



# **ALLOCATIONS SCHEME**

## **2014**

**Implemented 15<sup>th</sup> January 2015  
Reviewed July 2015 & January 2016**

## PREFACE

The Housing Allocations Scheme was implemented on 2 March 1998 and replaced the Housing Waiting List with a new Housing Register.

The Housing Allocations Scheme has been amended periodically and this current Housing Allocations Scheme has been formulated in accordance with the requirements of:

- the Housing Act 1996 as amended by the Homelessness Act 2002
- the Localism Act 2011
- the *Allocation of Accommodation – Code of Guidance for local housing authorities in England*, published by CLG in June 2012
- *Providing housing for local people – Statutory guidance on social housing allocations for local authorities in England*, published by CLG in December 2013

The periodic amendments and the current Allocations Scheme have been approved by Stevenage Borough Council's Housing, Health and Community Services Committee or the Executive Committee through the following reports:

<b>Report</b>	<b>Date Agreed</b>
1. Review of the Implementation of the Allocations Scheme	19 January 2016
2. Housing Allocations Scheme Review	22 July 2014
3. Housing Allocations Scheme -Review of Implementation	18 November 2009
4. Housing Allocations Scheme Review	29 October 2008
5. Housing Allocations Scheme Review	18 July 2007
6. Allocations Policy Review	5 October 2005
7. Allocations Policy	17 November 1999
8. Transfer Policy Review	16 March 1999
9. Housing Allocations Policy	6 February 1998
10. Allocations Policy	4 June 1997
11. Housing Allocations Policy	19 March 1997
12. Transfer Policy	20 November 1996
13. Re-housing Guarantees	12 August 1996

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## 1) ***Introduction***

Stevenage Borough Council is a housing stock owning local authority. This allocations scheme explains who may or may not join the council's housing register, how to apply for social housing by joining the housing register and how decisions are made about allocating homes. This document, and a summary document, are available on request from the council and can also be downloaded from the council's website [www.stevenage.gov.uk](http://www.stevenage.gov.uk)

## 2) ***Aims and objectives***

This allocations scheme aims to:

- meet the council's statutory duties with regard to homeless households
- offer a simple, fair and transparent process
- offer applicants realistic options and informed choice
- make best use of the council's housing stock
- meet the wider objectives of the council's housing strategy, homelessness strategy, tenancy strategy and tenancy policy
- promote sustainable and mixed communities

## 3) ***The legal framework***

The Housing Act 1996 as amended by the Homelessness Act 2002 requires local authorities to make all lettings of their own homes and nominations to registered provider homes in accordance with a published allocation scheme.

Section 167(2) of the Housing Act 1996 as amended, requires local authorities to give 'reasonable preference' in their allocation scheme to certain groups of people with high levels of assessed housing need. The Act also requires local authorities to state within the scheme what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be let to them.

The council operates a choice based lettings scheme called Home4U to allocate available homes. Home4U gives applicants the opportunity to express an interest both in available council owned homes (subject to the terms of this allocations scheme and the individual property size and type), and in nominations to available local registered provider landlords homes (subject to the terms of this allocations scheme and the individual property size and type and to the terms of those registered providers own lettings policies - see paragraph 39.10)

This allocation scheme complies with the requirements of Section 167(2) of the Housing Act 1996 as amended and also the changes to allocation legislation brought about by Sections 145-147 of the Localism Act 2011. The allocations scheme also takes into account the *Allocation of Accommodation: code of guidance for local housing authorities in*

*England*, published by CLG in June 2012, which replaces all previous statutory guidance on social housing allocations; and additional guidance, *Providing housing for local people – Statutory guidance on social housing allocations for local authorities in England*, published by CLG in December 2013

This allocations scheme has been written with due regard having been paid to the council's housing strategy, homelessness strategy, tenancy strategy and tenancy policy. These documents can be found on the council's website [www.stevenage.gov.uk](http://www.stevenage.gov.uk)

#### **4) *Equality and diversity***

This allocations scheme is drafted and framed to ensure that it is compatible with the council's equality duties including the Equality Act 2010 and has been subject to a full published Equalities Impact Assessment.

The council will make sure that all people have equal access to services and are not treated less favourably on grounds such as age, sex, gender identity, sexual orientation, disability, race, religion or belief, pregnancy or maternity or marital status.

#### **5) *False or misleading information***

Section 171 of the Housing Act 1996 as amended by the Homelessness Act 2002 makes it an offence for anyone seeking assistance from a local authority to:

- knowingly or recklessly give false information to the authority; or
- knowingly withhold information which the authority has reasonably required them to give in connection with the exercise of their functions under Part VI of the Housing Act 1996 as amended by the Homelessness Act 2002

A person guilty of an offence under this section is liable on summary conviction to a fine.

Legal proceedings may begin if:

- any false information is given, or information withheld, on an application form to appear on the housing register
- any false information is given, or information withheld, in response to subsequent letters or other update mechanisms
- any false information is given, or information withheld, by applicants during a review

If the council discovers an applicant has knowingly or recklessly given false or misleading information and/or has knowingly withheld relevant information, the application will be cancelled and legal proceedings may be initiated.

The council or a local registered provider can seek possession of a tenancy that they have granted as a result of a false statement by the tenant or a person acting for the tenant.

## **6) *Disclosure of information***

Section 166 (4) of the Housing Act 1996 as amended by the Homelessness Act 2002 does not allow the council to tell any other members of the public if a person is on the housing register, or to give any other information held about them.

The council may not confirm to a member of the public, other than the applicant, that the applicant has registered an application for housing. Officers are unable to discuss the details of any application with another member of the public, including members of the applicant's family.

An applicant may authorise another person to deal with and discuss their application with the council. Authorisation can be given by the applicant either in writing or in person. If given in person, authority must be recorded in writing by the officer responsible and retained on the applicant's file for future reference.

The council will take reasonable steps to make sure that any member of the public is indeed the applicant before dealing with their enquiry.

In certain circumstances disclosure will become necessary, for example where the sharing of information is sensible and can speed up the allocation process. For instance, this information could be disclosed to councillors, housing officers, occupational health officers, doctors, social services, the police, the probation service, other local authorities and registered providers on a 'need to know' basis or where applicants have particular needs for support without which they would not be able to maintain a tenancy. Information may also be disclosed for the prevention and detection of fraud.

By signing the application form, the applicant is agreeing that this may take place.

## **7) *Housing options***

The council believes that social housing should be seen as one of a range of options available to applicants to meet their housing needs and that applicants should consider other housing options, such as:

- low cost home ownership
- a mutual exchange
- renting in the private sector

The council's housing advice service offers free, impartial and independent housing advice on a range of housing issues, including homelessness, accessing housing in the private rented sector, and mortgage and rent arrears.

## **8) *Reasonable preference***

Part 6 (s.167(2)) of the Housing Act 1996 as amended requires local housing authorities to give reasonable preference for an allocation of accommodation to the following groups of applicant:

- homeless households



- people living in insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- people who need to move on medical or welfare grounds including grounds relating to a disability. Welfare grounds could include those who need to move in order to provide or receive care and support, or in order to provide a secure base for a vulnerable person to build a secure life or to assist a vulnerable person who could not be expected to find their own accommodation
- people who need to move to a particular locality in the district when failure to do so would result in hardship to themselves or to others.

An applicant will not be given reasonable preference if their only qualification for reasonable preference is the presence in their household of a person who is a restricted person under the terms of Part 6 (s.166A(4)) of the Housing Act 1996 as amended.

### **9) *Additional preference***

Local housing authorities may also give additional preference to people who fall within the reasonable preference groups and who have urgent housing needs. Examples include:

- those owed a homeless duty as a result of violence or threat of violence
- witnesses or victims of crime who would be at risk of intimidation amounting to violence or threats of violence if they remain in their present home
- those who need to move for urgent medical reasons

### **10) *Additional preference for the armed forces***

The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (effective 29 November 2012) places an additional requirement on local authorities to give additional preference to a person with urgent housing needs who falls within a reasonable preference group and who:

- i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- ii) formerly served in the regular forces
- iii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- iv) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

In addition to this regulation, the council will consider granting this additional preference to a person who fulfils the above criteria but whose illness or disability is not directly attributable to their service.

## 11) ***The housing register***

Applicants must be aged 16 or over to apply to join the housing register. Applications will be accepted from those who are both eligible and qualified to join.

The housing register is a computer record of all applicants (including existing council or registered provider tenants in a reasonable preference category wishing to transfer) who are requesting:

- an introductory or secure tenancy of a Stevenage Borough Council property; and/or
- a nomination to a starter or assured tenancy of a local registered provider social landlord's property; and/or
- a nomination for shared ownership of a registered provider's property

## 12) ***Who can join the housing register – Eligibility***

Certain people from abroad, including some who are excluded because of asylum or immigration legislation or who are British citizens who fail the habitual residence test, are not eligible for an allocation of social housing. This exclusion does not apply to existing secure, introductory or assured tenants. Decisions on eligibility will be made according to the legislation prevailing at the time of application; decisions may be amended or overturned if subsequent legislation demands it.

## 13) ***Who can join the housing register – Qualification***

Any eligible applicant aged 16 or over can apply to join the housing register and will qualify to join **unless**:

### **13.1 They have given false or misleading information or withheld relevant Information in connection with their application**

See paragraph 5 for more information on false or misleading information.

### **13.2 They do not have an established local connection to Stevenage**

An applicant will be considered to have a local connection to Stevenage if they meet one or more of the following criteria:

- Currently resident in Stevenage and at the date of application has lived in Stevenage for five years out of the last 7, with no more than two separate occasions outside of Stevenage.
- Where a household has presented themselves to Stevenage being at imminent risk of homelessness and are engaging with a homeless prevention program (as confirmed by the Housing Advice Team), who then source themselves their own accommodation out of the Borough will retain their previous local connection for up to 2 years.
- a student living and studying outside Stevenage providing they were normally resident in Stevenage continuously for the five years prior to commencing their studies

- currently residing in a Stevenage Women’s Aid refuge for a minimum of six months
- at the date of application is not currently resident in Stevenage but has lived in Stevenage continuously for the last five years and is temporarily living outside Stevenage whilst:
  - receiving medical or respite care
  - living in supported housing
  - serving a custodial sentence
  - adhering to bail conditions

An exception to the local connection rule may be made for older applicants who are willing to accept an offer of a hard-to-let sheltered property. See paragraph 29.4

An exception to the local connection rule may be made for social housing tenants who need to move to Stevenage for employment reasons and fulfil the criteria set out in the Right to Move Policy.

