

Housing - Allocation Scheme

Directorate: Place and Prosperity

Service Area: Housing

**Job Title: Housing Solutions and Support
Manager**

Introduction

Under Part VI Section 166A(1) of the Housing Act 1996 every local authority must have an Allocations Scheme. This Scheme explains how housing applications are prioritised and how homes are allocated.

Under Part VII Section 166A(3), the Scheme must give reasonable preference (priority) to certain groups, including:

- People who are homeless or threatened with homelessness.
- People living in overcrowded or unsanitary housing.
- People who need to move for medical or welfare reasons.
- People who need to move to avoid hardship (e.g. to access work or support).

Whilst adhering to the relevant legislation this Allocations Scheme determines the principles of how social or affordable rent housing properties will be allocated across the District of South Derbyshire in a fair and transparent way, considering housing need and it's will to offer as much choice as possible.

The Council operates a Choice Based Lettings System for and on behalf of the Council's Housing Services and other Registered Providers with stock in the District.

There is a common housing register for all social or affordable rent housing applicants in the District and entry to this register, and banding within it, are governed by the principles of this Scheme.

Each Registered Provider with stock in the District has signed a service level agreement with the Council to advertise a percentage of their vacant properties through the Choice Based Lettings System.

Aims & Objectives

The Council aims through this Scheme to enable those seeking homes to make informed choices about their housing options and to maximise the use of available social or affordable housing in the District.

The Scheme seeks to:

- Discharge the Council's legal duties as contained in Part 6 (Allocations) and Part 7 (Homelessness) of the Housing Act 1996 (as amended).
- Offer applicants information and advice to enable them to make informed choices about their housing options.
- Offer as much choice as possible to applicants.
- Create an easy to understand, fair and transparent system.
- House those in Priority Need as determined by the relevant legislation.
- Help prevent and relieve homelessness.

- Make the most effective use of the local housing stock.
- Respond to the circumstances of vulnerable applicants, which includes joint working with other partners and agencies.

Housing Providers Working Together

The Council and Registered Providers who have homes to rent or buy in the District are working together.

They have all agreed to use this Allocations Scheme to allocate properties through the Choice Based Lettings System.

The South Derbyshire Social Landlords are:

- **South Derbyshire District Council.**
- **Places for People.**
- **EMH.**
- **Metropolitan Thames Valley.**
- **Nottingham Community Housing Association.**
- **Peak District Rural Housing Association.**
- **Riverside.**
- **Trent & Dove.**
- **Trident Group.**
- **Futures Housing Group.**
- **Ongo.**
- **Longhurst Group.**
- **Sanctuary Group.**
- **Midland Heart.**

The Service Level Agreement with each of the South Derbyshire Social Landlords allows them to allocate 25% of their vacant properties for internal transfers or direct lets.

Statement of Choice

The Council believes in offering applicants on its South Derbyshire Social Housing Register the freedom to choose the properties they are interested in. The Scheme gives applicants the freedom to express an interest in suitable accommodation that is available. The Council also provides information and advice on other housing options to help Customers resolve their housing need/s.

Through this Scheme, the Council aims to offer choice to applicant's as well as meeting it's legal duty to house Customers who have an urgent need for housing. The only exception to this is when an applicant is homeless or threatened with homelessness.

Eligibility and Qualification to Join the Housing Register

To join the South Derbyshire Social Housing Register applicants must be:

- Eligible (Immigration/Residence Status) pursuant to Section 160ZA of the Housing Act 1996 (as amended) and
- Not fall within the category of a non-qualifying person as outlined below:

Eligibility

A person is eligible if they are:

- A British Citizen living in the UK.
- An Irish Citizen living in the UK.
- A person with Indefinite Leave to Remain (ILR).
- A refugee or person granted humanitarian protection.
- Some people with settled or pre-status under the EU Settlement Scheme (depending on residence rules).

They must also normally satisfy the habitual residence test.

People who are normally not eligible:

Under Section 160ZA(2), a Council cannot allocate housing to a person who:

- Is Subject to immigration control and does not fall into an eligible class, or
- Is a person from abroad who is ineligible under regulations made by the Government.

Examples can include:

- People with no recourse to public funds (NRPF).
- People in the UK on temporary visas (student, visitor etc).

The detailed rules are set out in regulations such as the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006. See appendices.

