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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 has priority for the properties that are available.
- 1.2 An allocation of housing means:
- a) Selecting a person to be a secure or introductory tenant of accommodation held by that authority
 - b) nominating a person to be a secure or introductory tenant of accommodation held by another Housing Authority
 - c) nominating a person to be an assured tenant of accommodation hold by a private registered provider [or registered social landlord in Wales] [S. 159 [2]]
- 1.3 The Council's choice-based lettings scheme provides a single access point to good quality, affordable housing, for people in housing need, offering 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.
- 1.4 Each week the Council advertise the vacant properties for Applicants to place their expressions of interest and these properties are allocated in accordance with the procedures and priorities set out in this allocation scheme.
- 1.5 Process example - Terminated Tenancy:
- Void team prepares property for letting
 - Property advertised on Council's website
 - Expressions of interest registered
 - Applicants shortlisted by band and date order
 - Allocation identified
 - Viewing arranged
 - Applicant signs new tenancy
- 1.6 **Complex Cases**
- 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 NSDC Senior Officer/s and any other relevant party to establish the level of need and award appropriate priority/banding.

1.7 **Advocate**

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 section on the application and ensure their 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.

1.8 **Information Declaration**

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 the Council will consider prosecution. If they have been offered a tenancy as a result of this misinformation or withholding of relevant information, the Council will seek possession of the property. Where it has been identified that an Applicant may have deliberately worsened their circumstances, once verified, the application will be reduced to band 4.

If you are an employee or a Councillor of 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.

1.9 **Compliments, comments and complaints procedure**

The Council recognises the importance of listening to the views of its applicants on the services provided to you. You can submit feedback or make a complaint online, by letter, telephone, email, on social media, in person or via someone working on your behalf.

1.9.1 **Reviews and Appeals**

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

Procedure:

- A. 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 Council does retain the discretion to extend this time limit. An explanation or justification for late request will be required.
- B. Applicants 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.

- C. In certain circumstances it may be more appropriate for an Applicant to make a verbal representation. In such circumstances, they can contact the Housing Choice Service on 01636 650000 to discuss the request and agree actions.
- D. 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 based on 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.
- E. 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.
- F. Applicants will be notified in writing of the outcome of the review the notification will set out the reasons for the decision.
- G. 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.

1.9.2 **Scheme Review**

- 1.9.3 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.
- 1.9.4 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.

1.10 **Equality and Diversity**

- 1.10.1 Newark and Sherwood District Council and its partners are committed to promoting equal opportunities and anti-discriminatory practises in the services it provides. The council aim to implement, maintain, and deliver quality services which ensure that no potential or current applicant is treated less favourably on the basis of age, disability, gender, race, religion, beliefs, sexual orientation, marriage and civil partnership, pregnancy and maternity, marital status, nor 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.

1.10.2 The Council are committed to giving all Applicants an equal opportunity to obtain housing and will not discriminate supported by an EQIA available on the website or in printed copy upon request.

2.0 Legal Framework

2.1 The Council's housing allocation scheme sits within a legal framework which is summarised in this section. The 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 Council's scheme'.

2.2 The primary legislation governing the allocation of social housing is Part 6 Housing Act 1996 (as amended) ("the Act"). 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 Act requires local authorities to frame their housing allocation scheme to give 'reasonable preference' to certain categories of people, such as;

- 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 www.gov.uk. In developing the scheme the councillors also had regard to its homelessness and rough sleeper strategy, tenancy strategy and strategic housing strategy.

2.5 The housing allocation scheme has been developed to be compatible with other relevant legislation regulations and guidance.

2.6 Both a summary of the housing allocation scheme and the full document are available on the Council's website.

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

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) transfer 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

2.8 **Allocations to Existing Tenants**

Provisions in relation to existing tenants are considered in S.159[4] and [4B]. These sections outline 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
- the authority is satisfied that the tenant has reasonable preference

2.09 **Reasonable and Additional Preference**

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

- a) People who are homeless within the meaning of part 7 of the Housing Act 1996
- b) 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 under section 192 [3]
- c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- d) People who need to move on medical or welfare grounds, including grounds related to disability
- e) 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).