In addition, exceptions to the local connection rule apply to certain members or former members of the armed forces.

*The Allocation of Housing (Qualifying Criteria for Armed Forces) (England) Regulations 2012* (effective 24 August 2012) state that certain members or former members of the armed forces do not have to prove a local connection to an area in order to qualify to join the housing register. A qualifying person is one who:

- is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing; or
- has recently ceased, or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person’s spouse or civil partner where the spouse or civil partner has served in the regular forces and their death was attributable (wholly or partly) to that service; or
- is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

Applicants who fulfil these criteria will not be required to prove a local connection in order to be accepted onto the housing register, although the other qualifying criteria will still apply. In addition, the council will consider applicants whose illness or disability is **not** directly attributable to their service.

Applicants **not considered to have a local connection** include the following (this list is not exhaustive, decisions on local connection will be made on a case by case basis):

- anyone on holiday or receiving hospital treatment in Stevenage
- anyone who has been temporarily housed in Stevenage by another council
- anyone living in supported housing in Stevenage but who does not otherwise have a local connection to Stevenage
- anyone living in hostel accommodation who does not otherwise have a local connection to Stevenage

Applicants with an identified need for sheltered accommodation but do not meet the local connection criteria may be considered for hard-to-let sheltered housing ONLY. See paragraph 29.4.

### **13.3 They are the owner of residential property**

Applicants who are current home owners will not qualify to join the housing register.

If another member of an applicant's household –who is included in their application - is a homeowner the applicant will not qualify to join the housing register.

The council defines current homeowners as:

- people who have or are acquiring a freehold or leasehold interest in a residential property whether in sole or joint names. This includes properties purchased under the right to buy or the right to acquire, properties abroad, properties that have been sublet and properties where people have an interest via shared equity or shared ownership (but not those purchased under the Council's Low Start Shared Ownership scheme where only 5% equity is owned)
- people who own or part-own a sited mobile home or houseboat
- people who still have their names on the title deeds of a residential property which has been repossessed but not sold or who still have their names on the title deeds of a property that is for sale, or have an unresolved legal or financial interest in their home (for example through divorce or separation proceedings), will be considered as current home owners until such time as they can provide documentary proof that they no longer have a legal or financial interest in the property
- someone who has gifted their residential property, or equity from their property, to another person within the last ten years

The council will consider re-housing some owner-occupiers living in Stevenage into sheltered housing, (subject to the normal assessments) when they fulfil certain criteria and are willing to sell their existing property to the council at below market value, in accordance with the Council's Policy on the Purchase of Open Market Properties to Assist Vulnerable Homeowners to Move into More Suitable Accommodation and to Support the Prevention of Homelessness.

### **13.4 They are considered to be unsuitable to be a tenant because of unacceptable behaviour:**

- they or a member of their household has committed anti-social behaviour in or around the vicinity of their home that has resulted in an ASBO, ABC, injunction or other legal deterrent being issued within the past five years
- they or a member of their household have a conviction for using their accommodation, or allowing it to be used, for illegal or immoral purposes such as drug dealing, within the past five years
- they have been evicted from a tenancy by a social landlord for a breach of tenancy conditions, including non-payment of rent, within the past five years

An applicant may re-apply to join the housing register after 12 months. During this time they will be expected to demonstrate behaviour that would make them suitable to be a

tenant, such as no further anti-social or criminal behaviour in or around the vicinity of their home; no further breaches of tenancy conditions; repayment of outstanding rent arrears. In the event of an offer of accommodation being made, it will be subject to a probationary period by way of an introductory tenancy, during which time the applicant will be expected to continue to demonstrate reasonable behaviour.

### 13.5 Exceptional circumstances

Any person who is not a qualifying person by reason of the above criteria may be deemed to be a qualifying person by a Senior Manager at Head of Service level or above, on the basis of (a) exceptional circumstances or (b) in order to ensure that the council is complying with its statutory duties such as under the Housing Act 1996, s166A(3), or under the Equality Act 2010, s149.

## 14) *Financial resources*

When deciding who should have priority for an allocation of housing, the council will take into account the financial gain (capital/equity) from former home ownership available to applicants to meet their own housing need. The council defines former homeowners as:

- people who in the past ten years have had any freehold or leasehold interest in a residential property whether in joint or sole names. This includes properties purchased under the right to buy or the right to acquire, properties abroad, sited mobile homes or houseboats, properties that have been sublet and properties where people had an interest via shared equity or shared ownership (but not those purchased under the Council's Low Start Shared Ownership scheme where only 5% equity was owned).

Capital/equity above the level set by the Department of Work and Pensions (DWP) that excludes a person from claiming housing benefit will be taken into account. The council will make enquiries into how the capital/equity has been disposed of and may decide to treat the capital/equity as still held by the applicant.

Capital/equity will be considered as still held by the applicant unless they can provide evidence that the funds were disposed of by:

- clearing priority debts (we will apply the Citizens Advice Bureau definition of a priority debt)
- paying rent in the private rented sector
- spending on the **essential** costs of setting up a home (such as a cooker and bed)

Where the council considers capital/equity to be still held by the applicant, the application will be placed in band F of the housing register. We will calculate the amount regarded as held as reducing monthly by the amount required to rent, in the private sector, a property of the size needed to meet the applicant's housing need. When the amount regarded as held by the applicant falls below the current DWP limit using this calculation, the application will be re-assessed and placed in the appropriate band.

## **15) *How to apply to join the housing register***

Applicants must complete a housing register application form and return it, together with all the proofs required, to the council's lettings team. Forms received incomplete or without all the necessary proofs will be returned to the applicant and will not be processed further. A housing register application pack is available from the customer service centre or an application form can be downloaded from the council's website [www.stevenage.gov.uk](http://www.stevenage.gov.uk)

We are currently in the process of reviewing the application process and intend to introduce an on-line application process in due course.

When your application has been registered, the council will contact you by letter or email to tell you:

- the effective date of your application. This will normally be the date your application form was received by the council. However, if you did not provide all the requested information with your application form, the effective date will be the date that all requested information was received by the council
- the band in which your application has been placed
- the size/type of property for which you meet the criteria to bid under CBL

## **16) *Proof of circumstances***

Applicants must provide proof of their identity, residence, local connection and other circumstances when applying to join the housing register or updating their application details, and again before an allocation of housing can be made to them following a successful bid under CBL.

By completing a housing register application form applicants are authorising the council to contact other organisations or individuals as necessary in order to carry out checks on the information they have provided. This may include carrying out a credit reference check and accessing social media sites.

Up to date details of what information is needed and what proofs are acceptable will be provided as part of the housing register application pack and will also be available on the council's website [www.stevenage.gov.uk](http://www.stevenage.gov.uk)

## **17) *Who will be considered part of an applicant's household?***

The council will decide in each case if people included by an applicant on their housing application will be considered as permanent members of their household when assessing what size and/or type of property they can be allocated.

**17.1** The council will generally consider the following to be permanent members of a household:

- Spouses, civil partners or co-habiting partners residing with the applicant at the date of application

- dependant children under 18 and residing with the applicant at the date of application
- dependant children aged over 18 will be considered as part of the household if the council is satisfied they are permanently resident with the applicant
- other dependant adult relatives will be considered as part of the household if the council is satisfied they are permanently resident with the applicant and that this arrangement is reasonable
- permanent, full time, live in carers residing with the applicant at the date of application will be considered as part of the household if written confirmation of the applicant's need for a permanent, full time, live in carer is received from the relevant Social Services department

**17.2** The council will not generally consider the following as permanent members of a household and they will not be included when assessing what size and/or type of property the applicant can be allocated.

- non-dependant adult children or other non-dependant adult relatives
- non-relatives
- non-resident carers
- lodgers
- live-in help
- children for whom the applicant or their partner has staying arrangements but who are not permanent members of the household.

Where residence of dependant child/ren under 18 has been agreed between the parents, by consent or by a Court Order, and the council is being asked to include them as part of an applicant's household, the council will verify their permanent and/or principal home by establishing the following:

- which parent/guardian receives benefits, such as child benefit/child tax credits; and
- which parent/guardian arranges and pays for any childcare arrangements; and
- the home address and next of kin which the child/ren's school **and** GP have registered for them

and by checking the identity of the parents/guardian shown on the birth certificate(s), and if necessary carrying out a home visit.

If an applicant can show that their child/ren has their permanent and/or principal home with them and are therefore dependent upon them, they can be included as part of the applicant household.

**The council will not normally consider a dependant child/ren to have a permanent and/or principal home with more than one household.**

## **18) *Joint applications***

The council will accept joint housing register applications from couples when both are aged 16 years or over and are married or civil partners; or have lived together for at least

six months; or have a child of their relationship, provided each applicant is eligible and qualifies to join the register in their own right.

## 19) ***Changes in circumstances***

The council expects applicants to manage their housing applications by keeping the lettings team informed of any changes to their circumstances that may affect their housing application. It is the **responsibility of the applicant** to inform the lettings team immediately should such changes occur.

Changes that must be notified include, but are not limited to, a change of address, email address or contact telephone number, an addition to the family, a person named on the application leaving the household or a change to the employment that gave rise to the applicant's local connection.

This is essential to ensure that the details we hold about an application are up to date and the application is placed in the correct band. It is particularly important that we have the correct contact details as any correspondence will be sent to the last notified address or email address on our records. If we become aware of a change to circumstances but the applicant fails to respond to a request to contact us to discuss the matter; or to update their application details on request, their application **will be cancelled**.

Where an applicant informs the lettings team of a change to their circumstances, their application may be reassessed (depending on the change) and the application may be placed in a different band. When this happens, we will notify them of:

- The new effective date of the application
- The band in which the application has been placed

## 20) ***Effective date of an application***

The effective date of an application is the date the original application was registered and placed into one of bands A to E. For applications that are registered and placed into band F, the effective date will be the date the application subsequently moves into one of bands A to E. If the council is advised of a subsequent change to circumstances that means an application moves into another band, the effective date of application may change:

- When moving to a **higher** band, the effective date of application will become the date the application moved into the higher band
- When moving to a **lower** band, the effective date of application will either:
  - remain the original date of application; or
  - if the application has previously been in that lower band, revert to the date previously assessed for that band

This is to ensure that within each band, the applicant who has been in housing need longest will be given the greatest priority for an allocation of housing

## 21) ***Worsening circumstances***



Social housing in Stevenage is an extremely scarce resource in demand from a very large number of applicants, the majority of who will never receive an offer of accommodation from the council. The council has a responsibility to make the best use of its housing stock by ensuring that allocations of housing are made only to those who are in genuine housing need and who, despite having made every effort to help themselves improve their housing situation, continue to have a housing need.

