on the death of a previous tenant
- ii. Assignment of a tenancy by way of a mutual exchange
- iii. Assignment of a tenancy to a person who would be qualified to succeed to the tenancy on the death of a current tenant

- iv. Transfer of the tenancy pursuant to a court order under family law or the Civil Partnership Act 2004
- v. Where a person becomes a secure tenant on ceasing to be an introductory tenant.

1.3.3 Transfers

Tamworth Borough Council tenants who do not have an identified housing need in accordance with the Allocations Policy must pursue mutual exchanges and will not be ordinarily entitled to join the housing register.

Tenants with identified housing needs and who would usually be considered to be owed a 'reasonable preference' such as medical priority or would be considered to have a housing need under the terms of the policy for example overcrowding or under-occupancy are eligible to join the housing register and can also pursue mutual exchanges.

For transfer applicants the Council will expect a clear current rent account before the tenant is allowed to move and they will also be required to have a property inspection to ensure there have been no breaches of the tenancy.

1.4 Data Protection and Confidentiality

- 1.4.1 The Council abides by the Data Protection Act 2018 and any other relevant legislation to protect applicants' personal information and will process it for the purposes stated, and in accordance with the applicants' rights.
- 1.4.2 Data collected from applications for housing is processed in line with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK-GDPR).

1.5 Equality and Diversity

- 1.5.1 The Council's Choice Based Lettings Scheme and Allocations Policy have been designed to ensure that its services are fair and equitable for all of its customers.
- 1.5.2 The Allocations Policy is accessible to all of those eligible and does not discriminate against anyone on the grounds of age, disability, gender, race, colour, national origin, sexual orientation or any other factor that may cause disadvantage.
- 1.5.3 Due to legal circumstances, there may be occasions when applicants are unable to join the housing register. This criterion has been outlined within the Eligibility and Qualification sections of this Policy.

- 1.5.4 This policy has been drafted with reference to the Equality Act 2010 and also with regard to the Council's Public Sector Equality Duty.
- 1.5.5 The Council remains committed to help customers and applicants who have difficulties and who are vulnerable, to access this policy.
- 1.5.6 The Allocations policy and application forms can be provided in other formats if required, such as large print or braille.
- 1.5.7 This policy has been developed following a consultation.

1.6 Force Majeure

We will not be liable for any delay in performing our obligations under this policy if the delay is caused by a Force Majeure (chance occurrence or unavoidable accident for example), provided that reasonable action and notification to customers is taken by the council. More fully, this means, circumstances beyond reasonable control of that party, including without limitation, strikes, lock outs, acts of God, cyber-attack, the act or omission of any governmental or other competent authority, war or national emergency.

1.7 Review of this Policy

- 1.7.1 Where there are changes that are required urgently for legal reasons, minor in nature or changes in government policy and / or legislation, these changes will be approved by the Executive Director of Communities or person with delegated authority.
- 1.7.2 Any major change required to the policy will be subject to a full public consultation and member approval.
- 1.7.3 All changes to this policy will be noted on the version control page of this document and an updated policy document will be uploaded to the Council's website: www.tamworth.gov.uk.

1.8 Statement on Choice

Once accepted onto the Housing Register the Council assesses priority according to band, housing need and effective band date. The choice-based lettings (CBL) system allows eligible applicants to select properties that they are interested in, rather than the council allocating the property to the next applicant on the Housing Register.

The policy follows an open and transparent process, helping applicants make informed choices about where they want to live and the type of property they would prefer. The Council may restrict choice where we need to make a direct offer outside of band and time waited order. We may do this to meet the challenges the Council faces in relation to homelessness. Where practical we may allow the applicant to exercise a preference. However, this too may be restricted for some groups, including homeless applicants where the council needs to discharge duty or where we have to work with available stock.

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2 Options for housing in Tamworth

2.1 Tamworth Allocations Model

We operate a choice-based lettings scheme for the majority of properties in Tamworth. Some of those may be targeted for only the applicants who are eligible for them such as age restricted or adapted properties. We may make a direct offer of accommodation, to meet the needs of a household or the challenges facing the Council in relation to homelessness.

The aim of this scheme is to:

- i. Enable applicant choice and informed decision-making, which encourages applicants to pursue all housing options which are open to them including supported housing, affordable housing, and affordable home ownership.
- ii. Ensure social housing is allocated and prioritised to those who are in most housing need, and thus help prevent homelessness.
- iii. Comply with statutory obligations, government policy and guidance from government and ensure that all allocations of properties are equitable, fair and transparent.
- iv. Contribute to the council's strategic priorities namely living a quality life in Tamworth, growing strong together in Tamworth and delivering quality services in Tamworth.

How do we know whether this scheme is achieving our objectives?

- v. We will carry out annual impact assessments of the scheme to check whether it is still achieving its aims.
- vi. The Council recognises that people need to understand how social housing is allocated to inform their decisions about housing. We will therefore communicate information about this scheme and how it is delivering through:
 - Dedicated web and online information, including performance information.
 - Regular articles in the Council's Landlord publication Open House.
 - Regular dialogue with tenants through tenants' forums and involvement groups.
 - Monitoring customer satisfaction.

2.1.1 This allocations policy has been framed in accordance with equality legislation. An Equality Impact Assessment was undertaken when this policy was drafted.

2.2 Housing Register

A Housing Register is a way of recording the details of households who have applied to the council for rehousing. Data from a Housing Register can be used to monitor trends, assess demand and provide grounds for future housing development and the creation of tailored housing advice services. The Council administers a Housing Register in order to fairly assess and record the needs of those who apply for housing assistance.

Whilst having a Housing Register helps to organise the details of those requiring housing it does not in itself increase the number of properties that become available to be let each year. There is a shortage of housing in the borough of Tamworth and demand far exceeds supply. Unfortunately, it is not possible for the Council to rehouse everyone who applies. This means that there is likely to be a lot of people bidding when properties are advertised. Those people with the most urgent need and those that fall into the priority groups listed above receive the highest priority.

Due to this shortage, there are other housing options available which might help applicants move to a more suitable property for them. These are outlined below.

2.3 Mutual Exchanges for Social Tenants

If you are the tenant of a local authority or a registered provider, mutual exchange or swapping properties with other tenants gives you the best chance of moving. You can exchange your property with any other social housing landlord's tenant, anywhere in the country. The Council has developed a mutual exchange service for its tenants which runs through the **House Exchange** website: www.houseexchange.org.uk.

There is no charge for Tamworth Borough Council tenants.

If you are looking to move for work or to be near to family and friends, House Exchange is a national service which means that you will be able to see homes across of the whole of the UK, not just in Tamworth. You may exchange with other social housing tenants if everybody involved in the exchange process agrees. Normally an exchange will be agreed by the Council providing:

- a. Both properties are the right size for the incoming family's needs.
- b. Neither party is having legal action taken against them for breaking their tenancy

2.3.1 If you are not a Tamworth Borough Council tenant, please contact your own landlord as they will have their own mutual exchange service.

2.4 Low-Cost Home Ownership

If you are interested in owning your own home, then there are schemes which are backed by the government which may be able to assist. More information can be found at: <http://www.gov.uk/affordable-home-ownership-schemes>

2.4.1 Shared Ownership

Shared Ownership is a great opportunity for those who want to get a foot on the property ladder but can't afford to buy a home outright on the open market. The scheme gives you the chance to buy a share in a brand-new leasehold property (either a house or an apartment) on a part buy/part rent basis. You buy a share of between 25% and 75% of a home from a registered provider, usually a housing association. You then pay a subsidised monthly rent to the housing association for the remaining share.

If you are interested in registering for shared ownership properties, information on what this entails and how to apply can be found at:

<https://www.gov.uk/shared-ownership-scheme>

2.5 Private Renting

The Council is not able to help everyone who registers for rehousing as demand far exceeds the supply. Considering moving to private rented accommodation allows you to decide where you move to, what type of property you move to and when you move.

There are many Internet sites that are very good with up-to-date properties to rent, including:

Right Move	www.rightmove.co.uk
Zoopla	www.zoopla.co.uk
Gumtree	www.gumtree.com
Spare Room	www.spareroom.co.uk
Loot	www.loot.com
Home	www.home.co.uk
DSS move	www.dssmove.co.uk
On the Market	www.onthemarket.com

Additionally, you may be able to find private rented accommodation through a letting agent which may save a lot of time. It is worth remembering that letting agents may require you to have the finances available to be able to secure the property, whilst fees they can charge are restricted under the Tenant Fees Act 2019, they may still require money for a deposit, rent or have a rent guarantor and you may also have to be able to provide references.

You will find letting agents listed in the local papers, Yellow Pages, or Thompson Local or at: www.zoopla.co.uk/find-agents/letting-agents/tamworth/

If you have difficulties in securing private rented accommodation, the Housing Solutions team may be able to assist you. Please email housingsolutions@tamworth.gov.uk or call **01827 709709** for more information on the assistance that we may be able to provide.

2.6 Adaptations to your home

If you would prefer not to move home but are looking to do so because you or a member of your household are disabled or have a chronic illness that affects your housing requirements, you may like to consider having your current home adapted to meet your needs.

There may be financial assistance that can be provided to help you do this, depending on your circumstances, in the form of a disabled facilities grant. Further information on disabled facilities grants can be found on the website: www.tamworth.gov.uk

Self-referrals can be made to Staffordshire Cares for an occupational therapy assessment of your property and your needs. This assessment may then help indicate what additional support or adaptations may be required by you. Applicants may wish to contact Staffordshire Cares to arrange this by telephone **0300 111 8010** or by email: staffordshirecares@staffordshire.gov.uk

Alternatively, if you are a Council tenant, speak to your tenancy sustainment officer or if you are a tenant of a registered provider, speak with your estate manager or housing officer.

If you are a homeowner or private tenant, please contact the Housing Solutions Team at: housing-solutions@tamworth.gov.uk or call **01827 709709**.

2.7 Help and Advice

The Housing Solutions Team can offer specialist housing advice to help you keep your current home, source alternative accommodation or provide advice on alternative housing options.

Assistance may be provided by but not limited to:

- Mediation services
- Referrals to supported accommodation
- Advice on joining the housing register and applying for social rented accommodation
- Advice to those threatened with homelessness
- Assistance to obtain private rented accommodation

- Specialised housing options for victims of domestic abuse

Advice on housing options can be found at:

www.findingahometamworth.co.uk/content/HousingOptions/

2.8 Registered Providers

The Council has nomination rights to most of the registered provider with stock across the Borough. The Council will generally have 50% nomination rights to offers of accommodation made by registered providers within the borough. This means that we advertise properties from time to time that belong to another landlord. You can place a bid on these and the landlord lets to the applicant know if they have been successful.

The lettings criteria for other landlords may differ to that of Tamworth Borough Council. Please make sure you read and understand who is able to bid on each nomination property before you make your bid. The property advert will list information on the landlord of the property and also the lettings criteria specific to that landlord. Whilst registered providers will retain their own lettings criteria, they must give due regard to this Allocations Policy when making decisions.

Applicants may wish to contact registered providers directly to establish what their lettings policies are and if they allocate properties through any other means they may be able to access. Registered providers may also make direct allocations in accordance with their own policies and procedures.

3 Eligibility and Qualification

3.1 Eligibility

- 3.1.1 The statutory eligibility criteria for social housing are set out in section 160ZA (1-5) of the Housing Act 1996, as amended by the Localism Act 2011.
- 3.1.2 An applicant may be ineligible for an allocation of accommodation under section 160ZA (2) or (4). Authorities are advised to consider applicants' eligibility at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application was made.
- 3.1.3 The following persons are not eligible to join the register:
- People who are "subject to immigration control" (unless they fall within a class prescribed by regulations made by the Secretary of State (section 160ZA (2))
 - People who are not subject to immigration control, but are nevertheless prescribed by regulation as being "persons from abroad" (this may include British citizens who are not habitually resident in the UK)
 - Any other person as prescribed by the Secretary of State.
- 3.1.4 If a person who has been admitted to the register ceases to be eligible under the above criteria, he or she will be removed from the register with immediate effect.
- 3.1.5 The EEA eligibility rules apply from the 1 January 2021. EEA persons and their families should seek advice on their eligibility at: [Housing Rights Information for Migrants and Housing Advisors \(England and Wales\) \(housing-rights.info\)](https://www.housing-rights.info)

3.2 Right to Move

- 3.2.1 The Right to Move qualification regulations 2015 states that Local Connection criteria must not be applied to existing social tenants who seek to move from another local authority district in England and who have a need to move for work related reasons to avoid hardship.
- 3.2.2 To qualify the applicant must be a social housing tenant living in England.
- 3.2.3 Applicants wishing to join the Housing Register due to work related reasons to avoid hardship are able to do so provided that they can evidence these requirements.
- 3.2.4 Applications accepted under 'Right to Move' will be awarded Band 1 priority.

