

# Housing Allocations Policy



## **1. Purpose Statement**

- 1.1 The Housing Act 1996 requires all local authorities to have an allocation policy to determine the priorities and define the procedures that will be followed when allocating housing accommodation.
- 1.2 This policy sets out who can apply for social housing (Council housing and housing association properties) in Bournemouth, Christchurch and Poole and how we set priorities for who is housed.
- 1.3 BCP Council is committed to allocating housing in a fair and transparent manner and aims to use its scarce housing resources to meet the needs of its vulnerable residents and those in the greatest need of housing.
- 1.4 To meet these commitments the policy:
  - Takes a person-centred approach to allocating housing and prioritises those who are eligible for assistance and are in the greatest need.
  - Gives applicants choice in where they live and promotes safe and sustainable communities
  - Helps applicants to make realistic decisions about their future housing prospects by offering information on a wide range of housing options and needs tailored advice.
  - Provides an accessible, understandable and transparent scheme.
  - Helps the Council effectively manage its housing stock.
  - Recognises the need to balance local connection priorities for vulnerable residents and those with significant housing needs.
  - Aims to make sure that care leavers, families and vulnerable people with support needs are given as much help as possible to find suitable housing
  - Aims to provide help to applicants who are in crisis as early as possible
  - Prioritises providing applicants with a full range of housing options advice and realistic solutions to resolve their housing need, at the point of application.

## **2. Who the policy applies to**

- 2.1 This policy applies to all those who wish to join the BCP Council allocation scheme for an allocation of social housing; Housing staff who are processing applications, providing housing options advice and allocating housing; Members who are acting on behalf of their constituents; and agencies supporting or acting on behalf of applicants e.g. Children and Adult Social Care.

## **3. This policy replaces**

- 3.1 This policy replaces the three separate allocations policies in place in Bournemouth, Christchurch and Poole.

## 4. Approval process

- 4.1 In developing this policy, the Council has consulted with Members; housing associations who have housing in its area; the general public and local communities; and local voluntary and statutory agencies and partners including those who provide social and health care.
- 4.2 This policy requires Cabinet approval.

## 5. Links to Council Strategies

- 5.1 This policy supports the Housing Strategy.
- 5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:
- Housing Strategy
  - Homelessness Strategy
  - Tenancy Strategy
  - Stronger Community Strategy
  - Local Plan
  - Corporate Plan
  - Safeguarding Strategy
  - Adult Social Care Strategy
  - Corporate Parenting Strategy for Children In Care & Care Leavers
  - Crime & Disorder Reduction and Community Safety strategies
  - Customer Access Strategy
  - Health & Wellbeing Strategy
  - Domestic Abuse Bill 2020
  - Private Sector Housing Strategy
  - Equality & Diversity

## 6. The Policy

- 6.1 Legal Framework  
This policy sits within a legal framework which includes the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011) the Homelessness Reduction Act 2017 and regulations issued by Government relating to allocations.

**Appendix A – Legal Framework** sets this out in more detail.

- 6.2 Qualification and Eligibility

Subject to rules relating to immigration status, Local Authorities have the discretion to decide which type of applicants can qualify for an allocation of social housing. BCP Council considers qualification based on:

- Housing Need and
- Local Connection to the BCP Council area

Allocations can also only be made to eligible persons and the Council cannot nominate to certain people from abroad with limited rights to remain in the United Kingdom or who are subject to immigration control. Persons from abroad can include British Citizens who have lived outside of the Common Travel Area and are not habitually resident in the Common Travel Area.

Applicants must also not meet any of the criteria which would prevent them from qualifying for the allocation scheme. These criteria include:

- Homeowners and those who have failed the financial test, subject to the level of housing need and following a financial assessment.
- Deliberately worsening own circumstances in order to gain advantage on the Scheme
- Providing false information or withholding information, which is a criminal offence.

Detailed information is set out in **Appendix B – Who Does Not Qualify**

Applicants will qualify to join the Scheme if they satisfy all 4 of the criteria listed below. They:

- Be over the age of 16
- Have a housing need; except for those applicants who wish to be considered for over 55 sheltered and accommodation for older people.
- Be unable to financially meet your own housing needs
- Be living or working in the BCP Council area and meet the local connection requirements OR meet one of the requirements for having an exception to local connection.

It is important to note that whilst we allow 16 and 17 year olds to join the Scheme, they cannot legally hold a tenancy in their own name until they turn 18. This means that they need to have someone who can act as a guarantor and hold their tenancy in trust for them.

The Council must give 'reasonable preference' to the following groups when it decides how to allocate housing:

- people who are homeless (within the meaning of Part 7);
- people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3);
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- people who need to move on medical or welfare grounds (including any grounds relating to a disability); and
- people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)

Additional preference may be given to households in one of the reasonable preference groups listed above where they have been assessed as having urgent housing needs.

This includes those who:

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

Additional preference must be given to applicants who are current or previous members of the armed forces, who also has an urgent housing need, and who:

- 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,
- formerly served in the regular forces,
- 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
- 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.

Detailed information is set out in **Appendix C – Who Can Qualify**

### 6.3 Banding Scheme

The Council uses a banding system to prioritise applications on the Scheme. The scheme has 4 bands – Emergency, Gold, Silver and Bronze. All applicants who qualify to join the Scheme will be placed into one of these bands.

Detailed information is set out in **Appendix D – Banding Scheme**

Applicants who have been assessed as having an exceptional housing need will be awarded an Emergency Band, and will be allocated accommodation directly based on their specific housing needs (See **Appendix G – Emergency Band - Emergency Offer**)

### 6.4 Application and Assessment Process

BCP Council uses an online application form process, with support being made available for our most vulnerable residents and those who are unable to complete this on their own and do not have support to do so.

Following application, people will be contacted by an officer for a pre-assessment interview. The pre-assessment interview will allow us to fully:

- consider housing options and formulate individual housing plans
- identify the urgency of the need for housing
- arrange multi-agency meetings (where necessary)

A full assessment will only take place following a pre-assessment interview and once we have received all of the supporting documents and any other information we need, in order to do so.

Following assessment we will provide applicants with a full range of realistic options to resolve their housing need, and which is tailored to their circumstances.

Applicants will be required to provide documents, and evidential information, to support their applications and we will assist our vulnerable residents to do so.

Detailed information is set out in **Appendix E Application and Assessment Process**

Once assessed, applicants will be awarded the band which has been assessed as most reflects their housing need. They will have the right to request a review of this decision if they do not agree with the assessment. **See Appendix H - Administration**

## 6.5 Allocations and Lettings

The majority of BCP Council and housing association vacancies will be let through the choice based lettings scheme

The choice based lettings system will automatically place bids on properties which meet the applicants' needs and the area and property type preferences which were selected by them at the point of application.

Bids can be viewed and amended by the applicant at any time, prior to the bidding cycle closing, and bids can be manually placed on additional properties, up to a total of 6 bids in any one cycle.

At the end of the bidding cycle, all the bids are shortlisted and prioritised by the choice based lettings system based on band.

Unless the property is subject to additional priority preference e.g. to meet the terms of the S106 or Local Lettings Policy, the nominated applicant will be the one who is in the highest band and has the earliest effective band date, except where the property has been labelled to give priority to a particular type of applicant.

Detailed information is set out in **Appendix F Allocations & Lettings**

## 6.6 Allocations Made By Way of An Emergency Offer

In order to meet the needs of its most vulnerable residents, there may be occasions where it will be necessary for BCP to allocate a property outside of the normal choice based allocations process and make a direct offer to an applicant. This will only occur when a household have been assessed as having a need which can only be met by an offer of a Council or housing association property. The emergency offer option will be awarded to those who meet one, or more, of the criteria outlined below:

- there are medical or welfare needs which are so severe that the protection of vulnerable adults or children is only possible in a permanent home and where the present housing circumstances could deteriorate to such an extent as to place household members, particularly children, at risk or in need of specialist care unless permanent housing is offered.
- there is a need for extra care or supported housing accommodation and this need is supported by Social Services.

- for community safety purposes
- one, or more, members of the household have significant medical needs which can only be met through an offer of a property which meets their specific property adaptation requirements and they have been assessed by the Bespoke Housing Group as requiring such a property.
- victims of domestic violence, where there is a significant risk of violence or harm, and the victim cannot be safely accommodated in a refuge or other temporary accommodation.
- where someone cannot be discharged from hospital because their home is, and will remain, permanently impossible to live in.
- homeless people or families households whose needs are such that BCP Council would only be able to discharge its Duty with an offer of Council or social housing, as agreed by a senior officer.
- Housing First applicants
- where there is a significant threat to life or risk of serious and permanent disability
- you have been assessed as having an exceptional housing need, but do not otherwise meet the local connection criteria, and would qualify for an Emergency Band - Emergency Offer of accommodation only in the BCP area
- 

These applicants will be awarded an Emergency Band.

Detailed information is set out in **Appendix G Emergency Band – Emergency Offer**

## 6.7 Administration

This includes:

- Information Sharing & Data Protection
- Giving false or withholding information
- Cancelling and Suspending Applications
- Confidentiality
- Right to Review
- Transfers
- Equality
- Changes to the Scheme
- Complaints
- The Local Government & Social Care / Housing Ombudsman
- Access to Personal Information
- Who to contact for further advice

Detailed information relating to the administration of the scheme is set out in **Appendix H Administration**.

## 7 How to use this policy

7.1 This policy is supported by appendices which detail how the policy is implemented. These are:

- Appendix A – Legal Framework
- Appendix B – Who Cannot Qualify
- Appendix C - Who Can Qualify

- Appendix D – Banding Scheme
- Appendix E – Application and Assessment Process
- Appendix F – Allocations and Lettings
- Appendix G – Emergency Band – Emergency Offer
- Appendix H - Administration

## 8 Roles and responsibilities

### 8.1 Decision Making and Changes to the Scheme

To ensure the allocation scheme is operating fairly and within the law, the Director of Housing, in consultation with the Housing Portfolio Holder, will be able to approve minor amendments to the policy and scheme providing that the amendment is not considered to be major or have a negative impact on more than five percent of applicants on the allocation scheme.

The majority of decisions will be made by the officers assessing applications. For decisions required above normal assessments these are detailed below and will be the responsibility of officers working in named positions or an officer at a higher level within the Housing Service if they are unavailable.

| Decision                                     | Responsible Person |
|--|--------------------|
| Approval for Emergency Band.                 | Senior Officer     |
| Direct Offers & Discretionary Allocations    | Senior Officer     |
| Local Lettings Plans                         | Senior Officer     |
| Restrictions from Allocation scheme          | Senior Officer     |
| Sensitive Lettings                           | Senior Officer     |
| Properties excluded from the letting process | Senior Officer     |
| Suitability of offers and refusals           | Officer            |
| Reviews and appeals                          | Senior Officer     |

## 9 Enforcement and sanctions

- 9.1 Failure to comply with the Allocations Policy can leave the Council at risk of a charge of maladministration and judicial review.
- 9.2 Application assessment will be monitored to ensure compliance.
- 9.3 Nominations will be reviewed on a regular basis to ensure that properties have been allocated as per the terms of the policy.