For this reason applicants who worsen their housing circumstances with the result that they would otherwise be placed in a higher band on the housing register will not benefit and their application will be placed in band E.

We will consider that an applicant has worsened their housing circumstances when we are satisfied that they have:

- acted or failed to act in a way which results in a deterioration of their housing situation when this could have been avoided; or
- failed to move within the private rented sector when suitable or more suitable accommodation was available and affordable; or
- otherwise failed to seek to improve their circumstances.

Worsening of housing circumstances can include but is not limited to:

- Transferring or otherwise disposing of part or full ownership of any residential property within the past ten years for less than its market value (except where the household has been assisted through a recognised Mortgage Rescue Scheme)
- Moving from accommodation that was available for occupation; suitable or more suitable than the accommodation they moved into; and reasonable for them to continue to occupy
- Moving family members or others into their accommodation, the outcome of which is that the accommodation becomes unsuitable or overcrowded or more unsuitable or more overcrowded, unless the addition to the household is considered to be unavoidable such as older relative requiring full-time care)
- Renting a property in the private rented sector that is too small or otherwise unsuitable for their needs.

This is not an exhaustive list, and each case will be considered individually.

## **22) *How we prioritise housing register applications***

We use a banding system to identify those in the greatest housing need. Once an application has been approved, we will decide in which band to place the application based on the information provided on the application form and any further enquiries we have made in connection with the application. If an applicant's circumstances change, their application may be moved to a different band

## **23) *Time-limited bidding***

Time limited bidding will apply to some applicants in the greatest housing need. Time-limited bidding applicants will be expected to bid for **all suitable properties** advertised

under choice based lettings as soon as they are placed in a band. The time limited bidding period will normally be three months. Where time limited bidding applies to a particular applicant group or situation this is clearly stated in this document.

A property will be considered suitable if it meets the primary housing need of the applicant. Generally this will mean the property has the number of bedrooms required by the household, regardless of whether the property is a house, flat or maisonette. A property may also be considered suitable in accordance with a medical assessment, for example, one level or level access accommodation; or is of a particular size or type as specified by the Senior Officer Housing Needs Panel.

The bids of time limited bidding applicants will be monitored throughout the three month period and the following decisions made:

### **Applicant bidding regularly and realistically**

If the applicant has been bidding for all suitable properties but been unsuccessful in their bids, or if no suitable properties have been advertised, then their bidding period will be extended for a maximum of a further three months. Their bids will continue to be monitored during this period to ensure that they bid for all suitable properties: If still unsuccessful at the end of the extended bidding period, or if no suitable properties have been advertised, the applicants will no longer be able to bid but a direct allocation of a suitable property will be made to them.

Only one direct allocation will be made. If this offer is refused we will consider that the urgency is no longer justified and the priority no longer applies: The application will then be reassessed and placed in the appropriate band.

### **Applicant not bidding regularly or realistically**

If the applicant has not been bidding for all suitable properties or has been the successful bidder on a property but subsequently refused the offer of a tenancy, we will make proxy bids for suitable properties on their behalf. If a proxy bid is successful but the applicant refuses the offer of a tenancy, then we will consider that the urgency is no longer justified and the priority no longer applies: The application will be reassessed and then placed in the appropriate band.

The Banding System table below shows which applicants will be subject to time-limited bidding.

## **24) *The banding system***

Applications from applicants who have an active application, can bid under choice based lettings and be considered for an allocation of accommodation, will be assessed and placed into one of five **bands A – E**.

Applications from applicants who have an inactive application and cannot bid under choice based lettings will be placed in **band F**.

Any person in one of the six bands A-F may be moved to a higher band if a Senior Manager at Head of Service level or above so decides on the basis of (a) exceptional circumstances or (b) in order to ensure that the council is complying with its statutory duties such as under the Housing Act 1996, s166A(3), or the Equality Act 2010, s149.

<b>Band A Urgent Priority</b>	<b>Criteria</b>
<b>Urgent medical factors (time-limited bidding)</b>	The council's medical adviser has confirmed in writing that the applicant (or a member of their household) is suffering from a medical condition that will not improve and is so severe that it makes it impossible or near impossible for them to continue to occupy the current property. Continuing to occupy the current property will result in an intolerably low quality of life for the patient and the medical adviser has recommended urgent re-housing.
<b>Band B Very High Priority</b>	<b>Criteria</b>
<b>Existing band C or D applicant and significant medical factors</b>	The applicant has been placed in band C or D and has also been assessed by the council's medical adviser as having significant medical factors.
<b>Very severe overcrowding (three bedrooms or more)</b>	The applicant has dependant child/ren as permanent members of their household and is overcrowded by three or more bedrooms.
<b>Severe overcrowding (two bedrooms) and sharing accommodation</b>	The applicant has dependant child/ren as permanent members of their household, is overcrowded by two bedrooms; <b>and</b> is sharing accommodation with another household.
<b>Severe under-occupying (2 bedrooms or more)</b>	The applicant is under-occupying by two bedrooms or more in line with Stevenage Borough Councils bedroom standard.
<b>Succession to a tenancy (time-limited bidding)</b>	The applicant is a statutory <u>or</u> discretionary successor to a tenancy and is required to move to a smaller property.
<b>Senior officer housing needs panel award (time-limited bidding)</b>	The applicant has been awarded greater priority by the senior officer housing needs panel. More information about the senior officer housing needs panel can be found at paragraph 35.
<b>Un-adaptable property</b>	The applicant is a council or registered provider tenant living in a home where an occupational therapist has recommended major adaptations but the landlord considers the property to be un-adaptable. This applies only to council and registered provider tenants living in Stevenage. Decisions will be made in line with the council's adaptations policy.
<b>Category 1 HHSRS hazards – prohibition order</b>	The applicant is a tenant of a private rented sector property where the council's environmental health section has confirmed the presence of a Category 1 hazard relating to disrepair (as defined by the Housing Health and Safety Rating System) that is so serious that the council is

	considering the service of a closing or prohibition order.,
<b>Special needs/ Care leavers/ 16/17 year olds (time-limited bidding) See paragraph 25</b>	The applicant has a valid local connection and is: A care leaver who meets the criteria; A priority need 16/17 year old who meets the criteria; A person ready to move on from supported accommodation who meets the criteria
<b>Statutory homelessness</b>	The council has accepted a homelessness duty under section 193 of the Housing Act 1996 as amended by the Homelessness Act 2002 and has placed the applicant in temporary accommodation.
<b>Homeless prevention</b>	The applicant has made active efforts to prevent their homelessness. A full housing needs appraisal has been carried out and established that the council would otherwise owe the full homelessness duty to the applicant and the council has negotiated for the applicant to remain in the existing accommodation in the short term to prevent homelessness. Homelessness prevention decisions are discretionary and can only be made by the Head of Housing Management.
<b>Armed forces personnel with urgent housing needs (time-limited bidding) See paragraph 10</b>	The applicant is a member or former member of the armed forces, with urgent housing needs as a result of serious injury, illness or disability and owed additional preference.
<b>Re-housing guarantee (time-limited bidding) See paragraph 34</b>	The applicant has re-applied for housing under a re-housing guarantee.
<b><i>Band C High Priority</i></b>	<b><i>Criteria</i></b>
<b>Significant medical factors</b>	The council's medical adviser has confirmed in writing that the applicant (or a member of their household) is suffering from a medical condition that means that it is difficult but not impossible for them to continue to occupy the current property. The medical adviser has recommended that early re-housing is required.
<b>Existing band D applicant <i>and</i> moderate medical factors</b>	The applicant has been placed in band D and has also been assessed by the council's medical adviser as having moderate medical factors.
<b>High hardship, welfare or social grounds</b>	The applicant needs to move in order to give or receive care or support or to access specialist medical treatment or specialist schooling; or to alleviate physical or social isolation by moving to sheltered housing.
<b>Severe overcrowding (two bedrooms)</b>	The applicant has dependant child/ren as permanent members of their household and is overcrowded by two bedrooms.
<b>Under-occupying by 1 bedroom</b>	The applicant is under-occupying by 1 bedroom in line with Stevenage Borough Councils bedroom standard.
<b>Overcrowding (one bedroom) <i>and</i> sharing</b>	Applicant has dependant child/ren as permanent members of their household, is overcrowded by one bedroom; <b>and</b> is

<b>accommodation</b>	sharing accommodation with another household.
<b>Opposite sex children sharing a bedroom</b>	The applicant has two children of opposite sexes, at least one of whom is aged 11 or over, as permanent members of their household and having to share a bedroom.
<b>Armed forces or former armed forces personnel with a local connection</b> See paragraph 13.2	The applicant is a member or former member of the armed forces who has applied to join the housing register within seven years of leaving the service AND had been resident in Stevenage at least five years out of the last 7 years prior to joining the services.
<b>Band D</b> <b>Medium Priority</b>	<b>Criteria</b>
<b>Moderate medical factors</b>	The council's medical adviser has confirmed in writing that the applicant (or a member of their household) is suffering from a medical condition that means that it is difficult but not impossible for them to continue to occupy the current property. The medical adviser has recommended that eventual re-housing is desirable.
<b>Single people and couples with no dependant children as part of their household</b>	The applicant is a single person or an eligible couple (with no dependant children living with them permanently) living with family or in any other shared accommodation including hostels and sofa-surfing, or are of no fixed address.
<b>Overcrowding (one bedroom) or sharing accommodation</b>	The applicant has dependant child/ren as permanent members of their household and is overcrowded by one bedroom; <b>or</b> is sharing accommodation with another household
<b>Same sex children sharing a bedroom (11 year+ age gap)</b>	The applicant has two dependant children of the same sex, with an age gap of 11 years or more, as permanent members of their household and having to share a bedroom
<b>Single person living in a social housing studio flat for over four years or partner joined household</b>	The applicant is the tenant of the council or a registered provider living in Stevenage and has: a) been the tenant of the studio flat for four years; <b>or</b> b) their eligible partner has joined the household as a permanent resident and a joint tenancy has been granted.
<b>Single applicant or couple aged 60 or over housed in the private or social rented sector and with no other priority.</b>	The applicant/s is aged 60 or over, housed in the social or private rented sector with no other priority, wishes to move to sheltered housing and has been assessed as suitable for sheltered housing.
<b>Category 1 HHSRS hazards</b>	The applicant is a tenant of a private rented sector property where the council's environmental health section have confirmed the existence of a category 1 hazard relating to disrepair as defined by the Housing Health and Safety Rating System, that is not so serious that the council is considering serving a closure or prohibition notice.
<b>Band E</b> <b>Low Priority</b>	<b>Criteria</b>
<b>Moderate hardship, welfare or social needs</b>	The applicant needs to move because the medical condition of a member of their household (not included in their application) is having a detrimental effect on the

