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Allocation Scheme 2024

1.0 Introduction

1.1 All local housing authorities are required by law to have a scheme for determining priorities and procedures when allocating social housing. This document sets out the housing allocation scheme for Newark and Sherwood District Council (the Council). The scheme sets out who is eligible and qualifies for social housing, and how the Council decides who have priority for those properties that are available.

1.2 Newark and Sherwood District Council, like many other housing authorities nationally, is facing increased demand for social housing, a demand that far outstrips supply. In that context, the housing allocation scheme offers households with an identified housing need (as defined by the scheme) choice in bidding for a home whilst giving reasonable preference to those in the greatest housing need and with a local connection to the district.

This scheme supersedes the previous schemes published by the Council.

1.3 The housing allocation scheme applies to:

- (a) New applicants;
- (b) Existing council tenants who have a need to transfer from one tenancy within stock to another (separate transfer section).
- (c) Existing social housing tenants who need to transfer from their existing tenancy in another area, provided by a different social landlord.

1.4 The Council's choice-based lettings scheme provides a single access point to good quality, affordable housing, for people in housing need and aims to make the task of applying for social housing as simple as possible.

1.5 Each week the council advertise the vacant properties for applicants to place their expressions of interest against and these properties are allocated in accordance with the procedures and priorities set out in this allocation scheme.

2.0 Legal Framework

2.1 The Council's housing allocation scheme sits within a tight legal framework which is summarised in this section. The legislative framework applies to the Council directly and requires Registered Providers to 'cooperate to such an extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's scheme'.

- 2.2 The primary legislation governing the allocation of social housing is Part 6 Housing Act 1996 (as amended). Any reference to legislative sections contained within this scheme are sections contained within the Housing Act 1996 (as amended). This legislation requires councils to make all allocations and nominations in accordance with a published housing allocation scheme which determines priorities between applicants for housing and sets out the procedure to be followed when allocating housing.
- 2.3 Part 6 of the Housing Act 1996 (as amended) requires local authorities to frame their housing allocation scheme to give 'reasonable preference' to certain categories of people namely:
- a) People who are homeless as defined in Part 7 of the Housing Act 1996 (as amended);
 - b) People who are owed a particular statutory duty by any local housing authority under certain provisions of homelessness legislation;
 - c) People occupying unsanitary, overcrowded or otherwise unsatisfactory housing;
 - d) People who need to move for medical or welfare grounds, including grounds related to disability;
 - e) People who need to move to a particular locality within the district to avoid hardship to themselves and/or others.
- 2.4 In addition to primary legislation the Council's allocation scheme takes full account of the associated statutory code of guidance and statutory instruments – these documents can be found on the .gov.uk website. In developing the scheme the councillors also had regard to its homelessness and rough sleeper strategy tenancy strategy a strategic housing strategy
- 2.5 The housing allocation scheme has been developed to be compatible with other relevant legislation regulations and guidance including but not restricted to:
- Equality Act 2010,
 - Human Rights Act 1998,
 - Data Protection Act 2018,
 - Freedom of Information Act 2000,
 - Children Leaving Care Act 2000,
 - Localism Act 2011,
 - Armed Forces Covenant,
 - Armed Forces Act 2021,
 - Domestic Abuse Act 2021,
 - Welfare Reform Act 2012,
 - Public Sector Accessibility Regulations 2018,

- Homeless Reduction Act 2017, and
- Allocation of Accommodation Guidance for local authorities as amended January 2022.

2.6 A summary of the housing allocation scheme is available free of charge to any person who asks for a copy it can be downloaded free of charge from the council's website if requested a hard copy can be provided on payment of a reasonable fee (to be confirmed at time of request).

2.6.1 Definition of an 'allocation'/Scope of the Scheme

For the purposes of part 6, a Housing Authority allocates its accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation held by that authority.
- nominates a person to be a secure or introductory tenant of accommodation held by another Housing Authority
- nominates a person to be an assured tenant of accommodation hold by a private registered provider [or registered social landlord in Wales][S. 159 [2]].

The housing allocation scheme does not apply to the following lettings

- a) succession of a tenancy
- b) assignment of a tenancy through mutual exchange
- c) assignment of a tenancy to a person who would be qualified to succeed the tenancy
- d) assignment of a tenancy in pursuance of a relevant court order
- e) progression from an introductory to secure tenancy
- f) sole to joint tenancy changes and vice versa
- g) temporary decants in order to complete repairs
- h) lettings made by registered providers outside of the district council's nomination agreement.

2.6.2 Allocations to existing tenants

Provisions in relation to existing tenants are considered in S .159[4] and [4B]. These provide that part 6 does not apply to an allocation of accommodation by a Housing Authority to a tenant of a local authority or register provider unless:

- the allocation involves a transfer made at the tenant's request, and
- the authority is satisfied that the tenant has reasonable preference.

Accordingly, social tenants applying to the Housing Authority for a transfer who are considered to have reasonable preference for an allocation must be treated on the same basis as new applicants in accordance with the requirements of S.166A[3].

Transfers at the tenant's request, where the authority is satisfied the tenant does not have reasonable preference, do not fall within part 6 and will therefore be found in the transfer section of this scheme.