### APPENDIX A – LEGAL FRAMEWORK

In setting its Housing Allocation Policy, the Council has had regard to legislation, Government guidance, regulations and ministerial letters, including:

#### 1. Statutes

- The Housing Act 1996
- The Homelessness Act 2002
- The Equality Act 2010
- The Localism Act 2011
- Homelessness Reduction Act 2017

#### 2. Regulations

- Allocation of Housing (Procedure) Regulation 1997; SI 199/483
- Allocation of Housing (England) Regulations 2002; SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 (as amended)
- Allocation of Housing (Qualification Criteria for Armed Forces) (Armed Forces)(England) Regulations 2012; SI 2012/2989
- The Allocation of Housing and Homelessness (Review Procedures) Regulations 1999
- Allocation for Housing (Qualification Criteria for Right to Move) (England) Regulations 2015; SI 2015/967
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989

#### 3. Codes of Guidance

- Allocation of Accommodation: Guidance for Local Authorities for Local Housing Authorities in England (DCLG 2012);
- Providing Social Housing for Local People: Statutory Guidance on Social Housing Allocations for Local Authorities in England (DCLG, December 2013)
- Right to Move: Statutory Guidance on Social Housing Allocations for Local Housing Authorities in England (DCLG, March 2015)
- Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or other types of Temporary Accommodation (MHCLG, November 2018)
- Homelessness Code of Guidance For Local Authorities 2018.
- <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>

## **APPENDIX B - WHO DOES NOT QUALIFY**

### **1. Immigration Status**

Eligibility in respect of immigration status is set out in the Housing Act 1996:

<https://www.legislation.gov.uk/ukpga/1996/52/section/160ZA>

You will not be eligible to qualify for the allocation scheme if you are not entitled to access to public funds due to your immigration status. This includes applicants:

- who are subject to immigration status, unless he/she is of a class prescribed by the Secretary of State, or is currently a tenant of the Council or a housing association
- whose right to reside is solely derived from his or her status as a jobseeker, or as a family member of a jobseeker, or is an initial right to reside for a period not exceeding three months. As set out in Reg (4)(b)(i) and (ii) of the Eligibility Regulations
- who are not habitually resident in the UK or are exempt from the habitual residence test
- who have the right to reside in the UK, or the Common Travel Area, as a result of being the primary carer of a British citizen residing in the UK where that British citizen would be unable to continue to reside in the UK if the primary carer left.

If you are eligible for housing but your partner is not eligible, because they fall into one of the above categories, you will be able to bid for accommodation but, if you are successful in securing a tenancy, you will not be able to have a joint tenancy with your partner. In this case, the application will be in your name alone and, if you qualify for an allocation, the needs of any ineligible members of your family will be taken in to account when assessing bedroom size, priority and any other matters.

Most persons from abroad, who are not subject to immigration control (including British Citizens) must also be habitually resident in the Common Travel Area (CTA) and/or have the right to reside in the CTA in order to be eligible to join the Scheme. This is known as the 'habitual residence test'.

The Common Travel Area is:

- United Kingdom
- The Channel Islands
- The Isle of Man
- The Republic of Ireland

### **Habitual Residence**

In order to pass the habitual residence test, the Council will need to be satisfied that a person is actually resident in the UK and has both an appreciable period of residence and a settled purpose of establishing residence. The Council will consider all the circumstances of each case and there is no set period for an appreciable period of residence.

The Council will generally make inquiries into habitual residence where applicants have not lived in the UK for the whole of the previous two years. For applicants who had previously lived in the UK, have returned to live in the UK, and have a settled purpose of remaining in the UK, the appreciable period of residence could be very short and they could be immediately habitually resident.

The Council will consider when the applicant left the UK, how long the applicant had previously lived in the UK, why he or she left the UK, how long did he or she intend to remain abroad, his or her reason for returning, whether his or her partner and/or children also left the UK, whether the applicant kept any accommodation in the UK and, if so, what were the arrangements, what links the applicant kept with the UK, whether there had been other brief absences and his or her reason for coming to the UK, and any other relevant circumstances.

For applicants who have not previously lived in the UK, the Council will consider how long the applicant has now lived in the UK, whether he or she is joining family or friends in the UK, what his or her plans are, how long he or she has now lived in the UK, how long he or she lived in another country and what ties they have with that country, and where their centre of interest is located.

Further details as to what circumstances can be considered can be found at Annex of the Homelessness Code of Guidance for Local Authorities (2018).

## **EEA Nationals**

EEA nationals living in the UK and all people with EU rights to reside (including family members of EEA nationals and 'Zambrano carers') can apply to the EU Settlement Scheme until 30 June 2021. Successful applicants who can prove they have lived continuously in the UK for five years get 'EU Settled Status'. Those who can prove residence for shorter periods get 'EU Pre-Settled Status' and can later apply to convert this into EU Settled Status.

EU Settled Status is indefinite leave granted with no conditions attached and so people with this leave are eligible for housing and benefits. For housing and homelessness services they are in eligible class C.

EU Pre-Settled Status is limited leave and does not help a person qualify for universal credit/housing benefit, or in England and Wales obtain housing and homelessness services.

## **2. High Risk Offenders**

People with an offending history will always require an appropriate risk assessment in the first instance, which will take MAPPA (Multi-Agency Public Protection Arrangements) guidance into account where appropriate. They will only be considered for the waiting list once a multi-agency risk assessment is carried out to consider what type of accommodation is appropriate.

## **3. Deliberately Worsening Own Circumstances to Qualify for the Scheme**

The Council will assess whether you have deliberately worsened your housing situation in order to qualify for the Allocation Scheme and if you are found to have done so, you will be unable to join the Scheme. Deliberately worsening circumstances includes:

- giving up suitable accommodation to move into accommodation which, at the time you moved in, was unsuitable for your household's needs.
- selling a property which was affordable and met your household's needs
- giving up a tenancy which was reasonable for you to occupy, without first securing suitable alternate accommodation, and the accommodation met your household's needs
- taking deliberate or wilful action to cause the accommodation to not be suitable anymore; for example causing damage to the property or neglect
- by causing your property to become unsuitable, through overcrowding, by moving other people into your household who would not be reasonably expected to live with you

When making a decision as to whether a property had been reasonable for you and your household to continue to live in, the Council will consider guidance set out in Chapter 6 of the Homelessness Code of Guidance 2018 (as amended).

#### **4. Providing false information or withholding information**

It is a criminal offence for anyone applying for housing from a housing authority to knowingly or recklessly makes a statement which is false in a material particular or knowingly withholds information which BCP Council have reasonably required them to give in connection with the exercise of our functions (Section 171 of the Housing Act 1996).

Anyone found guilty of such an offence may be fined up to £5,000 and/or a possible prison sentence and could lose the tenancy if they have been re- housed as a result of providing false information or deliberately withholding information.

Applicants, who are found to have made fraudulent claims in this way, will be removed from the Scheme and notified in writing. This decision will be subject to review and the applicant (or their named advocate) will be informed in writing of the decision and of their right to request a review of that decision in writing.

The Council will consider taking action against a professional organisation that knowingly or recklessly provides false information or deliberately withholds information on behalf of an applicant they are representing.

#### **5. Homeowner and/or Failed the Financial Test**

The Council wishes to ensure that the limited social housing resources are allocated to those applicants who are most in need and who do not have the financial means to resolve their own housing needs.

##### Homeowners

If you are a homeowner you will be unable to join the Scheme unless you have been assessed as having an extra care need that can not be provided for in your own home or by your own means or you require substantial adaptations which cannot be carried out in your home and a suitable property would not be available in the private rented sector or buy. Evidence from Adult Social Care, together with an Occupational Therapy report will be required to support your application. Qualifying decisions, in these cases, are to be made by a senior officer in conjunction with Adult Social care.

##### Financial Assessments for all Applicants

An assessment will be made of your household income, savings and investments, and an affordability test will be applied to establish if you could meet your own housing needs in the private sector. We will consider if you have the financial means to either purchase or rent a property privately and whether your housing needs would prevent you from securing suitable accommodation. This assessment will be made taking in to account your income, capital, savings and investments and outgoings, based on the applicable amounts which have been set by the Government and which reflect the basic living needs of applicants and their family.

You can see the latest 'applicable amounts' by visiting Shelter's website (note: These amounts change in April of each year):

When making our assessment we will disregard the following:

- Any lump sum payment received by a member of the Armed Forces where it can be evidenced that this was received as compensation for an injury or disability sustained during active service
- Disability Living Allowance
- Personal Independence Payments
- Attendance Allowance

If you have sold a property within the last 3 years, and the funds you received from that sale would have allowed you to meet your long term housing needs, but you have disposed of these funds, the Council reserves the right to restrict you from the Scheme.

If you transferred the ownership of your home to a family member, within the last 5 years, and the proceeds of a sale could have allowed you to meet your long term housing needs, the Council reserves the right to restrict you from the Scheme.

## **6. Qualification Decisions**

Where the officer assessing your application believes that you would not qualify or are not eligible, they will refer your case to a senior officer who will make the final decision.

If you have been awarded, or are owed, a homeless duty by BCP Council you will qualify for the allocation scheme even if you meet any of the criteria above. However, if that duty ends you will only qualify if you no longer meet the criteria.

Applicants who have been assessed as having an urgent housing need, which cannot be resolved with an offer of private sector housing, and who have either been awarded a Group One Medical or Welfare band or have been awarded an Emergency Band – Emergency Offer (See appendix G) will also qualify even if he or she meet the criteria set out above.

Where a decision has been made that you are not eligible, or do not qualify, you will be notified in writing and you will have the right to request a review of that decision. (See Appendix E)

You have the right to re-apply if your circumstances have changed and you would no longer meet the criteria.

## **APPENDIX C – WHO DOES QUALIFY**

BCP Council is committed to allocating housing in a fair and transparent manner and aims to use its scarce housing resources to meet the needs of its vulnerable applicants, and those in the greatest need of housing.

In order to qualify for the Allocations Scheme you must:

- Be over the age of 16
- Have a housing need, except for those applicants who wish to be considered for over 55 sheltered and accommodation for older people.
- Be unable to financially meet your own housing needs
- Be living or working in the BCP Council area and meet the local connection requirements OR meet one of the requirements for having an exception to local connection.

It is important to note that whilst we allow 16 and 17 year olds to join the Scheme, they cannot legally hold a tenancy in their own name until they turn 18. This means that they need to have someone who can act as a guarantor and hold their tenancy in trust for them.

### **Housing Need**

#### **Reasonable Preference**

To be considered to have a housing need you will need to meet one, or more, of the following reasonable preference criteria:

- be living in overcrowded, insanitary conditions or otherwise unsatisfactory housing conditions
- be fleeing and/or need to recover from the effects of violence or threats of violence, or physical, emotional or sexual abuse
- need to move due to a medical condition, disability or other health related reason or to access specialist medical treatment
- be a Care Leaver or someone with a high level of support needs who is also in need of accommodation
- be homeless or at risk of homelessness and have been awarded a Duty by BCP Council
- need to move to the area to give or receive care and has been recognised as having an exception to the local connection criteria
- have a welfare need to move which is not covered elsewhere in this policy, could cause significant hardship if it were not met and the welfare need will only be met by a move into a council or housing association property

Further definition of these criteria are set out further below in the document.

The Council exercises its discretion to include applicants who do not have a reasonable preference but who would qualify for inclusion on the Scheme. These are:

- BCP residents living in a Council or housing association property which is now too big for your family's needs
- BCP residents who want to be considered for older persons, over 55 and sheltered accommodation.
- BCP residents who have the right to legally succeed to a Council or housing association tenancy but the property is too big for your needs
- Residents in Council or housing association properties which have been adapted for a disabled person but that person is no longer living in the property.

- BCP or Council housing association tenants who require a permanent decant.
- Service Personnel who meet the criteria set out under [Exception to Local Connection](#).
- BCP residents who would qualify for a discretionary allocation as set out in Section 4 of **Appendix F – Allocations & Lettings**

BCP Council will monitor allocations to applicants in these groups to ensure that these do not unduly nominate those who do have a reasonable preference and against quotas set out in the Allocations Plan, which may be published and reviewed annually.