	applicant or their household.
<b>Armed forces or former armed forces personnel without a local connection. See paragraph 13.2</b>	The applicant is a member or former member of the armed forces who has applied to join the housing register within five years of leaving the service BUT who was not resident in Stevenage continuously for five years out of seven prior to joining the services.
<b>Family in flat – no overcrowding</b>	The applicant has at least one dependant child aged 10 or under as a permanent member of their household, is living in a flat, but is not overcrowded.
<b>Adequately housed in the private rented sector</b>	The applicant is an assured shorthold tenant in the private rented sector, is adequately housed and has no other housing need.
<b>Worsening housing circumstances</b>	The applicant would otherwise be placed in a higher band because they have acted, or failed to act, in such a way as to worsen their housing circumstances.
<b>Single person living in a social housing studio flat for under four years</b>	The applicant is the tenant of the council or a registered provider studio flat in Stevenage for less than four years and is the sole occupant.
<b><i>Band F No Priority</i></b> Band F applicants are not entitled to be made an offer of accommodation under the terms of this allocations scheme and will be unable to bid under choice based lettings.	<b><i>Criteria</i></b>
<b>Special needs/care leavers/16/17 year olds not ready for independent living</b>	The applicant may meet the criteria for band B but has not yet been assessed as ready for independent living.
<b>Existing tenant exercising their Right to Buy or Right to Acquire</b>	The applicant is a council or registered provider tenant who has commenced the Right to Buy or Right to Acquire process to purchase their existing home.
<b>Unresolved interest in a property</b>	The applicant has an unresolved interest in a joint council or registered provider tenancy; or is the spouse or civil partner of a homeowner awaiting divorce or judicial separation and a property settlement; or has rights to a property under the Matrimonial Homes Act; Family Law Act; or the Children Act, including an unresolved joint tenancy (until they no longer have a legal entitlement to reside at that property).
<b>Capital/Equity above the limit See paragraph 14</b>	The applicant has capital/equity from previous home ownership that is over the current DWP limit.

<b>In education or training outside Stevenage</b>	The applicant is in further education or training and living outside Stevenage, but they have a valid local connection and for the duration of the course the address they return to out of term time is in Stevenage.
<b>On remand or in custody</b>	The applicant is held on remand or is completing a custodial sentence, but otherwise has a valid local connection.
<b>Joint applicants cohabiting for less than six months</b>	The applicants are a cohabiting couple who have made a joint application but have not lived together for at least six months, or who have no child of the relationship.
<b>Existing tenant in breach of tenancy conditions</b>	The applicant is in breach of the terms and condition of their council or registered provider tenancy because of the condition of their existing property.
<b>Housing related debt (see paragraph 26)</b>	The applicant has an outstanding housing related debt.
<b>Two successful CBL bids but failed to attend viewing or offer of allocation refused (see paragraph 39.8)</b>	The applicant has successfully bid through choice based lettings on two properties but has failed to attend a viewing or refused an allocation on both occasions. The applicant will remain in band F for a period of six months before being re-assessed and placed in the appropriate band with a new effective date.
<b>Failure to bid (see paragraph 39.7)</b>	The applicant has failed to bid under CBL for a period of two years or more. The application will remain in band F for a period of six months.
<b>Pending contact following withdrawal of an offer under CBL</b>	The applicant has had an offer made under CBL withdrawn for one on the reasons shown in paragraph 39.9.
<b>Other applicants</b>	The applicant does not otherwise meet the criteria for bands A – E
<b>Reasonable Preference</b>	All persons owed reasonable preference within section 166A(3) of the Housing Act 1996, who do not otherwise meet the criteria for Band A-E

## 25) Local Lettings Policy

Pursuant to Section 166A(6) of the housing Act 1996, the Council operates within this scheme a local lettings policy to enable transferring social tenants who do not have a reasonable preference to be included in the banding system as this is beneficial to such tenants and also assists the Council in sourcing suitable housing stock.

## 26) *Applications from care leavers, priority need 16/17 year olds and those moving-on from supported accommodation*

### 26.1 Care leavers

Applications from care leavers who meet the criteria will initially be placed in band F. A care leaver who meets the criteria is:

1. a care leaver who originates from Stevenage and meets the requirements for housing under the Leaving Care Act 2000 as being an eligible, relevant or former relevant person aged 18-21 (24 if in full time education) or
2. a care leaver who does not originate from Stevenage but has been placed into foster care or residential care in Stevenage and has been resident in Stevenage for five continuous years and meets the requirements for housing under the Leaving Care Act 2000 as being an eligible, relevant or former relevant person aged 18-21 (24 if in full time education)

Hertfordshire Children's Services will refer the young person for independent living under the terms of the Joint Housing Protocol when it has been evidenced that the young person is ready for independent living. **The referral must be made no less than 6 months before the applicant wishes to access housing.** If the young person is 20 years old the move on application must be submitted at least six months before they turn 21 years.

The applicant must have an agreed support package and an up to date comprehensive pathway plan and risk assessment in place. The tenancy support team will consider the referral from Children's Services, and if satisfied that the care leaver is ready to move-on and that all support services are in place for the transition to independent living, will recommend that the application is moved to band B.

The applicant will be restricted to bidding on studio flats only and time limited bidding will apply - see paragraph 23.

## **26.2 Priority need 16/17 year olds**

Applications from 16/17 year old young people who meet the criteria will initially be placed in band F. A young person who meets the criteria is a young person who is:

- a resident in specialist supported accommodation; and
- at the time of entering the specialist supported accommodation, was aged 16/17 years and was assessed by SBC's homeless team as unintentionally homeless and eligible for assistance under the Housing Act 1996 as amended by the Homelessness Act 2002.

Re-housing will not be considered until the young person is aged 18 or over. The young person must be referred by the relevant agency to the tenancy support team when they have been assessed as ready for independent living. The young person must have a clear and up to date rent account in their current accommodation; have completed an approved training programme for independent living; and have an on-going support package in place for the transition to independent living.

The tenancy support team will consider the referral from the relevant agency, and if satisfied that the young person is ready to move on and that all support services are in



place for the transition to independent living, will recommend that the application is moved to band B.

The applicant will be restricted to bidding on studio flats only and time-limited bidding will apply. See paragraph 23.

### **26.3 Move on from supported housing**

Applications from persons who meet the criteria will initially be placed in band F. A person who meets the criteria is a person who is living in specialist supported accommodation (other than sheltered housing) in Stevenage and originates from Stevenage (so had a valid local connection to Stevenage prior to moving into the supported accommodation). The applicant will have been assessed by their care co-ordinator or social worker as having on-going support needs but ready to live independently with continuing support. The applicant must have a care plan and support package in place for the transition to independent living.

When the tenancy support team receive a referral from the applicant's care co-ordinator or social worker the case will be referred to the Special Needs Panel for a decision. If the Special Needs Panel agrees that the applicant is ready to move-on and that all support services are in place for the transition to independent living, the panel will recommend that the application is moved to band B.

Time limited bidding will apply - see paragraph 23.

## **27) *Housing related debt***

Generally, applicants who have housing related debt will not be entitled to be made an allocation of housing and their application will be placed in band F. Housing related debt includes but is not limited to:

- Any current or former tenant rent arrears or charges for use and occupation owed to any local authority, registered provider or private sector landlord
- Unpaid sundry debts owing to any local authority, registered provider or private sector landlord, including rechargeable debts or court costs
- Any unpaid Right to Buy discounts from previously owned property
- Any tenancy deposit or rent in advance loans provided by the council that remain unpaid; or tenancy deposit guarantees that have been honoured by the council and remain unpaid
- Unpaid rent that was lawfully due to be paid to any local authority or registered provider landlord or any private sector landlord, but such unpaid rent is now unrecoverable in law because of bankruptcy proceedings
- Outstanding council tax debts.

### **27.1 Rent arrears - current tenant of the council or a registered provider**

In cases of current tenant rent arrears, the applicant will remain in band F until such time as they have made a repayment commitment to clear the debt and are making regular payments of an agreed sum which they have maintained for a period of at least six months without missing a single payment; and the arrears have reduced to a figure that is equal to

or less than six weeks payable rent. At this stage the application will be re-assessed and placed in the appropriate band.

However, the applicant will be expected to continue making regular payments of the agreed sum until the debt is cleared – if payments are missed then the application will again be placed in band F until the arrears are cleared or payments have been made satisfactorily for at least a further six months.

If arrears are still outstanding when the applicant is successful in a bid under choice based lettings, they will be expected to sign an agreement to continue the agreed payments after they have moved.

### **27.2 Rent arrears – exceptional circumstances**

If following a financial assessment carried out by the council's housing advice team, we are satisfied that rent arrears have accrued solely because of unexpected or unforeseeable welfare benefit changes; or under other exceptional circumstances, we will consider assessing the application in the normal way and placing it in the appropriate band. This decision will be made subject to the applicant having made a repayment commitment to clear the debt and commenced regular payments as outlined in paragraph 27.1. These payments will be monitored and if the promised payments are not maintained the situation will be reviewed and the application placed in band F until the arrears are cleared or payments have been made satisfactorily for at least a further six months.

If arrears are still outstanding when the applicant is successful in a bid under choice based lettings, they will be expected to sign an agreement to continue the agreed payments after they have moved.

### **27.3 Rent arrears – reduction of housing benefit due to “spare” bedrooms**

As a result of welfare reform, tenants who are under-occupying their home where their housing benefit has been reduced due to “spare” bedrooms may accrue rent arrears because the rent has become genuinely unaffordable. Where the council is satisfied, following a financial assessment, that the rent due is genuinely unaffordable for the tenant, and the tenant is maintaining regular payments of the residual rent due, then we will consider assessing the application in the normal way and placing it in the appropriate band. This decision will be made subject to the tenant making a commitment to clearing the arrears with agreed regular payments following their transfer to more suitable accommodation.