- 3.2.5 The Council must be satisfied that the tenant needs, rather than wishes, to move for work related reasons and if they were unable to do so this would result in hardship. In determining whether the tenant needs to move the Council will consider the following factors:
- a. The distance and/or time taken to travel between work and home.
 - b. The availability and affordability of transport, taking into account the tenant's level of earnings.
 - c. The nature of the work and whether similar opportunities are available closer to home.
 - d. Other personal factors, such as medical conditions and childcare, which would be affected if the tenant could not move.
 - e. The length of the work contract.
 - f. Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects.
- 3.2.6 The qualification regulations only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

3.3 Armed Forces

3.3.1 The Armed Forces Act 2021 places a statutory duty on local authorities to give preference to former members of the armed forces and their families for the purpose of allocating housing. This supersedes all previous armed forces covenants and regulations. The Council continues to demonstrate its support to the armed forces community. We believe that 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 housing services. Special consideration is appropriate in some cases, especially for those who have been injured or are bereaved.

- 3.3.2 Qualification under the statutory duty applies as follows:
- a. The individual is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act. We reserve the right to waive the 5-year rule at our discretion, and our decision to do so will be final.
 - b. Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where they served in the regular forces; and their death was attributable (wholly or partly) to that service.
 - c. The individual is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

- d. The individual is a divorced or separated spouse or civil partner of service personnel who need to move out of accommodation provided by the Ministry of Defence.

3.4 Applicants under 18 years old

3.1.1 Applicants aged 16 or 17 will not normally be able to join the housing register.

3.1.2 The **only** exceptions to this are as follows:

- Where a statutory homelessness duty is owed.
- For care leavers 6 months before their 18th birthday to allow the Council to work with them effectively to help source suitable alternative accommodation to try and prevent them from becoming homeless.
- Where the applicant has been accepted into supported accommodation provided by the Council and there is a requirement for the application to be processed to enable the occupant to pay rent and other charges.

3.4.2 All efforts, including family mediation, referrals to supported accommodation will be made to prevent homelessness and assist young people to achieve an appropriate housing solution to meet their need.

3.4.3 Where an applicant under 18 is unable to join the housing register but is threatened with homelessness full advice and assistance will be offered to the young person for them to return home where it is safe for them to do so or for alternative accommodation to be sourced for them.

3.4.4 The Council has signed a joint protocol with partners across Staffordshire local authorities and the County Council for homeless 16/17year olds. The aim of this protocol is to ensure a county wide approach to assist the 16 or 17year old and to help prevent their homelessness. As part of this protocol there is an agreement in place for joint assessments to be completed with colleagues from Staffordshire County Council. The Council will make the relevant referrals to enable this to happen.

3.4.5 As a 16/17-year-old cannot hold a tenancy in law, there will also be a requirement for a 16/17-year-old to have an approved person to act as their trustee in relation to the tenancy agreement. This would normally be a family member or other suitable third party.

3.5 Serious Offenders

3.5.1 Applications made by applicants who are subject MAPPA will be subject to a robust and appropriate assessment of their eligibility and will be considered where an applicant needs accommodation that can be suitably monitored and managed due to the risk the applicant may pose or any risk to the applicant themselves.

- 3.5.2 An allocation will only be made following a multi-agency risk assessment and once suitable accommodation has been identified and approved by a vulnerability panel. This will consider MAPPA (Multi-agency Public Protection Arrangements) guidance for high-risk offenders.
- 3.5.3 Applications following a referral of MAPPA will only be entitled to a direct let in order manage any risk involved. They will be restricted as to which properties they can bid for, and properties will be identified and recommended for serious offenders by the Vulnerability Partnership. They will not be issued a band and will be subject to a direct match. The final decision in relation to a property lies with the Housing Solutions Manager.

3.6 National Witness Mobility Scheme (NWMS)

- 3.6.1 The Council and its partner Registered Providers support the NWMS and may consider at its discretion referrals made to house witnesses. In order to assist the national police force to tackle serious crime and to support witnesses in the legal process, the Council works in partnership with colleagues in the NWMS. The scheme enables witnesses to relocate outside their area to a place of safety.
- 3.6.2 On receipt of a referral, the Council will take into account the level of risk the applicant is facing, and the demand and supply issues at the time in the borough of Tamworth and any acceptance of a referral will be determined by the Allocations Panel or Head of Service.
- 3.6.3 In order to protect the identity of the witness, the applicants will only be required to complete a housing application form, on acceptance of the referral. It will be necessary for the applicants to meet the eligibility criteria for entry onto the register in accordance with Section 3.7 and 3.8 of this policy, and the proof of identity requirements must be complied with. The local connection criteria will not be applicable.
- 3.6.4 The Council will identify a suitable property and an offer of accommodation will be made direct to the applicant. Only one offer of suitable accommodation will be made and no restriction on the type of property to be offered will be accepted. The application will be cancelled if the offer is refused.

3.7 Qualification

The Council will only allocate to a qualifying person who is eligible as outlined in [section 3.1](#).

3.7.1 Qualifying Person

Only an applicant with a local connection is considered a qualifying person. Local connection is defined below together with any exemptions.

3.7.2 Local Connection

The applicant or a permanent member of their household will need to evidence that they meet at least one of the following criteria in order to be defined as having a local connection to the borough of Tamworth.

a. Residence

- The applicant must have been a resident in the borough for at least two continuous years preceding the date of application and for the duration of their application.
- For the purposes of residency, we will only usually consider settled (secure) forms of accommodation. This is usually medium to long term accommodation, and generally where there is a legal right to occupy the accommodation. For example, owning the accommodation, renting the accommodation or where they have resided with family with the intention of it being a long-term arrangement.

b. Employment

- Have permanent employment or be self-employed within the borough of Tamworth for a continuous period of at least 12 months immediately preceding the date of application and for the duration of the application (although any employment need not necessarily be/have been with same employer).
- This employment must be for more than 16 hours per week. Where working hours fluctuate i.e. casual or zero hour's contract, an average will be taken over 12 months.

c. Close family with additional health/welfare needs

- Local connection can be established through family where there has been frequent contact and dependency **and**
- The applicant has a close relative who has been living in the borough of Tamworth continuously for the last 5 years **and**
- Where the relative has health or care needs which require the support of the household that is applying to move to be in the area or where a family member needs to move to the borough of Tamworth to be closer to family who live there from whom they require care or support.

- Applicants will need to provide medical evidence to support this criterion along with evidence to show frequent contact or dependency.
 - Close relative for this purpose is defined as parents, children, siblings, grandparents or grandchildren including step relatives.
- d. An applicant will retain their local connection where they have left the borough due to:
- Being in hospital
 - Having to move out of the area for care
 - Being accommodated in supported accommodation outside the district
 - Being placed in temporary accommodation outside of the borough by the Council

3.7.3 Local Connection Exemptions

In addition to members of the armed forces and those applying through the right to move scheme, the only exemptions to satisfying this criterion are as follows:

- i. The applicants are relevant persons for the purpose of the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012.
- ii. The applicant is homeless, and the Council has accepted a full duty to them under the Housing Act 1996 (as amended) S193(2).
- iii. Applicants who are homeless and who are owed a duty requiring the Council to help them secure accommodation under S189B of the Homeless Reduction Act 2017, but only for as long as that duty is owed to the applicant.
- iv. Applicants who are threatened with homelessness and who are owed a duty requiring the Council to take reasonable steps to help applicants ensure that their accommodation does not cease to be available for their occupation under S195 of the Homelessness Reduction Act 2017 but only for as long as that duty is owed to the applicant.
- v. The applicant does not have a local connection to any other Council.
- vi. The applicant has been unable to establish normal residency due to rough sleeping.
- vii. Where the applicants are travellers or gypsies, and this has prevented local connection through the normal residency criteria.

- viii. There are significant and special circumstances with overriding reasons requiring the move into Tamworth for reasons of safety; when an applicant is fleeing domestic abuse from another area, is on a witness protection programme or whereby not moving to Tamworth would be detrimental to their wellbeing or cause significant hardship. This would be assessed on a case-by-case basis and would require approval from a senior officer within the Housing Solutions Service.
- ix. Local connection through special reasons may also be granted where the applicant has been staying temporarily with friends or family (known as 'sofa surfers', and where there are supplementary links to the area such as recent previous residency, where they have only been residing with them temporarily due to the threat of homelessness or if they need to be in Tamworth for a medical or welfare need.

3.8 Disqualification

3.8.1 Disqualified Persons

There are some circumstances where people are disqualified from joining the housing register as the Council will only allocate social housing to those people that it has defined as "qualifying persons" under Section 160ZA(6)(a) of the Act.

- i. Where applicants are disqualified from the housing register, they will still be able to access advice and assistance on the housing options outlined in [section 2](#) of this document.
- ii. Where an applicant has been disqualified or accepted onto the housing register but subsequently disqualified; usually because of unacceptable behaviour or because it has come to the attention of the Council that they should have been disqualified when they made the application, they will be notified in writing. The applicant has a right to ask for review within 21 days of the decision. [See section 6](#). The application will be cancelled if no right of review is received.
- iii. An applicant can reapply at any time, and request their situation be reviewed, if they feel they are entitled to now qualify.

3.8.2 Disqualification Criteria

An applicant will **not** qualify if they have at least one of the following:

a. Unacceptable behaviour or former tenant debt

Where an applicant or a permanent member of their household has been guilty of 'unacceptable behaviour' in their conduct of a current or previous tenancy, they will be disqualified. An exception will be made where someone is homeless, and the council has accepted a main section 193 housing duty.

Unacceptable behaviour can include, but is not limited to:

- Owing rent or other housing-related debt from a current or former tenancy with a registered housing provider or a private landlord of 8 weeks or equivalent of their rent.
- Using premises for illegal or immoral purpose.
- Causing nuisance and annoyance to neighbours or visitors.
- Convictions for criminal offences in or near to the applicant's home where the applicant still poses a threat to neighbours or the community.
- Convictions for a criminal offence relating to abusive behaviour towards a Tamworth Borough Council employee, partner or contractor.
- Convictions for housing or welfare benefits-related fraud.
- Being violent towards a partner or members of the family or anyone in the neighbourhood and been convicted of an offence in relation to this or where it has met the threshold for an injunction or court order for example a non-molestation order.
- Obtaining a tenancy by deception, for example by giving false information.
- The applicant is subject to a civil injunction due to unreasonable behaviour.

In determining whether an applicant is disqualified due to unacceptable behaviour, the Council will consider the following:

- i. Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- ii. Was the unacceptable behaviour serious enough to have entitled a landlord to obtain an order for possession, whether or not such an order was sought?

- iii. At the time of the application, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of his/her household?

Unacceptable behaviour will result in an initial disqualification period of 12 months, which may be extended unless the applicant has rectified their behaviour. To be admitted to the register the disqualification must have been rectified, for example if an applicant pays off or significantly reduces their current or former rent arrears. If an applicant's behaviour has been such that they have received a criminal conviction, they may be disqualified until the conviction is spent. For convictions which may never be spent, the Council would consider admitting them onto the housing register once they have served an imposed sentence and the licence conditions.

The Council will not disqualify someone from the housing register once the conviction has been spent.

