



**Tamworth Borough Council**

**Finding a Home Allocations Scheme**

**Revised: February 2014**



## Contents

1.0 Introduction	4
1.1. What is an Allocation?	4
1.2. What is not an Allocation?	5
1.3. The Housing Register	5
1.4. Choice Based Lettings - Finding a Home	5
1.5. Annual Lettings Plan	5
1.6. How do we know whether this scheme is achieving our objectives?	5
2. Applying to join the housing register	6
2.1 How to apply	6
2.2 Who can and cannot be included on the application form	7
2.3 Applicants Under 18 years Old	7
2.4 Councillors, board members, employees and their close relatives	7
2.5 How applications are processed	8
2.6 Confidentiality	8
2.7 Misrepresentation or information withheld by the applicant	8
2.8 Keeping the Housing Register up-to-date	8
2.8.1 Annual Review	8
2.8.2 Changes in Circumstances	9
2.8.3 Cancelling Applications	9
3. Eligibility criteria and qualifications for the housing register	9
3.1 Persons from abroad	10
3.2 Homeowners	10
3.3 Unacceptable behaviour	11
3.4 People with no housing need	11
3.5 No connection to Tamworth	12
Definition of local connection	12
4 Applicants' right to a review of the Council's decisions	12
4.1 Review of banding & access to the waiting list	13
4.2 Review of 'suitability' of an offer of accommodation	13
4.3 Further reviews	14
5 Tell Us about complaints, compliments and comments	14
6. Determining priority for housing	14
6.1 Reasonable Preference Groups	14
6.2 Banding applications	15
6.3 Accepted statutory homeless households	17
6.4 Priority Cards	18
6.5 Medical grounds for rehousing	18
6.5.1 High medical need	18
6.5.2 Medium medical need	19
6.5.3 Low medical need	19
6.6 Social, welfare and hardship grounds	19
6.6.1 High Social, Welfare and Hardship need	19
6.6.2 Medium Social, Welfare and Hardship need	20
6.6.3 Low Social, Welfare and Hardship Grounds	20
6.7 Reduced Preference	20
6.7.1 Applicants placed into Band 4	20
6.7.2 Applicants placed one Band below that indicated by their housing need	20
6.8 Incentive to Move Scheme	21
6.9 Decanting social housing tenants for major repairs	21

6.10	Child / Children in Need in an existing household	22
6.11	Moving on from supported housing	22
6.12	Vulnerability assessment and support	23
6.13	Exceptional circumstances where the Allocations Scheme may be over-ridden	23
6.13.1	Over-riding the Policy	23
6.13.2	Direct Lets	23
6.13.3	Local Lettings Plans	24
7.	Property eligibility and entitlement	24
7.1	The number of bedrooms	24
7.2	Sheltered Housing	25
7.3	Properties where bidding is limited to certain households or bands	26
7.4	Summary of which households can bid for certain properties	26

## 1.0 Introduction

This document sets out Tamworth Borough Council's (the Council's) scheme for allocating social housing<sup>1</sup>. This Allocation Scheme sets out in detail who is and who is not eligible or qualified to join the scheme 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.

The Housing Act 1996 (Part VI), as amended by the Homelessness Act 2002 (*the Act*), requires all Local Housing Authorities to have an allocation scheme to determine priorities and define the procedures to be followed in allocating social housing.

The Scheme has been drawn up with regard to the Council's statutory duties and other Council policies. It has been informed by wide-ranging consultation with all parties and a summary is set out at Appendix 1<sup>2</sup>.

The aims of this scheme are to:

- Enable choice and informed decision-making
- Meet individual's housing needs and prevent homelessness
- Make the best use of under-occupied and adapted homes
- Ensure that the way applicants are prioritised and homes are allocated is fair and transparent

The scheme contributes to the council's ambitions for households in Tamworth to aspire and prosper, to be healthier and safer.

A copy of the Allocations Scheme is available free of charge<sup>3</sup>. A summary is available routinely to everyone making an application for social housing.

Advice and assistance relating to access to housing is also available free of charge from the Housing Advice Team based at Marmion House, Lichfield Street, Tamworth, Staffordshire (telephone 01827 709459 or email [housingadvice@tamworth.gov.uk](mailto:housingadvice@tamworth.gov.uk)).

### 1.1. What is an Allocation?

The Housing Act 1996 as amended provides that the Council allocates housing accommodation when they<sup>4</sup>:

- 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

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<sup>1</sup> Social housing includes council owned housing and housing association (referred to as Registered Providers) homes that are let under a nominations agreement with the council.