### **27.4 All other housing related debt**

For all other housing related debt the applicant will remain in band F until the debt is cleared in full. It will be the responsibility of the applicant to advise the lettings team when the debt is cleared in full and provide written evidence of this. The application will then be re-assessed and placed in the appropriate band.

## **28) *The bedroom standard***

The council will use the following bedroom standard to assess the level of overcrowding or under-occupation that exists in an applicant's current home.

Recent changes brought about by the Welfare Reform Act 2012 mean that **working age households** who receive housing benefit and are considered to be under-occupying their council or registered provider home will not receive housing benefit for the bedrooms that are considered to be "spare bedrooms" according to the legislation.

In response to these changes we will now allow applicants to decide if they wish to bid for a smaller home to avoid this loss of housing benefit. The table below shows the smallest and largest properties for which applicants with different family sizes and compositions will be able to bid. Where there is likely to be a housing benefit implication this is stated.

<b>Number of Bedrooms</b>	<b>Family Size and Composition</b>
Studio flat	Single person only
One bedroom	Single person or couple with no dependant child/ren as permanent members of the household Single person or couple with access to child/ren
Two bedroom	Family, one child Family, two children, same sex, both aged under 16 Family, two children, different sexes, both aged 10 or under Couple with medical recommendation for separate bedrooms <b>(HB implications)</b> Single person or couple with verified need for a permanent, full-time, live-in carer
Three bedroom	Family two children <b>(HB implications)</b> Family three children Family four children
Large three bedroom (three doubles)	Family with four children
Four bedroom (two doubles and two singles)	Family three children, where none can share a bedroom <b>(HB implications)</b> Family four children <b>(HB implications)</b>
Four bedroom (three doubles and one single)	Family five or more children
Five bedroom – any combination	Family five or more children <b>(HB implications)</b>

Where an applicant claiming housing benefit chooses to bid for a property where there are HB implications, they may be asked to demonstrate how they will afford to pay the additional rent due.

In exceptional circumstances and on the recommendation of the medical adviser or the senior officer housing needs panel, allocations may be made outside the bedroom criteria. Applicants should be aware that they may be affected by the reduction in housing benefit for bedrooms that are considered to be “spare bedrooms” according to welfare benefit reform legislation.

### 29) **Exceptions to the bedroom standard**

The bedroom standard does not normally apply in the following cases. However, applicants should be aware that they may be affected by the reduction in housing benefit for bedrooms that are considered to be “spare bedrooms” according to welfare benefit reform legislation:

- mutual exchanges
- sole tenancies transferred to joint and vice versa
- allocation of furnished non-secure accommodation
- tenancy assignments
- Property Transfer Orders as required by court orders
- successions to tenancies
- where the council or a registered provider landlord is using a property to temporarily or permanently re-house a tenant due to their home being converted, redeveloped, refurbished or undergoing extensive repairs
- special project nominations
- in accordance with statutory duties such as compulsory purchase
- social services co-operation - under the provisions of the Children Act 1989
- properties leased to specialist support providers
- properties let under Local Lettings Plans

### 30) **The property standard**

The council will allocate properties of different sizes and types in accordance with the following criteria. However, applicants should be aware that they may be affected by the reduction in housing benefit for bedrooms that are considered to be “spare bedrooms” according to welfare benefit reform legislation.

#### 30.1 **Single people and couples**

	Studio flat	Sheltered studio flat	One bed flat	Sheltered one bed flat	One bed bungalow	Two bed flat or maisonette	Two bed sheltered flat	Two bed bungalow
Single under 60								
Single or couple with access to children								
Couple under								

60 no children								
Single 60 or over								
Couple 60 or over								
Single or couple with disability								
Couple under 60. Medical recommendation for separate bedrooms						HB implications		
Couple 60+ with medical recommendation for separate bedrooms						HB implications	HB implications	HB implications
Single or couple under 60 with live-in carer						HB implications		
Single or couple 60+ with live-in carer						HB implications	HB implications	HB implications

### 30.2 Medical recommendation for separate bedrooms

Priority for an additional bedroom for a couple will only be given when a recommendation has been made by the council's medical adviser. However, applicants should be aware that they may be affected by the reduction in housing benefit for bedrooms that are considered to be "spare bedrooms" according to welfare benefit reform legislation.

### 30.3 Priority for additional bedroom for live-in carer

Priority for an additional bedroom for a live-in carer will only be given when social services have confirmed in writing the applicant's need for a permanent, full-time live-in carer. However, applicants should be aware that they may be affected by the reduction in housing benefit for bedrooms that are considered to be "spare bedrooms" according to welfare benefit reform legislation.

### 30.4 Sheltered housing

Sheltered housing will normally only be allocated to applicants who are aged 60 or over (for couples, where at least one partner is aged 60 or over). All applicants will be subject to a needs and risk assessment.

In exceptional circumstances we may consider allocating sheltered housing to applicants under 60 if the applicant can demonstrate that they have a diagnosed illness or disability that means they would benefit from sheltered housing (receipt of disability living allowance or personal independence payment is not in itself evidence of this). We will also consider allocating 1<sup>st</sup> floor unlifted one-bedroom properties in dispersed sheltered housing schemes to applicants who are aged 55 and over.

In all cases a needs and risk assessment will be carried out to assess that the applicant:

- a) is suited to live in sheltered housing; and
- b) would benefit from sheltered housing

The needs and risk assessment will be carried out by the supported housing service and the final decision on the suitability of an applicant aged under 60 for an allocation will be made by the Service Manager, Supported Housing.

Applicants without a local connection to Stevenage (see paragraph 13.2) but who have an identified need for sheltered housing following an assessment, will be considered for hard-to-let sheltered properties ONLY. Such applicants will not be able to bid under choice based lettings but will be made a direct offer of a property.

### 30.5 Flexicare housing

Flexicare housing for those with high support needs will be allocated under a separate local lettings plan by a joint agency panel that is chaired by supported housing. Applicants must be eligible to join the housing register and qualify for an offer of accommodation, and have an assessed care need.

### 30.6 Families

	Two bed house, flat or maisonette	Two bed bungalow	Three bed house, flat or maisonette	Large three bed house	Three bed bungalow	Four bed 6 person house	Four bed 7 person house	Five bed house – very rarely available
Family one child								
Family one child with a disabled family member								
Family two			<b>HB implications</b>					

children								
Family two/three children with a disabled family member			HB implications		HB implications			
Family three children								
Family four children						HB implications		
Family five or more children							HB implications	HB implications

### 30.7 Three child families in four-bedroom houses

Families with three children may be considered for a four bedroom, six person house where none of the children can share a bedroom under the overcrowding/gender sharing/age gap over 11 years criteria (for example a family with sons aged 16 and 3 and a daughter aged 14), or on the recommendation of the medical adviser. However, applicants should be aware that they may be affected by the reduction in housing benefit for bedrooms that are considered to be “spare bedrooms” according to welfare benefit reform legislation.

### 30.8 Property sizes

Property sizes as described above will normally be:

- two bedroom = one double and one single bedroom or two double bedrooms
- three bedroom = one double and two single bedrooms or two double and one single bedroom
- Large three bedroom = three double bedrooms
- four bedroom, six person = two double and two single bedrooms
- four bedroom, seven person = three double and one single bedroom

A double bedroom will be deemed to be a room sized 110 square feet or more.

### 31) *Exceptions to the property standard*

Allocations outside the property prioritisation criteria will normally only be made in the following circumstances. However, applicants should be aware that they may be affected by the reduction in housing benefit for bedrooms that are considered to be “spare bedrooms” according to welfare benefit reform legislation.

- where the medical adviser has recommended that an additional bedroom is needed on medical grounds

- where specialist disabled person's mobility or sheltered accommodation has to be allocated outside the above criteria
- where, in order to enable a more balanced and sustainable community to be created by allocating properties to people of a particular description, a local lettings plan is in place in a particular group of properties, for example a flat block or sheltered housing scheme. If a local lettings plan is in place, properties will be advertised through choice based lettings under the terms of the local lettings plan rather than those of this allocation scheme
- where no other accommodation is available to meet the applicant's needs
- on the recommendation of the senior officer housing needs panel

### **32) *Sole and joint tenancies***

In order to prevent future under-occupation, joint tenancies will not be offered between parents and children or unrelated non-couples.

Individuals are granted sole tenancies. Joint tenancies will be granted to couples who have applied jointly, or who have been housed because there are children of the relationship living with them permanently, so long as both parties individually are eligible and qualify to join the housing register and meet the criteria for an allocation of housing.

Unless there are exceptional circumstances, joint tenancies will also be granted in cases where a sole applicant's qualification for an allocation (whether through bidding under choice based lettings or through mutual exchange) is created solely because of the addition to their household of their partner. The partner must be eligible to become a tenant in their own right. This is in order to ensure the best use of council property and to protect the interests of both parties to the tenancy.

### **33) *Successions to tenancies***

#### **33.1 Statutory successions**

##### **Tenancies created prior to 1 April 2012**

Under the terms of the Housing Act 1985, where no succession to a tenancy has already taken place, specified family members may succeed to a secure tenancy on the death of the tenant, if certain conditions are met. This is known as a statutory succession. Where the successor tenant is the spouse, partner or civil partner of the tenant they will not be required to move even if under-occupying. If the statutory successor tenant will be under-occupying the property, they will be required to move to a property that is suited to their needs under the terms of this allocations scheme. The right of succession is to the tenancy, not the property.

##### **Tenancies created from 1 April 2012**

The Localism Act 2011 introduced changes to the law on succession rights. For tenancies created from 1<sup>st</sup> April 2012, the statutory right to succeed to a tenancy rests only with a spouse, partner or civil partner of the tenant, who was residing with the tenant as their only or principal home at the time of the tenant's death. Other family members will not have a statutory right to succeed to a tenancy.



## 33.2 Discretionary successions

Where a statutory succession to a tenancy has already taken place, or for a post April 2012 tenancy where there is no spouse, partner or civil partner eligible to succeed to the tenancy, the council will consider a request to succeed to the tenancy from certain family members or live-in carers who were resident with the tenant at the time of the death of the tenant. They must be eligible to join the housing register and qualify for an offer of accommodation in their own right - see paragraphs 12 and 13 - and satisfy certain other conditions as set out in the council's succession policy. This is known as a discretionary succession. The council's policy on discretionary succession may change from time to time and more information is available on the council's website [www.stevenage.gov.uk](http://www.stevenage.gov.uk) .