Where the disqualification is as a result of rent arrears and the applicant has demonstrated that they have a payment plan in place, that they have been making regular payments for a period of 3 months, which are of a reasonable and proportionate amount to the debt owed amount, then the Council will allow them to join the register with a reduced preference. The amount required to be paid on a payment plan would be subject to an affordability assessment and based on the applicant's income and expenditure.

b. Property Ownership

The Code of Guidance recommends that local authorities should avoid allocating social housing to people who already own their home. The Council will therefore only allocate social housing a person who owns their own home in exceptional circumstances. An applicant who owns their own homes will be provided advice and guidance on other housing options.

Applicants will not qualify to join (or remain on the register) if they own a property either in the UK or abroad (either freehold, leasehold, under mortgage or shared ownership), unless they can demonstrate that:

- They are in housing need and/or it is unreasonable for them to continue to occupy the accommodation **and**
- They cannot liquidate or sell the property which would enable them to purchase or rent an alternative property suitable to meet their needs.

Examples may include:

- i. They are homeless or likely to become homeless within 3 months of their request due to the repossession of their current home and if they receive any equity this will not be enough to secure alternative accommodation.
- ii. A joint owner who has left the property or is leaving the property in order to escape domestic abuse and the perpetrator of the abuse is the other joint owner and the property cannot be sold.
- iii. There has been a breakdown in a relationship between joint owners and one has requested housing, the property has been sold, and they have insufficient resources secure alternative accommodation.
- iv. A homeowner who has been accepted as statutory homeless.
- v. Where a closure order or prohibition notice due to serious disrepair has been served on the home

All alternative housing options must also have been exhausted before a homeowner can join the housing register. Where adaptations are needed, funding them using other means will be considered.

Applicants who own property they rent out will be expected to take all necessary legal steps to regain possession. This will apply to properties that are owned outright or still mortgaged and to properties where an applicant's family may currently be residing. Where a homeowner has been unsuccessful in regaining possession, they may be allowed to join the housing register subject to approval by a director.

Where applicants are able to register, before any offer of accommodation is made, proof will be required that the property has been sold or proof of the fact that a sale has been agreed. Only in exceptional circumstances and where there are significant material overriding reasons would a property be allocated where the applicant still retains ownership of a property, and this would require approval from a director.

c. Financial Resources

Tamworth is permitted to take into account the applicants' financial resources and whether this is sufficient to source their own accommodation. **If the household's income is £70,000 or over, they will not qualify to join the register.**

A household income will take into account the income of all household members other than the income of non-dependent children. Income will also include all sources of income for the household, including (but not limited to) benefits, grants and income from employment.

Disability Living Allowance or personal independence payments or any other replacement benefit for the above will not be included for the purposes of this calculation. Payments awarded as a result of injury sustained whilst serving in the armed forces shall also not be included in any income calculation. Payments for compensation of injury would also not be included.

These income ranges will be reviewed annually in line with any government directives, local economic factors and legislation.

d. Savings, Assets and Capital

Applicants with capital/savings/assets/investments in excess of £16,000 will not qualify to join the housing register as they will be regarded as having sufficient resource to source alternative suitable accommodation. This amount is in line with the DWP criteria for eligibility for Housing Benefit.

Where these savings are derived from a payment due to injury or disability for members of the armed forces who have recently been discharged unless there is an award towards meeting their housing costs they will not be included in this calculation.

On a case-by-case basis the Council may allow applicants who exceed this threshold but require specialist accommodation for such as sheltered accommodation which cannot be readily sourced within the private rented sector or owned market to qualify.

e. People with no housing need

Applicants will not qualify for or be allowed to remain on the housing register if the Council is satisfied that they are suitably and adequately housed, that is, they have no recognised housing need under the Council's Allocation Policy or fall into a reasonable preference category.

The demand for social housing in the area exceeds supply and therefore social housing has to be awarded to those who are in the most housing need. The Council wants to manage demand and manage applicant's expectations accordingly.

For current social housing tenants who are adequately housed but still wish to move they may still be eligible for a mutual exchange.

f. Refused 3 offers of accommodation within 12 months.

Where applicants have refused 3 suitable tenancy offers within a 12-month period, they will be disqualified from the housing register for a period of 12 months. The 12 months will commence on the date of the refusal of the third offer.

The only exception to this will be where applicants have had a significant change in their circumstances following the making of the third offer and this will be at the discretion of the housing solutions manager.

3.9 Reasonable Preference without meeting the Qualification Criteria

3.9.1 The Council's Allocations Policy must give reasonable preference to applicants who fall into the categories set out in [sections 1.2.3 and 1.2.5](#). The Council cannot automatically reject an applicant who does not qualify under local connection criteria but who may still fall into a reasonable preference group for housing need.

3.9.2 Applications will be considered using the reasonable preference criteria set out in this document. Successful applications where there is a reasonable preference, but no local connection will be assessed at a reduced priority and be demoted to the band lower than the one the applicant would usually be awarded if they had a local connection.

3.9.3 If applicants fall into a reasonable preference category they will only usually be disqualified in exceptional circumstances and where the applicant has committed serious anti-social behaviour or has high rent arrears.

3.10 Exceptional or Mitigating Circumstances

There may be exceptional circumstances which are rare in number and nature where a Director may override the policy subject to a sound business case.

Examples are listed below:

- On a hard to let property where there are no natural eligible applicants the bidding criteria may be relaxed.
- The home is adapted but applicants needing this adaptation would not ordinarily be eligible for that property type.
- Relaxing the bedroom allocation rules to enable a household to consider a smaller property because there is a short supply of the large property they need. This will be subject to considerations as to the sustainability of that home, and the legislation on overcrowding.

3.11 Negotiated Tenancy Surrender

3.11.1 In order for the Council as a landlord or make the best use of resources available, the Council will consider awarding an applicant Band 1 in exchange for the surrender of their tenancy in order limit eviction costs, reduce the period of time properties are left vacant or to prevent rent arrears from occurring.

3.11.2 This is subject to the surrender of the tenancy of the tenancy being done in a planned way and subject to the following provision;

- The applicant is a tenant of Tamworth Borough Council and has been taken into custody or has to go into a mental health or other special facility for an extended period **and**
- If they committed an offence, it did not constitute a breach of their tenancy agreement **and**
- They have or are likely to be sent to prison or a mental health/special facility for more than 13 weeks **and**
- They have conducted their tenancy in a reasonable way **and**
- Their rent is up to date.

3.11.3 Where a tenancy is failing, because the housing needs of the individual are complex and not suited to their accommodation, and all other avenues have been exhausted, and where the tenant asks for help, we may consider a negotiated tenancy surrender. Tamworth will only consider this where there is statutory agency involvement to support the surrender and any onward move, including the sustainment of their new tenancy. This will be at the Council's discretion and our decision will be final.

3.11.4 If the criterion for a negotiated surrender is met, then written confirmation of agreement will be provided. Band 1 will be awarded at the point the applicant makes their housing application and is able to legally hold a tenancy again. It will not be awarded if the tenancy is surrendered before the Council has agreed to the negotiated surrender. This will have a time-based parameter, tailored to the individual's needs. For example, if someone is in receipt of drug rehabilitation for three months, then the band 1 would be expected within this timeframe not in perpetuity.

3.11.5 Tenancy surrender would be subject to completion of a comprehensive report being completed by an officer and authorised by a manager in the housing solutions service or the allocations panel.

3.11.6 An applicant, who has been granted negotiated surrender priority, may be able to bid for properties within 28 days of its award. However, if an applicant is not in a position to sign tenancy agreements and move into the property once it is ready or the offer of accommodation may be withdrawn and the band award deferred.

3.11.7 An applicant would only be awarded this priority where they would not be disqualified from the housing register due to any other circumstances.

4 Application and Assessment

4.1 How to apply

- 4.1.1 An application to join the housing register must be made using the online application portal. Evidence must be uploaded via the portal. You will need to create an account when you log on for the first time at: <https://myhousing.tamworth.gov.uk/housing/www/register/webaccount>. If you have any questions, or need help with your application, please get in touch with us via 01827 709709, email housingsolutions@tamworth.gov.uk, or use the webchat function on this website.
- 4.1.2 Advice and assistance relating to access to housing is also available free of charge from the Housing Solutions Team. Please call: **01827 709709** or email them at: housingsolutions@tamworth.gov.uk. Face-to-face appointments are available by prior appointment.
- 4.1.3 We will only accept applications from an applicant who:
- Is eligible to apply for housing. [See section 3.1](#)
 - Qualifies under the policy rules. [See section 3.5](#)
 - Have housing need within the reasonable or additional preference as stated in this policy. [See sections 1.2.3 and 1.2.5](#)
- 4.1.4 Once an application has been checked against the eligibility and qualification criteria, their application will be assessed in accordance with this policy to ensure that those in greatest need are given preference for an allocation, and the application will be awarded a banding. [See section 4.8](#)
- 4.1.5 Multiple or duplicate applications for the same household are not allowed.
- 4.1.6 Applications due to Domestic Abuse will be handled as per any requirements provided in the Domestic Abuse Act 2021.

4.2 Who can be included on the application form

- 4.2.1 The Council will accept single and joint applications. Joint tenancies will only be granted between husbands/wives/civil partners/un-married couples or between siblings.

- 4.2.2 Additional persons who can be included on a housing application must be members of the applicant's immediate family who normally live with the applicant. Any other person will only be included on an application if the Council is satisfied that it is reasonable for that person to live with the applicant for example, emerging families. This will exclude lodgers or anyone subletting from the applicant. Anyone over 16 years of age included on an application as part of a household will also be included in the full assessment of the application including income, capital and assets.
- 4.2.3 Children of applicants are only allowed on the application of the parent/guardian who has residency of the child(ren) and to whom Child Benefit is paid. We will ask for proof of both these documents. We define a child as someone who is either under the age of 18 or who is still dependant on the applicant e.g. due to continuing education. Where a Child Benefit award letter can no longer be provided the Council will accept a bank statement addressed to the applicant clearly showing the correct amount being paid directly by Child Benefit as long as there is also proof of relationship for example, a child's long birth certificate to show the parentage of the child.

4.3 Councillors/Board Members/Employees and their close relatives

- 4.3.1 Councillors or members of the board of a Registered Provider working with the Council as well as employees of Tamworth Borough Council and their close relatives (parents, children, spouse or former spouse) can apply to the housing register.
- 4.3.2 You **must** disclose your relationship at the point of application or if circumstances change, after the initial application has been submitted.
- 4.3.3 All applications will be assessed in line with this policy and shall be treated equitably and fairly. The Council will neither give an advantage to, nor disadvantage, an applicant falling into this category.
- 4.3.4 Management will need to sign off the assessment, and the offer for these applications. The assessment must be signed off by a senior officer in the Housing Solutions Team. An Executive Director or someone with delegated authority must sign off the offer before it is made.
- 4.3.5 Full compliance with the Council's Disclosure Policy is required, by the applicant and the officers involved in the approval stages. This is located on the website at: www.tamworth.gov.uk

4.4 Fraud, Misrepresentation or Withholding Information

- 4.4.1 Tamworth Borough Council has a duty to protect the fund it administers, and to this end may use the information provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

- 4.4.2 It is a criminal offence for anyone to try and obtain accommodation from the Council or any other social housing provider by knowingly and recklessly giving a false statement or deliberately withholding information. Offences are prosecuted in the magistrates' court and are punishable by a fine.
- 4.4.3 As part of the process to prevent fraud, applications may be subject to a full credit checking process. By making an application for social housing an applicant is agreeing to this process. There is also a declaration on the application form which an applicant is required to sign regarding sharing of information with other agencies and agreeing to the council to make all relevant enquiries.
- 4.4.4 The Council will refer applications to the Corporate Fraud Officer if there is any reason to suspect fraud and/or deception and this may lead to prosecution.
- 4.4.5 Applicants found guilty of such an offence will be considered ineligible for access to the Housing Register for a 12-month period.
- 4.4.6 The Council or Registered Provider will also seek possession of any tenancy granted as a result of information later found to be false.
- 4.4.7 Where applicants are found to have committed fraud or supplied fraudulent information, they will be disqualified from the housing register for a period of 12 months.