<sup>2</sup> S3a Local Government Act 1999 (as amended by the Local Government and Public Involvement in Health Act 2007) and Part 6 of the 1996 Housing Act

<sup>3</sup> S.168 Housing Act

<sup>4</sup> S159 Housing Act 1996 as amended by the Homelessness Act 2002

- 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

### **1.2. What is not an Allocation?**

Secure, introductory or demoted tenancies arising in the following circumstances are not covered by the allocations provision of the Act<sup>5</sup>, and therefore fall outside of the scope of this document. These are contained within the revised Tenancy Management Policy (2009):-

- Succession to a tenancy on the death of a previous tenant
- Assignment of a tenancy by way of a mutual exchange
- Assignment of a tenancy to a person who would be qualified to succeed to the tenancy on the death of a current tenant
- Transfer of the tenancy pursuant to a court order under family law or the Civil Partnership Act 2004
- Where a person becomes a secure tenant on ceasing to be an introductory tenant.

### **1.3. The Housing Register**

The Council operates a housing register, also known as the “waiting list”, which is a list of people (applicants) who have applied for social housing in Tamworth. Section 2 sets out how the Council administers this list.

### **1.4. Choice Based Lettings - Finding a Home**

The majority of homes will be advertised and let through Tamworth’s Choice Based Lettings scheme, *Finding a Home*. The home is advertised and applicants express an interest (also known as bidding). This process is described in more detail in section 8.

Some advertised properties will give reasonable preference to certain households, for example older people and disabled people who would benefit from an adaptation. Applicants who fit the criteria will be given preference over the rest of the housing register.

### **1.5. Annual Lettings Plan**

The Council wants to be fair to all applicants, so that they are clear about the realistic opportunities for successful bidding for home. Therefore, each year the Council will publish a Lettings Plan based on an estimate of the number and type of properties that are anticipated to be available for letting. This plan will include specific opportunities for bidding, which may include limiting bidding for homes in higher demand to those in higher bands.

### **1.6. How do we know whether this scheme is achieving our objectives?**

The aims of this policy are to:

- ✓ Ensure greater choice and maximise options for prospective and existing tenants’, preventing homelessness.
- ✓ Create more mixed and sustainable communities within Tamworth supporting greater community cohesion

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<sup>5</sup> S160 Housing Act 1996 as amended by the Homelessness Act 2002

- ✓ Promote greater mobility by removing barriers to housing
- ✓ Make best use of stock through 'incentive to move schemes' for releasing under-occupied properties or adapted properties
- ✓ Provide an open, transparent and equitable service to all customers that is tailored to individual needs and vulnerability
- ✓ Ensure value for money by improving customer satisfaction and sustaining tenancies longer-term

We will carry out annual impact assessments of the scheme to check whether it is still achieving its aims.

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 Talkback and Landlord publication Open House
- Regular press and news statements
- Regular dialogue with tenants' through tenants forums and involvement groups
- Monitoring customer satisfaction

This allocations scheme has been framed in accordance with equality legislation. The Equality Impact Assessment (Appendix 2) will be reviewed and published annually.

## **2. Applying to join the housing register**

In order to be considered for an allocation and take part in the choice based lettings scheme, a person/household has to be registered on the Council's housing register.

Anyone can apply to join the Housing Register. The Council will consider each application on the basis of whether they:

- Are eligible to apply for housing
- Qualify under the scheme rules
- Have housing need within the reasonable preference categories

**The eligibility and qualification criteria are set out in section 3** – people who intend to apply should check whether any of these apply to them and their household.

Multiple or duplicate applications for the same household are not allowed.

### **2.1 How to apply**

An application to join the housing register must be made using a Council housing application form. These are available from Marmion House, Lichfield Street, Tamworth, Staffordshire B79 7BZ and can also be downloaded online at [www.tamworth.gov.uk](http://www.tamworth.gov.uk)

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
- Following an annual review of the application
- At the point of an offer of accommodation

- At the point of letting.

Applications must be accompanied by any supporting information and evidence as well as relevant proof of identification.

The Council will contact any current and/or former landlords to make the following checks:

- Current property details and type of tenancy held
- Whether the applicant or household is in rent arrears or owes any monies to any landlord
- Whether the applicant or household has been involved in any anti-social behaviour.

Advice and assistance regarding any aspect of the housing application process is available free of charge from the Housing Advice Team, Tamworth Borough Council, Marmion House, Lichfield Street, Tamworth, Staffordshire, B79 7BZ, or by ringing 01827 709459 or by emailing [housingadvice@tamworth.gov.uk](mailto:housingadvice@tamworth.gov.uk).