In **every case** where the council has agreed a discretionary succession and there is under-occupation of the existing property, the discretionary successor will be required to move to a property that is suited to their needs under the terms of this allocations scheme. They will be subject to time limited bidding under choice based lettings but if they fail to bid or are unsuccessful in their bids, then a direct allocation of a suitable property will be made. Only one direct allocation will be made and if this is refused, the council will consider that the discretion is no longer justified and the discretionary successor will be required to leave the property and make their own arrangements for their future housing. The council will take legal action to recover possession of the property in occupation by the discretionary successor if they refuse to leave the property.

## 34) *Mutual exchanges*

A mutual exchange is a way for tenants to resolve their own housing need or desire to move to different property or area by swapping their home with another council or registered provider tenant.

### 34.1 Who can apply for a mutual exchange?

Secure council tenants have the right under the terms of the Housing Act 1985, as amended by the Housing Act 2004, to exchange homes with other council tenants and certain registered provider tenants.

Introductory tenants do not have the right to exchange, but applications from introductory tenants will be considered on an individual basis. Where an exchange is agreed for an introductory tenant, the introductory tenancy will continue at the new property.

Council tenants seeking a mutual exchange have free access to a national mutual exchange matching service. This service publishes details of council and registered provider tenants seeking an exchange both locally and nationally. More information on the service can be found at the council's website [www.stevenage.org.uk](http://www.stevenage.org.uk).

There are other mutual exchange matching services available to tenants but tenants should be aware that there may be a cost involved in participating.

The senior officer housing needs panel will consider appeals from tenants against decisions to refuse consent to a mutual exchange.

The council will not consider applications to mutual exchange from tenants with licence or non-secure tenancy agreements, including demoted tenants.

### 34.2 Criteria for consent to a mutual exchange

The council will consider requests for mutual exchanges in line with the terms of the Housing Act 1985 as amended by the Housing Act 2004.

There are a limited number of grounds under which the council can refuse a request for a mutual exchange. These grounds are shown in Schedule 3 of the Housing Act 1985 as amended by the Housing Act 2004 and include:

- where a tenant has been served a notice of seeking possession for any reason and that notice is still valid
- where the council holds a county court possession order against a tenant
- where the exchange would result in significant overcrowding or under-occupation
- where the exchange would result in a sheltered bungalow or flat, or a flat connected by a hard wired community alarm, being occupied by a household where no person was above the age of 60
- where the exchange would result in a property built or substantially adapted for use by a disabled person being occupied by a household where no person has such a disability
- where either party to the proposed exchange has had action taken against them in respect of anti-social behaviour or such action is pending. Action can include injunctions, anti-social behaviour orders or acceptable behaviour contracts

The table below shows the criteria that the council will use to decide if a property will be overcrowded or under-occupied following a mutual exchange. **Applicants should be aware that if they are receiving housing benefit, they may be affected by the reduction in housing benefit for bedrooms that are considered to be “spare bedrooms” according to welfare benefit reform legislation.**

Family composition	Size and type of accommodation permitted on mutual exchange
Single Person	Studio flat/one or two bedroom flat (and two bedroom house if downsizing from larger house)
Eligible couple, no children	One or two bedroom property
Related non-couple (e.g. brother and sister)	Two or three bedroom property
Family with a pregnancy (MATB1 Evidence Required)	Two or three bedroom property
Family and one child	Two or three bedroom property
Family and two children	Two, three or four bedroom property
Family and three children	Three or four bedroom property
Family and four or more children	Large three or four or five bedroom property

The council will consider exchanges outside the above standard only where the exchange leads to no increase in under-occupation of our property.

The council may approve an exchange subject to certain conditions. For example, an exchange may be allowed to go ahead only if rent arrears are cleared in full before moving.

When the council has approved a mutual exchange under the terms of the Housing Act 1985 as amended by the Housing Act 2004, the exchange will be carried out by way of assignment of the tenancies involved.

However, the Localism Act 2011 has introduced flexible (or fixed term) tenancies. The council has made a decision not to use these new tenancies at this time; however some other local authority and registered provider landlords are using flexible tenancies. When an existing secure tenant of the council wishes to mutually exchange with someone holding a flexible tenancy with another landlord then they will have to take the new tenancy as a flexible tenancy. In such cases, the exchange will be carried out by the surrender of both existing tenancies and then the granting of new tenancies by both landlords.

### **34.3 Mutual exchanges by Low Start Shared Ownership (LSSO) lessees**

Low start shared ownership (LSSO) lessees of the council do not have a statutory right to exchange as they are not secure tenants. However, the council will consider on a discretionary basis applications to mutually exchange from LSSO lessees who own no more than 5% of the freehold of the property.

Applications will only be considered where **all** parties to the proposed exchange have an identified housing need that would be met if the exchange took place. We consider an identified housing need to mean the applicant would otherwise be placed in band A to E of the housing register.

Decisions on applications to mutually exchange made by LSSO lessees will be made by the senior officer housing needs panel.

## **35) Re-Housing Guarantee Scheme**

**The Council has decided following consultation, not to continue its 're-housing guarantee scheme' but will honour all existing commitments under that scheme.'**

## **36) *Senior Officer Housing Needs Panel***

The senior officer housing needs panel is made up of a group of senior housing managers from the council who meet regularly to discuss specific housing allocations cases.

The make-up of the panel is prescribed in the Senior Officer Housing Needs Panel Protocol. The Housing Portfolio Holder or their representative has the opportunity to attend meetings and observe the panel's discussions.

Under its terms of reference the Lead Officer on the panel has the power to approve an application being placed in band B of the housing allocations scheme in cases where there is an urgency to be re-housed that falls outside the rules of this allocations scheme. Such cases will include but are not limited to:

### **36.1 Priority transfer in exceptional circumstances**

If a council or registered provider tenant has an urgent need for re-housing due to exceptional factors, the panel may agree a priority transfer. This will only be agreed if other options are not available or not feasible.

The panel will consider all cases on their own merits. Where it has been decided that a priority transfer is justified the application will be placed in band B. The tenant will only be able to bid for a property that is of the **same size (or smaller) and type that they currently occupy** (a like-for-like transfer), and bids for properties in the area in which the tenant currently lives, or in any area that poses a risk to personal safety relevant to the reason for the priority transfer, will not be considered. The panel may make a decision to make a direct offer of a like-for-like property rather than allow the tenant to bid under CBL.

Under exceptional circumstances there may be a need to agree a move to larger accommodation. The panel will consider such requests on their own merits but only when the tenant is otherwise likely to be successful in bidding for a larger property within the next 12 months.

Because the circumstances must be exceptional and the need for re-housing considered urgent, applicants granted priority transfer status will be subject to time-limited bidding - see paragraph 23. Following a priority transfer to a like-for-like property, applicants who are already on the housing register will retain their existing priority and date in band.

Should the tenant fail to bid appropriately, we will consider that the urgency is no longer justified, the senior officer housing needs panel points will be removed and the application re-assessed and placed in the appropriate band.

### **36.2 Very severe hardship or welfare cases**

The panel will consider cases on severe hardship or welfare grounds. These will normally be cases where an applicant is the victim or witness to a crime and needs to move urgently, usually on police advice, as a result of harassment amounting to violence or threats of violence. The panel will consider a case only when written confirmation from the police or other agency of both the threat and the urgency of the need to move has been received and that a move within Stevenage is recommended.

Where the panel decides that urgency is justified, the application will be placed in band B. Because the level of priority awarded recognises the seriousness of the situation, applicants granted very severe hardship and welfare status will be subject to time-limited bidding - see paragraph 23. Should the applicant fail to bid appropriately we will consider that the urgency is no longer justified, the senior officer housing needs panel points will be removed and the application re-assessed and placed in the appropriate band.

### **36.3 Succession to tenancy cases**

When a person has the right to succeed to a tenancy under the terms of the Housing Act 1985 or the Localism Act 2011, and the property in question is too large or otherwise unsuitable for their needs, the successor tenant will be required to move to smaller, more

suitable accommodation - see paragraph 32.1. However, the panel will consider representations from a successor tenant to remain under occupying an existing property where there is supporting evidence to demonstrate that there are no other options available and/or when legal advice suggests that the County Court would not grant the council a possession order under Ground 16 of Schedule 2 of the Housing Act 1985. There may be housing benefit implications in these cases - see paragraph 29.

The panel will also consider:

#### **36.4 Fraudulent housing applications**

Where investigations have shown that a fraudulent housing register application has been submitted, or that a tenancy has been obtained by virtue of a fraudulent housing register application, the panel will, on receipt of advice from the council's legal section, consider whether to commence legal proceedings. Any legal proceedings are to be agreed by the Head of Housing Management or by a Strategic Director.

#### **36.5 Mutual exchanges outside the criteria**

Applications to mutual exchange from low start shared ownership lessees of the council, who do not have the right to exchange, must be considered by the panel - see paragraph 34.3.

The panel will also consider appeals against decisions to refuse consent to a mutual exchange under Schedule 3 of the Housing Act 1985 as amended by the Housing Act 2004.

#### **36.6 Other exceptions**

The panel will also consider cases of any other exceptions to this allocations scheme.

Any council officer can refer a case to the senior officer housing needs panel for consideration.

### **37) *cancelling an application***

An application will be cancelled in any of the following circumstances:

- the applicant has requested cancellation of their application in writing
- a sole application is being replaced by a joint one, or vice versa
- the applicant does not respond to a review or to a request to contact the council or to provide information
- the applicant has moved and has not informed the lettings team of the council of a change of address
- correspondence addressed to the applicant at their last notified address is returned to the council marked "no longer at this address" or "not known at this address" or similar wording
- there is no response to an email sent to the applicant at their last notified email address

- the applicant is re-housed via the housing register or a mutual exchange
- the applicant has succeeded to or been assigned a secure tenancy or an assured tenancy of a registered provider
- the applicant is found to have given false or misleading information, or has not disclosed relevant information, in connection with their application
- under current immigration legislation, the applicant no longer has recourse to public funds and/or no longer has indefinite leave to remain in the UK and so is no longer entitled to be housed or be allowed to remain on the housing register
- the applicant has commenced the Right to Buy process
- the applicant has become the owner of residential property, whether solely or jointly - see paragraph 13.3 for the definition of ownership of residential property.
- the behaviour of the applicant(s) or a member of their household means the applicant is no longer considered to be suitable to be a tenant
- the applicant 's circumstances change and they are no longer eligible or no longer qualify to have a housing register application – see paragraphs 12 and 13

If an application is cancelled, the lettings team will notify the applicant of the reason for the cancellation at the last notified address and email address on their records. Letters will be sent by recorded delivery.