We assess housing need as follows:

## 1. Bedroom Needs Assessment

When assessing your bedroom need we use the table below:

| Family Size  | Size of Accommodation                          |
|--|--|
| Single person  | Bedsit or one bedroom                          |
| Single person who has children who visit on a regular basis                                    | One bedroom                                    |
| Two adults living as a couple  | One bedroom                                    |
| Adult couple or single person, with one child  | Two bedrooms                                   |
| Adult couple or single person, with two children of the same sex under 16                      | Two bedrooms                                   |
| Adult couple or single person, with two children of opposite sexes under 10                    | Two bedrooms                                   |
| Adult couple or single person, with two children of opposite sexes over 10                     | Three bedrooms                                 |
| Adult couple or single person with one child under 10 and one child over 10, of opposite sexes | Three bedrooms                                 |
| Adult couple or single person, with three children under 16                                    | Three bedrooms                                 |
| Adult couple or single person with four or more children                                       | Subject to the age and gender of the children. |

If anyone in the household is pregnant we will recognise a bedroom need 12 weeks from the baby's due date. This does not automatically mean that you will be awarded an extra bedroom for that child as we will calculate its need based on the existing members of the household, in line with the table above.

BCP Council, or Housing Association tenants in the BCP area, who are required to be permanently decanted from their homes will be given the option to either bid for properties which have the same number of bedrooms as their current accommodation or for properties which meet their housing needs, should these two things not be the same.

When deciding how many bedrooms you need, we assess how many people you have in your household.

To be included in your household they would need to be:

- your partner, living with you in a permanent relationship
- your children who are under the age of 18
- your children who do not currently live with you but who are coming out of social services care and who are under the age of 18.
- children, under the age of 18, that you have fostered or adopted. You will need to provide evidence that this approval has been granted.
- your children, over the age of 18, for whom you have continuing caring responsibilities due to medical or disability needs.
- your children over the age of 18 who are registered as your full-time carer.
- dependant relatives who have had to join you to receive care but only if that was the only option available to the family. We will consider if it was appropriate for that person to come and live with you based on what their circumstances are. In some cases it may be more reasonable for you to move in with them, if their home is big enough for you all, or if they own their own property and have the funds available to purchase a home for you all. In this case a 'relative' means parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews and nieces, including step-relations and half-relations.
- a carer. If you require personal care both day and night and this is being provided by someone who does not form part of your household then you may be entitled to an extra room for the person. We would expect that you would be in receipt of Carer's Allowance and Disability Living Allowance with the highest care component. Your carer must be recognised, employed by, or working on behalf of Adult Social Care and we would expect them to be a named person (unless your care is provided on a rota arrangement made by Adult Social Care or an agency on their behalf) See [Extra Bedrooms](#) for more information.
- a member of your household who is due to be released from prison and lived with you before they were imprisoned.
- your children who are studying at university and living in halls of residence during term time or are serving in the Armed Forces and living in barracks, (unless they have made an application for housing in their own right).

Who is not included in your household:

- partners of your children who you have allowed to move in with you
- children who do not normally live with you but who you have a shared responsibility for. We will only consider these children if you are shown to have main parental responsibility and that your home is considered to be their main and principal home. To determine this, we will consider details set out in Court orders or legally agreed sharing agreements; receipt of benefits, addresses registered with doctors and schools; how often they stay with you.
- children over the age of 18 (excluding those set out in those who are included or where it has been confirmed by the Housing Service that they should still remain part of the household).

We will also consider what other rooms you have in your home and, if you have both a lounge and a dining room, we would consider that one of these could be used as a bedroom so will include that in to our calculations.

## **2. Extra Bedrooms**

We recognise that there are occasions when families need extra bedrooms and will consider these requests if there is sufficient evidence to support it. We may consider the following reasons:

- sharing with another family member whose care needs or behavioural problems



severely affect your ability to sleep, which in turn negatively impacts on your employment or mental health.

- In the case of children, this may also apply to schoolchildren whose ability to study and complete homework is negatively impacted. Supporting evidence would need to be provided from an occupational health provider, a consultant psychiatrist, head teacher or principal, or other relevant professional.
- where grandparents and grandchildren would otherwise be sharing.
- you, or a member of your household (adult or child), need overnight care (and you do not have a carer in your household) and this has been confirmed as part of your housing and health needs assessment. You will need a Community Care Assessment to show that you need permanent and substantial overnight care on a regular basis. This would include assistance to turn in bed because you cannot do this yourself to reduce the risk of pressure areas, changing of incontinence aids, liquid feeds. You will be asked to provide occupational therapy and community care reports to support your request for an additional bedroom.
- you, or a member of your household (adult or child), need major medical equipment for the long term, such as home dialysis, equipment for percutaneous external gastrostomy feeding, long term large assistive equipment for example wheelchair, mobile hoists, hospital beds.
- you, or a member of your household (adult or child), need substantial psychological support due to a major psychiatric illness certified by a consultant psychiatrist (for example, progressive dementia, schizophrenia, bi-polar disorder, severe learning difficulties, severe and longstanding neurosis which is poorly controlled by medical treatments) **and** you are assessed as being incapable of living independently in the community by a medical professional.
- there is a child, up to the age of 16, in your household who has a severe or profound learning difficulty, with a presentation of behavioral or emotional difficulties who exhibits sexually exploratory behaviour or other inappropriate behaviour of a serious nature and has a limited understanding around the impact of this on others. This will need to be certified by a consultant psychiatrist.
- a member of your household is transitioning and are unable to share a bedroom with other family members who are the same gender as they identify with. This is particularly relevant if this person is undergoing gender re-assignment surgery and/or if there is medical or psychiatric evidence to support the need for their own room.

People who are in receipt of formal overnight care which is being provided by NHS continuing care nurses, visiting agency carers etc, will not be considered for an additional bedroom.

Additional bedrooms will only be considered if documentation showing that an assessment of need which supports an additional bedroom has been undertaken by the appropriate health or care professionals.

It is important to note that the award of an extra bedroom, for Allocation Scheme purposes, does not mean that you will receive the full housing benefit rate. Housing Benefit will only pay for an extra bedroom in certain circumstances e.g. where a child needs their own room and is in receipt of middle or higher rate Disability Living Allowance.

Your request for an additional bedroom will be assessed by a senior officer.

### **3. Overcrowding**

If we have assessed you as requiring one, or more, bedrooms than you have in your current home, you will be awarded one of two overcrowding bands. These bands are:

### Gold – Overcrowding

You will only be awarded this band if you have been assessed as having a Category 1 Hazard under Part 1 of the Housing Act 2004 and/or are statutorily overcrowded under Part 10 of the Housing Act 1985. This means that your property will need to be inspected before you can be considered for this band.

To allow you to bid on properties at the earliest opportunity, if you are assessed as being overcrowded you will be initially awarded the Silver band until such times as we have confirmed that you meet the Category 1 criteria.

This band does not apply if you have been awarded a homeless duty and are living in temporary accommodation.

### Silver – Overcrowding

You will be awarded this band if you have been assessed as needing one, or more, bedrooms but do not meet the Gold band criteria.

## **4. Under Occupation**

We recognise that there is limited social housing stock in the BCP Council area and that there are residents living in Council or housing association properties which are now too big for their needs, based on the housing needs assessment table set out in section 1.

We also recognise that residents who need to downsize may have a rent debt, due to housing benefit deductions related to the bedroom subsidy, and that this creates a need to move to prevent further financial hardship.

To assist these residents to move we award Gold Band – Under Occupation.

## **5. Insanitary Conditions**

If you are living in a privately rented property which is in need of significant repairs and your landlord cannot or will not resolve these, you may be considered to have a housing need.

In every case, we would expect you to be talking to your landlord about making repairs, and you will need to provide evidence to show that you have done that but if the repairs are still not being carried out we will come out to visit you to assess the level of repairs which are needed.

If the repairs are minor, and the property otherwise meets all of your housing needs, we will liaise with your landlord to get these resolved for you.

If we feel that the repairs are of such a significant nature, we will ask a Private Sector Housing officer to visit to assess the works required. If their assessment identifies that there are significant hazards (under Part 1 of the Housing Act 2004) and that those hazards cannot be reasonably removed or reduced to a satisfactory level within a reasonable timescale (this is called a Category 1 Hazard) you will be awarded Gold Band – High Disrepair.

We will remove this band if the works are then subsequently completed or if the works could be completed but it has been found that you have refused to co-operate with your landlord to allow these works to be carried out.

If you are a Council tenant, or tenant of a housing association, we would expect these repairs to be carried out as part of your landlord's responsibilities. As such, unless you have another reason to move, you will not be able to join the Allocation Scheme but we will support you to work with your landlord to have these repairs carried out.

## **6. Domestic Abuse**

If you are an existing social housing tenant with either a secure or assured tenancy, and the Council is satisfied that you or a member of your household has been a victim of domestic abuse, you will be granted a new lifetime tenancy if you are given an offer of accommodation.

Victims of domestic abuse who have been placed into temporary accommodation or a refuge in the BCP Council area may be granted an exception to the local connection requirement dependent upon their housing options assessment.

If there is a significant risk of violence or harm and you cannot be safely accommodated in a refuge, other temporary accommodation or rented accommodation, you may be given an Emergency Band to enable you to move dependent upon their housing options assessment.

If you are placed into temporary accommodation, or a refuge under a homeless duty, you may be awarded a Gold Band for Group One Welfare dependent upon your housing options assessment.

## **7. Tenancy Succession**

If you have been living with a Council or housing association tenant and they have passed away, you may be entitled to succeed to their tenancy. Your landlord would be able to let you know if you do have this right.

This might include where you have no legal right of succession but the Council or partner housing provider's tenancy agreement or succession policy dictates that a discretionary succession would be reasonable and proportionate, and the applicant has a need to move to alternative accommodation.

Even if you have been given the right to succeed, if the property is too big for your needs you will need to move and to help you to do that, we will award you a Gold – Tenancy Succession band.

If you don't have the right, your landlord will need you to move out and you should contact us to discuss your housing options as you may be threatened with homelessness if you don't move.

## **8. Severe and/or Persistent Harassment**

If there is an immediate or serious risk to your household, and the Police or another appropriate agency provides us with evidence to support that this risk exists, then we will award you a Gold High Severe and/or Persistent Harassment Band.

We would not normally award this band for Council or housing association tenants who are experiencing anti-social behaviour and/or neighbour nuisance because we would expect their landlord to be taking action to resolve the issue. However, we would consider cases where there is a risk to the household, particularly if they are giving evidence against the perpetrators in order for the landlord to take legal action against them.

## **9. Additional Support Needs – Care Leavers and Move-On from Supported Housing**

The Council wants to make sure that care leavers and vulnerable people with support needs, who are in need of accommodation, are given as much help as possible to find suitable housing. If you have recently moved, or are about to move, from supported accommodation, a care placement, hospital or rehabilitation facilitated by the Council and you are assessed as able to sustain an independent tenancy, you may be eligible for a Gold band.

If you are a young person aged 25 or under who has been looked after, fostered or accommodated by BCP Council between the ages of 14 and 18, for a period amounting to at least 13 weeks in total, and the council has a duty of care accepted under the Children Act, you may be eligible for Gold Band – Care Leavers Move-On, if your care placement is coming to an end or has ended recently and you have been assessed as being able to manage a tenancy.

If you are a vulnerable person with support needs who is ready to move on to independent housing following a stay in hospital or a period of living in Council commissioned supported accommodation, you may be eligible for Gold Band – Supported Housing Move-On. We will take a multi-agency approach to plan, assess and review your particular needs which may include a funded support package which goes beyond your housing related support needs.

In cases where your assessment shows you are not yet ready to sustain an independent tenancy, you may be referred to supported housing or other housing for a period of time dependent on your individual needs. Your application will not be made live until an appropriate officer has assessed you as ready to move on to independent living.

To qualify we would also need evidence to show that your health and wellbeing would be significantly impacted, in a negative way, if you were to move onto any type of non-secure property, for example private rented, and that social housing is considered the only suitable option for you.