## **2.2 Who can and cannot be included on the application form**

The Council will accept single and joint applications. The 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. This will exclude lodgers or anyone subletting from the applicant. Anyone over 16 years 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.

Children of applicants are only allowed on the application of the parent who has residency of the child(ren) and to whom the appropriate benefits are in payment (eg, child benefit). For the purposes of this scheme a child is defined as someone who is either under the age of 18 or who is still dependant on the applicant e.g. due to continuing education.

## **2.3 Applicants Under 18 years Old**

Applicants aged 16 or 17 are only able to join the housing register where a statutory duty is owed.

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

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 third party and is at the discretion of the Housing Advice Team.

## **2.4 Councillors, board members, employees and their close relatives**

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. However, they must make their position or relationship with the Council or Registered Provider known at the point of application. The Council will neither give an advantage to nor disadvantage an applicant

falling into this category in line with the Disclosure Policy of the Council, attached at Appendix 3.

## **2.5 How applications are processed**

Once an applicant, with their household, has been checked against the eligibility and qualification criteria, their application will be assessed in accordance with this scheme to ensure that those in greatest need are given preference for an allocation, and the application will be awarded a banding (see section 6 for determination of bands).

The application will be registered by entering details onto the Council's Housing IT system. Once an application has been registered, the applicant will be sent written confirmation of key details including their registration number and date, the band they have been assessed for, and which types of properties they can bid for. The letter will also confirm how to bid for properties, summarised in the '*Finding a home*' guide.

## **2.6 Confidentiality**

The Council abides by the Data Protection Act 1998 and other relevant legislation to protect applicants' personal information and will process it for the purposes stated, and in accordance with the applicants' rights.

Disclosure of this information to other parties shall be either:

- With the agreement of the applicant, or
- Where an exemption exists, or
- Other legislation places an obligation on the Council to disclose.

## **2.7 Misrepresentation or information withheld by the applicant**

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 of up to £5000.

Applicants found guilty of such an offence will be considered to not qualify for access to the Housing Register and treated in accordance with the procedure detailed in section 3.

The Council or other Registered Provider will also seek possession of any tenancy granted as a result of information later found to be false or misleading.

## **2.8 Keeping the Housing Register up-to-date**

The Council will take a robust approach to managing the housing register to ensure the focus remains on those in housing need.

### **2.8.1 Annual Review**

Each year, on or around the anniversary of an applicant's registration, an annual review letter will be sent to the applicant asking if they want to remain on the housing register and asking them to confirm their household's housing needs and circumstances.

If no reply is received within 28 days of the date of this letter, and provided the applicant has been actively bidding (ie, has placed bids on homes within the last three months), a



reminder will be sent. If there is no reply within a further 14 days then the application will be cancelled. Cancelled applications can be reinstated at the discretion of the Housing Advice Manager provided there were reasonable grounds for not responding, e.g. the applicant was away from home, in hospital and appropriate evidence is provided.

Where the Council identifies that an applicant has special requirements around correspondence, for example the applicant is known to have literacy issues, the housing advice team will make all reasonable efforts to contact them through known third parties or by visiting them at home.

### 2.8.2 Changes in Circumstances

Applicants must keep the Council up-to-date on changes in their personal and household circumstances since such changes may result in a change in eligibility, qualification and/or priority or banding for housing.

If the change in circumstances results in a change to the application's banding or position within a band then a letter will be issued informing the applicant of the change.

### 2.8.3 Cancelling Applications

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

- A written request has been received to do so from the applicant (or, where a joint application, both applicants).
- There is no reply to the annual review within the allowed timescales and there is no reason to extend this. Reasons might include where the applicant is known to have certain vulnerabilities. In these cases we will make other attempts to contact applicants via named workers.
- The applicant is not actively bidding – the applicant has not placed any bids on any advertised home within the last three months.
- The applicant has been rehoused
- The applicant has become disqualified (see section 3)

## **3. Eligibility criteria and qualifications for the housing register**

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. These criteria are set out in this section.

Disqualified applicants can ask for a review of the decision – see section 4

Whether or not disqualified for the housing register, all residents are able to access advice and assistance on other housing options, such as privately renting, mutually exchanging and/or access to shared ownership from the Housing Advice Team of the Council.

Where an applicant has been accepted onto the housing register but subsequently becomes disqualified for an allocation (for example, for reasons of behaviour) or is discovered to have been disqualified when the application was made, the application will be suspended and the applicant notified in writing that the Council intends to cancel their application and the reasons. The applicant has a right to ask for review of this decision (see

section 4). If the Council has not received a request for a review within 21 days of the date of the notification letter, the application will be cancelled.