Household Members:

Section 160ZA(4)-(5) also covers households:

- Even if the main applicant is eligible, some household members may be ineligible.
- The Council can still allocate housing but cannot count the ineligible person when deciding bedroom entitlement.

Non-Qualifying Persons

The following people do not qualify to join the Housing Register:

- People who do not have a “Local Connection” with the District. Please see the Local Connection definition below.
- Households with a gross annual income of more than £40,000 excluding Disability Living Allowance or Personal Independence Payments.
- Households with more than £16,000 in Savings or Capital.
- People who own (including those in the process of selling) and live or can live in a property they own unless the capital in the property or achieved from the sale of the property is £16,000 or less. There are exceptional circumstances when discretion can be applied. For example, a person who is the Victim/Survivor of Domestic Abuse or an elderly owner occupier whose current home is not suitable for them to continue to reside and whose assets/monies from selling a property or savings are not sufficient for them to secure alternative accommodation.
- People who have made their own housing circumstances worse in the last 6 months (unless the Council is under Section 190 of the Housing Act 1996 (as amended) required to provide Temporary Accommodation and Advice and Assistance. Examples of making housing circumstances worse include:
 - (a) Abandoning a previous tenancy.
 - (b) Moving to a new house that we assess is worse than the previous housing, without good reason for doing so.
 - (c) Moving out of a property when housing advice has been provided for the applicant not to move and there are no extenuating circumstances.
 - (d) Selling a property or giving notice on a tenancy without securing other housing first.
 - (e) Moving out of an adapted to an un-adapted property and still needing adaptations and there are no other circumstances that warranted a move.

Note: applicants will not be able to re-apply until a period of at least 6 months has elapsed since they were deemed to have worsened their own housing circumstances.

- People whose application has been cancelled because they have given false information to obtain a tenancy within the last 2 years.
- People successfully housed into a social or affordable housing Starter or Introductory Tenancy of less than 12 months, unless their circumstances

have changed.

People with Current and/or Previous Tenancy Related Debt

If applicants have current or previous rent arrears owed to the Council, another Council or Registered Provider, or have another specified housing related debt that is owed to our Council alone, you will either:

Not be allowed to join the Housing Register if the debt is over £1,000 or can qualify if the debt is under £1,000 but will not be considered for an offer of social housing until the debt has been resolved.

Housing debts of over £1,000 will normally mean that applicants automatically do not qualify to be included on the Housing Register until that debt has been reduced to under that amount, after which, the rules set out below must be met before applicants can be considered for an offer of accommodation. The Council will of course still consider any case applicants make for exceptional circumstances to be applied, even if the debt is over £1,000.

In cases of current or previous tenant rent arrears of under £1,000 (or another housing-related debt owed to the Council that is under £1,000) applicants must have made a repayment commitment to clear the debts and be making regular payments of an agreed sum which applicants have maintained for a period of at least 3 months. At this stage applicants would then be allowed to bid for homes.

If applicants are a social housing tenant, applicants will normally not be offered a transfer until the debts has been completely cleared.

If applicants meet these rules and the Council decide to lift the restriction on applicants bidding, applicants will still be expected to continue to make regular payments of the agreed sum until the debt is cleared. If payments are missed, applicants might again be suspended from bidding until the arrears are cleared or payments have been made satisfactorily for at least a further 3 months.

If any of the debt is still outstanding and the Council are considering offering applicants a home, applicants will be expected to sign an agreement to continue to pay off the rest of the debt before applicants can sign for the tenancy.

If the Council decide that applicants do not qualify, applicants can apply again when applicants think the debt has been reduced to under £1,000 and the Council will then assess whether applicants have taken the required actions to address the debt.

Note: Tenants would not usually be allowed to transfer if they have a current

housing related debt owed to the Council or another Registered Provider in the South Derbyshire District, however the Council will consider allowing tenants in arrears to downsize on the basis that smaller accommodation will be cheaper to rent and it will be cheaper to run. An affordability assessment will be carried out to identify if there is a financial benefit and/or impact of downsizing.

Note: If applicants have had rent arrears/housing related debt included in a “Debt Relief Order”, Bankruptcy Declaration or Individual Voluntary Agreement (IVA) a period of at least 12 months must pass from the declaration of insolvency to the point a debt is cleared. Should applicants maintain finances satisfactory for this period, this will be considered as strong evidence that applicants are likely to be able to maintain your rent for any new tenancy.