## **10. Quota**

In certain circumstances, BCP Council will aim to let a % of available properties to applicants in specific bands, either to meet legislative requirements or to ensure that nominations to those who do not have a reasonable preference do not unduly dominate those who do meet the requirement.

The quota %, in each group, will be set out in the Allocations Plan and will be monitored and reviewed annually.

## **11. Medical Needs**

If you are applying for housing because of health or medical issues we will assess your application based on information provided by recognised medical professionals for example your GP, a Consultant or Occupational Therapist.

We will only consider this information if it is demonstrated that:

- your medical condition is being caused by or made worse by your housing conditions **and**
- your current property cannot be improved or adapted to meet your needs at a reasonable cost **and**
- rehousing is likely to significantly improve your condition

We will not consider applications under medical grounds for the following:

- health problems that are not affected by your housing or cannot be improved by moving you
- medical issues which relate to housing defects which can be resolved by action taken by you, or your landlord
- you are homeless and have been provided with temporary accommodation by BCP Council. (This is because you have the right to seek a suitability review of the accommodation if it is impacting on your health and wellbeing)
- the medical issue relates to someone who is not part of your household
- time related medical issues, for example pregnancy, or a broken leg.

Medical banding decisions will be made following an assessment and if you are found to have a housing need, you will be awarded one of two bands – Gold – Group One Medical or Silver – Group Two Medical.

### Group One

We would consider you to be in this group if your home is so unsuitable for you that it has resulted in you being completely housebound; or at risk of injury or relapse; or unable to live independently. Moving you must be the only way to resolve the problem. Examples of people who might fall within Group One include, but is not limited to, anyone who has one or more of the following conditions themselves, or whose household contains a person who has one or more of the following conditions.

You may be awarded Group One if you:

- are housebound and unable to access or exit your home due to your medical and housing conditions
- require the permanent use of substantial medical equipment at home, such as kidney dialysis equipment, mobile or ceiling track hoists, but your property, or landlord, prevents you from having this
- are a full-time wheelchair user requiring wheelchair adapted housing and your current home is not wheelchair adapted,
- have moderate to severe dementia and your property is becoming unsafe for you
- have had severe strokes or traumatic brain injuries resulting in a loss of function on one, or both, sides of the body,
- have advanced Motor Neurone Disease or Multiple Sclerosis.
- are totally unable to access essential facilities, and your property cannot be adapted to meet your needs
- live in a home which is now unsafe for you due to a change in your medical condition or mobility e.g. you have become severely sight impaired and are now at significant risk of injury due to falls.
- have developed epilepsy, are subject to regular seizures which cannot be controlled by medication and you live in a property with stairs, or which can only be accessed by stairs.
- are serving or have served in the Armed Forces and are suffering from a serious physical injury, serious mental or physical illness or disability which is attributable (wholly or partly) to that service.

### Group Two

We would consider you to be in this group if your home is no longer suitable for you because you, or a member of your household, have one or more of the following circumstances:

- have significant back or knee problems and have difficulty carrying children or shopping upstairs,
- have a severe and enduring mental illness which you are no longer able to manage and where a move would substantially improve your wellbeing,
- have bilateral arthritis of the hips and knees and you use mobility equipment and you are struggling to enter or leave your home.
- have had moderate strokes with recovery of some function,
- have chronic obstructive pulmonary disease or emphysema and you are unable to get around in your home.
- have Schizophrenia or Bipolar Affective Disorder, which you are no longer able to manage because of your living conditions
- have an Autistic Spectrum disorder with behavioural problems, global developmental delay or moderate to severe learning disabilities and your home is becoming unsafe or causes an impact on other family members. If it is agreed to award an extra bedroom for you, or a member of your household, you will not receive an overcrowding band but will be able to bid for properties with one bedroom more than your needs as defined under [Bedroom Needs Assessment](#).
- a member of your household is transitioning and there is medical and psychiatric evidence to support the need for their own room whilst they are going through this transition, particularly in the case where gender re-assignment surgery is taking place. If it is agreed to an award of an extra bedroom you will not receive an overcrowding band but will be able to bid for properties with one bedroom more than your needs as defined under [Bedroom Needs Assessment](#).
- have cardiomyopathy or congestive cardiac failure or lung disease and can no longer manage the stairs into or inside your home.
- are serving or have served in the Armed and are suffering from a physical injury, mental or physical illness or disability which is attributable (wholly or partly) to that service

These are examples of medical conditions and not an exhaustive list. In all cases we will consider the impact of your accommodation on your medical conditions.

BCP Council recognises that there are some situations which are so severe that an immediate move to suitable accommodation needs to be made. These applicants will be placed on to a separate housing list and allocated properties outside of the choice based lettings scheme. This is for cases whose medical needs are so significant that they require a purposely adapted property; they need to be discharged from hospital but cannot return to their home because it is unsuitable and it would be impossible to be adapted to meet their needs; or there is a significant threat to life or a significant risk of serious and permanent disability.

See Appendix G – Emergency Band - Emergency Offer for more information.

## **12. Welfare**

If you are applying for housing because of welfare related issues we will assess your application based on information provided by professionals for example Police; Social Services; support agencies; or a medical Consultant.

We will only consider this information if it is demonstrated that:

- there is a need which has not been covered elsewhere in this policy
- this need could cause significant hardship if it was not met AND
- your welfare need will only be met by a move into a Council of housing association property.

Welfare banding decisions will be made following an assessment and, if you are found to have a housing need, you will be awarded one of two bands – Gold – Group One Welfare or Silver – Group Two Welfare.

### Group One

You may be considered for Group One if you:

- or a member of your household is severely vulnerable due to frailty or advanced age.
- or a member of your household has a learning disability and needs to move into mainstream accommodation. This decision will be based on an assessment made by the Learning Disabilities Team.
- have undergone lengthy rehabilitation in residential surroundings and are ready to attempt independent living in the community and temporary accommodation would risk undoing the work of the centre or unit.
- are a victim of domestic abuse and have been placed in to temporary accommodation or a refuge
- need to move because of significant harassment and the risk of harm.
- have been approved by Children's Services to adopt or foster a child and you do not have a bedroom for them in your current accommodation.
- living in a property where you experienced a traumatic event for example the death of a loved one or domestic abuse

### Group Two

You may be considered for Group Two if you:

- are otherwise adequately housed but you, or a member of your household, has a medically diagnosed condition which means that they need access to their own secure, outside space for example those with autism; ADHD; a learning disability.
- have been assessed by an officer of the Housing Team as having difficulty meeting your housing costs and where moving would prevent significant financial hardship. (A comprehensive financial assessment will be carried out to determine this).
- are living in a property which is having a detrimental impact on your welfare and there are no remedies available to improve the conditions, for example if you are living in a building with poor sound-proofing and day to day living noises from your neighbours is impacting on your wellbeing.
- are becoming socially isolated due to public transport no longer being readily available to you, for example due to limited mobility and bus routes changing.
- are living apart from your household, not by choice, but due to the lack of suitable accommodation for you. We will assess if it would be reasonable for you to live together; if you are living apart through choice; and if your needs could be met in either of the properties you are currently living in.
- you are living with an ex-partner, have recently separated or divorced, and wish to live independently and council or social housing has been assessed as being your only suitable option.
- you are living in accommodation where you are sharing facilities with other, separate households (excluding family and friends) and it is considered inappropriate for you to continue to share these facilities, e.g. due to another resident in the building.

These are examples of welfare needs and not an exhaustive list. In all cases we will consider the impact of your accommodation on your welfare needs.

BCP Council recognises that there are welfare needs which are so severe that the protection of vulnerable adults or children is only possible with an immediate move to a permanent home, and where the present housing circumstances, or situation, could deteriorate to such an extent as to place household members, particularly children, at risk or in need of residential care. These applicants will be placed on to a separate housing list and allocated properties outside of the choice based lettings scheme.

See Appendix G – Emergency Band – Emergency Offer for more information.

### **13. Permanent Decant**

If you are a BCP Council or housing association tenant and your landlord needs your property back, because it needs major works or has been designated for rebuilding, renovation, demolition or re-designation and you will not be able to return to it, then we will award you Gold Band – Permanent Decant to assist you to move quickly.

Should you not be successful for an offer of a property, at 6 months prior to the date that full vacant possession of the property is required, you will be moved in to the Emergency Band and will be made a direct offer for a suitable property which meets your housing need.

### **14. Homelessness**

You will be considered as homeless, or threatened with homelessness, (as set out in Part 7 of the 1996 Housing Act, as amended by the Homelessness Act 2002 and the Homeless Reduction Act 2017) if you meet one or more of the following criteria:

- You do not have accommodation which is available for you to live in which you are considered entitled to occupy because of an interest in the property; a court order; implied license or legislation which gives you the right to remain in the property or prevents another person from taking possession of that property.
- You are unable secure entry to your property
- You occupy a moveable structure, vehicle or vessel, which is designed or adapted for human habitation, but there is no place where you are entitled or permitted to both place and live in it.
- It is not reasonable for you to continue to live in your property.
- You will be homeless within 56 days
- You have been served with a valid notice under section 21 of the housing Act 1988 and that notice will expire within 56 days.

If you are assessed as being homeless, or threatened with homelessness, you may be awarded on of the following silver bands if you have a local connection OR do not have a local connection but have been awarded a homeless duty.

#### **Silver – Homeless Local Connection**

You have been assessed as being homeless, or threatened with homelessness, and meet the local connection criteria set out in this policy or you have been awarded a Main Housing Duty by BCP Council but do not have a local connection.

You will remain in this band until you are successfully accommodated.



This also applies if we have ended your duty but you are still homeless, and those who have not made an application for homelessness assistance.

### **Silver – Homeless Duty No Local Connection**

You will be awarded this band if you have been awarded a Prevention or Relief Duty but you do not meet the local connection criteria set out in this policy. You will remain in this band until you are successfully accommodated or we end or discharge our Duty to you.

When you place a bid for a property, whilst in this band, you will be prioritised below all other Silver Band applicants but above those in Bronze.

## **15. Older Persons Accommodation**

If you are in a Council or housing association general needs accommodation which otherwise meets your needs, but wish to move to over 55, sheltered or housing for older persons, you will be awarded Gold Band – Efficient Use of Housing Stock.

For residents in the BCP Council are who are not in social housing but wish to move to older persons accommodation, you do not have to have a housing need and will be awarded Bronze Band – Sheltered Housing.

## **16. Unacceptable Behaviour – Reduced Priority**

Where the officer assessing your application believes that there is evidence of unacceptable behaviour, they will refer your case to a senior officer who will make the final decision as to whether or not to apply a reduced priority. Decisions will be made within the context of a multi-agency approach, taking into consideration:

- housing need
- evidence provided to show what steps have been taken to resolve an issue or change an unacceptable behaviour
- advice from agencies who are supporting you to prevent future unacceptable behaviour
- what rehousing options are reasonably available to meet your needs

If a decision is taken that you have committed unacceptable behaviour you may be placed into Bronze band – Unacceptable Behaviour.

A multi-agency approach will be taken to assessing the support you need to resolve this behaviour and the steps you will need to take towards being able to manage and sustain a tenancy. You will receive a personal Housing Action Plan which is tailored to your own, specific needs.

This action plan will be reviewed at least every three months or if your circumstances change and you will be re-assessed in to which ever band most reflects your needs, once the multi-agency group agrees that you are fully engaging with the plan and have made significant progress towards goals which have been set for you.

## **17. Management Transfers**

BCP Council or housing association tenants living in the BCP area may be given a Gold Band housing priority if it is agreed by all parties that there is an urgent need to transfer them and their housing need could not already be met by a priority band already outlined in the Policy.