The Council will also apply a reduced preference (ie, a lower banding than indicated by housing need) to some applicants. The circumstances where this will be applied are described in section 6.7.

### **3.1 Persons from abroad**

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

Persons who fall into these categories will not be considered by the Council to be part of the household of an applicant, even if the applicant is themselves eligible.

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.

### **3.2 Homeowners**

Applicants who own their home (either freehold, leasehold, under mortgage or shared ownership) cannot join the register unless they can demonstrate that:

- They are in housing need, and
- Their personal circumstances prevent them from securing suitable accommodation to meet these.

Examples may include:

- They have insufficient resources to pursue low cost home ownership
- They are homeless or likely to become homeless within 3 months of their request due to the repossession or the sale completion on their current home
- A joint owner who has left the property, or is leaving the property in order to escape domestic violence, and the violent partner is the other joint owner
- There has been a breakdown in a relationship between joint owners and one has requested housing. This is subject to them providing evidence that:
  - The property has been sold, and
  - They have insufficient resources to purchase a suitable home.

Owner-occupiers where at least one applicant is aged between 50 and 60 years will be able to register to be considered for high-rise retirement housing only.

Owner-occupiers where at least one applicant is aged 60 years or above will be able to register to be considered for sheltered housing only.

Offers of housing will be subject to provision of evidence of the sale of the property.

Those who are disqualified from the register because they are homeowners can still access appropriate advice regarding their housing options (as per Section 3 above) and assistance in resolving their housing needs.

### **3.3 Unacceptable behaviour**

Where an applicant or a member of their household who would be rehoused with them has been guilty of 'unacceptable behaviour' in the conduct of their current or a previous tenancy, they **will not be qualified** to join the register.

Unacceptable behaviour is defined as behaviour that would, if an applicant or member of their household was a secure tenant, entitle a landlord to possession under any of the Grounds 1 to 7 under Schedule 2 of the Housing Act 1985.

Unacceptable behaviour can include, but is not limited to:

- Conviction for using premises for illegal or immoral purpose
- Causing nuisance and annoyance to neighbours or visitors
- Convicted of criminal offences in or near the home and still posing a threat to neighbours or the community
- Convicted of a criminal or civil offence relating to abusive behaviour towards a Tamworth Borough Council employee, partner or contractor.
- Convicted of housing or welfare benefits-related fraud
- Being violent towards a partner or members of the family or anyone in neighbourhood
- Obtaining a tenancy by deception, for example by giving untrue information

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

- Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- 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?
- 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 initially result in disqualification for 12 months, which may be extended. 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, then a fixed term disqualification may apply until any conviction has been spent.

An applicant can re-apply to the Housing Register at any time for their situation to be reviewed.

### **3.4 People with no housing need**

Applicants who are assessed to have no housing need under the terms of this Scheme are allowed to join the housing register but will be placed in Band 4. Applicants are advised that the likelihood of an offer of housing is very low, and they should seek advice from the Housing Advice team about other housing options.

Applicants who are assessed as having a Band 4 priority will be excluded from bidding for certain property types where there is a particularly high demand or low turnover, in accordance with the Annual Lettings Plan. Advertisements for available homes will state where such restrictions apply.

### **3.5 No connection to Tamworth**

Tamworth Borough Council's housing register is open to people who do not have a 'local connection' to Tamworth through residence or work or family in the area. However, those who fall outside the 'local connection' definition below will have a reduced preference for an offer of housing. This means that their application will be placed into Band 4.

#### Definition of local connection

Applicants will need to meet at least one of the following criteria to be defined as having a local connection to Tamworth. They:

- Have lived in the district for a period of at least 6 out of the last 12 months continuously prior to acceptance onto the Housing Register, or
- Previously lived in the district for 3 out of the past 5 years, or
- Have permanent employment within the district, or
- Have close family members\* who have lived in the district for at least the last 5 years, and where there has been frequent contact, commitment or dependency immediately prior to the date of application, or
- Have a special reason for needing to live in the area

\*Close family members are defined as parents, children, siblings, grandparents or grandchildren including step relatives, where there is evidence of frequent contact, commitment or dependency.

Applicants will need to prove that they qualify as having a local connection.

Serving Members of the Armed Forces, Reservists, bereaved spouses/civil partners of Armed Forces personnel that have to leave Service Family accommodation will be considered to have local connection.