The Council recognise that someone might have had several private rented tenancies over say the last 5 years, so the Council normally only consider whether there were rent arrears from applicants last private rented tenancy. If the Council are satisfied that a debt is owed, the Council will decide on the level of debt and the reasons for it as to whether applicants should be classified as a non-qualifying or should be allowed to qualify and if so whether they should be suspended from bidding until the debt is resolved. Where it is established that a debt is owed the same rules will apply as per a social housing debt above.

Where applicants or a joint applicant has held a private rented tenancy in the last 5 years, the Council will write to applicants last landlord or lettings agency to ask the reasons why the tenancy was ended and whether there were any rent arrears at the point you left the property. The Council do not think it is fair to penalise someone if a landlord or lettings agency fails to reply within 6 weeks. The Council will send a further reminder and telephone them but if no reply has been obtained within 6 weeks, if applicants meet the other qualification rules, applicants will be allowed onto the register and will be able to bid for properties.

Normally, the Council will only contact the landlord or agent for the last rented property. However, where it comes to our attention that there were significant rent arrears relating to a previous private rented tenancy in the last 5 years that was not your last tenancy, a decision will be taken whether to still apply the rent arrears rule.

In addition to rent arrears the following make up tenancy-related debt:

- a) Housing Services unpaid sundry debts owed to the Council including rechargeable debts or Court costs.
- b) Any unpaid Right to Buy discounts from a previous Council property.
- c) Careline & Independent Living Service charge arrears.
- d) Outstanding re-chargeable arrears.
- e) Current and previous housing-related service charge arrears.
- f) Temporary Accommodation or B&B arrears.

g) Any Court costs incurred by the Council associated with any of the above debt/s.

Each case will be assessed with its own merits, and the Council will consider the reasons for the accrual of the debt. The Council's Head of Housing has the discretion to approve applications with rent arrears and/or tenancy related debt and award the relevant band where there are exceptional circumstances. This may include, but will not be limited to, those current tenants of the Council who under occupy a tenancy and have accrued arrears as a direct result of the changes in Housing Benefit Regulations.

It is the applicants responsibility to inform the Council when the debt has been cleared, regular payments have been made, or a payment arrangement has been made.

Applicants who have been assessed as being in priority need and intentionally homeless or as non-statutorily homeless will not be accepted on to the Housing Register if it can be established that they owe rent arrears on any private or social/affordable rent tenancy. An agreement to pay any arrears will still be required.

Applicants to whom the Council has a duty to rehouse under the Housing Act 1996 (as amended) will be considered for an allocation despite any rent arrears. An agreement to pay any arrears will still be sought.

Unacceptable Behaviour

The Council think it is very important to make sure that all social housing tenants living in the South Derbyshire District Council area can enjoy their home and surroundings and do not have to endure with any anti-social or other forms of poor behaviour from their neighbours. Therefore, if the Council have evidence that leads us to believe that applicants or a member of applicants family that are part of any application have behaved in a way that makes you or them unsuitable to be a social housing tenant, applicants will not be able to join our Housing Register.

Examples of unacceptable behaviour that may result in a decision that an applicant will not qualify to join the housing register include:

- a) they or a member of their household has committed anti-social behaviour in or around the vicinity of their home that has resulted in an ASBO, ABC, injunction or other legal deterrent being issued within the past five years.
- b) they or a member of their household has a conviction for using their accommodation, or allowing it to be used, for illegal or immoral purposes such as drug dealing, within the past five years.
- c) they have been evicted from a tenancy by a social or private landlord for a breach of tenancy conditions, including non-payment of rent, within the past five years.
- d) failing to maintain any previous social rented or private rented property within the terms of their tenancy agreement or committing acts causing or likely to cause

nuisance or annoyance to neighbours or others in the area where they live or have previously lived.