2.7 Reasonable Preference

2.7.1 The legislation requires that an allocation scheme must be framed to give reasonable preference to certain categories of people as follows;

1. People who are homeless within the meaning of part 7 of the Housing Act 1996;
2. People who are owed a duty by any local authority under section 190[2], 193[2], or 195[2] of the 1996 act [or under section 65[2] or 68[2] of the Housing Act 1995] or who are occupying accommodation secured by any such authority authority under section 192 [3];
3. People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
4. People who need to move on medical or welfare grounds, including grounds related to disability;
5. People who need to move to a particular location in the district of the local authority where failure to meet that need would cause hardship (to themselves or others).
6. Tenants who need to move as part of a regeneration project will be given Band 1 for a period of 12 months following the receipt of a demolition notice.

2.7.2 Applicants from these reasonable preference categories are placed within bands 1-3 of the housing register [discussed in more detail in section 10 - Applicant Banding] in order to give them reasonable preference over other applicants.

Please note that those applicants, who would fall within a reasonable preference category, will not qualify if they are subject to any of the exclusions set out in section 7.0 - Exclusions of this Scheme and section 9 – Financial Resources and Affordability.

2.7.3 Armed Forces

The armed forces England regulation 2012, provides that additional preference must be given to an applicant with urgent housing needs who falls within one of the reasonable preference categories referred to above if:-

1. they are serving in the regular forces and is suffering from a serious injury, illness or disability which is attributed [wholly or partly] to their service; or
2. they have formerly served in the regular forces; or
3. they have recently ceased or will cease to be entitled to accommodation provided by the Ministry of Defence following the death of the spouse or civil partner who has served in the regular forces and whose death was attributed (wholly or partly) to that service; or
4. they are serving or have served in the reserve forces and are suffering from a serious injury illness or disability which is attributed (wholly or partly) to that service.

Forces are defined as “regular forces” are the Royal Navy, Royal Marines, the Army, the Royal Air Force. “Reserved Forces” are the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines reserve. “The Army Reserve” are the Territorial Army the Royal Air Force reserve or royal auxiliary Air Force.

The council usually define former or serving members of the armed forces as:

1. People who left the regular armed forces within the last 10 years, except those dismissed under section 265 as set out in schedule 3, Part 2 of the armed forces act 2006.
2. Serving members of either regular or reserved armed forces who need to move because of serious injury, medical condition or disability sustained as a result of their service.
3. Bereaved spouses or civil partners of members of the armed forces leaving services family accommodation following the death of their spouse or partner.

2.8. Additional Preference

2.8.1 Section 166A[3] gives housing authorities the power to frame their allocation scheme to give additional preference to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing need. 2.8.2 All housing authorities must consider, in the light of local circumstances, the need to give effect to this provision. Examples of people with urgent housing need to whom housing authorities should consider giving additional preference within their allocation scheme include:

- 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 housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence.

Additional Preference for Armed Forces

- 2.8.3 An applicant who has been assessed as having a reasonable preference and who meets the additional preference criteria will have their banding increased by a maximum of one band. Those already awarded band one will be given an additional six months waiting time.

Consideration has also been given to the armed forces covenant (signed on the 16th of July 2013) between the Armed Forces community, Armed Forces charities and Newark and Sherwood District Council. More information about this can be found at www.Newark-Sherwooddc.gov.uk/community_covenant/

2.9 Right to Move Regulations

- 2.9.1 The Allocation of Housing (Qualification Criteria for right to move) (England regulations 2015) provide that local authorities must not disqualify certain applicants on the grounds that they do not have a local connection with the local authority's district specifically, a local connection may not be applied to existing social tenants seeking to transfer from another authority district in England who:-

1. Has reasonable preference under S .166(3) a because of a need to move to the local authorities district to avoid hardship, and
2. Need to move because the tenant works in the district, or
3. Need to move to take up an offer of work.

- 2.9.2 a relevant person has a need to move for the purpose of the 2015 regulations if the applicant:-

1. Works in the district of the local Housing Authority, or
2. has been offered work in the district of the local Housing Authority and
3. the authority is satisfied that the relevant person has a genuine intention of taking up the offer of work.

The council has opted for a minimum quota allowed from the guidance due to high numbers of applicants on the housing register with identified housing need and a note low number of allocations that become available each year. The quota is therefore set at 1% of the housing allocation forecasted for the coming year, based on the actual number of allocations in the previous year this will be reviewed annually and outed if required.

2.10 Equal Opportunities

2.10.1 The council and its partners are committed to promoting equal opportunities and anti discriminatory practises in the services it provides. It is committed to giving all applicants an equal opportunity to obtain housing and will not discriminate on the basis of age disability gender reassignment race religion belief sex sexual orientation marriage and civil partnership pregnancy and maternity.

3. Eligibility and Qualification

3.1 Any person can approach the council for advice and assistance regarding housing however, due to the high demand for social and affordable rented accommodation the council does not accept applications from those who are ineligible for rehousing. The council will firstly assess if the applicant is eligible for accommodation and secondly whether the application qualifies for an allocation of accommodation.

3.2 Any applicant assessed as either not eligible or who does not qualify to be considered for an allocation will therefore not have access to the housing register.

3.3 The legislation and accompanying regulations regarding eligibility for housing are complex and subject to regular change. This section provides an overview of the main rules with a detailed explanation to be found in appendix (a). The main law on eligibility in England is contained in the Housing Act 1996 (as amended) which allows the government to introduce regulations about eligibility for allocations at any time.