## **4 Applicants' right to a review of the Council's decisions**

Potential applicants to the Housing Register will be notified in writing as to whether they are ineligible or disqualified. Where accepted for the housing register they will be notified of which banding they will be placed in according to their housing need and other relevant circumstances (eg, reduced preference may apply – see section 6.7).

Applicants have the right to request a review of these or any other decisions made by the Council. Examples of circumstances where a review of the Council's decision can be requested are where:

- The applicant is found to be ineligible
- The applicant is found to be disqualified
- The applicant accepted the disqualification but is unhappy with the duration of the exclusion from the housing register
- Due to a change in circumstances, the applicant's banding is altered
- The applicant is unhappy with the banding awarded
- The applicant does not believe that an offer of accommodation was reasonable

Applicants requesting a review must submit a written request within 18 days of the date of the notification letter. Where the applicant cannot write their own letter, they can visit the Council's reception at Marmion House, or telephone the Housing Advice team, and a Council officer will help them.

The request for a review should be addressed to:

Housing Advice Team  
Tamworth Borough Council  
Marmion House,  
Lichfield Street  
Tamworth  
Staffordshire  
B79 7BZ

Applicants are entitled to provide a written submission in support of their request for a review as well as supporting and additional evidence.

#### ***4.1 Review of banding & access to the waiting list***

A Council officer who was not involved in the initial decision will carry out the review within 28 days of receipt of the review request. The review must be considered on the basis of policy, law and known fact at the date of review. It will consider any representations, written or otherwise, made by the applicant or on the applicant's behalf.

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 after the decision is made.

If an applicant remains dissatisfied, a request for a further review of a decision must be made within 21 days of the applicant being given the previous decision. A more senior officer who was not involved in the original decision will carry this out within 28 days.

#### ***4.2 Review of 'suitability' of an offer of accommodation***

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. This right to review is also extended to all applicants in band 1 and band 1+ who refuse an offer of housing and have their banding reduced in consequence of the refusal.

Requests for a review must be made within 21 days of notification of the Council's decision to either:

- Discharge their housing duty to an applicant accepted as homeless, or
- Reduce the banding of an applicant previously placed into Bands 1 or 1+ for reasons other than homelessness

When refusing an offer of accommodation, the reasons for refusal must be provided to the Housing Advice Manager who will review the case and make a decision on the applicant's review request within 56 working days.

The applicant/s will be advised to take the offer, as the property will not be held whilst this decision is being made. Any other bids made on other properties during this period will be discounted. 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.

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 either:

- Where the applicant had been accepted as homeless, notify them that it has discharged its duty under the homelessness legislation, or
- Where the applicant had not been accepted as homeless, reduce their banding to the previous level (ie, before band 1 or band 1+ was awarded).

### **4.3 Further 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.

In certain circumstances, applicants can apply for a judicial review.

## **5 Tell Us about complaints, compliments and comments**

The right to review is included in section 4. If there are any complaints, compliments or comments about this process, applicants are encouraged to use the Council's Tell Us scheme.

## **6. Determining priority for housing**

### **6.1 Reasonable Preference Groups**

The Housing Act 1996 (as amended) requires all Local Authorities to have an allocation scheme for determining priorities.<sup>6</sup>

The Council operates a choice based letting system known as 'Finding a Home'. To improve transparency the Council operates a banding system. This prioritises the 'reasonable preference groups' set out in the Housing Act 1996<sup>7</sup> (as amended). These are:

- All statutory homeless households as defined in Part VII of the Housing Act 1996
- People who are owed a duty by Tamworth Borough Council under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68 (2) of the Housing Act 1985)
- People occupying unsanitary, statutory overcrowded or otherwise unsatisfactory housing
- People who need to move on medical or welfare grounds (including grounds relating to a disability)

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<sup>6</sup> S167(1)

<sup>7</sup> S167(2)

- People who need to move to a particular locality within the district to avoid hardship to themselves or others

## **6.2 Banding applications**

There are 5 bands, with Band 1+ being the highest priority. Each of the bands is categorised according to need.

Applicant(s) meeting two or more of the categories described in Bands 1 or 2 will be promoted to the band above. This is to recognise their exceptional and urgent housing need.

Relative priority amongst bidders for any particular home is determined:

- Firstly by the Band, and
- Secondly by the date that the application joined the Band, so that those that have been in any Band for longer periods of time are given preference over those that joined the Band at a later date.

Where an applicant's circumstances change and an alternative banding is awarded, the date the applicant is accepted into the Band is used to prioritise their application compared to bidders in the same Band.