This priority will be time limited for 6 months but this period could be extended if no suitable property has arisen during this time. . Applicants will be expected to bid for the next suitable vacancy. If a suitable property arises and the applicant is successful in bidding but refuses the offer of accommodation then the priority will be removed and the application will be reassessed.

## **LOCAL CONNECTION**

In order to qualify for a local connection, you will have to meet one, or more, of the criteria below:

### **18. Residency Qualification**

You currently live in the BCP Council area and have done so for the last 2 years, continuously, prior to the date of your application.

### **19. Employment**

You are employed in the BCP Council area and have been so for the last 12 months on a permanent contract, working more than 16 hours a week. Employment meaning your actual physical place of work rather than, for example, the location of your employer's head office.

For self-employed applicants, your registered address for tax purposes must be in the BCP Council area and have been so for at least 12 months continuously, prior to the date of the application.

If you are on a zero hour contract, an assessment will be made to ensure that you have been working for an average of 16 hours per week over the past 12 months.

### **20. Exception to Local Connection**

You have been assessed by the Council as meeting one, or more, of the following criteria for an exception to local connection:

- you are owed a Prevention, Relief or Full housing duty by BCP Council under homelessness legislation.
- you need to move to the BCP Council area to give or receive essential and critical support where failure to do so would cause significant harm and where a move to social housing in the Council area is the **only** way to meet these support needs. Applicants who meet these criteria will be awarded Silver Band – Need to Move to Give or Receive Support. No further banding award will be made.
- there are special circumstances such as health or support needs that are only available within the Council area, for example specialist medical facilities or care provisions.
- you are assessed as having an urgent (emergency) need due to imminent risk of abuse, harm or racial or homophobic harassment, extreme anti-social behaviour, vulnerable witnesses or any other significant and/or immediate need to move to more suitable alternative housing accommodation, where a move to social housing is the **only** suitable accommodation option.
- due to institutionalisation, hospital admission or other regulation are not otherwise non-qualifying persons due to lack of local connection to the Council area being applied to (e.g.

offenders managed under MAPPA, and where BCP social housing is determined as the **only** suitable accommodation option

- you are a victim of domestic abuse and have been placed into temporary accommodation or a refuge in the BCP Council area.
- you are a 'looked after child' as defined by Children's Services and were formerly resident in the Council area but have had to be placed into accommodation outside of the area.
- you have been assessed as having an exceptional housing need, but do not otherwise meet the local connection criteria, and would qualify for an Emergency Band Direct Offer of accommodation.
- you are aged over 55 years and living in the BCP Council area but do not otherwise meet the local connection criteria and would like to move to housing for older people, over 55 or sheltered accommodation.
- you are an existing social housing tenant who lives outside of the BCP area and have been assessed as meeting the Right To Move qualifying criteria – see [Right To Move](#)
- you are currently serving with the regular armed forces, or left within 5 years of the date of the application (referred to in the Silver Band as Service Personnel)
- you have been asked to leave accommodation provided by the Ministry of Defence because your spouse or civil partner was serving in the regular armed forces and has died, and that his or her death was attributable (wholly or partly) to that service (referred to in the Silver Band as Service Personnel)
- you are serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service
- you are divorcing/separating partners of serving members of the Armed Forces and you are being asked to leave accommodation which has been provided by the Ministry of Defence
- you are living in commissioned supported housing within the Council area and have been recommended for move on.
- you are fleeing domestic violence from outside of the BCP Council area but have been placed into a refuge or temporary accommodation within the BCP Council area.

## **21. Right to Move**

If you are a tenant with another Council or a housing association, you may be given an exception to local connection if you meet the Right to Move criteria if you:

- need to move to the borough or district to avoid hardship; and
- need to move because you work in the borough or district; or
- need to move to take up an offer of work; and
- the Council is satisfied that failure to meet this need would cause hardship (to you or to others in your household).

We could carry out an assessment of your needs to move but must be satisfied that you need, rather than want or wish, to move for work related reasons.

A number of factors will be taken into account in determining this including:

- The distance and/or time taken to travel between work and home.
- The availability and affordability of transport, taking into account level of earnings.
- The nature of the work and whether similar opportunities are available closer to home.
- Other personal factors, such as medical conditions and childcare, which would be affected if the tenant could not move.

- The length of the work contract.
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.

You will not qualify if work is short-term or marginal in nature, or if it is ancillary to work in another district. Voluntary work is also excluded. (In this context “voluntary work” means work where no payment is received or the only payment is in respect of any expenses reasonably incurred).

We will also consider the following:

- whether work is regular or intermittent - this is likely to be particularly relevant in the case of the self-employed.
- the period of employment and whether or not work was intended to be short-term or long-term at the outset. (Contracts of employment that were intended to last for less than 12 months could be considered to be short-term).
- the number of hours worked. (Less than 16 hours a week is likely to be considered to be marginal in nature).
- the level of earnings.
- if the work is only occasionally in the BCP Council area, even if the pattern of work is regular but the main place of work is in a different local authority's area.
- whether the tenant is expected to return to work in the original local authority borough or district. Verification will be sought from the tenant's employer.

The term ‘work’ includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service).

If you have been offered a job and need to move to take it up, you must be able to demonstrate that you have a genuine intention to take up the offer. We will need to see a letter of acceptance and may wish to contact the employer to verify the position.

If you wish to be considered under ‘Right To Move’ you will need to complete a set of questions linked directly to this and provide us with evidence to support your application.

This will include:

- a contract of employment
- wage/salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)
- tax and benefits information – e.g. proof that you are in receipt of working tax credit (if eligible)
- a formal offer letter and documentation showing place of work, hours to be worked contract terms and employment start date, if the need to move is to take up an offer of work.

Once we have all of this information a decision will be made by a senior officer and, if accepted, you will be awarded Silver Band – Right To Move. No further banding award will be considered or made.

It is the Council's intention to make 1% of all allocations to applicants who meet the Right to Move criteria, in line with guidance set out by the Secretary of State.

## **22. Removal of Qualification**

Before we offer you a property, we will carry out a qualification re-assessment and if you no longer meet the qualification criteria, you will be removed from the Scheme and no offer of accommodation will be made. This includes housing need and time limited exceptions to local connection e.g. Service Personnel and Prevention & Relief homeless duties and the exception to local connection will no longer apply once the time limit has expired and the application no longer meets the qualifying criteria.

You will also be removed from the Scheme if we have established that you no longer meet the qualification criteria, following a completed change of circumstances or based on evidence received by the Council.

'Right to Move' exceptions will also be removed if applicants fail to take up an offer of employment or are no longer working within the BCP area. In these cases, applicants will be advised in writing that their application has been removed from the Allocation Scheme.

In all cases you will be notified in writing of the decision that you no longer qualify and will have the right to request a review, if you do not agree with this decision.

## **23. Exceptional Circumstances - Discretion**

The Council retains the ability, in exceptional circumstances, to exercise its discretion when making decisions with regard to including persons on the Allocations Scheme. Such persons will be referred to a Senior Officer for a decision.

## **24. Proof of Local Connection**

Applicants will be required to provide evidence to support their application. Though not exhaustive, the following documentation may be used to prove local connection:

- Electoral Register
- Housing Benefit records
- Council Tax Benefit records
- Council Tax records
- Tenancy agreement
- Utility bills (gas, electric, water)
- Television licence
- Department for Work and Pensions benefit notification letters
- Educational establishment records
- Employer records
- Confirmation provided by relevant statutory bodies and support organisations
- Any Council records which can legally be used for this purpose.

The following will not be considered under any circumstances:

- Medical cards
- Mobile telephone bills/statements
- Catalogue bills/statements

## APPENDIX D – BANDING AWARDS

Following an assessment of your housing application, if you qualify to join the scheme, you will be placed into one of the following bands.

| <b>Emergency Band - Emergency Offer – housing need can only be met by an offer of a Council or housing association property as set out in Appendix G – Emergency Band Direct Offer</b> |  |
|--|--|
| <b>Protection of vulnerable adults or children</b>   | Where the existing housing circumstances could deteriorate to such an extent to place household members at risk, or in need, of residential care unless a permanent home is offered.   |
| <b>Extra Care</b>  | Where there is a need for extra care or supported housing accommodation which is supported by Social Services.   |
| <b>Community Safety</b>  | Where there is a need to move to address significant community impact  |
| <b>Bespoke Housing Group</b>   | Where there are significant and specific property adaptation requirements and the Bespoke Housing Group has assessed that they require an offer of Council or social housing.  |
| <b>Domestic Abuse</b>  | Where there is a significant risk of violence or harm and the victim cannot be safely accommodated in a refuge or other temporary accommodation.   |
| <b>Hospital Discharge</b>  | Where the patient cannot be discharged to their home and it has become permanently unsuitable for them.  |
| <b>Exceptional Homeless Cases</b>  | Where there are significant needs meaning that a discharge of duty can only be made by an offer of Council or social housing.  |
| <b>Housing First</b>   | Housing First clients who have been assessed as needing a move to a council or social housing property.  |
| <b>Significant Risk</b>  | Where there is a significant threat to life or risk of serious and permanent disability.   |
| <b>Permanent Decant</b>  | Council or Housing Association tenants in the BCP area who are required to be permanently decanted where they have not been successful for an offer of accommodation within 6 months of the need for full vacant possession of the property. This is an escalation from Gold Band.                 |
| <b>Exceptional Operational Reasons</b>   | Where there are exceptional operational reasons, for example to provide accommodation to prevent significant health risks e.g. in response to a pandemic where failure to act could result in serious harm or even death.  |
| <b>Gold Band</b>   | <b>As set out in Appendix C – Who Does Qualify</b>   |
| <b>Overcrowding</b>  | Will only apply to those having been assessed as Category 1 hazards under Part 1 of the Housing Act 2004 and/or statutorily overcrowded under Part 10 of the Housing Act 1985. This band does not apply to applicants living in temporary accommodation who have been awarded a homelessness duty. |

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| <b>Under Occupation</b>                    | The applicant is a BCP Council tenant or the tenant of a housing association, living in the BCP area, who under-occupies their existing property and is looking to move to a smaller, more suitable property.   |
| <b>Severe and/or persistent harassment</b> | The applicant is a victim of severe and/or persistent harassment or violence (including racial harassment) at their current property - providing evidence exists to substantiate the claim and to confirm the seriousness of the case (e.g. from Police), and re-housing is the only course of action.  |
| <b>Supported Housing Move-On</b>           | Applicants living in a short-term commissioned Supported Housing project who are seeking to 'move-on' into independent accommodation where there is no other suitable option for meeting their housing need other than social housing. This will be subject to quota arrangements.  |
| <b>Care Leavers Move-On</b>                | Where a young person who has been looked after, fostered or accommodated and has had a duty of care accepted under the Children Act in the BCP Council area and is ready for independent living, they will be awarded Gold band to enable a planned move on to independent suitable accommodation providing a support plan is in place. This will be subject to quota arrangements. |
| <b>Group One Medical Needs</b>             | Applicants who have been awarded a group one medical need   |
| <b>Group One Welfare Needs</b>             | Applicants who have been awarded a group one welfare need   |
| <b>High Disrepair Needs</b>                | This band will only apply to significant hazard(s) identified through Part 1 of the Housing Act 2004 and where those hazard(s) cannot reasonably be removed or reduced to a satisfactory level and within a reasonable timescale.   |
| <b>Permanent Decant</b>                    | BCP Council or housing association tenants in the BCP area whose existing properties are subject to major works for rebuilding/renovation/demolition or re-designation and need to move to enable these works to take place.  |
| <b>Tenancy Succession</b>                  | There is a statutory right to succeed to a tenancy but the applicant requires a move to smaller accommodation, or sheltered housing.  |
| <b>Efficient use of Housing Stock</b>      | For applicants who wish to move from general needs accommodation to sheltered housing and/or housing for older people including applicants who will be releasing an adapted property.   |
| <b>Management Transfer</b>                 | As agreed by both parties and where no other priority band would be applicable. Time limited to six months.   |
| <b>Silver Band</b>                         | <b>As set out in Appendix C – Who Does Qualify</b>  |
| <b>Group Two Medical Needs</b>             | Applicants who have been awarded a group two medical need   |
| <b>Group Two Welfare Needs</b>             | Applicants who have been awarded a group two welfare need   |
| <b>Overcrowding</b>                        | Those who are deemed to be overcrowded but who do not meet the criteria for Gold Band. This band does not apply to applicants living in temporary accommodation who have been awarded a homelessness duty.  |