3.3.1 The council will determine whether applicants are eligible for housing assistance ensuring compliance with UK immigration and nationality regulations.

Some classes of people are not eligible to join the housing register, specifically those who are subject to immigration control, not habitually resident in the UK, other persons from a board excluded by regulations, persons granted limited leave, required to leave the UK by the Secretary of State, and those ineligible due to changes contained within the Immigration and Social Security Co-ordination 2020.

Details for all of these are in appendix (a).

3.3.2 The following groups are eligible for an allocation of housing:

- a) British citizens
- b) Certain Commonwealth citizens
- c) Irish citizens
- d) EEA nationals with an EEA right to reside

e) Classes of persons subject to immigration control who are eligible for an allocation of accommodation as set out in regulation 3

f) European Economic Area nationals and their family members who have citizens' rights under the European Union

Details for all of these are in appendix (a).

4.0 Local Connection

4.1 To join the housing register, an applicant must usually have been resident in the district of Newark and Sherwood for the time periods or qualification criteria set out below:

Applicants who do not establish a local connection with Newark and Sherwood will usually not qualify to join the housing register.

- Applicants to have had two consecutive years residing in Newark and Sherwood; or
- 3 out of the last 5 years residing in Newark and Sherwood;
- 5 or more consecutive years in which immediate family members reside in Newark and Sherwood. Immediate family members include parents, siblings, child/ren [18 +] or other significant connection, with regular contact/support. [Residency may be verified by way of tenancy references, electoral roll or information held on any local authority database. Relationship may be verified by birth certificate or information hold on any local authority database].
- Be in employment for a minimum of 16 hours per week for the last 12 months or more within district; or
- Applicant who are owed a homeless duty – as specified in reasonable preference categories outlined in S .166 A[3] [a] and [b] of the Housing Act 1996 [as amended]: S.189B - Relief Duty, s.193 [2] – Main Duty, s.195- Prevention Duty, s.195 [2] - Threatened with homelessness and eligible ; or
- is classified as a Nottinghamshire County Council care leaver; or
- Applicants who are resident in any refuge [or associated accommodation within the district]; or
- Special Conditions might include but not limited to, the need for specialist medical or support services which are available only in the district, Right to Move regulations.
- Former or serving members of the armed forces:
 - a) Those who are currently serving in regular forces at any time in the five years preceding their application for an allocation of social housing;
 - b) Bereaved spouses or civil partners of those serving in the regular forces where (i) the brief spouse or civil partner has recently ceased, or will

- cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and
(ii) the death was wholly or partly attributable to their service.
- c) Existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.

Some new build affordable housing units typically secured on a market housing development through a planning agreement called a section 106 agreement or through a rural affordable housing scheme will detail a more specific local connection criteria in line with both local and national planning and housing policy. Where this situation arises the property advert will clearly stipulate the local connection criteria applicable.

In exceptional circumstances and to ensure efficient and effective use of Council stock allocations may be advertised and made available to households who do not have a local connection.

5.0 Advocate

- 5.1 If an applicant feels they cannot manage their own affairs and are unable to bid for properties themselves, they can choose someone to act for them. This person will be called an 'advocate' Applicants need to complete the relevant question on registration and ensure that advocate signs the declaration to act on their behalf.

The applicant or their advocate is responsible for keeping their application up to date with their current circumstances by advising of any changes that could affect their application.

6.0 Information Declaration

- 6.1 If applicants give false or misleading information or withhold information, which is reasonably required for an applicant to give, they will be removed from the housing register and may be liable for prosecution. If they have been offered a tenancy as a result of this misinformation or withholding of relevant information, the tenancy will be terminated if applicants have deliberately altered their circumstances to increase their banding, the right is reserved to move them into the correct band and may result in suspension of their application entirely.

If you are an employee or a counsellor of the Council THE COUNCIL, your application must include a statement to this fact, in addition a senior officer of the Council must approve any offer of a property made to a person in these circumstances.

7.0 Exclusions

- 7.1 The Localism Act 2011 enabled local housing authorities to decide which classifications of persons, are, or not, qualifying persons for the purposes of allocating housing. This section sets out the classes of persons which are not considered to be qualifying persons and will therefore not be accepted to join the housing register or will be able to join the housing register but may be excluded from receiving an allocation.
- 7.2 The council reserves the right not to make an offer of accommodation to applicants where satisfied that :
- 1) The applicant, or a member of their household, has been guilty of unacceptable behaviour which if the applicant was a tenant of the council would entitle the council to regain possession of their Council property
 - 2) The unacceptable behaviour is serious enough to make the applicant unsuitable to be a tenant.

See Appendix B for further information and clarification on the list above.

The exclusions in this section includes past or present behaviour of the individual or members of their household

In some circumstances a limit may be placed on the type of property and or area an applicant can apply in order to manage any wider risks posed.

7.3 Review of Decision to Exclude

- 7.3.1 Applicants can request a review in writing of any decision to exclude the applicant from the housing register and/or an allocation of accommodation. A senior officer, not previously involved in the case will consider this review.
- 7.3.2. Any such review request should be made within 21 days of the applicant receiving written notification of the decision and additional supporting evidence submitted with a request for review to support consideration for reviewing the decision.
- 7.3.3 The applicant or their advocate is responsible for keeping the application up to date with their current circumstances. They must advise of any changes that could affect the application and complete change of circumstances notifications where appropriate, failure to do so may result in an offer of property not being made or having to be withdrawn.