- e) conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy. It may include the circumstances where an applicant, or a member of their current or prospective household, is the subject of actions being taken by any Council (or some other recognised body) on grounds of alleged antisocial behaviour (ASB).
- f) circumstances where the applicant, or any member of their household, has assaulted a member of the Council's staff, whether an injunction is being sought, or has been obtained.
- g) being subject to a court order (including an interim order) for breach of tenancy conditions.
- h) conviction for illegal or immoral use of their current or former home.
- i) causing nuisance and annoyance to neighbours or visitors.
- j) committing criminal offences that still pose a threat to neighbours or the community such as drug dealing.
- k) being violent towards a partner or members of the family. The Council does not tolerate any form of domestic abuse.
- l) allowing the condition of the property to deteriorate in avoidable circumstances.
- m) paying money illegally to obtain a tenancy.
- n) unlawfully subletting their tenancy.
- o) applicants who have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974.
- p) having unspent convictions where an assessment by the Council concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities.
- q) an applicant or any member of their household has been responsible for any racial harassment or other hate crime. 'Racial harassment' and 'hate crimes' are defined as racist, religiously aggravated, faith, gender, age, disability, and trans phobic or homophobic or gender re-assignment harassment or hate crime. A hate crime or racist incident is defined as any incident which is perceived to be racist or hate crime related by the complainant or any other person.

This unacceptable behaviour rule will also apply if applicants are already registered but there is evidence of recent unreasonable behaviour or new information has come to the Councils attention.

The Council will be guided by the following framework when assessing whether an applicant should not qualify based on their unacceptable behaviour:

- a) The behaviour need not have led to possession, prosecution, or other enforcement action by a statutory agency, provided that, on the balance of probability, the household is responsible.
- b) in normal circumstances the behaviour concerned should have occurred within the last five years. In cases of a more serious nature, for example, those involving

criminal prosecution, a longer timescale may be appropriate if the applicant still poses a threat to neighbours and community.

- c) there must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats, or there might be a history of repeat offending.

When assessing whether behaviour may result in the applicant not qualifying the assessing officer will consider:

- a) the seriousness of the applicant's behaviour.
- b) the duration of the behaviour and/or the number and frequency of incidents.
- c) the length of time that has elapsed since the behaviour took place.
- d) any relevant vulnerability or support needs that may explain the behaviour.
- e) whether there is meaningful engagement with support agencies.
- f) critically, whether there has been a significant and sustained change in the applicant's behaviour.
- g) whether they believe on the evidence that the behaviour is likely to still reoccur now or at the point a tenancy was offered or commenced.
- h) whether the circumstances that caused the behaviour have changed. For example, whether nuisance was caused by drug or alcohol problems that the applicant has since successfully resolved.
- i) whether the member of the household responsible for the behaviour is still a member of the household.
- j) whether the Council can accept a voluntary acceptable behaviour agreement from the applicant setting out the behaviour that is expected of them for future tenancies.
- k) if the unacceptable behaviour is believed to be due to physical, mental or learning difficulties, whether, with appropriate support, the applicant could maintain a tenancy.

Applicants to whom the rule is applied will be written to and informed that:

- a) the unacceptable behaviour rule has been applied to their case and either they do not qualify, or that they qualify but cannot be considered for an allocation until the behaviour has been resolved.
- b) what they must do to resolve the problem.
- c) where an applicant is disqualified for unacceptable behaviour, they will be informed that they have a right to ask for a review of the decision made to disqualify them.

Non-qualification will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the Council, their previous unacceptable conduct is unlikely to reoccur. This may include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour.

Where an applicant is disqualified, any new application will only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a

continuous period of 12 months. It is the applicant's responsibility to notify the Council when they have, in their view, resolved the issue and they will need to present evidence to back up their view as part of any new application.

An applicant may re-apply to join the housing register after 12 months. During this time, they will be expected to demonstrate behaviour that would make them suitable to be a tenant, such as no further anti-social or criminal behaviour in or around the vicinity of their home and/or no further breaches of tenancy conditions. In the event of an offer of accommodation being made, it will be subject to a probationary period by way of an introductory tenancy, during which time the applicant will be expected to continue to demonstrate reasonable behaviour.

Applicants who have been assessed as being in priority need and intentionally homeless or as non-statutorily homeless will not be accepted on to the Housing Register if the conditions apply.

Applicants to whom the Council has a duty to rehouse under the Housing Act 1996 (as amended) will be accepted on to the Housing Register even if the conditions apply.

Applying to Join the Housing Register

Application:

The South Derbyshire Social Housing Landlords keep a joint housing register. This means applicants only must complete one housing application form to be considered for housing by all the South Derbyshire Social Housing Landlords.

On starting an application for housing, potential applicants are advised to complete the 'pre-qualification' section on Housing Jigsaw to assess their eligibility to register (for example, home ownership, local connection, right to reside in the UK). Those who do not meet the criteria will be invited to a Housing Solutions Interview to discuss other routes to meeting their housing need such as privately rented accommodation.