### **38) *Re-application to the housing register***

An applicant who has their application cancelled can re-apply to join the housing register at any time. A new application will be considered under the eligibility and qualification criteria and if the application is accepted it will be re-assessed according to the applicant's circumstances at the time. The effective date of application will be the date we receive the new application form and all the required proofs.

### **39) *Reviewing applications***

The council will review all applications from time to time. Applicants will be asked to confirm whether they wish to remain on the housing register and whether there has been any change to their circumstances.

A review will also be carried out when an applicant does not respond to an offer of a property under choice based lettings or has not responded to a request to contact the council about their application, or following demotion to band F for failure to bid.

All review correspondence will be sent to the applicant at the last notified address on our records and the last notified email address on our records. If the applicant fails to respond to a review within 28 days their application will be cancelled – see paragraph 36.

### **40) *Choice Based Lettings (CBL)***

#### **40.1 Statement of choice on CBL**

The council operates a choice based lettings (CBL) scheme called Home4U for available council-owned properties and nominations to available properties owned by registered provider landlords. Available homes are advertised weekly on our CBL website

[www.home4u.org.uk](http://www.home4u.org.uk) and applicants are invited to bid to become the new tenant of the home. A hard copy of details of the available homes can be provided on request to applicants without internet access. Information on bidding and how to bid is also available at [www.home4U.org.uk](http://www.home4U.org.uk)

The council is committed to offering applicants accepted onto the housing register as much choice as possible and applicants may express preference by bidding under CBL. However, this must be balanced against the council's need to abide by its legal obligations and its responsibility to make best use of the council's stock.

Applicants in bands A to E can bid under CBL. Bids will be disregarded when they are for a size or type of property for which the applicant does not meet the criteria.

Applicants in band F are not permitted to bid under CBL.

Applicants who are successful in a bid for a nomination to a registered provider landlord will also have to satisfy any rules or allocations criteria imposed by the registered provider before the nomination can be accepted by the registered provider. The registered provider landlord has the final say on whether to accept a nomination - see also paragraph 39.10.

#### **40 Direct allocations**

A property can be withdrawn from CBL where a direct allocation is required under the circumstances described elsewhere in this allocations scheme; or where it is necessary to make an allocation of accommodation outside the terms of this allocations scheme. Such instances include, but are not limited to:

- A property is required to accommodate a tenant by way of a decant in an emergency, for example, fire or flood
- A senior manager has decided that a tenant must be decanted temporarily while major works are undertaken in their home
- a property is needed to provide temporary accommodation under the Housing Act 1996 as amended by the Homelessness Act 2002
- where the case is particularly sensitive, such as a witness protection case, or the case has been brought forward under the terms of the Adult Offenders Accommodation Protocol. Decisions on these cases will be made by the Head of Housing Management and the Head of Business Strategy. Community and Customer Services
- A rarely available property for example becomes available (5/6 bedroom home or specially adapted home) and the council has identified an applicant with an urgent housing need for a property of that type
- Where a direct allocation is identified as making best use of the council's housing stock
- A property is required to enable a council tenant with no reasonable preference to transfer - see paragraph 39.3
- A property is required as a direct allocation under the Council's Policy on the Purchase of Open Market Properties to Assist Vulnerable Homeowners to Move into More Suitable Accommodation and to Support the Prevention of Homelessness.

In these cases a property will be removed from CBL and a direct allocation made.

Every effort will be made not to withdraw a property from CBL after the property has been advertised. However there may be extenuating circumstances where doing so is unavoidable.

Other allocations made outside the terms of this allocations scheme occur when the property involved is not available for re-letting. These include

- tenancy transfers made by court order
  - statutory succession to a tenancy
  - assignment of a tenancy
  - mutual exchange of tenancies
  - introductory tenancies converted to secure tenancies
- allocations made when a property is acquired through the Council's Policy on the Purchase of Open Market Properties to Assist Vulnerable Homeowners to Move into More Suitable Accommodation and to Support the Prevention of Homelessness (where the vendor is offered an introductory tenancy of the same property, where this would prevent them from losing their home through repossession).

#### **40.3 Allocations to tenants who do not have reasonable preference**

Under the terms of the Localism Act 2011, applications from existing tenants who wish to transfer no longer have to be assessed on the same basis as households applying on the housing register, unless the council considers these households to have reasonable preference for an offer of accommodation - see paragraph 8. The Council will agree an Annual Lettings Plan that sets a quota of properties of different sizes to be offered to transferring tenants - see paragraph 40.

#### **40.4 Proxy and assisted bidding**

The council is committed to ensuring that all applicants have access to CBL and are not disadvantaged in any way because they are vulnerable or have special needs. Such applicants could include the elderly, or those with mental health problems or learning disabilities or those who require a property that is purpose built or adapted for a disabled person. The council will make every effort to identify applicants who may need assistance with CBL and offer to help in the following ways:

- by ensuring that wherever possible an applicant's own support network is capable of assisting with the CBL process
- by assisted bidding – the council will advise the applicant when suitable properties are advertised and assist them in making bids
- by proxy bidding – with the agreement of the applicant, the council will identify when suitable properties are advertised and make a proxy bid on their behalf

#### **40.5 Allocations of accommodation under CBL**

Following the close of the bidding round, the bids that meet the criteria for each property will be shortlisted. The top bidding applicant will normally be the applicant with the earliest effective date of application within the highest band. Where a property has been advertised under a local lettings policy or quota, or targeted at a particular group of



applicants, the top bidder will be shortlisted accordingly.

#### **40.6 Pre-tenancy interview and verification check**

All applicants who will be new tenants of the council (including those housed outside choice based lettings, such as via an external mutual exchange) must attend a pre-tenancy interview before being offered the tenancy of a council home. Council tenants transferring will not normally be required to attend.

We will also carry out verification checks on applicants who will be new tenants of the council. These checks are to ensure that all the information we hold relating to an application is up to date. Verification checks may be carried out as part of the pre-tenancy interview process or we may carry out a home visit prior to an appointment to view. Following the pre-tenancy interview, tenancy training will be offered to applicants where it is considered appropriate.

We will contact the successful applicant at their last notified address, email address or telephone number and arrange a pre-tenancy interview and verification check. If the successful applicant does not respond to this contact within two working days, or fails to attend an appointment for a pre-tenancy interview and verification check, their application will be disregarded and the next shortlisted applicant will be contacted.

Following a successful pre-tenancy interview and verification check the successful applicant will be invited to view the property. At the viewing, they will be offered the tenancy of the property and invited to sign an acceptance form. If an applicant requests more time to make a decision, they will be asked to contact the lettings team with their decision by 9.30am on the next working day.

If the applicant refuses the offer of a tenancy, or fails to contact the lettings team with their decision by 9.30am on the next working day, the next shortlisted applicant will be invited to view and accept an offer of the tenancy of the property, and so on until an offer is accepted.

From time to time it may be necessary to arrange multiple viewings of a property. In these circumstances, the decision on whether to accept a tenancy must be made at the viewing. The offer of a tenancy will be made to the top bidder present, if refused to the next ranked bidder and so on until the offer of a tenancy is accepted.

Where two or more bidders have the same effective date of application within a band, the council will give priority to the applicant with the earliest original date of application.

The council will disregard the highest shortlisted bidder and invite the next shortlisted bidder to view in the following circumstances:

- where priority is given to a particular group and the applicant is not in that group
- under the terms of this allocations scheme, the applicant does not meet the criteria for the property bid for
- the applicant failed to respond within two working days to a request to arrange pre-tenancy interview and verification check
- the applicant fails to attend an arranged viewing

- the applicant has pets and the property bid for is not suitable for certain pets
- the applicant is a tenant of the council or a registered provider and following their successful bid they are found to have committed anti-social behaviour or to have rent arrears, or their current property is found not to meet the leaving standard, or they have committed any other breach of tenancy conditions
- following their successful bid, an applicant is found to not qualify for the housing register - see paragraph 13

#### **40.7 Failure to bid under CBL**

Where an applicant fails to make any bids for suitable properties over a two year period or more, we will consider that the applicant is not in housing need and their application will be placed in band F for a period of six months.

After six months the application will be reviewed and if there is no response the application will be cancelled – see paragraph 36. If the applicant responds to the review, the application will be re-assessed and placed in the appropriate band with a new effective date.

#### **40.8 Refusal of an offer under CBL**

While the council is committed to offering applicants accepted onto the housing register as much choice as possible, the vast gap between the supply and demand of social housing means that we expect the refusal of offers of accommodation following a successful bid to be few and far between.

Applicants who bid successfully under CBL but subsequently fail to attend viewing appointments, or refuse an offer of a tenancy without good cause, become a burden on the administration of the scheme and could be denying other applicants the opportunity to shortlist for properties.

An applicant may withdraw their bid for a property without penalty at any stage of the bidding process **up to the close of the bidding round**. However, if an applicant is the successful bidder on a property but fails to attend a viewing appointment, or refuses the offer of a tenancy without good reason, this will count as a reasonable offer refused.

Representations from an applicant that they had good reason to refuse the offer of a tenancy will be considered on a case by case basis. However, since full details of the property such as property type, size, floor level (if applicable), street name and rent due are given on the property advertisement on the Home4U website, we expect that the number of occasions we would consider a refusal to be reasonable to be very few.

If an applicant refuses two reasonable offers in this way, their application will be demoted to band F for a period of six months. At the end of this period their application will be reassessed and placed in the appropriate band with a new effective date.

#### **40.9 Withdrawal of an offer of a tenancy made under CBL**

The council may withdraw the offer of a tenancy made under choice based lettings in certain circumstances, including:

- the property is found to be not suitable for the applicant's needs
- the council has decided that the applicant does not meet the criteria for the offer
- the applicant is a tenant of the council and they have not responded to a request or allowed a pre-void inspection of their home, or their current property is found not to meet the leaving standard.
- the applicant is found to have an outstanding housing related debt - see paragraph 26
- the applicant has not responded to an offer by 9.30am of the next working day following a viewing, unless the allocating officer has agreed a longer period
- the applicant is found to be not eligible to join the housing register or qualify for an offer of accommodation - see paragraphs 12 and 13 - or further investigations into their application are needed
- only one party to a joint tenancy attends the letting appointment

This list is not exhaustive and there may be other circumstances where an offer of a tenancy may be withdrawn. If an offer is withdrawn the council will tell the applicant the reason why in writing and will ask the applicant to contact the lettings team immediately. The application will be placed in band F pending contact from the applicant. If no contact is made the application will be cancelled - see paragraph 36.