8.0 Assessment of Housing Need

- 8.1 Applicants are prioritised according to their housing need and are placed into the relevant banding based on that need. This allows for the applicant's identified as the in the greatest need to be given relevant priority.
- 8.2 Transfer applicants will be banded under the same assessment process as housing applicants, when they have an identified reasonable preference category. All other transfer applications, where there is no reasonable preference category applicable will be assessed as per section 17 – Transfer Applicants of this allocation scheme.
- 8.3 The council will notify the applicant of their registration date, registration number and awarded band. Information will also be provided as to the suitability and size of property the applicant and their household are eligible to bid for.
- 8.4 If an applicant's circumstances change and that assessment leads to a banding change being required, the application will receive a 'banding date' as well as its original registration date – see section 12 - Allocation Procedure. The banding date will be the date in which the application qualified to be in that banding, will be later than the original date and may change again should the application need to be reassessed.
- 8.5 As part of the assessment process, if the change in circumstances results in an application being assessed as a band four, the original registration date will continue to apply, it will not receive a replacement banding date.
- 8.6 Medical Circumstances - in complex cases where an individual's circumstances do not seem to fit the policy and its requirements as set out, a multi-agency meeting will be convened including the council senior officer/s and any other relevant parties, to establish the level of need and award appropriate priority/banding.

9.0 Financial Resources and Affordability

- 9.1 The Council is permitted to consider the financial resources available to an applicant to meet their own housing need. If a household's income exceeds the criteria below will not qualify to join the register.
1. Single person household with a household net income of £34,000* or more per year
 2. Family households (this includes couples) with a household net income of £79,000* or more per year.
 - A family household is defined as a household that is not a single person but does include couples. A household income will consider 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) income from employment, any relevant benefits, grants, and income from other sources such as pensions, savings accounts, property etc.

- Personal independence payments [PIP], Disability Living Allowance [DLA] or any other replacement benefit for the above will not be included for the purposes of this calculation.
- Payments awarded because 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.

NB: These income ranges will be reviewed annually in line with Central Government Directive and legislation.

* <https://www.nomisweb.co.uk> – Office of National Statistics, Official Census and Labour Market Statistics

9.2 Savings/Assets/Capital

9.2.1 Applicants with capital/savings/assets/investments more than £16,000 will not usually 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 and will be reviewed from time to time.

9.2.2 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.

10.0 Applicant Bandings

Band One

Homelessness

This band is applicable to those households who the council have accepted a s.193 Main Housing Duty towards [within the meaning of Part 7 of the Housing Act 1996, as amended]. These households will have been found to in priority need and unintentionally homeless.

All applications accepted as being owed a homelessness duty will have their choice-based bidding rights removed and will be placed into officer bidding/one direct and final offer of suitable accommodation. This is to ensure the council prevents and relieves homelessness wherever possible at the earliest opportunity.

If an applicant considers any final offer to be unsuitable, they are entitled to ask for a review of that decision. Applicants should speak directly to the housing options officer and/or review their decision notification, as it will contain the time scales and process that the applicant will need to follow to raise a review. An applicant can also seek independent legal advice. Any such review request will be dealt with by a senior officer, not previously involved with the case, from the housing options team, as the review relates to a homelessness decision it is not an allocation review.

Medical Grounds

Severe medical need - the applicant or a member of the household must have a long-term medical condition or disability and remaining in the current property is a major and direct contributory factor to pose a severe and life threatening risk to the applicant and/or member of the household. This band will only apply where the current property cannot be made suitable or adapted and the applicant and/or their advocate will need to provide relevant supporting evidence.

In circumstances where the applicant and/or a member of the household has a long-term condition or disability but is not currently residing in accommodation they should contact the housing choice team directly for guidance on an individual impact assessment – this will likely be applicants who are of no fixed abode.

Living Conditions

Category One Hazards- the applicant is a private sector, housing association tenant or owner occupier and Newark and Sherwood District Council has determined that their current accommodation poses a category one hazard [excluding overcrowding] under the Housing Health and Safety Rating Scheme [HHSRS], the problem cannot be rectified within a reasonable period of time and by continuing to live there poses a significant risk to health.

Living conditions will also include where an applicant needs to move because their home is about to be demolished or redeveloped, this only applies when the demolition or redevelopment is beyond an applicant's control.

Major repairs-the applicant is a tenant of a social or affordable rented property living in Newark and Sherwood who needs to move because their accommodation needs major renovation or extensive repairs. This does not include temporary decants.

Statutory Overcrowding

Applicants living in statutory overcrowded housing.

The permitted number of people for a property is worked out from the number and size of rooms in a property, as detailed in the Housing Act 1995.

All living rooms and sleeping rooms are included in the calculation when the permitted number of persons is worked out, kitchens bathrooms and toilets are not included in these calculations. When working out the number of persons sleeping in a property occupants are counted as being entitled to one bedroom:

- a) A single person [sole applicant]
- b) a married or cohabiting couple
- c) 2 children both aged under 10 regardless of gender
- d) 2 children of the same gender regardless of age [unless there is a 10 year age gap and one child is at least 16 years old]

This is referred to as the council's minimum bedroom standard.

Under Occupancy – Changing Places Scheme (applicable only to council tenants)

Under occupation is not a category within reasonable preference and therefore the council, in order to facilitate access to limited family housing, have implemented a scheme where tenants who are moving to a property that is two or more bedrooms, smaller than their existing accommodation receive a priority banding. This is known as the Changing Places Scheme.