Applicants are required to complete an online housing register application. The online form can be filled in at www.southderbyshire.gov.uk/housing-register. Additional information from applicants may be requested to supplement the information input.

The application form will ask applicants to provide details of any medical circumstances that are related to their current housing situation. The Council may ask for further information from medical or other professionals to confirm this position. It may also be necessary to visit applicants at home to make a correct assessment of their circumstances.

Online applications are required however support can be obtained from the Housing Solutions Team by telephone on 01283 221000 or by visiting South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.

By applying, the applicant consents to the Council making all reasonable enquiries to satisfy itself that the applicant meets the eligibility and qualification criteria above.

Checking the Housing Register Applications

Applicants are required to provide all the information requested in the application form. If this is not supplied the application will not be registered. All applications will be checked, and additional information requirements identified and requested.

Applicants must provide one piece of identification such as a passport or photo driving licence. Applicants must also provide proof of current address. It is the applicants responsibility to supply proof to confirm their identity.

Where applicants have been or still are the tenant of a private or social landlord the Council will contact the landlord to obtain a tenancy reference. Applicants may also be requested to provide other proof of identity or other information relevant to the application. Applications will not be activated until all information requested is received.

The Council may also check an applicant's details with a credit referencing agency.

Applicants must declare in the application form if they and/or other members of their household have current and past rent arrears or other housing related debt from any tenancy that they have held. If applicants do not provide this information and it is later discovered, the application may be cancelled, and legal action may be taken against the applicant if they have been allocated housing.

An application will be pending or suspended until such time the information requested is received.

If, the information has not been provided within 28 days of request, the application will be cancelled. If an applicant provides false and/or misleading information on their application form or as part of the assessment process the application will be cancelled.

Activating Housing Register Application

The Council aims to activate application forms within 15 working days of receipt, provided they are complete and are accompanied with all the required supporting information, including landlord references and any additional information requested.

Applications are assessed based on the information provided on the form against the Bands. Within these bands' applicants are assessed as to how many needs they and their household have. The higher the number of needs the greater priority is given for allocation.

Once an application has been assessed in accordance with this Scheme the applicant

will be informed in writing: -

- whether or not their application has been accepted and if it has been accepted then they can start to look for properties advertised on the South Derbyshire Housing Register,
- of their unique housing application number,
- of the Band they have been placed in,
- whether they have been awarded a multiple or single need,
- of the Band award date,
- of the type and size of properties for which they qualify,
- how to use the South Derbyshire Housing Register to look for properties.

Applications to Join the Housing Register from Councillors, Employees and their Close Relatives

Councillors, Employees and their Close Relatives of the Council and the South Derbyshire Social Landlords can apply to go on the Housing Register. However, they must make their position or relationship within the Council or with the South Derbyshire Social Housing Landlord known on their application form. If they do not do this and it is discovered later that such a relationship exists, or it is found that false or misleading information was provided to help secure accommodation, then the Council may take further action against the applicant.

All applications falling in this category must be submitted directly to the Council's Housing Solutions & Support Supervisor or Manager or Head of Housing where they will be assessed to ensure no advantage or disadvantage is received.

Any subsequent allocation to an applicant falling into this category must be approved by the Executive Director for Place & Prosperity or another Director or the Chief Executive of the Council.

Change of Circumstances

Applicants must let the Council know if their circumstances or those of a joint applicant, or other members of their household or any number of people identified on their housing application change.

This can include but is not limited to:

- a change of address,
- a change of contact telephone details,
- people leaving the household or more people coming into the household,
- their health getting better or worse.

If there is a change in circumstances of an applicant and of which the Council has not been informed, then this could affect their banding.

It is the applicant's responsibility to inform the Council of any change in their circumstances. They may need to complete a change of circumstances form so that their circumstances can be re assessed. The application will be suspended until the review is complete. The Council aim to complete this within 10 working days of receipt of the form.

If there is a change in circumstances that affects an applicant's band and the banding award date. The Council will write to an applicant to advise them of any changes it makes to their banding. Note: a change in circumstances will alter the effective date on your application.

If the applicants, or a member of their household needs change they can request a review of their Banding.