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| <b>Homeless – Local Connection</b>                              | Those who have a local connection (as set out in this policy), or have been given a Main Housing Duty, and who have been accepted as homeless, or threatened with homelessness. This includes those whose duty has ended but they are still considered to be homeless.  |
| <b>Homeless Prevention or Relief Duty - No Local Connection</b> | Those who do not have a local connection (as set out in this policy) and who have been accepted as homeless, or threatened with homelessness, and given either a Prevention or Relief Duty by BCP Council. Applicants in this band will be shortlisted below those in Silver band who do have a local connection. Applicants who have no local connection to the BCP area will have this band removed if their Duty ends. |
| <b>Need to Move To Give Or Receive Care</b>                     | Those who have been assessed under the exception to local connection criteria as needing to move to the BCP Council area. Applicants who have been awarded this exception will only be awarded a silver band and no further banding award will be made.   |
| <b>Right to Move</b>  | Those who have been assessed under the exception to local connection for 'Right To Move'. Applicants who have been awarded this exception will only be awarded a silver band and no further banding award will be made.   |
| <b>Service Personnel</b>  | Those who have been assessed as meeting the criteria for Service Personnel as set out in Appendix C. Applicants will normally only be awarded a silver band unless there are also other significant housing needs.  |
| <b>Financial Hardship</b>                                       | Those who are suffering from significant financial hardship due to the cumulation of their housing costs.   |
| <b>Bronze Band</b>  | <b>As set out in Appendix C – Who Does Qualify</b>  |
| <b>Sheltered Housing</b>  | Those who have been assessed as having no other housing need but have expressed an interest in moving to sheltered housing, over 55 accommodation and housing for older people.<br><br>Applicants in the BCP Council area who do not meet the local connection requirement but wish to move to sheltered housing and housing for older people.  |
| <b>Bronze Unacceptable Behaviour</b>                            | Those who have been assessed as having committed unacceptable behaviour but who have a housing need which can only be met by an offer of social housing. Applicants in this group will be reassessed to the band which most reflects their housing need once they are engaging with multi-agency support.   |

If you have multiple housing needs, we will award you the one which gives you the highest priority. Applicants in Emergency Band will receive direct offers of accommodation whilst those placed in to Gold, Silver and Bronze bands will have choice-based lettings.



## **APPENDIX E – APPLICATION AND ASSESSMENT PROCESS**

### **1. How to Apply**

If you want to join the Allocation Scheme you will need to complete an online application form through our choice based lettings system.

You can ask a family member, friend or a support worker (if you have one) to help you if you are not able to use a computer yourself.

If you do not have somebody who can help you, we can book an appointment with you to complete this form over the telephone or in person

Your application will be registered from the date you apply to join the choice based lettings system. This date is known as the registration date.

### **2. Individual Assessments**

Once we have received your housing enquiry you will be contacted by an officer for a pre-assessment interview which could mean that you will be invited to come in to an office location, or we may visit you in your home. You will be asked to provide documents to support your application and the supporting evidence needed is listed at the end of this document.

The pre-assessment interview will allow us to fully:

- consider your housing options and formulate your Individual Housing Plan
- identify the urgency of your need for housing
- arrange multi-agency meetings (where necessary)

You may also be asked to provide additional information, for example a medical assessment or information from a support agency or other professional.

A full assessment of your application will only take place following a pre-assessment interview and once we have received all of your supporting documents and any other information we need, in order to do so. This final assessment may then take up to 28 days.

If we decide that you are ineligible or do not qualify for the Scheme, you will be notified confirming this and the reason for this decision which will also set out how you can request a review this decision, should you wish to do so. You will also receive housing options advice and support.

If you are assessed as being eligible, and you qualify, notification will be provided to you within 28 working days of receipt of all relevant information unless further information is required from other agencies then it may take longer to confirm:

- The date your application was registered
- The band awarded and reasons for placing in this band
- The date the band is awarded from (effective date in band)
- The reference number to be used when bidding
- The assessed bedroom need
- Details of your right to request a review

If you are found to have more than one housing need, we will band you in the one which gives you the highest priority.

The effective date in band will be the date we received the last piece of supporting information which enabled us to finish our assessment.

As part of our assessment we will also provide you with a full range of realistic options to resolve your housing need.

### **3. Missing Information and Incomplete Applications**

If you do not provide us with all of the information we need to process your application, within 28 days of us asking you for it, we will cancel your application and will notify you in writing. If you are unable to provide all of the information within this timescale you must contact the Housing Service to request a time extension.

Following cancellation, if you still wish to continue with your application will need to provide the requested information within 28 days of the date of cancellation.

### **4. Change in Circumstances**

If you move to a new address, or your circumstances change significantly, after you have been accepted onto the Allocation Scheme you will need to complete an online change of circumstances form. Following a change of circumstances, you will not be able to bid until your application has been re-assessed.

Where the change is of a medical or welfare nature, you will need to complete the online medical questionnaire and provide supporting documentation from your GP or medical professional. If you wish to add or remove somebody from your application, you won't need to complete a change of circumstances but you will need to provide us with any supporting information which we may request. This will include financial information for anyone over the age of 18.

Eligibility and qualification for the Allocation Scheme will be reconsidered when there is a change in circumstances and this may change the band your application has been placed in.

If you move to a lower band, because your need for housing has reduced, you will keep the same effective date in band.

When moving into a higher band you will have your effective date in band changed to the date we received all of the information needed to support the change of circumstances and increase in band.

### **5. Remaining on the Allocation Scheme**

It is your responsibility to keep your application up to date and inform us of any changes in your circumstances.

You will be required to renew your housing application on a yearly basis, on the anniversary of your application registration date – known as the “review date”.

If you don't renew your application, you will be notified advising you that your application has been suspended for 28 days. If you then fail to respond to this notification and/or renew your application it will be assumed that you no longer require housing and your application will be cancelled.

If you make contact within 3 months of you original application being cancelled, and are able to provide satisfactory evidence of an incapacity which caused your failure to renew, the application can be reinstated from the date of the original application.

If you wish to re-join the Allocation Scheme at a later date your new registration date will be determined by the new date that you apply. Your housing need will be reassessed and you will be placed in the appropriate band as set out above.

## 6. Required Documentation

In order that we can fully assess your housing application please provide supporting evidence:

Proof of identification

One from Group 1 or Two from Group 2

Or one from List B for non UK, European Economic Area (EEA) or Swiss National applicants

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| <b>List A: (Group 1)</b>   |
| A UK passport (current or expired)                                   |
| <b>If NOT a UK Citizen:</b>  |
| A passport or national identity card EEA or Swiss National           |
| A registration certificate EEA National or Swiss National            |
| A biometric 'residence permit'                                       |
| A passport or other 'travel document' of a non UK resident           |
| A current immigration status document issued by the Home Office.     |
| A certificate of registration or naturalisation as a British citizen |
| <b>List A (Group 2)</b>  |
| A full UK birth or adoption certificate                              |
| A current full or provisional photo card UK driving licence.         |
| A letter from HM Prison Service                                      |
| A letter from UK government department or Local Authority            |
| A letter from National Offender Management Service                   |
| HM forces evidence   |
| A letter from a UK police force                                      |
| Employer Letter  |
| Letter from UK Higher or Further Education Institution               |
| Letter from an acceptable professional                               |
| Benefits paperwork   |
| Disclosure and Barring Service Certificate                           |
| Current English National Concessionary Travel (Bus Pass)             |
| <b>List B: Time-limited documents</b>                                |
| A current passport   |
| A current biometric 'residence permit' card                          |
| A current 'residence card'   |
| A current immigration status document                                |
| Proof of settled or pre-settled status                               |

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| <b>Two proofs of address</b>   |
| Utility Bills e.g. Gas, Electricity, Water – dated within the last four weeks (Mobile Telephone Bills are excluded)      |
| Award letter from the Department of Work and Pensions/Job Centre Plus/Pension Service – dated within the last four weeks |

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| Letters from official bodies e.g. Council Tax, Housing Benefit, Schools, NHS, Solicitors, Social Services etc. – dated within the last four weeks |
| Mortgage Statement – Dated within the last 6 months   |
| Council Tax Statement – Dated within the last 6 months  |
| Bank Statement dated within the last four weeks showing current address.  |

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| Proofs for dependent children (Any child aged 18 or under in Full time Education). <u>Both required</u> |
| Full Birth Certificates   |
| Bank statements: 3 months out of the last 6 months showing child benefit                                |

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| <b>Savings and capital</b>  |
| For all household members over the age of 18 - 3 Months consecutive bank statements from the last 6 months for <u>all</u> bank, building society or post office accounts held (savings and current accounts). These can be originals received in the post, or statements printed at the bank. You can also print these at the Civic Centre or at home if you have online banking. |
| These statements need to include the detail of payments made in and out of the account.   |
| <b>Please note:</b> Some bank statements only show the account number and do not show the name of the account holder. If this is the case with your bank, we will need to see the bankcard that shows the name of the account holder and the account number.  |

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| <b>Property Ownership</b>  |
| For any property owned the most recent mortgage statement along with a valuation dated within the last 2 months – this could be an Estate Agents opinion |

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| <b>Evidence of tenancy – 1 required</b>                       |
| Current tenancy agreement or rent book                        |
| Letter confirming tenancy from landlord or agent              |
| Letter from the host – with regard to any supported placement |

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| <b>Evidence of National Insurance Number – 1 required</b>  |
| National Insurance Card  |
| Award letter from the Department of Work and Pensions/Job Centre Plus/Pension Service – dated within the last four weeks |
| P60, P45 or pay slip   |

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| <b>Evidence of homelessness or threat of homelessness</b>            |
| Notice from your landlord  |
| Letter from friends or family giving you reasonable notice to leave. |
| Mortgage Repossession paperwork                                      |

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| <b>For tenants of private landlords</b>   |
| An up to date copy of your rent statement |

## APPENDIX F – ALLOCATIONS AND LETTINGS

An allocation is the selection of a person to be nominated to the Council, or a housing association, for an offer of accommodation.

BCP Council nominates applicants from the Allocation Scheme to its own housing stock and to properties which are available to let through a housing association.

A nomination takes place when a person, or household, is put forward by the Housing Service to be a tenant of the Council or a social housing provider in the area. This includes secure, assured, introductory tenancies and fixed term tenancies.

### 1. Advertising Properties

Vacant social housing, to which we have nomination rights, will be advertised through the choice based lettings system and you will be able to place bids for properties which have been assessed as meeting your needs.

The Council, and housing associations, will create the adverts for each vacant property and they will set out any restrictions which may apply, e.g. an age restriction for properties for older people.

Properties will be advertised every day and will be available for you to place bids for a minimum of 6 days. Bidding cycles are as follows:

| Bidding opens | Bidding closes at<br>11:59pm | Number of days<br>advertised |
|---------------|------------------------------|------------------------------|
| Monday        | Sunday                       | 7                            |
| Tuesday       | Sunday                       | 6                            |
| Wednesday     | Monday                       | 6                            |
| Thursday      | Tuesday                      | 6                            |
| Friday        | Wednesday                    | 6                            |

### 2. Labelling of properties

The labelling of vacancies is an essential part of the allocations process as the Councils are able to set parameters on which type of households can apply for vacancies and whether any particular types of households will be given preference over others when being considered for specific vacancies. This allows us to act flexibly to meet local needs and local priorities in addition to the statutory reasonable preference criteria.