### **Band 1+**

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

- Applicants assessed as having exceptional additional housing need determined by having two or more the characteristics in Band 1
- Applicants whose current home is within Tamworth and is due to be demolished, or is subject to a Demolition Order.

**Band 1**

Applicants in reasonable preference categories are deemed to have an urgent need for re-housing due to the following circumstances:

- Applicants assessed as statutory homeless and owed a full housing duty in Tamworth. The process set out in paragraph 6.3 below will apply
- The applicant's current home is subject to a Prohibition Order covering a main part of the dwelling, or has been included within a Clearance Area or has a lack of facilities. 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 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 (see paragraph 6.5) and the current accommodation cannot be adapted to meet the housing need.
- Applicants with a high need for alternative accommodation on the grounds of significant social welfare need including issues of vulnerability (see paragraph 6.6)
- Applicants with a need to move to a particular locality where significant hardship would be caused if they did not move (see paragraph 6.6)
- 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 are under-occupying social rented accommodation by two or more bedrooms
- Applicants 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 a household that needs a house (see paragraph 6.8 - incentive to move)
- Applicants that are presently living in short or medium term supported housing and are required to move on. In accordance with Service Level Agreements or other specific arrangements, the supported accommodation provider will be required to confirm that the applicant(s) has completed a support programme and is ready to move on (see section 6.11).



## **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 because their medical condition and/ or disability is having a significant detrimental effect on their ability to live independently at home (see paragraph 6.5)
- Applicants with a medium need for alternative accommodation on the grounds of serious social/welfare need including issues of vulnerability (see paragraph 6.6)
- Applicants who are overcrowded by one bedroom
- Applicants who are under occupying social rented housing by one bedroom.
- Applicants who are leaving Armed Forces accommodation and who have not been dishonourably discharged. A Discharge Notice will be required.

## **Band 3**

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

- Applicants who are assessed under the legislation as homeless or threatened with homelessness but to whom a full housing duty is not owed. This includes accepted homeless applicants that have refused a reasonable offer of accommodation (see 4.2).
- Applicants with a low medical need or disability where a move to more suitable alternative accommodation would improve their health (see paragraph 6.5)
- Applicants who have a low housing need on welfare grounds (see paragraph 6.6)
- 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

## **Band 4**

Applicants in the following circumstances will be placed in Band 4:

- Applicants who are not in housing need
- Applicants that do not have a local connection with Tamworth (as defined in section 3.6 above)
- Applicants that have sufficient income and assets to meet their own housing needs

### **6.3 Accepted statutory homeless households**

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

Applicants are able to bid for advertised properties. They may, within the provisions set out in the Localism Act 2011, also be considered for an offer of suitable private rented accommodation.

If applicants fail to bid or actively explore all other housing options open to them 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 statutory review under s202 of the Housing Act 1996, or appeal under S204 of the Housing Act 1996.

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 Scheme. Applicants will also have a right to review on the decision to discharge duty under s202 and s204 of the Housing Act 1996.

The Council's policy regarding the use of the private rented sector to rehouse homeless households can be found in the Private Rented Sector Discharge Policy.

#### **6.4 Priority Cards**

Applicants placed into Band 1+ and Band 1 will be subject to a 2-month 'priority card'. This will ensure that housing staff are monitoring and supporting applicants in bidding or identifying housing options. At the end of the 2 months, subject to a satisfactory review, the priority 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 or the duty to re-house discharged.

Senior managers will oversee all Band 1+ and Band 1 cases every month to ensure that local case management and housing options are being fully explored.

#### **6.5 Medical grounds for rehousing**

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.

##### **6.5.1 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 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.

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 well being
- 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. Consideration will be given to applicants' eligibility for Disabled Facility Adaptations or a Disabled Facilities Grant.

An award will be subject to an officer completing a report and approval by a senior officer.

### 6.5.2 Medium medical need

Applicants who have been assessed as requiring suitable alternative accommodation because their medical condition and/ or disability is having a detrimental affect 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 characteristics based on their knowledge of the applicant's medical needs.

Examples might include:

- An applicant who fulfils a risk assessment for the need to have sheltered accommodation
- An applicant who needs an additional bedroom for a carer, taking into consideration issues regarding affordability under welfare reform.
- 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.

### 6.5.3 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 GP or community health services and must also recommend suitable property types or characteristics 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.

## **6.6 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 is an umbrella term that will include any discretionary issues other than medical.

### 6.6.1 High Social, Welfare and Hardship need

Those applicants needing to move urgently on social welfare grounds will be placed in Band 1. Priority of 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/s or a member of their household. This is likely to require third party corroboration from an agency involved in the case.