Tenants who occupy accommodation of a size suitable for consideration of the changing places banding, but where there is no evidence need to move, will not qualify, and will not receive priority banding. Tenants without evidenced housing need and wanting to reduce their property size by 1 bedroom will also be ineligible for this priority banding.

Periodically, the council may consider implementing additional pilot schemes to support the changing places in accessing particular property types. Where this is the case supporting documentation will be produced identifying scheme criteria.

Other Status

This band is applied when a PCRA [person centred risk assessment] has been completed and assessed, identifying a need to move a tenant/their household to alternative accommodation for safety reasons, that are not covered under Effective and Efficient Management section of this scheme.

Supporting evidence will be required and move on accommodation choice is limited to resolving the situation/ risk.

Band Two

Homelessness

This band is applicable to those households who are working with the council's Housing Options Service and have had a Prevention Duty or Relief Duty accepted towards them. To qualify for this band, the household must be engaging in the tasks specified in their Personal Housing Plan and are in priority need and unintentionally homeless.

Medical

Urgent medical need - the applicant or a member of the household have a long-term medical condition or disability that is moderately impacted on by remaining in the current property or have a more recent diagnosis or medical condition that the full impact of the accommodation remains unknown but expected to create moderate difficulties in the future.

This band will only apply where the current property cannot be made suitable or adapted and the applicant and/or their advocate will need to provide relevant supporting evidence.

Applicants moving on from Supported Housing Projects

This band is only applicable when the applicant's support needs have been identified and provision for meeting these needs is in place, often this is evidenced via an Ready 2 Move. This band is also applicable to the council's NSAP accommodation – Next Steps Accommodation Programme.

This band is only available to applicants who are residing in accommodation projects within the district of Newark and Sherwood.

Care Leavers

The application of this banding is only available to individuals who are considered to be Nottinghamshire County Council care leavers as part of the District Council's commitment to supporting care leavers into accommodation via the Care Leaver Offer – see details in appendix C.

Care Leavers cannot receive this priority more than once, they will receive one, suitable offer of longer term settled and sustainable accommodation in discharge of the District Council's Corporate Parenting Duties, supporting Nottinghamshire County Council.

Insecurity of Tenure

Applicants who have been served a valid Notice of Seeking Possession or Curt Possession proceedings from a landlord or mortgage lender other than the council. Applicants will be

required to provide evidence that the Notice served is not a result of their or a member of their household's act(s) or omission(s).

Overcrowding

Applicants who are lacking two bedrooms or more in their current home but are not considered to be statutorily overcrowded.

Refuge Accommodation

This banding is to be applied to applicants who have been in placement at Refuge and the Refuge Worker has been able to confirm that the resident is ready for independent living. This is specific to those placed within the Newark and Sherwood district.

Unsuccessful Succession

This banding is to be awarded to applicants who are eligible to be on the housing register but have no right of succession and have no access to any other accommodation [in the UK or abroad], resulting in them facing homelessness.

Succession – Included for reference and does not usually receive a banding under this scheme

Succession of Tenancy

Succession of secured tenancies is only allowed in the following circumstances:

- If the deceased tenant had not been a previous successor
- The individual requesting succession occupied the property as their only and principal home at the time of the tenant's death.
- If the individual is a spouse or civil partner of the deceased tenant
- If the individual is a member of the deceased tenant's family and has proof of residence for at least 12 months prior to the death of the tenant.

If the property is too large or has adaptations not required by the succeeding tenant, then alternative accommodation, more suited to their needs will be sourced. The successor has the right to a tenancy, not a particular property.

Band Three

Medical

Non-urgent medical need - the applicant or a member of the household have medical condition or disability and remaining in the current property creates some difficulties but is not a major contributing factor and does not pose a severe or urgent and life-threatening risk to the applicant and/or member of the household.

This band will only apply where the current property cannot be made suitable or adapted and the applicant and/or their advocate will need to provide relevant supporting evidence.

Homeless

This band is applicable to those households who are working with the council's Housing Options Service and have had a Prevention Duty or Relief Duty accepted towards them. This band will also be applied to households who are not considered to be in priority need and/or intentionally homeless. In addition, this band will be applied to households who are considered to be in priority need and unintentionally homeless but not engaging in the tasks specified in their Personal Housing Plan.

Living Conditions

Identified Category 2 hazards where the enforcement of the Housing Act 2004 (Housing, Health and Safety Rating System) is in place and subject to Environmental Health action. This priority is only awarded for the period of time that the work remain incomplete/outstanding.

Overcrowding

Applicants who are lacking one bedroom in their current home but are not considered to be statutorily overcrowded.

Refuge Accommodation

Applicants who are residing in an accommodation space in a Refuge.

Sharing Facilities

Applicants or households sharing personal facilities, such as kitchens and bathrooms, within the accommodation, with another household. This would exclude applicants in Houses of Multiple Occupation as it is intended that residents to share these facilities and does not include gardens and communal areas.

No Fixed Abode/Rough Sleeping

This banding is only applicable to those defined as rough sleepers - this means that they are street homeless and have no access to accommodation at all, confirmation may be sought from street outreach services.

People of 'no fixed abode' who are for example staying in various locations and on an ad hoc basis will not be regarded as rough sleepers, proof may be sought from each address and or other agency with which any rough sleeper is registered.