4.5 Verification and Checks

- 4.5.1 Applications are subject to verification checks and will be assessed:
- At the point of initial application
 - Following any change of circumstance notified to the Council by the applicant.
 - At any point during the application if the Council is notified of changes through other means
 - Following routine validation audits
 - Following an annual review of the application
 - At the point when an offer of accommodation is made
 - At the point of letting.
- 4.5.2 Applications must be accompanied by uploading/supplying any supporting information and evidence as well as relevant proof of identification. The Council will be unable to process applications where such documentation has not been provided. Applicants will usually be contacted and given the opportunity to provide the information in first, before it is not processed.
- 4.5.3 The Council will contact any current and/or former landlords in a five-year timeframe to check the applicant's eligibility pursuant to the Policy the following checks. This applies equally to private or social landlords.

4.5.4 Where applicants are privately renting and any reference request to their current landlord may result in them being served with a notice to leave that tenancy, applicants will be required to provide proof of their rent account or proof of rent payments for the previous 6 months, or since the start of the tenancy if it commenced within the last 6 months. A tenancy reference will be mandatory at the time an applicant is offered a property. Where applicants will be unable to provide this any offer may be withdrawn.

4.6 Bedroom Entitlement

4.6.1 The table below provides a summary of the size (and type) of property an applicant will be allocated. You will only be able to bid for the property size you have been allocated to.

Property Type	Household Criteria
Bedsit / studio flat	Single person
One bed flat	Single person / couple
One bed bungalow (not designated sheltered)	Single person or couple with mobility disabilities and a need for this type of accommodation (as assessed by an Occupational Therapist). Allocations will be prioritised based on those with assessed medical needs for this particular accommodation first. Where there is nobody with an assessed medical need then, priority is given to those 60 years or above, based on band and band waiting time.
High rise – one bed flats	Single persons or couples - at least one person must be 50 years or above.
High rise – two bed flats	Couples where at least one person is 50 years or above who have either: <ul style="list-style-type: none"> • An assessed need for separate bedrooms or • Require an overnight carer.
Two bed bungalow (not designated sheltered)	Single person or couple with mobility disabilities and a need for this type of accommodation (as assessed by an Occupational Therapist). Allocations will be prioritised based on those with assessed medical needs for this particular accommodation first. Where there is nobody with an assessed medical need then, priority is given to those

Property Type	Household Criteria
	60 years or above, based on band and band waiting time.
Sheltered Housing	Single persons or couples - at least one person must be 55 years or above and they must have an assessed need for sheltered housing.
Two bed flats; not high rise, maisonettes and houses. Three bed flats, maisonettes and houses. Four bed houses Five bed houses Seven bed houses	Households, whose bedroom requirements are as indicated in <u>section 4.6.2</u>

4.6.2 Bedroom Requirements

The Council will make best use of its stock. Accommodation will normally be offered according to applicants' needs and the criteria below:

One bedroom is allowed for:

- Every adult couple
- Any other person aged 16 or over
- Two children of the same gender under the age of 16
- Two children under the age of 10 regardless of their gender
- Any other child
- Young carer under 16 – evidenced by medical award
- A carer (who is not part of your household) if you or your partner need overnight care
- Any other person who cannot share a bedroom because of a severe disability or medical condition or where there is a need for medical equipment for example dialysis equipment [See section 4.12.1](#).

4.6.3 A household containing a pregnant woman will be eligible for a bedroom for the unborn child at 20 weeks gestation if there is no other bedroom that the child could be expected to share. Since this would be deemed a 'spare room' prior to the child's birth, the financial implications of accepting the offer of a

property with a room for the unborn child will be explained to the applicant prior to their acceptance of the offer. They will be entitled to refuse such an offer.

4.6.4 These household criteria largely reflect the changes made by Government to Welfare Benefits. This approach seeks to ensure that applicants are not allocated accommodation that has a 'spare' bedroom for benefit purposes, and which would be unaffordable and unsustainable as a result.

4.6.5 **Carers**

Applicants claiming bedrooms for carers will need to provide evidence sufficient to satisfy the Council of the caring relationship, which must include supporting evidence from Adult Social Care evidencing the need for overnight care. Even where the Council recognises a need for an overnight carer for the purposes of a housing need, the applicant may still need to satisfy other authorities of this, such as for Housing Benefit / Universal Credit payments.

4.6.6 **People with disabilities who cannot share**

Applicants will need to provide evidence sufficient to satisfy the Council of the need for separate bedrooms, which must include supporting evidence from senior medical professionals and proof they are in receipt of relevant benefits, e.g. personal independence payment (PiP). Awarding an additional bedroom will be assessed on a case-by-case basis and will involve considering not only the nature and severity of the disability but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the other person who would normally be required to share the bedroom. Even where the Council recognises a need for an additional bedroom for the purposes of a housing need, the applicant may still need to satisfy other authorities of this, such as for Housing Benefit / Universal Credit payments.

4.6.7 **Fostering**

Approved foster carers and adopters who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority can apply to the Council to bid for homes that provide an additional bed space. This provision also includes special guardians, holders of a residence order and family and friends' carers who are not foster carers but who plan to take on the care of a child. Approval for a 'size over-ride' will be considered by the Allocations Panel subject to supporting information being provided.

4.6.8 Under Occupation

The Council reserves the right to allow for the under-occupation of its homes if this is the best use of housing stock which will be determined by demand for that particular stock, whether it is an adapted property or the individual personal need of the applicant. This decision will be approved by a director and will be subject to an affordability check.

Where under-occupation of a home would result in a reduction in Housing Benefit because there is a spare room, the implications will be discussed with the applicant prior to acceptance of an offer, to ensure that the applicant can afford to pay the rent and that the tenancy will be sustainable.

4.6.9 Over Occupation

Where a household requires a larger property, the type of which does not become available frequently, they may apply to the Council to be allowed to bid for properties that have one bedroom less than required under these eligibility criteria, provided they would not be statutorily overcrowded. This would not apply for bedroom entitlement where it has been awarded based on medical need and following receipt of medical evidence.

Approval for over occupation will be required to be authorised by a manager in the Housing Solutions service.

4.7 Property Eligibility

4.7.1 Sheltered Housing

The Council has a number of sheltered schemes across the town and allocations are in accordance with this policy. The applicant (or at least one of a couple) must be 55 years or above.

- Prospective tenants will be required to have a needs and risk assessment before an offer is made to ensure that the property and support available will meet their needs. This assessment will usually take place at the scheme if this is acceptable to the applicant.
- Property advertisements for sheltered schemes include information on who can bid, and the charges payable.

4.7.2 Properties where bidding is limited to certain households or bands.

Some other properties are designed and intended for households with specific characteristics. These include properties that are usually allocated to older people, or to disabled people.

- Where properties are so designated, the property advertisement will state which types, or bands, of applicants are eligible to bid and how their relative priority will be determined.
- The property advertisement will also state where a Local Lettings Plan applies, and who is entitled to bid for the property.
- Some properties, e.g. some that are in high demand, will only be open to bids from applicants in higher bandings, as determined by the annual lettings plan. This will also be stated in the property advertisement.

4.8 Banding

4.8.1 Each applicant is awarded a band based on their housing need. There are 5 bands, with Band 1+ being the highest priority. Each of the bands is categorised according to need. Relative priority amongst bidders for any particular home is determined by the band and then the date that the application joined the Band, so that those that have been in a band the longest are given preference over those that joined the band at a later date.

4.8.2 Band 1+

Band 1+

Applicants in the following circumstances will be placed in this highest band:

- Applicants assessed as having exceptional additional housing need namely where a main homeless duty is owed to the applicant and the applicant has one further criteria in Band 1
- Former members of the armed forces, as defined in [section 3.3](#), who have an urgent housing need (as defined in Band 1 and are owed a reasonable preference).

4.8.3 **Band 1****Band 1**

Applicants in the following circumstance will be awarded Band 1, these circumstance encompass reasonable preference groups.

- Applicants whose current home is within the borough of Tamworth and which is due to be demolished or is subject to a Demolition Order.
- Applicants assessed as statutorily homeless and owed a main duty in the borough of Tamworth.
- The applicant's current home is subject to a Prohibition Order served by Tamworth Borough Council covering a main part of the dwelling or is otherwise unsatisfactory or unsanitary and the defects to the property cannot be readily remedied following an assessment by the private sector housing team.
- Applicants who are unable to continue to occupy their current accommodation due to high medical need or disability
- Applicants with a high need for alternative accommodation on the grounds of significant social welfare. This includes applicants with a need to move to a particular locality where significant hardship would be caused if they did not move, and this banding is also awarded to those with a 'right to move' as stipulated
- Applicants who are deemed by the Private Sector Housing team to be statutorily overcrowded, or who are overcrowded by two or more bedrooms according to this Policy.
- Applicants who have a social housing tenancy and are under-occupying social rented accommodation by two or more bedrooms.
- Applicants awarded Incentive to Move that are presently tenants of Tamworth Borough Council and are prepared to move to a flat or bungalow, thereby making their current home available to an applicant that needs a house (not subject to cumulative preference).
- Applicants that are presently living in supported housing and are required to move on. In accordance with the move on protocol, where specific Service Level Agreements exists or there are other specific arrangements, the supported accommodation provider will be required to confirm that the applicant has completed a support programme and is ready to move on.
- Applicants who are a looked after child and leaving care.

Band 1

Applicants in the following circumstance will be awarded Band 1, these circumstance encompass reasonable preference groups.

- Where a former Tamworth Borough Council tenant has negotiated and agreed tenancy surrender.
- Applicants who are Tamworth Borough council tenants and have an urgent need to move and to make best use of stock for reasons where banding has not been otherwise provided for in the policy.
- Applicants who have a reduced preference from Band 1+.
- Applicants who were assessed as threatened with homelessness but through successful mediation have remained within the home for a minimum period of 6 months.

4.8.4 Band 2

Band 2

Applicants in the following circumstances will be placed in Band 2:

- Applicants with a medium medical need who have been assessed as requiring suitable alternative accommodation.
- Homeless applicants owed a duty requiring the Council to help them secure accommodation under S189B Homeless Reduction Act 2017 (for as long as that duty is owed to the applicant) (not subject to cumulative preference).
- Applicants with a medium need for alternative accommodation on the grounds of serious social/welfare.
- Applicants who are overcrowded by one bedroom according to the bedroom requirement in this Policy.
- Applicants who have a social housing tenancy and are under occupying social rented housing by one bedroom.
- Applicants who are leaving or have recently left Armed Forces accommodation and who have not been dishonourably discharged. A Discharge Notice will be required.

Band 2

Applicants in the following circumstances will be placed in Band 2:

- Applicants who have been verified as rough sleeping who are determined not to be owed the main s193 duty.
- Have a reduced preference from Band 1.

4.8.5 Band 3

Band 3

Applicants in the following circumstances will be placed in Band 3:

- Applicants who have been assessed through the homeless legislation but where a main duty is not owed due to non-priority, intentionality or refusing a suitable offer of accommodation.
- Applicants who are threatened with homelessness and who are owed a duty requiring the Council to take reasonable steps to help them ensure that their accommodation does not cease to be available for their occupation owed under S195 of the Homelessness Reduction Act 2017 (for as long as that duty is owed to them) (not subject to cumulative preference).
- Applicants with a low medical need or a disability of such a nature that requires them to move.
- Applicants who have a low housing need on welfare grounds.
- Applicants who are single and aged 35 or over who are living in shared accommodation that includes sharing facilities such as the bathroom or kitchen with other people in unrelated households.
- Joint applicants who are a couple and living in shared accommodation that includes sharing facilities such as the bathroom or kitchen with other people in unrelated households.
- Have a reduced preference from Band 2.

4.8.6 Band 4

Band 4
Applicants in the following circumstances will be placed in Band 4:
<ul style="list-style-type: none"> • Applicants that are owed an accommodation duty under section 193C (4) namely those applicants who have had their homeless duty discharged for failing to co-operate. • Applicants that have a reduced preference from Band 3. • Applicants that were referred into Supported housing temporarily but not yet ready for move-on in accordance with the move on protocol.

4.9 Reduced Preference

4.9.1 Reasonable preference without fulfilling local connection

Where applicants fall under a reasonable preference category but would not ordinarily meet the local connection requirements their band will be reduced to a band lower than they would be awarded if they had a local connection.