Examples might include:

- Child/ren separated from parents (where they previously lived together) because the child can not 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 affect on their life (as determined by the Council)
- Applicants who need to move to recover from the affects of violence, emotional or sexual abuse
- People who need to move because of racial or homophobic abuse
- An applicant needing to move to a particular area to take up employment where, if they did not, they would suffer significant financial hardship
- 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

The Borough Council may also carry out a home visit if this is deemed necessary in order to verify the details provided by the applicant.

An award will be subject to an officer completing a report and approval by a senior officer.

#### 6.6.2 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.

Examples might include:

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

#### 6.6.3 Low Social, Welfare and Hardship Grounds

Applicants who have a low housing need on welfare grounds will be placed in Band 3.

### **6.7 Reduced Preference**

The Council will apply a 'reduced preference' in certain cases.

#### 6.7.1 Applicants placed into Band 4

The following applications will be placed in Band 4:

- Applicants who do not have a local connection with the Borough of Tamworth (see section 3.6).
- Applicants with income and assets sufficient to resolve their own housing needs (see section 3.3)

#### 6.7.2 Applicants placed one Band below that indicated by their housing need

The Council is likely to apply a reduced preference by placing these following applicants into a band that is one band lower than their assessed housing need:

- Households that have taken action, or failed to take action, resulting in a worsening of their housing circumstances to the extent that this would have resulted in an

increased level of priority through banding. An example might be where a household moves in to live with family, resulting in overcrowding that previously did not exist.

- Applicants that owe housing debts to their current or a former landlord of:
  - £250.00 or over, or
  - 4 weeks rebated rent<sup>8</sup>

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 Director of Housing & Health must approve this type of over-ride.

### **6.8 Incentive to Move Scheme**

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 – effectively giving up 2 or 3 properties to move into 1 larger property that is assessed as solving multiple needs

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.

The payment will be recovered from tenants that move within 3 years unless there is an exceptional circumstance such as:

- Moving into residential care or long-term hospice
- Death
- Moving in with relatives

The terms of the Incentive to Move scheme are subject to review and set out in the Guide.

### **6.9 Decanting social housing tenants for major repairs**

Where the applicant lives in a Tamworth BC 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.

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<sup>8</sup> 'Rebated rent' means the net amount that the tenant is expected to pay over and above any housing benefit or housing allowance.

These tenants will therefore be offered a licence agreement to occupy the temporary home, as their substantive and principle dwelling will remain their tenancy.

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.

### **6.10 Child / Children in Need in an existing household**

A child in need is defined under the Children Act 1989 as:

‘A child who is unlikely to maintain or to have the opportunity of achieving or maintaining a reasonable standard of health or development without the provision of services by the Local Authority; the child’s health or development is likely to be significantly impaired for further impaired without the provision of services...’

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 services via a statutory assessment procedure, and
- Social services have clearly indicated the aspect(s) of the child’s development hindered by the 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.

### **6.11 Moving on from supported housing**

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

Applicants moving on from short term accommodation (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:

- 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(s) in supported housing

*Applicants in this category will receive one offer of suitable housing only.*

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 – see section 4.2.

These terms are in accordance with service level agreements or other specific move-on arrangements agreed with providers.

## **6.12 Vulnerability assessment and support**

The Council has described its commitment to reviewing applications in this Policy (see section 2.8).

Applicants with high medical and/or social needs are allocated case officers who will review these applications and work with customers to bid for properties and maximise their housing choices.

The Council supports the vulnerability checklist and approach that is shown at Appendix 4 to this Scheme.

## **6.13 Exceptional circumstances where the Allocations Scheme may be over-ridden**

### 6.13.1 Over-riding the Policy

There are some exceptional circumstances where this Scheme may be over-ridden in order for a specific property to be allocated. Examples could include:

- There is no application on the housing register eligible for an offer of the home
- The home is adapted but applicants needing this adaptation would not ordinarily be eligible for that property type

Similarly, an over-ride may be approved in respect of certain applicants, for example:

- A direct match of a property is required for reasons of vulnerability or witness protection – in this case the home will not be advertised
- A need to decant tenants where their homes require major repairs, refurbishment or rebuilding
- Applicant households are eligible for a 4 or 5 bedroom property but they are willing to consider a smaller home. This will be subject to consideration of the sustainability of that home, and the legislation on overcrowding.

The Director of Housing & Health (and where appropriate the Council's solicitor/monitoring officer) must approve any policy over-rides. These will also be logged and routinely reported to the Portfolio Holder for Housing.