2.09.2 Applicants from these reasonable preference categories are placed within bands

1-3 of the housing register [reference Section 10 - Applicant Banding] in order to give them reasonable preference over other Applicants.

It should be noted 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 5.0 - Exclusions of this Scheme and Section 7.0 – Financial Resources and Affordability.

2.09.3 Armed Forces

The Armed Forces England Regulation 2012 outlines that additional preference must be given to an Applicant with urgent housing need who falls within one of the reasonable preference categories referred to above if;

- a) 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.
- b) They have formerly served in the regular forces.
- c) They have recently ceased or will cease to be entitled to accommodation provided by the Ministry of Defence following the death of a spouse or civil partner who has served in the regular forces and whose death was attributed (wholly or partly) to that service.
- d) 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 defined as “Regular Forces” are the Royal Navy, Royal Marines, the Army, and the Royal Air Force. “Reserved Forces” are the Royal Fleet Reserve, the Royal Naval Reserve, and the Royal Marines Reserve. “The Army Reserve” are the Territorial Army, the Royal Air Force Reserve, or the Royal Auxiliary Air Force.

The Council usually define former or serving members of the armed forces as;

- a) 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
- b) 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
- c) Bereaved spouses or civil partners of members of the armed forces leaving the services family accommodation following the death of their spouse or partner

2.10. Additional Preference

2.10.1 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. All housing authorities must consider, in light of local circumstances, the need to give effect to this provision.

2.10.2 Additional preference for approved applications are likely to come in the form of a direct offer to address the identified housing need and secure an approach offer of accommodation to resolve the circumstances.

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-altering 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 abuse.

Additional Preference for Armed Forces

2.10.3 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/

2.11 Right to Move Regulations

2.11.1 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;

- a) Have reasonable preference under S .166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
- b) Need to move because the tenant works in the district, or
- c) Need to move to take up an offer of work.

2.12.2 A relevant person has a need to move for the purpose of the 2015 Regulations if the Applicant;

- a) Works in the district of the local Housing Authority
- b) Has been offered work in the district of the local Housing Authority
- c) 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 a high number of Applicants on the housing register with identified housing need and a low number of properties 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 amended if required.

3.0 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:

1. firstly, assess if the applicant is eligible for accommodation and
 2. 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 not be eligible for an allocation of accommodation.
- 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).
- 3.3.1 When determining whether Applicants are eligible for housing assistance, the Council will ensure it complies 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 abroad 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 (EU Withdrawal) Act 2020.

Details for 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) European Economic Area (EEA) citizens 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 of the Allocation of Housing and Homelessness (Eligibility)(England) Regulations 2006.
 - f) European Economic Area nationals and their family members who have citizens' rights under the European Union

Details for these are in Appendix A.

4.0 Local Connection

4.1 To join the housing register, an Applicant must usually have been resident in Newark and Sherwood {‘the District’} or the time periods or qualification criteria set out below;

- Applicants to have resided for 2 consecutive years in the District;
- Applicants to have resided for 3 out of the last 5 years in the District;
- Applicants with immediate family who have resided for 5 or more consecutive years in the District. Immediate family members include parents, siblings, child/ren [18 +] or other significant connection, with regular contact/support. Residency may be verified.
- Applicants to be in employment for a minimum of 16 hours per week for the last 6 months or more within the District.
- Applicants 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
- Applicants are classified as a Nottinghamshire County Council care leaver.
- Applicants who are resident in any refuge (or associated accommodation) within the District.
- Applicants fleeing domestic abuse (supporting evidence may be requested)
- Applicants who are subject to Special Conditions. Special Conditions might include but not limited to, the need for specialist medical or support services which are available only in the district or 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 10 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 Applicant’s 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.

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

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.

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5.0 Exclusions

5.1 The Localism Act 2011 amended the Act and enables local housing authorities to decide which Applicants do or do not qualify for an allocation of social 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 being offered an allocation of housing.

5.2 The council reserves the right not to make an offer of accommodation to applicants where satisfied that:

- a) 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 property
- b) 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.

5.3 The Council reserves the right not to make an offer of accommodation to Applicants where satisfied that:

- a) 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 property
- b) 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.

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.