4.9.2 Rent Arrears

Where applicants owe housing debts to their current or a former landlord of £250.00 or over, or 4 weeks rebated rent their band will be reduced by one band below that indicated by their housing need. So, for example, applicants whose housing need would place them into Band 2 would be placed into Band 3.

Where the applicant owes arrears of rent that are lower than either of these two amounts, then their application will not be demoted but they will be expected to clear the arrears before being signed up for any new tenancy.

The Council reserves the right not to apply reduced preference for rent arrears where these are directly attributable to bedroom subsidy sanctions, and there is a sound business case to do so. The Council's Allocations Panel must approve any such decision.

The Council will not apply a reduced preference when an applicant has rent arrears but has been accepted as homeless and where they are entitled to the S193 housing duty.

For transfer applicants the Council will expect a clear rent account before the tenant is allowed to move and will be required to have a property inspection to ensure no breaches of the tenancy agreement.

4.9.3 Deliberate worsening of circumstances

Where applicants have been deemed to have deliberately worsened their circumstances their banding will be reduced to one band lower than they would usually have been awarded.

Examples of this could include but are not limited to:

- Applicants who give up a home that they own, rent, or have rights to but choose to leave or dispose of it without good reason in the 5-year period immediately preceding the making of their application. This includes 'gifting' a home to friends and/or relatives, both within and outside the UK, where they could have reasonably been expected to reside, or to sell it.
- Applicants who have given up a social housing tenancy in the five-year period immediately preceding the date of their application and this was, not due to violence / threats of violence / harassment / anti-social behaviour / domestic abuse / hate crime, or any other similar danger to life and welfare. This will require clear evidence that the issues had arisen.
- Applicants who deliberately overcrowd accommodation other than where it is necessary to prevent homelessness.
- Applicants who deliberately move to a home which was clearly unaffordable at the point they move into it.
- Applicants who deliberately move into accommodation which will be overcrowded other than to prevent their homelessness and prevent the homelessness of their family.
- Applicants who leave suitable accommodation without making suitable provision unless there was good reason to leave.
- Applicants who deliberately deprive themselves of capital, equity or income following the sale of a property belonging to them whether jointly or in their sole name in order to qualify or gain priority for housing. Deliberate deprivation includes gifting money to relatives and friends and payments to third parties.

- Where an applicant applies to the housing register and is accepted into a band, but subsequently makes a homeless application and is deemed to be intentionally homeless they will be demoted to a band lower as appropriate and /or applicable. For example, an applicant may have been awarded medical banding when applying to the housing register but is then found to be intentionally homeless. Whilst they would still be awarded the medical banding, a reduced preference would then apply, and they would be placed in one band lower than they were in.

4.10 Cumulative Preference

We give cumulative preference to some households with more than one housing need as follows:

- Applicant(s) meeting two or more of the categories described in Band 2 will be promoted to Band 1. This is to recognise their exceptional and urgent housing need.
- For cumulative preference from Band 1 to Band 1+ this would only apply to those awarded the full s193 housing duty and those from the armed forces who meet the requirements detailed and an unconnected characteristic in Band 1.
- Some categories will be exempt from cumulative preference where they may be of similar reasoning to prevent any duplication of banding. These are detailed within the banding summary.

4.11 Determination of an effective band date

In order to determine the effective band date, we use the following:

- An assessment and award of priority cannot take place without the supporting evidence, either at registration or when they report a change in circumstance, we will use the date we verify the application.
- If there is a change of circumstances and the priority need changes and you go up a band, we will use the date the change was verified.
- If there is a change of circumstances and the priority need changes and you go down a band, we will use the original effective band date.
- If you are homeless, the effective band date will be the date we accepted a homeless duty.
- In the unlikely event more than one applicant bids for the same property and they have the same effective band date, we will consider the type of priority awarded and the urgency of the priority to determine who will be allocated the property and the earlier registration date.

4.12 Housing Need

4.12.1 Medical Grounds

The Council has three levels of medical priority that determine which band an application will be placed in:

- Band 1 = High Medical Award
- Band 2 = Medium Medical Award
- Band 3 = Low Medical Award

The assessment process requires the applicant to provide evidence from relevant care or medical professionals that clearly links the health concern to the current accommodation. The Council may seek professional medical advice in order to assess an applicant's medical priority.

i. High medical need

Where current housing conditions are having a major adverse effect on the medical condition of either the applicant or a member of their household, the application will be placed into Band 1. This will generally require evidence from a senior health practitioner or a consultant and be a tailored assessment clearly linking the medical condition with the current accommodation and making a recommendation as to which type of property would alleviate the condition. An award will be subject to approval by a senior officer in the housing solutions team.

Examples might include:

- A wheelchair user occupies a home where facilities are upstairs and therefore inaccessible and flatted accommodation, or a bungalow is recommended.
- An applicant is due to be discharged from hospital and cannot be discharged into their current accommodation because its design is totally unsuitable.
- A referral has been received from a consultant or other similar health care professional stating that their current housing is having a severe effect on an applicant's (or member of their household's) mental wellbeing.
- An applicant or a member of their household who needs to move to suitable adapted accommodation because of their serious injury, medical condition or disability. This would be assessed by an Occupational Therapist.

ii. Medium medical need

Applicants who have been assessed as requiring suitable alternative accommodation because their medical condition and/ or disability is having a detrimental effect on their ability to live independently at home would be placed into Band 2. This would require evidence from medical practitioners who must also recommend suitable property types or the required characteristics for a property based on their knowledge of the applicant's medical needs.

Examples might include:

- An applicant who requires a different type of accommodation or a different layout of accommodation including but not limited to someone who needs level access accommodation.

iii. Low medical need

Applicants whose move to suitable alternative accommodation would improve their health will be placed in Band 3. This is typically evidenced by a letter from the applicant's GP or community health services. It must also recommend suitable property types and/or the required characteristics for a property based on their knowledge of the applicant's medical needs.

Examples might include:

- Someone with a degenerative condition whose needs are likely to occur in the future, typically within 12 months' time.

4.12.2 Social, Welfare and Hardship grounds

The Council has three levels of social, welfare and hardship priority that determine which band an application will be placed in:

- Band 1 = High Social, Welfare and Hardship Grounds
- Band 2 = Medium Social, Welfare and Hardship Grounds
- Band 3 = Low Social, Welfare and Hardship Grounds

The Council seeks to sustain tenancies and will engage in multi-agency discussions to determine the best way to resolve issues. Social, hardship and welfare are an umbrella term that will include any discretionary issues other than medical.

i. High Social, Welfare and Hardship need

Those applicants needing to move urgently on social, hardship and/or welfare grounds will be placed in Band 1. Priority for this level will only be awarded if the current situation is so significant that it will have a serious impact on the wellbeing of the applicant or a member of their household.

This will require supporting evidence from a third party such as a statutory agency (e.g. safeguarding, police, MARAC) and/or senior professional who are involved in the case. The Council will carry out a home visit if this is deemed necessary in order to verify the details provided by the applicant. Any award will be subject to approval by a senior officer within the housing solutions team.

Examples might include:

- Child/ren separated from parents (where they previously lived together) because the child cannot currently occupy the home of the parent, which prevents them living as a family unit.
- Applicants with a high degree of vulnerability whose housing situation is having a detrimental effect on their life.
- Applicants who need to move due to or to recover from the effects of domestic abuse, violence, emotional or sexual abuse.
- People who need to move because of racial or homophobic abuse.
- An applicant needing to move to be closer to a relative where either is very vulnerable, there is no alternative solution and where not to do so would cause significant hardship or either or both.
- An applicant who is under witness protection, through the national witness mobility service and requires a move to another area.
- Applicants who have been accepted as having a Right to Move scheme. [See section 3.2.](#)
- An applicant needing to move to take up employment where not doing so would cause financial hardship.
- Cases in relation to a child in need where they meet the following criteria:

For this purpose of this part in accordance with the Children Act 1989 a child shall be taken to be in need if:

- a. *He/she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of rehousing.*
- b. *His/her health or development is likely to be significantly impaired, or further impaired, without the provision of rehousing.*

c. *He/she is disabled.*

and “family”, in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living.

A high social need banding will be applied to the application for rehousing, placing the application into Band 1, where:

- The child has been assessed by Children’s Social Care via a statutory assessment procedure, **and**
- Children’s Social Care have clearly indicated what aspects of the child’s development are being hindered by their current housing circumstances, **and**
- The Council’s safeguarding and designated officers within housing are satisfied that the evidence supports an urgent need to move.

For the purposes of this assessment the household to be considered is that which has care and control of the child for the majority of the time.

ii. Medium Social, Welfare and Hardship need

Applicants who have a medium housing need on welfare grounds will be placed in Band 2; this would require third party supporting evidence from (local support team, social workers etc.).

Examples might include:

- Applicants who need to move as part of an agreed support plan to re-integrate them into the community.
- Lower level and regular police involvement

iii. Low Social, Welfare and Hardship Grounds

Applicants who have a low housing need on welfare grounds will be placed in Band 3. This would require third party evidence from support workers or equivalent.

Examples might include:

- Applicants with limited access arrangement to their children for example living in a property where children cannot visit.
- Applicants who are privately renting and who are struggling financially. This will be assessed on a case-by-case basis and subject to supporting evidence being provided, for example in the form of an income/expenditure check undertaken through the

Citizens Advice Bureau. This will only be awarded where the applicant's needs are not due to lifestyle choices that the applicant has made. The Council reserves the right to refer the application to its debt advice provider for such confirmation.

- In order to provide a secure base from which a Staffordshire County Council care leaver can build a stable life. This is for care leavers up to the age of 25, who are still in receipt of support from their personal advisor. Tamworth will require evidence from their personal advisor supporting their onward move and confirmation of their care leaver status.
- Applicants who have a local connection to Tamworth (in accordance with section 3.7.2) and have been placed out of the area by the authority in order to discharge a homelessness duty but would benefit from returning to Tamworth to access wider support networks. Applicants will need to provide evidence to support this criterion including evidence to show support needs or dependency and evidence to support their local connection.

4.12.3 Overcrowding

For households that are living in overcrowded accommodation, banding is awarded on a tiered approach, as follows:

Band 1 = awarded to applicants who are deemed by the Private Sector Housing Team to be statutorily overcrowded, or who are overcrowded by two or more bedrooms according to this policy.

Band 2 = awarded to applicants who are overcrowded by one bedroom.

- i. Provided the applicant is not considered to be statutorily overcrowded, overcrowding banding awarded by the Policy will only be awarded where applicants are considered to be in settled accommodation. This is typically secure, and medium to long term housing where there is a right of occupation. This would usually be where they own or rent their home or where they have lived with family for more than 6 months.
- ii. The reasons why the applicant became overcrowded, whether the applicant is able to afford a larger home and whether the space within the dwelling is being used effectively will be taken into account.
- iii. Evidence will be required to support the overcrowding.
- iv. Overcrowding assessments will only take into account people who live permanently within the home.

- v. Home visits may be undertaken by the Council to verify the information provided.
- vi. The Council retains the right to remove banding on this basis should the overcrowding not be evidenced, or circumstances alter and lead to the overcrowding situation being resolved.

4.12.4 Move on from Supported Housing

The Council works in partnership with a number of agencies that support move-on arrangements from hostels, supporting people funded accommodation and/or other specialist accommodation.

- i. Applicants moving on from short term accommodation (being of up to 2 years duration) who are capable of independent living (with or without care and support plans) will be placed into Band 1, provided there is evidence from the support provider to confirm that they have been resident for a period of at least 6 months **and**
 - Their rehousing requirements constitute a high social and/or medical need and an appropriate move on package is in place **or**
 - Rehousing will free up a place for a vulnerable person in supported housing.
- iv. If applicants fail to bid, then the Council will make bids on their behalf. If applicants are not satisfied with any resulting offer of accommodation, then they can request a review of the suitability of the offer.
- v. Applicants in this category will receive **one** offer of suitable housing only. If applicants refuse a move on offer of accommodation a reduced preference will be applied.
- vi. In accordance with the Move on protocol adopted by the Council when a resident is ready to live independently and move on from the supported accommodation, the support accommodation provider will need to complete a 'ready to move on' form before banding will be awarded. The move on protocol will be attached as appendix to this policy which contains the form which is required for completion.
- vii. Where the applicant still has support needs the supported accommodation provider must continue to supply these for a period of 6 weeks following the date on which the applicant is re-housed.