Band Four

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:

1. 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 five-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.
2. 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.
3. Applicants who deliberately overcrowded accommodation other than where it is necessary to prevent homelessness.
4. Applicants who deliberately move to a home which was clearly unaffordable at the point they move into it.
5. Applicants who deliberately move into accommodation which will be overcrowded other than to prevent their homelessness and prevent the homelessness of their family.
6. Applicants who leave suitable accommodation without making suitable provision unless there was good reason to leave.
7. 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 to qualify or gain priority for housing. Deliberate deprivation includes gifting money to relatives and friends and payments to third parties.

Supported Housing - The applicant and any other member of their household have no housing need but are eligible to be considered for and are seeking supported housing. The applicants current housing tenure and any restrictions will determine which property type they will be eligible for. In some instances, homeowners may be exempt from bidding for designated property types and will be advised of their eligibility for any of the supported housing complexes.

11.0 Advertising Properties

- 11.1 Properties available for allocation will be advertised by the council on our website. Properties advertised will give a description of the property, its location, any local

connection criteria, and suitability criteria to help applicants make relevant and informed choices. Where additional criteria have been applied please refer to this policy for clarification/explanation.

The website adverts will include social housing properties and may also include private rented properties available through the council's RealHome scheme. RealHome is a tenant finding scheme for private sector landlords.

More information on real home scheme is available on the THE COUNCIL website <http://www.newark-sherwooddc.gov.uk>

In some circumstances, properties may not be advertised as part of the allocation scheme. Examples of this include but are not limited to:

1. Temporary accommodation required because of flood, fire or other emergency;
2. Properties required for existing tenants when they are faced with home loss;
3. Effective and Efficient use of housing stock
4. Discharge of THE COUNCIL duties e.g. supporting partners via the MAPPA protocol (Multi Agency Public Protection Arrangements).

Properties advertised will be available for both applicants and transfer applicants.

Applicants or their advocates can request details of available properties by accessing the website or by contacting customer services on 01636 650000.

Applicants or their advocates will be able to state their interest in a maximum of two properties per weekly advert cycle and unlimited expressions in registered providers or RealHome properties, giving their order of preference. Interest in a property can be made via telephone, e-mail, online, text or in person. Applicants will not be contacted if their bid is unsuccessful.

Available properties will usually be advertised a maximum of twice, if the property remains vacant the council will consider alternative ways of letting the available property. This could include but is not limited to allowing applicants to bid on more than two council properties per cycle and/or relaxing any scheme criteria.

12.0 Allocation Procedure

12.1 For all properties advertised a list will be generated of applicants who have made expressions of interest in that particular property. Applicants who have stated their interest in a property and meet the criteria for the property will be matched by the following procedure:

1. Priority band; then
2. Local connection; then
3. Banding date

It is the responsibility of the applicant and/or their advocate to provide information required to carry out the necessary verification checks and references.

Verification checks and financial assessments will be undertaken for applicants who are shortlisted. The applicant will be asked to confirm that the information given on the application form regarding their circumstances has not changed since the application or it's last update.

In some circumstances, the successful applicant may be contacted to assess that they are in an appropriate position to sustain a tenancy in line with THE COUNCIL'S tenancy agreement.

The applicant's verification checks are satisfactory, the offer of a tenancy of the property will be made.

In the event of the applicant's verification checks being unsatisfactory they will be advised of the reason for this decision in writing and the property will be offered to the next qualifying applicant.

12.2 Not offering a tenancy to the highest bidder

12.2.1 The council has discretion not to offer a tenancy to the highest bidder for advertised properties when taking all circumstances into account. This discretion may be exercised when the council decides that it would not be in the interests of the applicant, another party, or the effective management of the housing stock to do so.

12.2.2 Examples where this might happen include:

- a] Where there is history of domestic abuse, and the property is deemed by the Council to be too close to the perpetrator so as not to resolve the applicant's housing need.
- b] Where the Council deems there will be implications for community safety.

c] Where the applicant cannot access or adequately use the property because of mobility problems, in particular, where health and safety would be endangered.

d] Where on completion of a financial assessment, the Council have determined that the property will be unaffordable to the applicant.

e] Where an offer of accommodation would be counter to an applicant's stated housing need. For example, where the applicant is awarded priority due to a need to move to a particular area to provide or receive care and/or support, they will not be considered for areas that do not resolve this housing need.

12.3 Direct Offers

12.3.1 In some circumstances, the Council will not advertise available properties on the district council's housing register. Instead, a direct offer of accommodation may be made to an applicant. Any direct offer will constitute a formal and suitable offer, and if refused would be subject to the same sanctions for refusal as set out in the Effective and Efficient Management section of this policy.

12.3.2 Direct offers will only be made subject to approval from the Assistance Business Manager/Business Manager for Housing and Estate Management or one of these and a Senior Officer not involved in the case.