5.4 Review of Decision to Exclude

5.4.1 Applicants can request a review in writing of any decision to exclude them from the housing register and/or an allocation of accommodation. Applicants can also request a review if they have been excluded from the register for the refusal of a suitable offer. A senior officer, not previously involved in the case, will consider the review.

5.4.2. Any such request for review along with any additional supporting evidence should be made within 21 days of the Applicant receiving written notification of the decision.

5.4.3 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 a change of circumstances form where appropriate. Failure to do so may result in an offer of property not being made or having to be withdrawn.

6.0 Assessment of Housing Need

6.1 All housing applications have their circumstances assessed and compared to the legal requirements an allocation scheme must contain. Section 2 of this document sets out the legal framework for this and provides details of assessments, to explain how a particular housing band has been awarded.

6.2 Applicants are prioritised according to their housing need and are placed into the relevant banding based on that need. This allows for the Applicants identified as having the greatest need to be given relevant priority.

6.3 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, except Changing Places Scheme and PCRA, where there is no reasonable preference category applicable, will be assessed as per section 17 – Transfer Applicants of this allocation scheme.

6.4 The Council will notify the Applicant of their band 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.

6.5 If an Applicant's circumstances change and that assessment leads to a banding change being required, the Applicant will receive a 'banding date' as well as an original registration date – see section 12 - Allocation Procedure. The banding date will be the date in which the applicant qualified to be in that banding. It will be later than the original date and may change again should the application need to be reassessed.

6.6 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.

6.7 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 which will include Council senior officer/s and any other relevant parties, to establish the level of need and award appropriate priority/banding.

- 6.8 Where it has been identified that an Applicant may have deliberately worsened their circumstances, once verified, the application will be reduced to band 4.

7.0 Financial Resources and Affordability

- 7.1 An Applicant would not normally be made an offer of accommodation if they own or have interest in another property in the UK or abroad that is reasonable to occupy. Reasonable to occupy is an assessment the Council will review and where there is domestic abuse recognised, in any form, the application of this rule may be overlooked. Generally, an Applicant in these circumstances will only be considered for supported housing, and/or extra care, based on their housing needs.
- 7.2 All Applicants will be required to complete a financial assessment and will be required to self-certify their financial position, providing supporting evidence to confirm their ability to pay the relevant rent and other bills. If an applicant fails to provide this information, intentionally gives false information or diverts their interest in property in this respect, they will be excluded from being made an offer of accommodation.
- 7.3 If it is considered that the Applicant has sufficient resources/equity in your home to resolve your housing need, then you will be excluded from the housing register. We will consider a range of factors, based on your ability to access either the private rented sector or purchasing another suitable property. As guidance we would usually consider that a property is affordable that equated to one third of your income, considering personal circumstances such as family size.
- 7.4 The council wants to ensure the property is sustainable and has introduced a traffic light, rating system for an applicant's financial position. This rating does not affect your banding but may help the council to assess how best they can assist you in being tenancy ready. Therefore, in addition to completing an income and expenditure form applicants may also be asked to complete a short series of questions within the application to aid this assessment. In some instances, applicants may be offered the opportunity to attend training and support sessions to enhance skills in managing your tenancy well.

8.0 Applicant Banding

- 8.1 Newark and Sherwood District Council operate a banding system for the assessment of housing need, offering applicants bands ranging from one-four. A band one applicant, will, in the assessment of housing law be considered to be the most in need with a band four applicant being assessed as no housing need under the 1996 Housing Act.
- 8.2 Applicants should be aware that when assessing medical circumstances this is completed based on the information provided by the applicant, based on their current living conditions/circumstances. Copies of existing documentation, medical reports and prescriptions can be used as supporting evidence however you will not be requested to visit a GP to obtain a letter.

8.3 Banding Overview

Application Banding	Description	Page
Band One	Urgent Housing Need	16 - 17
Band Two	Applicants with High Housing Need	18 - 20
Band Three	Applicants with Some Housing Need	21 – 23
Band Four	Applicants with No Housing Need or applicants who have deliberately worsened their circumstances	24 - 25

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 be in priority need and unintentionally homeless.