When labelling properties we will consider:

- the need to make the best use of stock,
- the requirement to house those in the greatest need and,
- the aim of giving you as much choice as possible to help create sustainable communities.

Labelling should generally be as inclusive as possible, to maximise choice, whilst allowing preference to be given to certain household types to make the best use of stock, meet local priorities and to ensure good management of housing.

The advertisement will usually include details such as:

- who the landlord is.
- how much the weekly rent is and the cost of any service or support charges.
- if the property is a social or affordable rent.
- if the property is let on a fixed term tenancy.
- when the property will be ready for someone to move in to.
- Number of bedrooms
- Which floor the property is on, and if accessible by lift
- the number of people who are allowed to live in the property.
- any age limits e.g. for households with children, for sheltered accommodation, for older/disabled persons or any landlord specific requirement.
- some properties are only available to older people and these will be advertised showing the age restriction.
- if the property is restricted by a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 and where offers of tenancies may only be made to applicants with a strong local connection to an exception site.
- if the property is subject to a [Local Lettings Plan](#) or [Sensitive Lettings Policy](#).
- if preference will be given to a particular group of applicants e.g. those needing ground floor accommodation.
- if it is accessible housing, e.g. wheelchair adapted or has any other adaptations
- Whether pets are allowed.

In properties where there are two separate living rooms, at least one of which is not accessed via another room, the Council will count one of these as a bedroom and these properties will be advertised as having an extra bedroom and will be prioritised to those applicants who have the need for this extra room.

### **3. Sensitive Lettings**

Occasionally, there may be a need to deal with issues that impact on a small specific location which may only relate to one property and the purpose of the Sensitive Lettings Policy is to create sustainable and cohesive communities in relation to individual lettings, where there may be a need to redress the balance of the community.

In these cases, whilst properties are still advertised through the choice based lettings scheme, the Council may not be able to allocate to the person who has come to the top of the bidding list. Instead, we will assess the suitability of each bidder on the basis of their particular sensitive needs taking into consideration:

- the suitability of the property for that applicant;
- the need to create a community that is sustainable;
- the need to ensure current and future tenants feel safe;
- the need to protect the public and residents from nuisance and anti-social behaviour;

We will not make an allocation where there is evidence of or known history by the applicant, or a member of their household, of the following:

- Criminal behaviour
- Anti-social behaviour
- Drug abuse
- Drug dealing

- Breaches of any tenancy with any landlord
- Rent arrears

We, or the landlord, may request additional information from other partner agencies such as the Police, Probation Service, Primary Care Trust, Drug and Alcohol Services and former Landlords in order to decide if the bidder would be suitable for the property.

If a landlord wants to advertise a property as a sensitive let, they will need to provide evidence to the Housing Service on the reasons why the property is required to be let on a sensitive let basis. The Housing Service will have to agree to any property being advertised as a sensitive let.

The property advert will clearly state the property is subject to a Sensitive Lettings Policy.

Once the shortlist has closed, we will nominate in accordance to the preference criteria within the Sensitive Lettings Policy. If for any reason the housing provider wishes to refuse an applicant the Council may re-nominate to the next applicant on the list.

#### **4. Discretionary Allocations**

In certain circumstances, BCP Council may allow for the grant of a tenancy to people already residing in a property and who are members of the existing tenant's family.

This is known as a discretionary allocation. These circumstances are:

- Following the death of the tenant, where the residents have no legal right of succession but the Council or partner housing provider's tenancy agreement or succession policy dictates that a discretionary succession would be reasonable and proportionate.
- Where one of two joint tenants has terminated the tenancy, by serving a notice to quit on BCP Council or a partner housing provider, and the remaining tenant is in occupation of the property
- Where a tenant has moved to a care home, with no intention to return to occupy the property as his or her only or principal home, and the remaining occupier is someone who would be entitled to succeed to the tenancy had the tenant died, rather than moved out

In these cases the Council will consider a discretionary allocation should the needs of the remaining residents be such that:

- they would otherwise qualify for an allocation of housing should they apply to join the Scheme
- they would not fail the financial test, set out in Appendix B
- the property meets their housing needs and does not have any substantial or specific adaptations which they do not require

BCP Council will also seek to ensure that granting a discretionary allocation would not unduly disadvantage applicants in either the Emergency or Gold Bands.

#### **5. Request for Information**

An applicant has the right, on request, to be informed of any decision about the facts of their case which has been taken into account in deciding not to make an allocation of a sensitive let to them.

## **6. Equality Impact Statement**

This Sensitive Lettings Policy does not discriminate directly or indirectly and has given regard to the Equality Act 2010 to ensure no one is treated unfairly and has equal opportunities to access housing.

To ensure consistency, lettings to properties being advertised as sensitive lets will be monitored on a regular basis. A property should only be advertised as a sensitive let if this is absolutely necessary to address the situation and any housing management issues.

## **7. Local Lettings Plans**

Section 167 (2E) of the Housing Act 1996 (as amended by the Homelessness Act 2002) enables Housing Authorities to adopt Local Lettings Policies and Plans (LLPs). The Code of Guidance states that these lettings plans could enable a Housing Authority to allocate housing to specific groups of people, whether or not they fall into the reasonable preference categories. However, it does also state that reasonable preference categories must be taken into account overall and that local lettings plans should not discriminate either directly or indirectly on any equality grounds.

Once agreed these schemes will have their own allocations criteria. LLPs may be applied in addition to any local planning restrictions (contained in agreements made under Section 106 of the Town and Country Planning Act 1990), which may be in place, but will not override them.

LLPs can be put in place for a specific area or estate and will be set up in response to particular local circumstances. They will include a clear commitment to equality of opportunity, the provision of clear and accurate information to applicants and an appeals mechanism.

LLPs will be used to ensure, where possible, that there is a mixed and balanced community, working towards outcomes that reflect the wider community and address issues such as child density and to balance the proportion of households in employment in any one area or estate. The precise approach to be adopted will reflect the particular problems/issues of an area or estate.

LLPs for some existing properties and initial lettings on new build schemes may specify different priorities for allocating properties such as Keyworkers. Properties subject to such a policy will be clearly labelled in the property advert. A key worker is a public sector employee who is considered to provide an essential service e.g. NHS staff, teachers, Police Officers and firefighters.

LLPs will be published on the choice based lettings website and when a property is being advertised that is subject to a LLP this will be stated in the advert showing specific details according to the plan. Nominations will then be made to relevant properties according to the agreed plan.

These LLPs will be agreed by the respective housing provider and a senior officer in the BCP Council Housing Service. They will be agreed for a limited time, after which, it will be reviewed and lettings will revert to the main scheme if possible.



## **8. Bidding**

Once your application has been verified, and we have decided that you are eligible and that you qualify for an offer of housing, you will be able to bid for properties which have been assessed as meeting your needs, and the needs of your household.

The choice based lettings system will automatically place bids for you, based on your housing need and the area and property preferences selected by you when you applied.

Whilst choice is a very important part of the scheme, the severe shortage of available properties means that you will need to be as flexible as possible about where you will live, and what type of property you will live in (e.g., on which floors and area) if you want to be successful in moving.

You can only bid for up to 6 properties in a bidding cycle.

You can assess and amend the bids which have automatically been placed for you and/or place additional bids by:

- logging into your housing account on the choice based lettings website or,
- allowing a family member, support agency, or friend to log into your account to place bids for you or,
- giving the Council permission to accept bids from named persons, e.g. a family member, friend, or support agency.

In some circumstances Housing officers may place bids on behalf of homeless applicants if they have assessed that a property is suitable for their needs and the Council has a statutory duty to them, under homelessness legislation. Whilst we do want to allow homeless applicants to have the same level as choice as other applicants, if it is found that they are not bidding for suitable properties, for which they would have a reasonable chance of success, then bids will be placed for them. Once placed, these bids cannot be removed without the permission of a senior officer.

Applicants will be advised of the implications of refusing a direct offer.

## **9. Shortlisting and prioritising bids**

Once the advert has closed, all the bids are shortlisted and prioritised by the choice based lettings system.

Where an advert states that certain applicant types will be given preference over others (e.g. to those with a defined ground floor need), then we will consider all of the people who we have been assessed as being within that group above those who have not.

We will also do this if the property was advertised as being subject to a Local Lettings Plan or a Sensitive Let Policy.

Ground floor flats, or bungalows, will be labelled to give priority to those who require ground level access on the basis of age, disability or medical need. In these cases, applicants requiring this type of accommodation will be shortlisted above other applicants regardless of their position on the list at close of bidding.

Where a property has been labelled to allow under occupation we will give priority to those applicants whose bedroom needs meet those of the property over those who would be under occupying.

Applicants who have been awarded a priority band for downsizing will only be shortlisted with this priority for properties with fewer bedrooms than their existing home. If they have been awarded another band, we will consider this when shortlisting.

Any applications received after the advert deadline has been reached will not be considered.

Applicants who have been given a Prevention or Relief duty under homelessness legislation but who do not meet the local connection criteria will be shortlisted below those who do meet the criteria.

For each property, the successful applicant will be the one in the highest band with the earliest effective band date, except where the property has been labelled to give priority to a particular type of applicant.

If there are applicants with the same band and effective band date, then priority will be given to the applicant with the earliest registration date.

## **10. Successful Bids**

Whilst you are able to bid on up to 6 properties, in each bidding cycle, you can only be nominated for one property at a time. This means that you need to think very carefully about which property you choose.

If you have been successful for two properties on the same day, we will ask you to choose which property you wish to be put forward for. Once you have made your choice, we will offer the property to the next person on the list.

You are able to continue to bid for other properties but we will not make you another offer whilst you are under offer. This means that, if you have bid on several properties with different bidding cycles, we will not hold those other properties for you, just in case you are successful. You will need to make a decision on the first property you are offered and if you choose not to take that one, there is no guarantee that you will be offered a property on a later cycle.

## **11. Verification**

Before an offer of accommodation is made, we will contact you to check that your circumstances have not changed and that you would still be entitled to be considered for the property.

You will be expected to provide documentary evidence that all persons included on the application are still living with you, together with any other information which we consider to be appropriate to confirm your circumstances which may include proof of income, banks statements, proof of ID and local connection. We may also check information with other sources.

Your priority and/or eligibility for the Allocation Scheme may also be re-examined as information established at the verification stage may have an impact. If we assess that your circumstances have changed and this would mean that your band should be reduced, or your effective date in band be changed, then we will not offer you the property. If you have moved and you have not completed a change of circumstances, then you will not be offered the property.

If it is not possible to complete verification, or you do not provide the required information within 48 hours of the request, your bid will be overlooked and we will move onto the applicant who is next in line.

## **12. Reasons why a housing provider may refuse a nomination**

It is important to note that housing providers also carry out their own verification processes and they may refuse to accept you as a tenant if you do not meet the guidelines set out in their own policies. This would include applicants who owe a rent debt but who we have been allowed onto the Scheme.

They will also carry out an affordability check when allocating properties to ensure that applicants are able to afford the rent for the property.

If, for any reason, the housing provider is considering refusing you for a property they will contact you to let you know and you will be given an opportunity to request a review of the decision. If we do not agree with their decision, we will negotiate with them but we will have to move on to the next person on the shortlist, if that negotiation is unsuccessful.

Housing providers may also prevent an offer going ahead where the property is not considered to be suitable for you. This may include issues of public safety, risk, or sustainability of the tenancy. An offer may not be made or may even be withdrawn if your support needs are such that the housing provider, in consultation with the Housing Service, deems that you will be unable to maintain an independent tenancy. This decision may also be informed by the input from other partner agencies involved in a case.