The Choice Based Lettings System

Advertising Vacant Properties:

Vacant properties will be advertised, and applicants are required to actively seek and 'bid' for properties in which they are interested. Applicants will only be considered for a property if it is a suitable size and type for their household. Applicants expressing an interest in a particular property will be shortlisted by the following criteria:

- their needs band (the level of need we have assessed them as having)/
- number of needs within the band (How many criteria they have been assessed as having within the band),
- the date the band was awarded.

Applicants at the top of each vacant property shortlist will be made the offer and invited to view the property provided they are suitable for the property type and still qualify following a final review of their circumstances.

Properties which are empty or due to become empty will be openly advertised on a weekly cycle, on the South Derbyshire Social Housing Register website.

Property Adverts

Adverts will include the following information about the property:

- A photo of the property (where possible),
- The location including street name,
- Size and type of property,
- Who is eligible to apply,
- Weekly rent and service charges,
- Type of heating,

- If there is a garden and whether this is communal,
- Details of any disabled adaptations,
- Availability of a lift (if applicable),
- Parking facilities.

Adverts will detail who is given priority in bidding for a property, i.e.

- The priority band for the property,
- Size and type of household that the property is suitable for,
- Any restrictions on age e.g. over 40s or 60s only,
- Whether it is supported accommodation,
- If pets are allowed.

Properties will be advertised on a regular cycle and will be advertised on the Council's website.

Applicants will be able to express their interest (bid) in a property in several ways:

- Online via www.southderbyshire.gov.uk
- In person at the Customer Service desk at the Council's Civic Offices.
- By telephone on 01283 221000 should the applicant be classed as vulnerable and unable to access either of the above.

Applicants on the Housing Register can make up to three bids per weekly advertising cycle. Applicants who have already accepted an offer of a property will be ineligible to make any further bids.

An applicant may refuse an offer of property on which they have bid. An applicant may only refuse the offer of two properties in any 12-month period. If they exceed this quota their application will be suspended for a period of 6 months and the applicant will not be able to bid on any other properties during this time. An offer of a property will be made by telephone, email or by post. If an applicant does not respond to an offer left as a telephone message or sent by post, this will be considered as a refused offer. 48 hours will be given to consider and respond to an offer on a weekday and directly after the weekend when an offer is made on a Friday.

Whilst the Council aims to allocate many of its empty properties via the choice based letting Scheme it reserves the right to allocate some of its empty properties otherwise by the Choice Based Letting Scheme and at the discretion of the Council by Direct Let. A Direct Let can be made in exceptional circumstances, these may include:

- Cases where moving an under occupying tenant improves the supply of larger family type accommodation or where there is financial hardship suffered

because of Housing Benefit changes.

- Public Protection cases,
- Household members left in occupation following a death where there are no further succession rights,
- Temporary or permanent rehousing (decant) where a maintenance issue may mean the tenant has to move to alternative accommodation,
- Properties that have been significantly adapted (e.g. through floor lift, wheelchair kitchen),
- Special cases where an urgent need to move is required,
- Where the property advert received no bids during the cycle or where all qualifying bidders turned down the property.

In each of the above situations the Council's Housing Solutions Supervisor or Manager will review each case individually and decide whether a Direct Let is appropriate. All Direct Let's will be authorised by the Council's Housing Solutions Supervisor or Manager and the Head of Housing.

Information on all the properties let through the Choice Based Lettings System will be provided on the website www.southderbyshire.gov.uk/housing-register.

Each South Derbyshire Social Landlord manages their own offers and will contact the successful applicant with details of the offer. Each landlord may have a different process. Applicants will be notified of an offer by telephone in the first instance and then by post. Before an offer is made to a bidder, all South Derbyshire Social Landlords reserve the right to:

- carry out checks on the applicant's personal circumstances, as well as those made as part of their application,
- bypass a bidder if the checks reveal the applicant's circumstances have changed, since the submission of their application, sufficient to remove their entitlement to their assessed banding,
- withdraw an offer if checks reveal information that is not listed in the applicant's application and the banding may need to be reviewed.

If applicants are under 18 years of age, they will not be offered a property unless they have had an interview with the Council's Tenancy Services Team and can provide details of a guarantor.

Applicants must tell the South Derbyshire Social Landlords whether they wish to accept the offer. There will be deadlines for responding to offers. Failure to respond within 48 hours or directly after the weekend when an offer is made on a Friday may result in the property being re-offered to the next applicant on the shortlist.