4.12.5 Under-occupation

For households that are under occupying social housing, banding is an awarded on a tiered approach as follows:

- Band 1 = awarded to applicants who are deemed to be under occupying by two or more bedrooms according to the bedroom standard in this policy.
- Band 2 = awarded to applicants who are deemed to be under occupying by one bedroom according to the bedroom standard in this policy.
- i. Banding for under-occupation will only apply to those who are permanently occupying a property as their main and principal home and have a social housing tenancy.
 - ii. Evidence may be required to support this such as evidence of a social housing tenancy and confirmation from the applicant's social landlord that the applicant is in fact under occupying.
 - iii. Where the Council is unable to verify these circumstances, the Council retains the right to remove banding on this basis.

4.12.6 Incentive to Move scheme

The incentive to move scheme is a landlord's discretionary scheme and subject to budgetary provision. In making best use of stock the Council uses its Incentive to Move scheme to encourage people to move out of under-occupied properties. The policy enables a payment to be made towards moves from:

- Houses to flats or bungalows
 - Adapted properties to non-adapted properties (where a suitable match has been made for the adapted property)
 - Chain lets; namely where a household releases a unit resulting in two or more subsequent moves for other households on the housing register.
- i. Where someone has moved and received an incentive payment, they should expect to stay in that property for 3 years before making an application to transfer home again.
 - ii. The payment will be recovered from tenants that move within 3 years unless there is an exceptional circumstance which include but are limited to:
 - Moving into residential care or long-term hospice
 - Death
 - Moving in with relatives
 - iii. The terms of the Incentive to Move scheme are subject to review and set out in the Guide which will be attached as appendix to this scheme.
 - iv. Where an applicant has arrears which would ordinarily mean that they would be subject to a reduced preference, the Council reserves the

right not to apply the reduced preference as long as any payment awarded for the incentive to move clears the arrears. Where the arrears exceed the amount of the incentive to move payment the reduced preference will still apply.

4.12.7 Unsanitary or otherwise unsatisfactory housing

The law states that a council is required to give reasonable preference to those living in unsanitary or otherwise unsatisfactory housing.

- i. We will award Band 1 to applicants living in unsanitary or unsatisfactory housing where there is at least one verified Category 1 hazard that cannot be resolved by the landlord within six months and where the condition of the accommodation has at least an on-going moderate effect on the applicant's health or a member of their household.
- ii. We will award Band 1 to applicants living in properties where the landlord has been served with a prohibition order covering a main part of the dwelling, or where the applicant's property has been included within a clearance area or has a lack of facilities (as specified in 11.46 below). This would include situations where the condition of the property occupied is seriously detrimental to the health of any of the household and the defects in the property cannot be easily remedied following an assessment by the private sector housing team within 6 months.
- iii. The following will be considered to constitute a lack of facilities namely where an applicant does not have access at all to any of the following facilities:
 - Bathroom or kitchen
 - An inside WC
 - Hot or cold-water supplies
 - Adequate heating
- iv. Where conditions have been deemed to have been caused as a result of an applicant's behaviour or lifestyle banding would not be awarded. This would include where an applicant has refused to allow the issues to be remedied.

4.12.8 Decanting social housing tenants for major repairs

Where the applicant lives in a Tamworth Borough Council property, the Council will seek to deal with any repairs before it considers moving them. However, where major works are required, the tenant may need to move out in order for these to take place. Any letting made will be on the basis that it is

a temporary move (a decant) and the tenant will be able to return to their original home once the works have been completed.

- i. These tenants will therefore be offered a licence agreement to occupy the temporary home, as their substantive and principal dwelling will remain their tenancy.
- ii. Decants to allow major repairs to private sector housing will be managed in accordance with the Housing Act 2004 and/or other relevant legislation or statutory instruments. Where issues of disrepair are so significant that an Emergency Prohibition Order is necessitated, the occupier(s) of the dwelling will qualify for Band 1 status from the date of the Order.

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4.12.9 Best use of stock or tenants with an urgent need to move

In order to make the best use of stock and if by moving a Council tenant hardship to them will be avoided, the Council can award priority banding Band 1.

- i. This will only be awarded in exceptional circumstances and where banding has not otherwise been awarded through the Policy for the same circumstance.
- ii. Applicants are not automatically entitled to this banding and cases will be assessed on a case-by-case basis. Awards of this nature will also have to be supported by evidence and any award of banding will have to be agreed by a manager or review officer in the housing solutions service.
- iii. Cases which may fall in this category could include but are not limited to the following:
 - Tenants who are enduring significant financial hardship where they are engaged and working with the tenancy sustainment team and all other options have been considered, and by moving to a smaller property would alleviate hardship but where they are not eligible for an incentive to move payment.
 - Where there has already been a succession from one spouse to another but an adult child who has lived in the property all of his life is living in the property
- iv. Applicants awarded the priority will only be entitled to **one offer of suitable accommodation**.
- v. Where an applicant is not bidding for all available and suitable properties the Council retains the right for an officer to make proxy bids on their behalf to suitable properties.
- vi. A suitability of accommodation assessment would be completed as part of the band award to ensure the one offer would meet their housing need.
- vii. If applicants are offered a suitable property and refuse it, the banding for this priority will be removed. The applicant would be entitled to a review of suitability.

4.12.10 Move-On from Care (Staffordshire County Council)

A care leaver or 'looked after child' (LAC) of Staffordshire County Council will be awarded high priority to move within this Policy if they are ready to move into independent settled housing provided, they satisfy certain criteria (see below) and in order to try and prevent homelessness. The care leaver will be awarded Band 1.

- i. A care leaver from Staffordshire County Council will be eligible to join the housing register and be in Band 1 6months prior to their 18th Birthday.
- ii. Where a suitable property is identified before their 18th as they are unable to hold their own tenancy, any tenancy would be held in trust until their 18th Birthday.
- iii. A supporting letter will be necessary from Staffordshire County Council confirming their status and that they are ready and prepared to move on to independent settled housing, (which may be in the social or private sector), and the care leaver:
 - possesses the life skills necessary to sustain a tenancy, **and**
 - has been assessed for a support package, and one is in place.

4.12.11 Homeless Households

Where applicants are homeless and have also applied to join the housing register, they will not be disadvantaged.

- i. Where applicants have made a homeless application but are still considered to be entitled to banding under another reasonable preference category they will still be entitled to their normal banding until there has been a change of circumstance which mean the banding is otherwise no longer applicable, for example overcrowding or medical banding associated to a property which they have moved away from.
- ii. Due to the Homeless Reduction Act 2017 the Council has framed this policy in order to aid the Council in preventing homelessness and discharging its duty.
- iii. Homeless households will be awarding banding on a tiered approach depending on what homeless duty may be owed to them and this is covered in further detail below.

Accepted statutory homeless households.

Households to whom the Council has accepted a main housing duty under Part 7 of the Housing Act (as amended) are entitled to one offer of suitable accommodation.

- a. Applicants are able to bid for advertised properties.
- b. Within the provisions set out in the Localism Act 2011, they may also be considered for an offer of suitable private rented accommodation in line with the Council's Discharge of Duty into the Private Rented Sector Policy (which can be found on the Council's website).
- c. All bids will be monitored by the Council and if an applicant does not bid on suitable properties an officer of the Council will make suitable proxy bids on their behalf. If applicants are not satisfied with any resulting offer of accommodation, then they can request a statutory review under s202 of the Housing Act 1996, or appeal to the County Court under S204 of the Housing Act 1996. [See section 6.3.4.](#)
- d. If the offer is deemed to be suitable but the applicant refuses the offer, the Council may discharge its duty to the applicant and their priority for housing will be reassessed in line with this Allocations Policy. Applicants will also have a right to a review of the decision to the discharge of duty under s202 and s204 of the Housing Act 1996. [See section 6.3.4.](#)

Households which are homeless but where the main housing duty is not owed.

- a. Applicants that are owed a duty requiring the Council to help them secure accommodation under s189B of the Homeless Reduction Act 2017 will be placed into Band 2 for as long as that duty is owed to the applicant. This banding is not subject to cumulative preference.
- b. Applicants that are owed a duty requiring the Council to take reasonable steps to help applicants ensure that their accommodation does not cease to be available for their occupation under s195 of the Homelessness Reduction Act 2017 will be placed into Band 3 for as long as that duty is owed to the applicant. This banding is not subject to cumulative preference.
- c. Applicants who have been assessed through the homeless legislation but where a full duty is not owed due to a finding that they are not in priority need, they are intentionally homeless or they have refused a suitable offer of accommodation will be placed into Band 3 until there has been a change in their circumstances or where in the case of intentionality, there been an occurrence which breaks the chain of causation in this respect.

- d. Applicants who are owed an accommodation duty under section 193C (4) of the Housing Act 1996 namely applicants who have had their homeless duty discharged for failing to co-operate.

4.13 Gypsies and Travellers

Tamworth does not currently have a travellers' site. The policy will be amended should this position change.

4.14 Notification of your assessment

Once an application is assessed, it is entered onto the Housing Register. The Housing Register is held on the Council's Housing IT System. Once an application has been registered, the applicant will be sent written confirmation of their assessment, including their registration number and date given for their housing priority is award, the band they have been assessed for, and which types of properties they can bid for. The letter will also confirm how to register and bid for properties.

4.15 Change of circumstances

4.15.1 Once registered it is the applicant's responsibility to inform the Council of any change in their circumstances that affects their application such as contact details, changes in household members, eligibility, qualification and/or priority or banding for housing.

Examples could include but are not limited to:

- A change of address, for themselves or any other person on the application.
- Any changes in the household of where the applicant lives or in the household included on the application.
- Any change in income and/or savings of the applicant.
- If the applicant becomes a property owner.
- Any medical/welfare or mobility needs which will affect the type of accommodation required by the applicant
- Any changes to the immigration status of the applicant.

4.15.2 Following a change in circumstance the application will be reassessed and may result in a change in priority band or bedroom/property eligibility. The applicant will be informed in writing of the outcome of their reassessment.

4.15.3 Failure to notify the Council may result in the withholding of an offer of accommodation whilst the application is investigated or withdrawal of an offer whilst the application is reassessed.

4.15.4 The Council carries out an automated review of the Housing Register, and failure to respond to any contact made as a result of such a review will also result in the application being cancelled. Further details of the annual review are set out here. [See section 6.3](#)

4.16 Cancellation of Applications

4.16.1 Applications will be cancelled from the housing register in the following circumstances:

- A written request has been received to do so from the applicant/s
- There is no reply to the annual review,
- The applicant has been rehoused through the housing register, by being nominated to a Registered Provider or by a mutual exchange.
- The applicant has become disqualified
- The applicant has not placed any bids on properties within a year
- The applicant has refused 3 suitable offers of accommodation within a 12-month period.

4.16.2 The Council reserves the right to cancel an application where **3 offers** of suitable accommodation have been refused by the applicant within a 12-month period. There is a subsequent right to a review of this decision which would be conducted by an officer not involved in any initial decision. An application will not be cancelled until applicants have refused 3 offers of suitable properties made since this policy was implemented.

4.16.3 Applicants will only have their application cancelled where they have failed to make bids on properties within a 12-month period since this policy was implemented.

4.16.4 Where any application has been cancelled, there will be a right to a review of this decision and the process to be followed in this respect is set out in [section 6.3](#)

4.16.5 All applicants will be given a period of 21 days from the date of the Council's notification of its intention to cancel the application for the applicant to submit a review request and to provide the evidence necessary in this respect.

4.16.6 Where an application has been cancelled as a result of the applicant's failure to bid, applicants will not be able to re-join the housing register for a 3-month period unless there has been a significant change in the applicant's circumstances.