All Applicants accepted as being owed a homelessness duty will have their 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.

Medical Grounds – Urgent Medical Need

Where the Applicant or a member of the household has a medical condition or disability where remaining in the current property poses a severe and/or life-threatening risk to the Applicant and/or another member of the household.

Band One Cont'd

Living Conditions – Housing Health Safety Rating System (HHSRS)

Where the applicant is a private sector 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], that 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.

Overcrowding

The bedroom standard as recommended by the Secretary of State is used to assess overcrowding. The bedroom standard allocates a separate bedroom to each:

- adult aged 16 years or more, single (sole applicant)
- married or cohabiting couple
- pair of adolescents aged 10 to 16 years of the same sex
- pair of children aged under 10 years regardless of sex

Government Room Standard - <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard/technical-housing-standards-nationally-described-space-standard>

A household will be deemed to be severely overcrowded, if when the room standard is applied, the household is lacking three bedrooms or more, and their home is no longer considered suitable for their needs.

For information - where there are additional rooms that would not be typically used as bedrooms, such as a dining room, any additional rooms should be counted as providing bed spaces, except for a kitchen, bathroom and one room being used as a living room.

In determining whether a property is overcrowded the Housing Choice Adviser will apply an objective test based on the size and type of property and not on how the property is being used by the occupants.

A Senior officer of the council has the discretion to consider exceptional cases where the bedroom criteria do not readily match the household type (e.g., applying bed space standard).

Under Occupancy

The council has a limited availability of housing stock so when tenants are under occupying properties it is essential that the council does all it can to support these tenants in freeing up their accommodation for something smaller, and perhaps more manageable. Therefore,

Band One Cont'd

from time to time, as deemed necessary, the council will introduce specific schemes looking to target particular property types to ensure it continues to make best use of them.

Changing Places Scheme (applicable only to Council tenants)

The Changing Places Scheme is designed to give priority to Transfer Applicants who occupy a general needs property of two or more bedrooms and want to move to smaller accommodation.

Applicants awarded this band will have their bidding monitored and if there have been no bids in a twelve-month period, will be demoted to the band that represents their housing needs. Applicants losing this priority due to inactive bidding will only be reassessed following significant changes to their housing needs.

Band One - Other Status

Band one is applied when a person-centred risk assessment has been completed and assessed, identifying a need to move a current tenant and/or their household to alternative accommodation for safety reasons.

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, are in priority need and unintentionally homeless.

Medical Needs - Severe

The applicant or a member of the household have a medical condition or disability that is moderately impacted on by remaining in the current property, and is considered unsuitable and/or where this leads to social isolation, supporting evidence will be required, 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.

These criteria 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 support needs are in place and is evidenced via a Ready 2 Move Assessment. This band is also applicable to the Council's Next Steps Accommodation Programme (NSAP) accommodation.

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 Nottinghamshire County Council care leavers. The Council have a commitment to support 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. If the offer is considered to be unsuitable, the Applicant/worker will need to request a review of suitability.

Insecurity of Tenure

Applicants who have had a possession order obtained against them by a landlord or mortgage lender (not the Council). Applicants will be required to provide evidence that the Notice served is not a result of their or a member of the household's act(s) or omission(s).

Some applicants who were a band 2 – insecurity of tenure but go on to leave the property, may, following assessment, be eligible to retain their insecurity of tenure banding even though they can no longer reside in the property. Please speak with your housing officer.

Overcrowding

The bedroom standard as recommended by the Secretary of State is used to assess overcrowding. The bedroom standard allocates a separate bedroom to each:

- adult aged 16 years or more, single (sole applicant)
- married or cohabiting couple
- pair of adolescents aged 10 to 16 years of the same sex
- pair of children aged under 10 years regardless of sex

Government Room Standard - <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard/technical-housing-standards-nationally-described-space-standard>

A household will be deemed to be moderately overcrowded, if when the room standard is applied, the household is lacking two bedrooms, and their home is no longer considered suitable for their needs.

For information - where there are additional rooms that would not be typically used as bedrooms, such as a dining room, any additional rooms should be counted as providing bed spaces, except for a kitchen, bathroom and one room being used as a living room.