In exceptional circumstances the South Derbyshire Social Housing Landlords have the right to 'bypass' an applicant if they do not feel they are suitable for the property. Their decision to bypass may be because of their own policies and procedures which

may vary from landlord to landlord. This may occur where the property has adaptations or the letting is considered sensitive based on other factors.

Most empty properties will be advertised prior to the outgoing tenant leaving. Therefore, they may not be ready to view for a few weeks. In cases where the property is not yet empty an offer will be made on a provisional basis only and may need to be withdrawn if the outgoing tenant does not move out as they had planned.

Where the first applicant refuses an offer, the property will be offered to the next highest banded applicant and so on.

Applicants are given the opportunity to view any property offered to them. Following the viewing the applicant is expected to decide whether they wish to accept the offer.

In situations where a property is advertised and no bids are received it will be re-advertised in the next cycle with the bidding opened to applicants who are eligible for smaller properties, usually one bedroom less.

Offers of Accommodation Made to Employees, Councillors and Members of their Family

Applicants and their family members who are Councillors or are employed by the Council.

Applicants will be asked to register their status as an employee of the Council at the point of registering their application. This will also apply to applicants who are related to a Councillor or member of staff.

To ensure transparency and fairness, all offers of accommodation made to members of staff, Councillors and members of their family will be approved by the Council's Head of Housing and the Executive Director for Place & Prosperity or another Director or the Chief Executive of the Council.

Records of offers of accommodation made to staff will be reported annually to the Council's Housing and Community Services Committee.

Where this Policy Does Not Apply

There are instances where this policy does not apply. These instances are detailed in section 160 of the Housing Act 1996 and include:

- Mutual exchange,
- Succession of tenancy.

In each of these instances, neither the Council nor any of the other South Derbyshire Social Housing Landlords are required to identify a new tenant for the relevant

property or properties from the Housing Register.

Data Protection Statement

All personal information provided to the Council will be held and treated in confidence in accordance with the Data Protection Act 2018. Information provided will be held electronically and in paper form and always kept secure. Basic information regarding areas of preference may be shared with other Council departments or third-party organisations to determine housing need for areas of the District. For example, where the demand for housing needs to be assessed in locations where new developments are being considered.

Where equality information is provided as part of the application, this is classed as 'Sensitive Personal Data' and will be treated as such and used for monitoring purposes only. Only Council employees who require this information as part of their job will have access to it.

Information may be shared with bodies responsible for auditing and administering public funds for the purpose of preventing and detecting fraud or other criminal offences, or for issues of child and public protection.

If applicants wish to access their information, they should obtain a Data Protection Request Form via Customer Services on 01283 595795 or from the Council's website www.southderbyshire.gov.uk/about-us/data-privacy-and-cookies/data-protection-act-2018 Please note that an administration fee may apply.

Housing Need – Banding Scheme

South Derbyshire Social Housing Register Bands:

Applicant's housing circumstances will be categorised into one of three bands. The bands are:

- **Band 1 (Emergency)**
- **Band 2**
- **Band 3**

Within each band will be a series of individual needs. An applicant may be assessed as having one need only. The overriding need will be awarded.

Band 1 (Emergency)

Applicants will be placed in this band if:

- The Council has decided that it owes a duty to the applicant to rehouse them under the Housing Act 1996 (as amended).

- The Council has assessed a private sector applicant's property and found it to be 'statutorily overcrowded', and the applicant has not intentionally caused the overcrowding, as defined in the Housing Act 1985.

Homeless Final Offers

Applicants assessed as being unintentionally homeless and in priority need, who are owed the 'full housing duty', will be expected to actively make bids against suitable properties.

From the formal homeless decision date, the number of bids placed will be monitored by the Housing Options Officer weekly where possible. In situations where bids aren't being made, the Council will place bids on the applicant's behalf. The Council can also consider making a direct offer of accommodation on the applicant's behalf to discharge the Council's emergency duty. The Council can end the emergency duty to the applicant on the first successful bid or direct offer of accommodation.

This offer of accommodation will be a social or affordable housing tenancy or a twelve-month assured short hold privately rented tenancy in accordance with section 193(7AA) of the Housing Act 1996 (as amended). The Council will try to take account of an applicant's preference for an area and type of property. However, due to high housing demand and a lack of supply, this may not always be possible. The Council will make any final offer in writing, and state that it is a final offer, and that it discharges its homeless duty.