#### **40.10 Withdrawal of a nomination to a registered provider under CBL**

In addition to the above circumstances, the council will withdraw an offer of a nomination made to a registered provider if the nomination would not meet the rules of the registered provider concerning rent arrears, household income, household size, pet ownership and others. All registered providers reserve the right to refuse to accept a nomination if the applicant does not qualify to be housed under their own rules.

#### **40.11 Acceptance of an offer made under CBL**

If an applicant accepts an offer of a council tenancy and the property is ready for letting they will be invited to sign for the tenancy and complete all necessary paperwork, including a financial assessment.

Where the offer is of a joint tenancy, then both parties to the tenancy must attend the letting appointment to sign the paperwork. If only one party attends, the letting will not proceed and the offer of a tenancy will be withdrawn.

If an applicant is a tenant of the council or a local registered provider, they must give up vacant possession of their existing property and the keys must be returned to the council's customer service centre or to the registered provider, by an agreed date. If keys are returned late, the tenant will be charged rent on both properties.

When the tenancy agreement has been signed, the tenant's housing register application will be cancelled. A new housing register application must be completed if the tenant wishes to be considered for re-housing in the future.

Acceptance of a nomination to a registered provider and arrangements for viewing and letting will be subject to the rules of that registered provider.

## **40.12 Feedback on CBL**

The council will regularly produce feedback on CBL lettings and will publish this information on the Home4U website [www.home4u.org.uk](http://www.home4u.org.uk). The feedback will include:

- how many properties of each type were available
- how many applicants bid for each property
- the band and effective date of application of the successful bidders

More detailed feedback will be provided in News4U, the council's bi-annual report on choice based lettings that is published on the member's page of [www.home4U.org.uk](http://www.home4U.org.uk).

This information is provided to enable applicants to see what properties were available in what areas and how popular those properties were. This will help applicants to assess how long it may be before they are likely to make a successful bid for a property of a type and in an area of their choice. Applicants who use the Home4U website can also access information on their individual bidding history and see the outcomes of the bidding on the properties they bid for.

The council will also regularly publish accurate and anonymised information on the household characteristics of housing register applicants and new tenants.

## **41) Target lettings**

### **41.1 Annual Lettings Plan**

In order to ensure that the right balance is found between the different reasonable preference groups, the council will agree an Annual Lettings Plan that outlines how the anticipated supply of lettings over the year ahead will be shared between different bands. The Annual Lettings Plan will also set targets for allocations to the differing groups of applicants (housing register, transfer register, homeless). We must ensure we provide a reasonable proportion of allocations to the different reasonable preference groups on the housing register, and ensure that one group does not dominate the scheme.

The Annual Lettings Plan will be monitored and reviewed regularly. If monitoring shows that we are not achieving the allocation targets set out in the plan we reserve the right to implement a quota system until the desired balance is reached.

### **41.2 Target direct allocations**

The council will target a proportion of properties (a quota) for direct allocation - see paragraph 39.2. This will include properties to be allocated to council tenants with no reasonable preference who wish to transfer. The council will hold a separate register of tenants with no reasonable preference wanting to transfer and properties will be offered to tenants from this register as direct allocations - see paragraph 39.3.

### **41.3 Local lettings plans**

From time to time the council may produce a local lettings plan in order to address a specific local issue such as child density or anti-social behaviour or in order to make

best use of the council's stock. Local lettings plans will also be used when allocating new build properties. Where a local lettings plan is agreed for a group of properties or for a locality or a particular property type, the plan will be published on the council's website [www.stevenage.gov.uk](http://www.stevenage.gov.uk). Properties will be clearly marked as included in a local lettings plan when advertised under choice based lettings.

## **42) Homeless applicants**

The council has a statutory duty under part 7 of the Housing Act 1996, as amended by the Homelessness Act 2002, to secure housing for those who fall within the criteria as described in the legislation **and** are homeless or threatened with homelessness within 28 days.

The council has adopted a homelessness prevention approach to all enquiries relating to homelessness and in every case will seek to prevent the applicant from becoming homeless by using a variety of interventions.

Such interventions may include negotiating with landlords to extend a private rented sector tenancy, assisting with securing a private rented sector tenancy with the help of a tenancy deposit guarantee, or mediation with family or friends to allow an applicant to remain in their present home

### **42.1 Homelessness prevention.**

In exceptional cases, where a full housing needs appraisal establishes that the council would otherwise owe the full homelessness duty to assist under section 193 of the Housing Act 1996 as amended by the Homelessness Act 2002, we are able to negotiate to enable an applicant to remain in their present home on a short term basis only. In these cases the applicant will be placed in band B of the register until alternative accommodation is secured for them. The date in band will be the effective date that the council would otherwise owe the full housing duty as agreed by a senior manager.

This may be an offer of accommodation secured by one of the following:

- the council securing suitable accommodation with a private sector landlord
- the applicant bidding under choice based lettings
- the council bidding on behalf of the applicant
- the council making a direct allocation of suitable accommodation

### **42.2 Discharge of duty under section 193 of the Housing Act 1996 as amended**

In cases where homelessness prevention interventions are unsuccessful, we may refer the case to the homelessness team for an assessment under homelessness legislation. Where a full duty under section 193 of the Housing Act 1996, as amended by the Homelessness Act 2002 is triggered, the applicant will be given temporary accommodation, which may be accommodation in the private rented sector or in the council's own housing stock. While we will try to offer accommodation in our own area, this may not always be possible and in some circumstances an offer of temporary

accommodation will need to be made out of area. Offers of temporary accommodation will be made according to the availability of such accommodation. No choice of temporary accommodation will be given.

The application will be placed in band B of the housing register until alternative accommodation is secured for them in discharge of our duty under section 193.

This may be an offer of accommodation secured by one of the following:

- the council securing suitable accommodation with a private sector landlord in accordance with the Council's Private Sector Discharge Policy
- the applicant bidding under choice based lettings
- the council bidding on behalf of the applicant
- the council making a direct allocation of suitable accommodation

### **42.3 Refusal of an offer to homeless or homelessness prevention applicants**

Whatever option results in an offer of suitable alternative accommodation, this will be considered a final offer of accommodation and only one such offer will be made.

Where this offer is made in discharge of a section 193 duty and is refused, if the applicant is occupying temporary accommodation they will be required to vacate this accommodation and make their own arrangements for their future housing. Applicants may request a review of a decision - see paragraph 41.4.

Applicants being considered under homelessness prevention measures will also be required to make their own arrangements for their future housing.

The council considers that this approach is consistent with our homelessness prevention agenda and also supports our commitment to ensure that homeless applicants do not dominate allocations to the detriment of other applicants who also have reasonable preference for an allocation of housing.

### **42.4 Review of decisions on final offers of accommodation under section 193**

Under the terms of the Housing Act 1996 section 193(2) Part VII as amended by the Homelessness Act 2002, an applicant has the right to a review of the suitability of a final offer of housing in discharge of the final duty owed under this legislation. Reviews must be requested in writing within 21 days of the date the applicant was notified of the decision. An applicant may accept a final offer of accommodation and at the same time request a review on its suitability and applicants will be encouraged to take up this option to ensure that if they lose their appeal they will still have accommodation available to them.

### **43) *Right to request a review***

Under the terms of the Housing Act 1996 as amended by the Localism Act 2011, applicants have a right to information about certain decisions that are taken in respect of their applications and the right to request a review of those decisions.

The council must notify applicants in writing of a decision that they are not eligible to join the housing register or do not qualify to join the housing register. This notification must

give clear grounds for the decision, which will be firmly based on the relevant facts of the case, and must also advise the applicant of their right to request a review of the decision.

Applicants may also request a review of any decision made in connection with their application. This could include:

- assessment of their banding
- reasonableness of a direct allocation
- cancellation of an application

We would encourage applicants unhappy with a decision to contact their caseworker in the lettings team in the first instance and explain why they think the decision is not reasonable. If the caseworker upholds the original decision then the applicant should make a formal request in writing for the decision to be reviewed. The letter should explain why the applicant feels the decision is wrong and provide supporting information where possible. The review must be requested with 21 days of the date of the original decision letter.

The review will be conducted by a manager senior to the officer that made the decision and who was not involved in the original decision making process. The applicant may provide the reviewing officer with any new information relevant to their case, for example the settlement of rent arrears or removal from the household of a person causing anti-social behaviour. We aim to give a full response to a request for a review with 56 days, however where this deadline cannot be met we will notify the applicant of the delay and the reasons for it. Applicants will be sent a written notification of the outcome of the review that will set out the reasons for the decision.

There is no further right to a review of a decision. If an applicant remains dissatisfied they may seek independent legal advice regarding their situation. Applicants may also pursue a complaint through the council's formal three stage complaints procedure. If they remain dissatisfied having done so they may then take their case to the Housing Ombudsman. More information of the complaints procedure is available on the council's website [www.stevenage.gov.uk](http://www.stevenage.gov.uk)

Applicants seeking a review of a decision, made by a registered provider, not to accept a nomination from the council - see paragraph 39.10 - must do so through the appeal and review procedure of that registered provider.

#### **44) *Monitoring and reviewing the allocations scheme***

The allocations scheme will be reviewed on a regular basis to ensure that it meets its stated objectives, complies with existing and proposed legislation and guidance, and does not operate in a manner that disadvantages, or discriminates against, any particular group.

The allocations scheme will be monitored for any unintended consequences over the first twelve months of operation.

#### **45) *Contacting the council***

You can contact Stevenage Borough Council:

By writing to:

Lettings or or Housing Advice  
Stevenage Borough Council  
Daneshill House  
Danestrete,  
Stevenage  
Herts  
SG1 1HN

By telephoning: 01438 242242

By emailing:

[lettings@stevenage.gov.uk](mailto:lettings@stevenage.gov.uk) if you have a query regarding your housing register application  
or this allocations scheme

[housing.advice@stevenage.gov.uk](mailto:housing.advice@stevenage.gov.uk) if you would like advice on your housing options

Our website address is:

[www.stevenage.gov.uk](http://www.stevenage.gov.uk)