In determining whether a property is overcrowded the Housing Choice Adviser will apply an objective test based on the size and type of property and not on how the property is being used by the occupants.

A Senior officer of the council has the discretion to consider exceptional cases where the bedroom criteria do not readily match the household type (e.g., applying bed space standard).

Refuge Accommodation

This banding is to be applied to Applicants who have been in placement at a 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.

DRAFT

No rights of succession for occupants residing in Newark and Sherwood District Council rented property.

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. This requires approval from a Senior Officer.

DRAFT

Band Three

Medical - Non-urgent

The Applicant or a member of the household has a 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.

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. 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 taking appropriate action. This priority is only awarded for the period of time that the work remains incomplete/outstanding.

Welfare and Hardship

- Applicants who need to move closer to relatives to give or receive assessed care or support and where moving would prevent significant physical, psychological or financial hardship;
- Applicants who need to move closer to a specialist organisation, agency or institution within Newark and Sherwood and where moving would prevent significant physical, psychological or financial hardship;
- Applicants who are having difficulty meeting their housing costs and where moving would prevent significant financial hardship.

Overcrowding

This is assessed by closely applying the bedroom standard as recommended by the Secretary of State. The bedroom standard allocates a separate bedroom to each:

- married or cohabiting couple

Band Three Cont'd

- adult aged 16 years or more
- pair of adolescents aged 10 to 16 years of the same sex
- pair of children aged under 10 years regardless of sex

Government Room Standard - <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard/technical-housing-standards-nationally-described-space-standard>

A household will be deemed to be overcrowded, if when the room standard is applied, the household is lacking one bedroom, and their home is no longer considered suitable for their needs.

For information - where there are additional rooms that would not be typically used as bedrooms, such as a dining room, any additional rooms should be counted as providing bed spaces, except for a kitchen, bathroom and one room being used as a living room.

In determining whether a property is overcrowded the Housing Choice Adviser will apply an objective test based on the size and type of property and not on how the property is being used by the occupants.

The Senior Housing Choice Officer has the discretion to consider exceptional cases where the bedroom criteria do not readily match the household type (e.g., applying bed space standard).

Refuge Accommodation

This banding is to be applied to Applicants who have been in placement at a refuge and the Refuge Worker has been able to confirm that the resident is ready for independent living.

This is not specifically for those placed within the Newark and Sherwood district.

Sharing Facilities/Household within a Household

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 share these facilities and does not include gardens and communal areas.

No Fixed Address/Rough Sleeping/Sofa Surfing

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 any other agency with which the rough sleeper is registered.

Band Four

Applicants or other social tenants with no evidenced housing need, who have accepted a property knowing it did not fully meet their needs and whose circumstances have not changed significantly.

Private rented tenants who are adequately housed, who are not subject to notice and do not have a welfare, medical or additional need for alternative housing.

Deliberate Worsening of Circumstances

Where it has been identified that an Applicants may have deliberately worsened their circumstances, once verified the application will be reduced to band 4.

Examples of this could include but are not limited to:

- a) 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.
- b) 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/or welfare.
- c) Applicants who deliberately overcrowd accommodation other than where it is necessary to prevent homelessness.
- d) Applicants who deliberately move to a home which was clearly unaffordable at the point they move into it.
- e) Applicants who leave suitable accommodation without making suitable provision unless there was good reason to leave.
- f) 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.

9.0 Advertising Properties

- 9.1 Properties available to allocate for both Council and other social housing providers, will be advertised on the Council website or via the applicants online housing account.
- 9.2 Properties advertised will give a description of the property, its location, any local connection criteria and suitability criteria to help Applicants choose a property suitable for their needs.
- 9.3 In some circumstances, properties may not be advertised as part of the allocation scheme. Examples of this include but are not limited to;
- a) Temporary accommodation required because of flood, fire or another emergency.
 - b) Properties required for existing tenants when they are faced with home loss.
 - c) Effective and Efficient use of housing stock.
 - d) Discharge of the Council duties e.g. supporting partners via the Multi-Agency Public Protection Arrangements (MAPPA) protocol.
- 9.4 Properties advertised will be available for both Applicants and transfer Applicants.
- 9.5 Applicants or their advocates can request details of available properties by accessing the website or by contacting customer services on 01636 650000.
- 9.6 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, giving their order of preference. Interest in a property can be made via telephone, e-mail, online, in person.
- 9.7 Applicants will only be contacted if their bid is being considered for an allocation.
- 9.8 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.