Examples of when direct offers may be made include but not limited to:

a] whether council considers that it is inappropriate for the applicant to participate in the choice-based lettings. For example, applicants who are placed through the National Witness Mobility Scheme or subject to Multi Agency Public Protection Arrangements [MAPPA]. In these circumstances applicants are considered on a case-by-case basis, and a full range of housing options will be considered.

b] Where the Council make a direct offer by way of discharging a housing duty, this may include but is not limited to statutory homeless households.

c] where it is necessary for the council to provide an alternative property in order to carry out major modernisation or rehabilitation works to a property.

d] where it is necessary for the council to provide an alternative property to a successor tenant within a 12-month statutory time limit.

e] Where a joint social tenant has given notice to quit, and the property is suitable for the remaining tenant to continue to occupy, and this allocation is supported by the landlord.

f] Where the property offers a specialist housing solution and/or is in particular short supply e.g. larger properties/disabled adaptation properties.

12.4 Penalties for refusing offers of accommodation

12.4.1 Applicants who refuse two offers of suitable accommodation will have their application suspended for six months and will be unable to bid for any further properties advertised during this period.

12.4.2 Further to the application being reinstated, should a further offer and subsequent refusal of suitable accommodation be made, the application will be cancelled and removed from the housing register.

12.4.3 Following cancellation the applicant will be required to wait a minimum of 12 months before any re-application can be made. The council may consider a re-application within the 12 months non-qualifying period if there has been a significant change in their circumstances, through no fault of their own, which adversely affects the household.

13.0 Suitability Criteria

13.1 Applicants should have regard to the criteria stipulated in the advertisement of available properties prior to placing a bid to ensure that they meet the required criteria.

Before an offer of accommodation is made the council will consider the suitability and size of the property in relation to the family/number of people seeking accommodation and financial position.

The outcome of the financial assessment may affect the type of accommodation you and your household may be eligible for.

Suitability criteria may be adapted from time to time to reflect the supply and demand of properties, management of stock and overall Community Housing needs.

To address issues of low demand certain properties have designated age criteria, therefore the eligibility criteria may be different. Any such difference will be clearly identified when the properties are advertised.

13.1.1 Applicants are suitable for accommodation designated as supported accommodation if:

1. The applicant or partner or 60 years of age or over;
2. The applicant or a member of the household is aged 60 or over [such applicants may be considered for some, but not all supported housing accommodation];
3. Applicant or a member of the household is under 60 years but has a proven mobility, medical or disability need [such applicants may be considered for some, but not all, supported accommodation].

In some circumstances medical authorities and/or evidence may be required in addition to an in support of a completed medical self-assessment questionnaire.

Following will usually be applied:

1. Singles/couples under 60 are considered to need/bed sets one bedroom. This is usually general needs accommodation.
2. An adult requesting to share with another adult [who is not a partner] will require one bedroom each.
3. Single/couples over 60 are eligible for supported accommodation of one or two bedrooms.
4. Single/couples under 60 with proven physical need or disability requiring ground floor accommodation will be eligible for general needs ground floor accommodation and if sufficient evidence provided may also qualify for some ground floor supported

housing. Applicants will be advised when this has been granted and criteria explained.

5. Married couples, same-sex partners and persons living as 'man and wife' are considered to need one bedroom [unless the partner needs a separate bedroom on proven medical grounds].
6. Two dependent children of the same sex or two children under 10 of opposite sex who normally expected to share a bedroom. Dependent children are defined as children less than 16 years of age who live with the applicant and where the applicant is the parent or guardian and in receipt of child benefit and all the child is in higher education.
 - a. If you have a large family that may have little or no prospect of finding a property, which is large enough for your needs, we may permit you to bed for properties smaller than you need.
 - b. In such circumstances, before any amendments are made to your bedroom eligibility; Applicants applicant approval will be sought to consent to considering smaller property types. Applicants should note the council will not consider offers of accommodation that would make your household statutory overcrowded and the applicants are not required to accept smaller properties although they may face a significant wait for alternative accommodation.
7. If you have a shared residence order or staying access for children, you are not automatically entitled to an additional bedroom for your child/ren. As long as the child/ren have one home of adequate size, the council will not automatically provide a second home for that child/ren.
8. In determining the size of accommodation required for a household, child/ren would only be counted as part of the household where it can be evidenced that you are the main carer and have responsibility for that child/ren and this is where the child resides as their main and permanent home
In determining this the council will take into consideration the individual merits of each case taking into account:
 - the dependency rules are set out in HMRC the Universal Credit or equivalent;
 - court orders, legally binding consent order or relevant supporting documentation from a solicitor;
 - percentage of time spent caring for the child or children, where the dependent is staying overnight;
 - the regularity and permanence of the arrangements;
 - affordability; and any exceptional circumstances which mean that it is especially necessary for a child to have a home with both parents EG for medical or special care needs.
9. Foster carers or those adopting children who require additional bedrooms will be assessed on an individual basis, in liaison with and as confirmed in writing by the relevant social care department.

- A woman with a pregnancy confirmed by an appropriate medical practitioner, will be counted as a household with a child after 30 weeks of pregnancy and therefore qualified for a bedroom each. If she already has one child, the unborn baby will be treated as if it were the same sex. If she has two or more dependent children residing with her, consideration for additional bedroom eligibility may be applied to the application following the birth of the child.

13.1.3 Effective and Efficient Management of tenancies and housing stock

This section of the allocation scheme enables priority transfers for existing tenants [where the transfer policy will not provide sufficient timely response] who find themselves in exceptional circumstances, which means remaining in their current accommodation is no longer deemed appropriate or safe and or to enable the council to make best use of its limited available housing stock, prevent homelessness and create sustainable communities.

In such cases, a review of individual circumstances will be carried out by the Assistant Business Manager/Business Manager within the housing services team [not originally involved in the case] to make a final decision based on the evidence available.