5 Allocations and Lettings

5.1 Direct Lets

5.1.1 By way of exception to the choice-based lettings there will be some direct lets, often referred to as management moves, direct offers or direct lets. These will occur where:

- The letting is sensitive, and it should not be advertised either due to the property or the person, e.g. MARAC (Multi-Agency Risk Assessment Conference) referrals. [See section 5.3.](#)
- An offer of accommodation to an applicant on a witness protection programme. [See section 3.6.](#)
- An adapted property is identified by an Occupational Therapist as a suitable match for someone on the adaptations waiting list with requiring the need for significant or multiple adaptations. The requirement alone for a level access shower would not suffice due to them usually being more readily available and a lot of people requiring them on the housing register.
- The property is to be used as a decant or temporary accommodation.

5.1.2 A direct let is simply an offer made direct to an applicant without the property being advertised and will only be made in accordance with the criteria set out above. Allocations of this nature will be kept to a minimum to maintain a fair and transparent allocation policy, with the majority of applications being made to applicants that fall within the reasonable preference categories as set out in s167(2) of the Housing Act 1996 as amended by the Homelessness Act 2002.

5.1.3 Where an applicant refuses a direct match no further direct matches would be considered but would otherwise be entitled to remain on the housing register should they otherwise comply with the criteria of the policy and assessed under the same criteria.

5.2 Choice Based Lettings

Tamworth operates a choice based letting scheme (CBL). The majority of properties in the borough are let via CBL. The onus is on the applicant to actively bid for suitable properties.

5.2.1 Advertising a property

Tamworth works with registered providers to advertise properties online. All of the information submitted, including details regarding the number of bedrooms, property type, available facilities, timescales and adaptations, is provided by the social landlord. Whilst we will do all that we can to ensure that the information provided is correct Tamworth does not accept responsibility for any inaccurate information supplied another landlord or is not known at the point of placing the advert.

Properties will be advertised online during the bidding cycle. Details of when the bidding cycle starts and ends can be found on the website.

5.2.2 Targeted adverts

Some adverts may be targeted. It may state that preference will be given to people of a certain age, for example, if the property is categorised as sheltered or that preference will be given to those with a disability, for example, if the property is adapted or suitable for adaptations. This may mean when we shortlist, that someone from a lower band may be selected for an offer because they meet the criteria.

5.2.3 Withdrawing a property

In exceptional circumstances we may have to withdraw a property that has been incorrectly advertised. We may also withdraw a property in order to make an urgent direct offer for a priority household at any point provided it has not yet been offered.

5.2.4 Bidding

i. Number of bids

You will be able to place up to 3 bids during each bidding cycle. It is essential that you bid each week in order to increase your chance of moving as quickly as possible. However, even if you bid each week, you may still experience a lengthy wait particularly if you do not place sensible bids. Social housing stock is very limited and, in some areas, very few or no homes become available. If you have very specific preferences regarding the type or location of your home, you may find that it is easier to secure a move via the private rented sector or through another housing option such as shared ownership. [See section 2.](#)

ii. Number of bedrooms

You will normally only be able to bid on the size of property that we have assessed as meeting your requirements under this policy. Occasionally though there may be some exceptions to this, such as if you require a 4-bedroom home or larger you will normally be able to place a bid on a property that is one bedroom smaller than you are assessed as needing, as long as your household does not exceed the maximum number of persons permitted within the home. This is called over occupation [See section 4.6.9.](#)

iii. Assisted bidding

Where someone is vulnerable or needs additional help placing bids to ensure the property is suitable for their needs, you will receive assistance from the Housing Solutions Team. This is because we recognise that it is important to manage the process to get the best result for you when bidding for a suitable property, especially when assisting homeless households.

iv. Grouped bids

We will use a single advert for identical properties. Where there are grouped advertisements, applicants who place one bid will be considered for all properties within the group.

v. Withdrawing your bid

When you have placed a bid, you will be able to withdraw it, whilst the bidding cycle is open. You will not be able to withdraw a bid after the bidding cycle has closed. Any such bid will be treated formally in accordance with the guidance set out within this policy. If we assist you with bidding, you will not be able to withdraw your bid.

vi. Failure to bid

Applicants who refuse to bid, may be disqualified. We will contact you first to assess whether you need further information or support. If you need assistance. [See section 5.2.4. iv.](#)

5.2.5 Shortlisting

i. Closing date

Each bidding cycle opens at 12:01 on a Wednesday and closes the following Monday at midnight. Between these times you are able to place a maximum of 3 bids on properties in which you meet the advert criteria for. You can withdraw any bids made, provided the withdrawal happens before midnight on the Monday. Anything after this deadline cannot be removed or amended. When the bidding cycle closes a

shortlist of the top bidders is prepared and we will automatically take into consideration any recent changes to your application if these have taken place since the bidding closed.

ii. Bypassing a bid

Your bid may be bypassed if:

- Your circumstances do not match the criteria outlined in the property advert.
- You have already been successfully shortlisted for another property.
- There are public protection concerns.
- You, or a member of your household, are involved in anti-social behaviour.
- It is identified that you require an adapted home, and we are notified by the social landlord that the property cannot be sufficiently adapted.
- You have rent arrears and are not keeping to an agreed payment plan.

In the case of rent arrears, applicants who are not already disqualified, will be permitted to bid, however where the arrears exceed £250, a reduced preference will be applied. Where no reduced preference has been applied, and the arrears are below £250, the applicants may bid provided they have a clear rent account at the point of offer.

5.2.6 Successful bidders

- i. You can only be shortlisted in first place for one property at a time, all subsequent bids will be bypassed, whilst the first bid is resolved. If we feel there are exceptional reasons, we may allow you to be shortlisted for more than one first bid.
- ii. Each registered provider follows their own viewing, offer and sign-up process. Some will invite you to view the property first, whilst others may arrange a home visit or request that you attend a meeting at their offices prior to allowing you to view a property. You will be contacted either by phone, email or in writing. You will be advised of what information you will need to take with you to any meetings or viewings.

5.2.7 Unsuccessful bidders

You will not be contacted if your bid is not shortlisted. You will be able to bid during the next bidding cycle as normal.

5.2.8 Rejection by a Registered Provider

- i. If your bid is rejected by a registered provider or you were nominated and then rejected, they must notify us of their reasons before offering the property to another bidder. If Tamworth is satisfied that the reasons are acceptable in accordance with this policy and nominations agreement, the decision will stand, and you will be notified of the outcome.
- ii. If we believe the registered provider has been unreasonable, we will ask them to review their decision and allow your bid to proceed. We will attempt to resolve all areas of dispute with them and take the relevant steps, where this is not possible.

5.3 Sensitive lets

Sensitive lets are rare and likely to be due to two main reasons:

- i. Where a household requires careful placement for their safety or the safety of others, we may need to consider where we place in order to minimise any risks.
- ii. Where a property has a management history which requires the careful selection of the next tenant to ensure harmony in the area where it is located. In these cases, we may target the advert and select only the most suitable applicants.

Tamworth will consider a sensitive let at our discretion and should this be agreed, our decision is final.

5.4 Hard to lets

Some properties are harder to let because they are less attractive to applicants who will either refuse them or fail to bid for them. This could be a number of reasons including, location, floor level, age, condition. On the rare occasions where Tamworth is unsuccessful in letting a property, it will be deemed hard to let, and may be made available to a wider pool of people on the Housing Register. It may also be advertised as a property available to people who are not on the Housing Register. Priority will be given to social tenants within the borough who would not otherwise have priority. Tamworth will ensure all the usual checks and verification take place at the point of letting.

5.5 Reciprocal arrangements

Tamworth may consider a reciprocal arrangement with another social landlord, only where there is a household that it cannot assist within the borough. Another authority may be approached, and should they agree, then Tamworth will give them the resulting empty property or properties of equivalent size. These occasions are rare and will need a director's approval or someone who has delegated authority.

5.6 Offer of accommodation

An offer of accommodation must be deemed suitable. This will take into consideration:

- Household type and size
- Rent and service charges (pull AR calculation example)
- Property type, size and condition
- Medical need
- Area in relation to employment and education
- Affordability checks. [See section 5.8.](#)

5.6.1 An offer is made in writing (often sent by email) containing all the details of the property. If you view before an offer is made an offer letter will be sent after the viewing. It will be subject to a clear rent account or where the applicant is reducing the debt in line with a repayment arrangement.

5.7 Limited Offers

The council operates a three-offer policy, with the exception of homeless applicants, move on applicants and those allocated a priority for best use of stock, where the number of suitable offers is restricted to a single offer. In exceptional circumstances, a further offer may be considered.

5.8 Affordability

5.8.1 All successful bids will be screened for affordability.

5.8.2 Where an applicant applies to the housing register and they have nil income, the Housing Solutions Service will refer the applicant to the Council's debt advice service for further advice on income maximisation.

5.8.3 All applicants must be able to show that they are working and have sufficient income to pay their rent or that they are in receipt of appropriate benefits in order to afford the total amount payable for their property i.e. rent and additional costs such as service charges.

5.8.4 Tamworth Borough Council has a duty to protect the public fund it administers. Therefore, where an applicant is unable to demonstrate that they will be able to afford any offer of accommodation made to them, the Council retains the right to withdraw the offer.

5.9 Refusals

5.9.1 The following are considered refusals:

- You fail to respond to an offer of accommodation.
- You fail to attend a viewing.
- You fail to attend an interview with a registered provider
- You fail to provide the information requested by a registered provider.
- You are offered a property, and you decline it.

5.9.2 The consequences of refusing an offer of accommodation will depend on the circumstances in which the offer is made.

- a. It is important for a homeless household to understand that the refusal of a suitable offer of accommodation is highly likely to result in cessation of the homeless duty, the potential loss of any temporary accommodation, and a change to their entry under this policy. [See sections 4.12.11 and 6.3.4 respectively.](#)
- b. For all other applicants, three refusals may result in disqualification, reduced priority or removal from the Housing Register.

5.10 Tenancy Determination

5.10.1 The tenancy management policy determines the type of tenancy offered by a social landlord. Each social landlord has their own tenancy management policy. It is the applicant's responsibility to familiarise themselves with the tenancy management policy of the social landlord they have been nominated to.

Applicants who have been offered council accommodation should refer to the Council's tenancy management policy which is located on the website. In summary:

- Sheltered, high rise and 1-bedroom properties are offered a secure tenancy.
- All other properties are offered a 5year flexible fixed term tenancy.

5.11 Tenancy Sustainment

We want people to be live happily in their homes and recognise that some people need more support to do this. As a Council we promote the following with the landlords that we work with:

- Signposting the applicant to the right team when they approach us for rehousing.
- Considering the support need, both immediately and longer – term when allocating a home.
- Assessing the applicants housing priority correctly.
- If the tenancy is failing, we will work with the tenant and their landlord to prevent them from becoming homeless.
- Maximising the household's income to promote affordability.

5.12 Lettings Plans

5.12.1 Annual Lettings Plan

- a. The Council retains the right to develop a Lettings Plan based on an estimate of the number and type of properties that are anticipated to be available for letting. This plan could include specific opportunities for bidding, which may include limiting bidding for homes in higher demand to those in higher bands.
- b. Should an annual lettings plan be developed this would be included as an appendix and published at: www.findingahometamworth.co.uk

5.12.2 Local Lettings Plan

- a. The Housing Act 1996 allows the Council to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall, the Council demonstrates compliance with the Housing Act 1996.
- b. The Council may at times use local lettings plans to allocate a property and facilitate sustainable communities. Factors that may prompt these include:
 - Particular management problems identified in an area.
 - Allocation of a new or refurbished development to ensure the creation of a balanced and sustainable community, for example consideration of child density levels.
 - Planning requirements (also known as section 106 conditions)
 - Assistance with the wider strategic objectives of the Council, for example to remedy under-occupation of existing social rented homes.

- c. Any local lettings plan, subject to member approval, will be published and appended to this policy.
- d. Annual impact assessments will be undertaken of local lettings plans, allowing for detailed consultation, review and monitoring of each as appropriate and enabling the Council to respond to a changing social and economic climate.