### 6.13.2 Direct Lets

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, eg, MARAC<sup>9</sup> referrals.
- An adapted property is identified by an Occupational Therapist as a suitable match for someone on the adaptations waiting list
- The property is to be used as a decant or temporary accommodation
- Other occasions at the discretion of the Director of Housing & Health

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<sup>9</sup> Multi-Agency Risk Assessment Conference

A direct let is simply an offer made direct to an applicant without the property being advertised, and therefore properties will still be let in accordance with this Policy. Allocations of this nature will be kept to a minimum to maintain a fair and transparent allocation scheme, with the majority of applications being made to applicants that fall within the reasonable preference categories as set out in the Housing Act 1996.<sup>10</sup>

### 6.13.3 Local Lettings Plans

*The Act*<sup>11</sup> 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.

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.

A local lettings policy is in operation for Thomas Hardy Court<sup>12</sup>. Other local lettings policies will, subject to member approval, be published and appended to this Policy.

Annual impact assessments are undertaken of local lettings policies, allowing for detailed consultation, review and monitoring of each as appropriate and enabling the Council to respond to a changing social and economic climate.

## **7. Property eligibility and entitlement**

### **7.1 The number of bedrooms**

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 sex under the age of 16
- Two children under the age of 10 regardless of their sex
- Any other child
- A carer (who is not part of your household) if you or your partner need overnight care
- A child who can't share a bedroom because of a disability or medical condition

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 would be expected to share. Since this would be deemed a 'spare room' prior to the child's birth, the financial

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<sup>10</sup> S167(2) Housing Act 1996 as amended by Homelessness Act 2002

<sup>11</sup> S167(2E) 1996 Housing Act

<sup>12</sup> Thomas Hardy Court – Extra Care in Sheltered Housing (49 units let through nominations)



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.

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 would be unaffordable and unsustainable as a result.

#### Under-occupying homes

The Council reserves the right to under-occupy homes if this is the best use of housing stock determined by demand, adaptation or through individual personal need and this type of over-ride will be approved by the Director of Housing & Health, subject to affordability.

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 given on a case-by-case basis.

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 the tenancy will be sustainable.

#### Over-occupying homes

Households that require a larger property that is rarely available can apply to the Council to be allowed to bid for properties that have one bedroom less than is required under these eligibility criteria, provided:

- They would not be statutorily overcrowded, and
- There is assurance that the sleeping arrangements will be satisfactory

Approval for a 'size over-ride' will be given on a case-by-case basis.

### **7.2 Sheltered Housing**

The Council has a number of sheltered schemes across the town and allocations are in accordance with this Scheme. The applicant (or at least one of a couple) must be 60 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 will meet their needs. This assessment will usually take place at the scheme you prefer.

As part of the interview, the independent living manager will explain the costs of living in the scheme in terms of rent and service charges related to the provision of the independent living manager, the community alarm and scheme communal areas. This promotes financial inclusion and enables applicants to make an informed choice about whether to accept an offer of housing.

Property advertisements include information on who can bid, and the charges payable.

### 7.3 *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 Policy (see 6.13.3 above) applies, and who is entitled to bid for the property.

Some properties, eg, some that are in high demand, will only be open to bids from applicants in higher bandings, as determined by the Annual Lettings Plan (see 1.5 above). This will also be stated in the property advertisement.

### 7.4 *Summary of which households can bid for certain properties*

Property type	Household criteria
Bedsit / studio flat	Single person
One bed flat	Single person / couple
One bed Bungalow	Priority is given to single persons or couples where at least one person is 60 years or above.  In the absence of 60+ year olds, a single person or couple under the age of 60 but with mobility disabilities (as assessed by an Occupational Therapist) will be considered.
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"> <li>• an assessed need for separate bedrooms or</li> <li>• require an overnight carer.</li> </ul>
Two bed bungalow	Single persons or couples - at least one person must be 60 years or above and who have either: <ul style="list-style-type: none"> <li>• an assessed need for separate bedrooms or</li> <li>• require an overnight carer.</li> </ul> In the absence of 60+ year olds, applicants who are under 60 years old who have mobility disabilities (as assessed by an Occupational Therapist) will be considered.
Sheltered Housing	Single persons or couples - at least one person must be 60 years or above and they must have an assessed need for supported housing
Two bed flats (not high rise), maisonettes and houses	Households with children, whose bedroom requirements are as indicated in section 7.1
Three bed flats, maisonettes and houses	
Four bed houses	

Five bed houses	
Seven bed houses	