Cases deemed to meet the criteria will be made one offer of suitable accommodation at the earliest opportunity. If this offer is declined refused and the council is satisfied that the offer was suitable, it will bring it to an end this obligation and no further offers of accommodation will be made.

If an applicant has provided sufficient evidence to have the offer deemed unsuitable an extension will be applied for a period not exceeding 3 months to enable one further offer of suitable accommodation to be made. If this subsequent offer is refused all duties obligations under this section of the scheme will cease and the applicant is expected to continue residing in their current tenancy/circumstances.

Any failure to use the tenancy as your main principal home could result in enforcement action against the tenancy as this is a breach of your tenancy agreement.

The outcome of this decision may result in a direct offer of accommodation for reasons such as

1. Severe harassment, threats or actual violence, victims of anti-social behaviour, domestic abuse or where there is potential risk to the household if they remain. Sufficient evidence is required.
2. Applicants who have lost their statutory right to succession or have a succession right to a tenancy and the current accommodation is not suitable as set out in the tenancy agreement.
3. To enable major repairs which require permanent or temporary move (decant)
4. Where adapted properties are no longer required by the tenant or a member of their household
5. Applicants or tenants requiring specialist and or adapted properties

6. Complex cases with multiple needs not addressed elsewhere in the scheme, where a multi-agency approach is required i.e evidenced entrenched rough sleeping.

This decision may be part of a multi-agency risk assessment where information [including sensitive information] will be lawfully shared.

13.1.4 Local Letting Schemes

Local Letting Schemes can also assist in the management of existing housing stock, to help resolve issues such as areas suffering from disproportionate amounts of anti-social behaviour or to help widen housing choices for local people and provide sustainable communities.

Local letting schemes are an exception. They implement additional specific criteria to be considered in the local area when allocating housing through the allocation scheme.

Application of a local letting schemes will be carefully considered by the council based on needs and evidence. It will be applied for a limited period and reviewed to assess its effectiveness.

Local lettings schemes will be published on the council's website when in use and will be available from www.newark-sherwooddc.gov.uk

14.0 Compliments, Comments and Complaints Procedure

- 14.1 Applicants who wish to comment or complain about the service are able to do so via comments@nsdc.info or visiting the website www.newark-sherwooddc.gov.uk in order to obtain relevant forms for completion to ensure that this is dealt with under our official procedures.

15.0 Reviews and Appeals

- 15.1 If an applicant is dissatisfied with any decision relating to their housing application they may request a review of these decisions.

Procedure:

1. Applicants must make their request for review within 21 days from the date they are notified of the original decision this is considered a reasonable time scale however in exceptional circumstances the Housing Authority does retain the discretion to extend this time limit. An explanation or justification for late request will be required.
2. Applicant should make any request for review in writing, or where applicable representations can be submitted by relevant support agencies on your behalf. Applicants should include in their submission any new evidence or information, which has not been received previously, for consideration. If you have submitted evidence/information previously but do not consider that adequate attention has been given to this submission you should state your reasons for this.
3. In certain circumstances it may be more appropriate for an applicant to make a verbal representation. In such circumstances, please contact the housing choice service via 01636 650000 to discuss the request and agree actions.

4. The review will be carried out by an officer who is senior to the person who made the original decision, and the review will be considered on the basis of the council's allocation scheme, any legal requirements and all relevant information available. This will include information provided by the applicant on any relevant developments since the original decision was made- for instance, the settlement of arrears or establishment of a repayment plan, or departure of a member of your household responsible for any anti-social behaviour.
5. Reviews will be completed wherever practicable within an eight-week deadline. This is considered to be a reasonable time scale and applicants will be notified in writing of any extensions through this deadline and the reason for this.
6. Applicants will be notified in writing of the outcome of the review the notification will set out the reasons for the decision.
7. This process will ensure that an applicant's appeal is dealt with fairly, according to the scheme, relevant legislation and within a time limited framework NB: review requests related to offers of accommodation to statutory homeless households are excluded from this review process.

16.0 Equality and Diversity

- 16.1 Newark and Sherwood District Council is committed to promoting equality of opportunity in housing services. We aim to implement, maintain, and deliver quality services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age, sexual orientation, not is disadvantaged by the application of a rule, condition, or requirement which has a discriminatory effect which cannot be justified by law. Allocations will only be made to those persons who are eligible.

17.0 Transfer Applicants

- 17.1 Transfer tenants of the council, who do not have an identified housing need in accordance with the Allocations Scheme must pursue mutual exchanges and will not be ordinarily entitled to join the housing register.
 - 17.1.2 Tenants with identified housing needs and who would usually 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, will be assessed and banded through the allocation scheme but can also pursue mutual exchanges.
 - 17.1.3 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.
 - 17.1.4 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.
 - 17.1.5 Due to limited available of certain property types within its stock the council, may from time to time, implement pilot schemes that support the moving of tenants who do not meet the reasonable preference criteria.

18.0 Scheme Review

- 18.1 Senior officers from the council will regularly review the Allocation Scheme to ensure its requirements are being implemented and that it continues to meet relevant legislation and any additional duties placed upon the Council.
- 18.1.2 Where any major amendments are necessary to the scheme, these will be implemented following consultation with applicants and stakeholders when and where appropriate. Minor amendment to the scheme does not require consultations to be adopted by the Council.

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