In these circumstances there must be a sufficient care, or support, package available to ensure the tenancy is likely to be successfully maintained.

## **13. Publishing details of the allocation**

Feedback on allocations provides applicants with information to exercise choice and to gain information on the likely waiting time for re-housing. Details of the allocation will be published on the choice based lettings website as soon as possible. Whilst the successful applicant's name will not be published, their band, the number of bids for each property and the length of time waiting will be published.

## **14. Difficult to Let Properties**

If there are no eligible bids for a property, we may consider offering it as a direct let to applicants to whom we have accepted a Homelessness Duty.

## **APPENDIX G – EMERGENCY BAND - EMERGENCY OFFER**

In certain circumstances, it will be necessary for us to allocate a property outside of the normal choice based lettings process and make a direct offer to applicants who have been assessed as meeting the Emergency Band criteria and who have a need which can only be met by an offer of a Council or housing association property.

To ensure transparency and fairness, decisions to exclude allocations from the choice based allocations process, and to make a direct offer, will be monitored to ensure these decisions are being properly exercised within limited boundaries.

Applicants who are assessed as needing to be given a direct offer will need to meet one, or more, of the criteria outlined below:

- there are medical or welfare needs which are so severe that the protection of vulnerable adults or children is only possible in a permanent home and where the present housing circumstances could deteriorate to such an extent as to place household members, particularly children, at risk or in need of residential care unless permanent housing is offered.
- there is a need for extra care or supported housing accommodation and this need is supported by Social Services.
- for community safety purposes
- one, or more, members of the household have significant medical needs which can only be met through an offer of a property which meets their specific property adaptation requirements and they have been assessed by the Bespoke Housing Group as requiring such a property.
- victims of domestic violence, where there is a significant risk of violence or harm, and the victim cannot be safely accommodated in a refuge or other temporary accommodation.
- where someone cannot be discharged from hospital because their home is, and will remain, permanently impossible to live in.
- homeless people or families whose needs are such that BCP Council would only be able to discharge its Duty with an offer of Council or social housing, as agreed by a senior officer. These are exceptional cases and would not be an option for the majority of homeless people or families.
- People who require Housing First accommodation
- where there is a significant threat to life or risk of serious and permanent disability
- you have been assessed as having an exceptional housing need, but do not otherwise meet the local connection criteria, and would qualify for an Emergency Band Direct Offer of accommodation.

Applicants who have been accepted as meeting the emergency band requirement (unless they are being considered for extra care or supported housing) and will not be expected to bid for properties. Prior to a property being advertised, an assessment will be made to see if it would be suitable to offer to an applicant, or household, in this band.

Direct offers of accommodation will be approved by a senior officer.

Any direct offer will need to meet the applicant, or households needs and have been assessed as suitable. As such, it is expected that applicants who have been placed into this band will only receive one offer of accommodation.

### **1. Homeless Applicants**

When making direct offers to homeless applicants we will advise that, in doing so, we will be discharging our duty to them. We will also let them know what the consequences would be if they turned an offer down. They will be notified of their right to request a review of the suitability under Section 202 of the Housing Act 1996, of the offer and that this right is available whether they

accept or refuse the offer.

If they refuse the offer and lodge an unsuccessful suitability review, or fail to lodge a review request at all, we will discharge the Homelessness Duty and they may have their Emergency Band removed. This will mean that they will be re-assessed for the Allocation Scheme and will need to bid for accommodation.

## **2. All other applicants**

All applicants, who have been offered a direct let, have the right to request a review of their suitability and that this right is available whether they accept the offer or not.

If an applicant refuses an offer of accommodation which has been deemed suitable, following a review or where no suitability review is lodged within 21 days of the refusal of the offer, they may have their Emergency Band removed. This will mean that they will be re-assessed for the Allocation Scheme and will need to bid for accommodation.

## **APPENDIX H – ADMINISTRATION**

### **1. Information sharing, data protection and right to access personal information.**

In accordance with our obligations under the [General Data Protection Regulation \(2018\)](#), all applicants will be made aware when they apply that their personal information will be held and may be shared across all of the choice based lettings system partners (including other Local Authorities who may be party to the same system), housing providers and other relevant external agencies for the purposes of consideration of an offer of accommodation being made.

All personal information will be processed in accordance with the requirements of the General Data Protection Regulation (2018). Applicants have the right to inspect personal information held about them under [Article 15 of the General Data Protection Regulation \(2018\)](#). Applicants may also correct any inaccurate information held about them.

For more information and to make a request please refer to our website:

<https://www.bournemouth.gov.uk/Privacy/ProvidingandProtectingInformation/PersonalInformation/HowToSeeYourPersonalInformation.aspx>

Personal information will not be shared with organisations external to BCP Council unless this is for the purpose of assisting in meeting the applicants housing needs or to detect or prevent fraud in accordance with the applicants signed declaration.

Where an applicant may have difficulty communicating directly themselves, their informed consent will be obtained before using advocates or interpreters to communicate on their behalf.

### **2. Giving false information or deliberately withholding information**

It is a criminal offence for anyone applying for housing from a housing authority to knowingly or recklessly makes a statement which is false in a material particular or knowingly withholds information which BCP Council have reasonably required him to give in connection with the exercise of our functions (Section 171 of the Housing Act 1996). ([Section 171 of the Housing Act 1996](#)).

Anyone found guilty of such an offence may be fined up to £5,000 and/or a possible prison sentence and could lose the tenancy if they have been re-housed as a result of providing false information or deliberately withholding information.

Applicants, who are found to have made fraudulent claims in this way will be removed from the Allocation Scheme and notified in writing. This decision will be subject to review and the applicant (or their named advocate) will be informed in writing of the decision and of their right to request a review of that decision in writing.

BCP Council will consider taking action against a professional organisation that knowingly or recklessly provides false information or deliberately withholds information on behalf of an applicant they are representing.

### **3. Cancelling and Suspending Applications**

After your application has been made live on the Scheme, if information is obtained that gives reason to believe that you are ineligible or no longer qualify or your circumstances have changed and you have not advised us, your application may be suspended or cancelled. You will be informed in writing and you will be given 28 days to provide the requested information. If you do not reply within this period, or if you reply but the Housing Service still believes you to be ineligible or no longer qualify, you will be removed from the Allocation Scheme.

If we have identified you as potentially vulnerable we will contact you, or the agency that you are working with, to check your circumstances before cancelling the application.

Your application may also be cancelled or suspended if:

- you, or a member of your household, have been found to have knowingly given false or misleading information or withheld information, which had been reasonably requested.
- you, or a member of your household, has used threatening language or behaviour towards, or perpetrated violence or abuse against, members of staff at BCP Council or partner housing providers.
- you have not placed a bid in any 12 month period where properties have been available for you to do so. In these cases we will assume that you no longer wish to move.

If you have an exceptional housing need, a senior officer may make the decision not to cancel the application if it meets the needs of the Council.

We can also suspend or cancel your application in the following circumstances:

- No response to offer of suitable property
- Your application is under investigation
- You have not reviewed your application.
- You have not completed a change of circumstances when asked to do so.
- no contact or response to an application review within a specified time limit
- Mail returned as no longer at that address
- at your request
- Data error
- we have been advised that the applicant has passed away
- you have been housed by a housing association or other landlord
- you have been housed through shared ownership/shared equity scheme
- you did not complete your annual review following a suspension letter
- Where a time limited priority has come to an end

Following a suspension or cancellation of your application, you have the right to request a review of the decision as set out at section 5 below.

#### **4. Confidentiality**

Information regarding your application for housing will not be disclosed to any third party or member of the public without your express consent unless we are required to do so legally. By signing the housing application form, you give consent for:

- BCP Council to contact current and/or former landlords, any of the agencies listed in the application and any other relevant persons, agencies or organisations.
- BCP Council and Registered Provider partners to contact data reference and credit agencies to check any information provided.
- BCP Council to use the information to compile statistics and reports to assess past and future demand for their housing services and to provide returns to Government departments and agencies.
- the information given, or which the Council obtains as part of the application process including any sensitive personal information, to be used where the Council decides you are homeless or

threatened with homelessness or have provided housing advice, and that such information may be shared with the other Councils, agencies and housing providers for the purposes of assessing eligibility for accommodation and where appropriate providing accommodation or housing-related support.

- BCP Council to verify information provided in your housing application(s) and approaches for housing assistance with the information held by the Council's Housing Benefits section. This will include information held for the purposes of processing my Housing Benefit/Council Tax Support claim to enable the Council to assist with and provide advice on your housing situation.
- any information, given to the Council, to be shared with other departments of the Council and with the people or organisations listed in the Council's notification under the [General Data Protection Regulation \(2018\)](#) for purposes of preventing and detecting fraud.

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The fact that you have applied for rehousing will not normally be disclosed to any other member of the public without consent.

## **5. Right to Review**

All decisions with regard to the Allocation Policy are subject to review should you be dissatisfied with a decision. This right to a review includes decisions regarding eligibility, qualification, housing need assessments and the suitability of offers of accommodation. A request for a review should be made, in writing, to BCP Council's Housing Service and an officer senior to the person making the original decision and who was not involved in making the decision will carry out the review.

A request for a review should be made, in writing, within twenty-one (21) days of receipt of the decision and should include the reasons for requesting the review. The reviewing officer has discretion to extend the time limit if it considers this would be reasonable and in agreement with you. If further information is needed, you will be invited to write or, if unable to do this, make oral representation. You may also appoint someone on your behalf to do this. You will be notified of the review decision in writing within 56 days of the review request.

If you are dissatisfied with a decision on review you will need to seek a judicial review on the relevant point of law.

Any offer of accommodation which is intended to bring BCP Council's homelessness duties to an end will inform the applicant of his or her right to request a review.

If the Council has accepted a duty under homelessness legislation [Section 195\(2\) Prevention Duty](#), [Section 185B\(2\) Relief Duty](#) or full [Section 193 Statutory Duty](#) to assist you to secure accommodation and you have refused a suitable property offered, BCP Council may end its statutory duty. You can request a review of the decision to end the statutory duty and/or the Council's decision that the property is suitable – this is a right given by [Section 202 of the Housing Act 1996](#). You should request a review by writing to the Council within 21 days of receipt of the offer of accommodation, setting out why you think the property is unsuitable.

The Councils will aim to deal with a request under Section 202 within eight weeks (56 days). All decisions will be given in writing.

Where a formal review is available under Section 202, greater detail about the right to review will be provided to you in the correspondence making the offer of accommodation. A formal review will be considered by a senior officer who was not involved in the original decision.

## **6. Transfers**



If you are already living in a Council or housing association property in the BCP Council area you will be regarded as a transferring applicant. Your application will be marked as a Transfer but will otherwise be treated in the same way as any other application.

## **7. Equality**

The Councils are subject to the general public sector equality duty in the [Equality Act 2010](#). The Councils and its partner housing providers are committed to providing equality of opportunity to all individuals who apply for re-housing. Monitoring of applications and lettings may take place to ensure that everyone is being treated fairly.

All applicants may be asked to provide details of age, gender, ethnic origin, religion and sexual orientation. This is to allow the Councils to assess the application properly as well as to monitor who is allocated housing, and to ensure that properties are being offered and allocated fairly.

## **8. Changes to the Scheme**

The Allocations Policy will be reviewed annually and updated where necessary.

To ensure the allocation scheme is operating fairly and within the law, the Director of Housing, in consultation with the Housing Portfolio Holder, will be able to approve minor amendments to the policy and scheme providing that the amendment is not considered to be major or have a negative impact on more than five percent of applicants on the allocation scheme.

## **9. Complaints**

If you are dissatisfied with any aspect of your application, other than where a review can be made, you should follow the Councils published [complaints procedure](#), available on the BCP Council website or on request.