10.0 Allocation Procedure

10.1 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) Banding date

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

10.3 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 was made or last updated.

10.4 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.

10.5 If the Applicant's verification checks are satisfactory, the offer of a property will be made.

10.6 In the event of the Applicant's verification checks fail you will be advised of the reason for this decision in writing and the property will be offered to the next qualifying Applicant.

10.7 Suitability Criteria

10.7.1 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.

It should be noted that certain properties have designated age criteria and therefore the eligibility criteria may be different. Any such difference will be clearly identified when the properties are advertised.

10.7.2 Applicants are suitable for accommodation if the following criteria is met:

- a) Singles/couples under 60 are considered to need one bedroom. This is usually general needs accommodation.
- b) An adult requesting to share with another adult [who is not a partner] will require one bedroom each.
- c) Single/couples over 60 are eligible for supported accommodation of one or two bedrooms.
- d) 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.
- e) Married couples, those in a civil partnership or persons living as 'man and wife' are considered to need one bedroom [unless the partner needs a separate bedroom on proven medical grounds].
- f) Two dependent children of the same sex or two children under 10 of opposite sex are 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/or the child is in higher education.
 - i. If you have a large family that has little or no prospect of finding a property which is large enough for your needs, we may permit you to bid for properties smaller than you need.
 - ii. In such circumstances, before any amendments are made to your bedroom eligibility, 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 statutorily overcrowded and the Applicants are not required to accept smaller properties although they may face a significant wait for alternative accommodation.
- g) 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 the child/ren.
- h) When 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 the child/ren and this is where the child/ren reside 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 as set out in HMRC, Universal Credit or equivalent.
 - Court orders, legally binding consent orders or relevant supporting documentation from a solicitor.
 - Percentage of time spent caring for the child/ren, 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 e.g. for medical or special care needs.
- 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 person 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 qualify for a bedroom each. If the person already has one child, the unborn baby will be treated as if it were the same sex. If the person 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.

10.8 Direct Offers

10.8.1 In some circumstances, the Council will not advertise properties on the Council's housing register. Instead, a direct offer of accommodation may be made to an applicant which 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.

10.8.2 Direct offers will only be made subject to approval from the Assistant Business Manager or Business Manager for Housing and Estates Management or a Senior Officer not involved in the case.

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

a) If the 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 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 short supply e.g. larger properties/disabled adaptation properties.

11. Not Offering a Tenancy to the Highest Bidder

- 11.1 The Council has the discretion to not offer a tenancy to the highest bidder for an advertised property 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.
- 11.2 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 the Applicant's 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 counterintuitive 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.
- 12.0 **Penalties for Refusing Offers of Accommodation**
- 12.1 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.
- 12.2 Once the application has been reinstated, should a further offer and subsequent refusal of suitable accommodation be made, the application will be cancelled and removed from the housing register.
- 12.3 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 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 department [not originally involved in the case] to make a final decision based on the evidence available.

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

If a tenant has provided the council 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 obligations under this section of the scheme will cease and the tenant is expected to continue residing in their current tenancy/circumstances.

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

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

- a) 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.
- b) 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.
- c) To enable major repairs which require permanent or temporary move (decant).
- d) Where adapted properties are no longer required by the tenant or a member of their household.
- e) Applicants or tenants requiring specialist and/or adapted properties.
- f) 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.

13.1.3 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 scheme 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 **Transfer Applicants**

14.1 Transfer tenants of the Council, who do not have reasonable preference or 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.

14.1.2 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.

14.1.3 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 the property is in good condition and there have been no breaches of the tenancy.

14.1.4 Tenants experiencing significant financial hardship, who are engaged with appropriate services, who require a move to alleviate hardship and where they are not eligible for an incentive to move payment.

14.1.5 Where a transfer Applicant without reasonable preference but with an identified need to move will receive a direct offer of accommodation.

14.1.6 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.