Draft

6 Decisions, Complaints and Reviews

6.1 Decisions

6.1.1 When we process an application, we will have to make a number of key decisions such as:

- The decision that confirms or denies your eligibility to join the housing register.
- The decision that confirms or denies whether you qualify.
- The decision that awards your housing need (band).
- The decision to reassess your application as reduced preference or treat it under exceptional or mitigating circumstances.
- The decision to reassess your priority following a change of circumstance.
- The decision to cancel or disqualification your application.
- The decision following a submission of a right of review by you.
- The decision that deems your refusal of a property as unreasonable or that you cannot afford a property.

6.1.2 When contacting you with a decision we will:

- i. We will make decisions with reference to the relevant legislation and our statutory duties.
- ii. We will consider all relevant evidence before making a decision.
- iii. We will not take irrelevant matters into consideration when making a decision.
- iv. We will make every effort to ensure our decisions are reasonable, exercising discretion if the situation warrants it.
- v. All decisions will be made with due regard to this policy.
- vi. We will state the reasons for our decision and a full record will be kept. It will be fair and transparent.

6.1.3 It is important to understand the following:

- ✓ If you provide evidence that you did not provide for your original assessment. This is a **change in circumstance**.
- ✓ If you think we failed to deliver the service properly. This is a **complaint**.
- ✓ If you disagree with a homeless decision under Part 7 of the legislation. This is a **s202 statutory right of review**.
- ✓ If you disagree with your priority award under Part 6 of the legislation or the decision to place you in reduced preference. This is a **statutory right of review**.
- ✓ If we ask for information or review your application following a refusal or failure to view. This is an **application review**.

6.2 Complaints, Compliments and Comments

If there are any complaints, compliments or comments about this process, applicants are encouraged to use the Council's [Comments](#), Compliments & Complaints policy. Details of the scheme which includes the Council's formal complaints procedure and the 'Tell Us' Policy can be found on the Council's website www.tamworth.gov.uk.

6.3 Reviews

6.3.1 There are several types of review within the policy:

- Band 1 and Band 1+ review (Priority Card)
- Annual Review
- Disqualification Review
- Homelessness Suitability Review
- Statutory Right of Review
- External Review

6.3.1 Band 1 and Band 1+ review (Priority Card)

- i. It is expected that all applications awarded Band 1 or Band 1+ have the most need to move and need to move quickly, therefore all applicants placed into Band 1+ and Band 1 will be subject to a 2-month initial time limit.
- ii. At the end of the initial 2 months, subject to a satisfactory review, the band 1/band 1+ status can be extended by a further 2 months, by which time there is an expectation that the applicant's housing needs would have been met.
- iii. Where an applicant does not bid or refuses 3 suitable offers of accommodation within this timeframe an application may forfeit their Band 1 status. If it is determined that the applicant should indeed forfeit their Band 1/1+ status, a reduced preference will be applied which will place them in Band 2, unless it is a homeless offer in which case different rules apply.
- iv. An applicant is entitled to review of the removal of the Band 1 status, and this would be conducted by a more senior officer not involved in the original decision or the allocation panel.
- v. Applicants will have 21 days in order to submit a review following a decision to demote the banding or following a refusal of accommodation by them.

- vi. Applicants awarded Band 1 through homeless, move on or best use of stock are only entitled to one offer of suitable accommodation.
- vii. Should following the review it be deemed there has been insufficient or suitable properties the applicants banding awarded would remain and will be reviewed every 2 months until the banding can be discharged.
- viii. All applications in these top bands will be assigned an officer to ensure bids are being placed and where bids are not being made proxy bids may be made on available properties.
- ix. The review will ensure that housing staff are monitoring and supporting applicants in bidding or identifying other housing options.
- x. This review does not apply to households accepted as statutorily homeless as they are processed differently and subject to different rules.
- xi. All applicants who are placed in these priority bands will require a suitability of accommodation assessment completed when they are placed in these bands. This will help identify which properties in which areas may or may not be suitable and will assist the officer assigned to their case when making proxy bids (if applicable). Any proxy bids made should be in line with this suitability assessment.

6.3.2 Annual Review

- i. In order to maintain a Housing Register which accurately reflects current housing need, applicants will be required to respond to a review of their application at least once per year. This review process involves confirming whether any changes in circumstances need to be reported and if they want to remain on the register.
- ii. If an applicant fails to respond to the review letter within the allocated time of 28 days from the date of the letter and they have not been actively bidding, their application will be cancelled and removed. The applicant will then need to register a new application and be reassessed with a new band and priority date, should they still have a housing need.
- iii. Cancelled applications will only be reinstated in exceptional circumstances at the discretion of the Housing Solutions Manager provided the request is received within 6 weeks and provided there were strong grounds for not responding, e.g. the applicant was in hospital and appropriate evidence is provided.

- iv. Where the Council identifies that an applicant has special requirements such as in terms of how the Council communicates with them, the Housing Solutions team will make all reasonable efforts to contact the applicant in a way that is acceptable to them. For example, if the applicant has sight issues, any communication can be sent in a specified font size, or if the applicant is vulnerable, any communication can be through a nominated third party.

6.3.3 Disqualification Review

- i. Most decisions will initially be made by the Housing Solutions Advisors and any review of such decisions is undertaken by a more senior officer in the team not involved in the initial decision or the allocation panel. For any decisions that are made by a Senior Officer or the Allocations Panel the reviews will be dealt with by the Head of Service or a housing manager who has not had any previous involvement in a given case.
- ii. Decisions to disqualify from the Housing Register under the grounds of unacceptable behaviour or rent arrears would be made by the Council's Allocations Panel. The applicant will be contacted to discuss this, and the interviewing officer would then refer the case to the allocations panel. The applicant will be notified of the Panel decision by letter. When a decision has been made to disqualify an applicant from the Housing Register, they have the right to a review of this. The review will be carried out by the Head of service or manager not involved in the original decision.
- iii. All requests for a review must be made within 21 days of the date of the relevant notification letter.
- iv. The review must be considered on the basis of policy, law and known facts at the date of the review. The review will consider any representations, whether written or otherwise, made by the applicant or an advocate if the applicant is unable to put forward their own representation due to being vulnerable.
- v. The disqualification review must be conducted within 56 days of the request being made.
- vi. A written notification of the decision, including the grounds of the decision, will be sent to the applicant. All correspondence will be sent to the applicant's home address or a mailing address of their choice. If the applicant is of no fixed abode, the decision letter can be collected from the Council offices in Tamworth where it will be held for 28 days from the date the decision is made.

6.3.4 Homelessness Suitability Review

Review of 'suitability' of an offer of accommodation for households accepted as statutory homeless.

- i. Applicants that have been accepted as statutorily homeless are entitled to request a statutory review where they consider that an offer of accommodation was not suitable.
- ii. Where an applicant has refused a suitable offer of accommodation and the Council discharges its relevant duties, they would then be placed in Band 3.
- iii. Requests for a review of suitability must be made within 21 days of the date the applicant is notified of the Council's decision.
- iv. When refusing an offer of accommodation and requesting a review, the reasons for refusal must be provided to the housing solutions service, where a review officer or manager will review the case and make a decision on the applicant's review request within 8 weeks (56 working days).
- v. The applicant will be advised to accept the offer, as the property will not be held whilst the review decision is being made. Any other bids made on other properties during this period will be discounted.
- vi. If the decision is that the offer was not suitable the applicant's priority will be reinstated to that prior to the refusal and they will be able to continue to bid.
- vii. If the review decision is that the offer was suitable and the applicant did not accept the property prior to requesting a review, the Council will notify the applicant that it has discharged its duty under homelessness legislation and that no further offers will be made. The application will then remain in Band 3.
- viii. If an applicant remains dissatisfied, they can request a further review on a point of law through the courts.

6.3.5 Statutory Right of Review

- i. Applicants have the right to request of all decisions in relation to an application. Some of the examples are listed below:
 - The applicant is found to be ineligible.
 - The applicant is found to be disqualified.
 - Cancellation because applicant failed to provide evidence.
 - Applicant is dissatisfied with the assessment (band) of their application.
 - Cancellation because the applicant failed to bid.
 - Duration of the disqualification from the housing register.
 - Applicant is dissatisfied with the reassessment (band) of their application following a change in circumstances.
 - Applicant is dissatisfied with the offer of accommodation which they deem as unreasonable or unsuitable.
- ii. This review process only applies to decisions in relation to the housing register. Reviews in relation to homelessness decisions are subject to separate processes not covered within this policy. There may be some overlap such as a review of the suitability of accommodation.
- iii. The right of review process is only followed where a decision is made which directly affects the application. For examples of what constitutes a decision [see section 6.1.](#)
- iv. The request for a review should be emailed to: ReviewsHS@tamworth.gov.uk or by writing to: [Housing Solutions Team, Tamworth Borough Council, Marmion House, Lichfield Street, Tamworth, Staffordshire, B79 7BZ.](#)
- v. Where the applicant cannot write their own letter, they can contact the Council and a council officer will help them.
- vi. Applicants will have a period of 21 days in order to request a review of any given decision.
- vii. A right of review will be dealt with by a more senior officer within the Housing Solutions Team than the one who made the original decision, who will assess all known facts and information available to them and will review the decision. The officer has 28 days from when the banding review has been received to make a decision and the applicant will be notified in writing.
- viii. If the senior officer determines that the information provided results in an amendment to the decision, the application will be reassessed based on the information held.
- ix. If the applicant remains dissatisfied, they have a final right of review which will be conducted by a manager. This must be received within 21 of the first right of review decision. If the manager determines the decision was wrong, the application will be reassessed based on the information held.

- x. Officers will then have 28 days in order to complete a banding review or a period of 56 days in order to complete more complex disqualification reviews or a suitability of accommodation review.
- xi. Whilst applicants are under review any bids applicants make will be discounted.

6.3.6 External Reviews

Where an applicant is unhappy with the Council's review decision, they are entitled to write to the [Housing Ombudsman, 81 Aldwych, London, WC2B 4HN](#) or [The Local Government and Social Care Ombudsmen \(LGSCO\)](#) who will also consider complaints regarding the Council's housing allocation scheme and policy.

If an applicant remains dissatisfied and feels the Tamworth has not acted correctly an applicant may also apply for a judicial review of the decision.

Appendix 1: Allocation Panel Terms of Reference

What is the allocation panel

The panel is made up of representatives from Housing Solutions, Tenancy sustainment (Income), tenancy sustainment (ASB) and Safeguarding to ensure assessments for exclusion from the housing register are assessed consistently, fairly and in line with the Allocations Policy.

These meetings are held to make decisions considering disqualification and reviews of exclusion from the Housing Register.

Frequency of panel meetings

Panel meetings are held every 4 weeks or as needed. Applicants will be advised in writing the outcome of the Panel assessment and have the opportunity to ask for a review of this. The meetings are minuted and the outcomes are added to the individual application notes.

Considering disqualification

It is important to consider the following, when reviewing an application for disqualification:

- Background information and current circumstances
- The level of ASB
- Housing investigations
- Tenancy history
- Action to date
- Whether professional supporting evidence is needed to assess the mental health of the applicant and how their housing is impacting this.
- Agency reports on why support the move, the type of property needed and in what area and whether additional support can be put in place to support the applicant until they can move
- Consider whether a multiagency meeting or referral to TVP (Tamworth Vulnerability Partnership) would be beneficial to agree the way forward
- What support will be put in place when this person moves to prevent the new tenancy failing.

Appendix 2: Age Restricted Properties in the Borough

The table below shows the age restricted properties in Tamworth owned by the Council. Applicants must be the age shown or over to qualify for these properties.

Scheme/Block	Number of Units	Age Restriction
Ankermoor Court	40	55
Bright Crescent	28	55
Burns Road	10	55
Canning Road	8	55
Cheatle Court	37	55
Edward Court	15	55
Ellerbeck/Annandale	32	55
Glenfield, Lower Park	35	55
Harcourt House	51	50
Lichfield Street	2	55
Magnolia	21	55
Masefield Drive	4	55
Oakendale	30	55
Peel House	48	50
St Georges Way	14	55
Stanhope House	49	50
Strode House	51	50
Sunset Close	36	55
Thomas Hardy Court	49	55
Townshend House	53	50
Tudor Crescent	4	55
Weymouth House	52	50

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