If an applicant feels that a final offer property is not suitable, they may ask for a review of the offer. Applicants may ask for a review whether or not they accept the final offer.

When reviewing a final offer, a Senior Officer not involved in the original decision will review whether the property:

- (a) is of the right size and type for the family,
- (b) is safe for the applicant's family to live in,
- (c) takes account of any special needs the applicant or their family have, and
- (d) the offer has taken into account any other relevant circumstances of which the Council has been informed prior to the making of the offer.

Applicants may refuse a 'final offer' of housing. If they do, the applicant will lose their emergency status and if they are a qualifying person their application will be moved to Band 2. An applicant considering refusing a final offer, should discuss this first with their homeless case officer.

The Council can discharge its homeless duty by securing the applicant a 12-month assured short hold tenancy in the private rented sector and if the applicant on expiry of that tenancy becomes unintentionally homeless again within a maximum of two years, a full homelessness duty will be owed regardless of priority need.

Where an applicant with emergency status has bid on properties but has not been successful, the Council will consider whether to extend the period beyond eight weeks.

Band 2

Applications will be placed in this band if:

- The Council has decided that the applicant is statutorily overcrowded,
- The Council has prohibited the use of the property an applicant is living in under the Housing Act 2004 and considers that it is not reasonable for the property to be brought back into use,
- The applicant has been assessed as non-statutorily homeless,
- The Council's Housing Solutions Supervisor or Manager has assessed an applicant as having an essential need to move on medical or mobility grounds. In circumstances where the applicant's current housing situation is having a serious detrimental impact on them or members of their household's health or ability to live independently and a move to a certain type of accommodation would remedy that situation,
- The applicant, or a member of their household, has an urgent need to move on welfare grounds which is supported by evidence or written statements by professionals. This is defined as:
 - (a) discharge from hospital is prevented by their housing situation
 - (b) there is a likelihood of admission to residential care or hospital if re-housing is not made
 - (c) there is a likelihood of a child being accommodated by the local authority if re-housing is not made
 - (d) at serious risk of harm in their present accommodation.
This can include but is not limited to:
 - I. victims of domestic violence – including where the victim has fled to non-secure or temporary shared accommodation away from their secure accommodation
 - II. serious racial harassment
 - III. homophobic attacks
 - IV. witnesses of crime
 - V. victims of crime
 - VI. serious anti-social behaviour that is causing detriment to mental health or where there is risk of physical violence. Evidence of which is provided by a South Derbyshire Social Housing Landlord.
- The applicant has an urgent need to move to a particular locality where failure to do so would cause hardship to them or another member of their household.

This is defined as:

- (e) a need to move to either give or receive long term (over 12 months) essential care and support,
 - (f) a need to move to access long term (over 12 months) specialised medical treatment,
 - (g) a need to move to take up permanent employment or training opportunities,
 - (h) the applicant is currently living in a hostel or supported housing and is ready for move-on to independent living.
- It is unreasonable for the applicant to stay in their current accommodation due to exceptional financial hardship and moving home would alleviate that hardship. A financial review will be undertaken by the Council's Housing Allocation Officer and recommendations made to reduce household costs. If an applicant's income is still below the level of the assessed reasonable household expenditure the need may be awarded.
- The applicant is currently living in a property owned by a South Derbyshire Social Housing Landlord that is too big for their needs, and they are subject to the social size criteria reduction in Housing Benefit.
- The applicant is currently living in a property owned by a South Derbyshire Social Housing Landlord that is too big for their needs, and they are willing to move to a smaller property. This does not include residents aged 61 and over living in Supported Housing unless the applicant can demonstrate the size of the property is causing financial hardship or detriment to health. Normally this class of applicant will be placed in Band 3.
- An applicant is left in occupation of a property owned by a South Derbyshire Social Housing Landlord property, following the death of a tenant, with no succession rights to the tenancy or where the tenant has moved into residential care and the tenancy is to be terminated. The applicant must have lived at the address as their principal home for at least 12 months prior to the tenant's death or confinement to residential care.
- The applicant is a tenant of a South Derbyshire Social Housing Landlord and no longer needs the significant adaptations made to their property.
- The applicant is a tenant of a South Derbyshire Social Housing Landlord and has been notified of the making of a Compulsory Purchase Order in respect of the property or the property is due for demolition.
- The applicant is a care leaver and needs a secure home to build a stable life.

Armed Forces Personnel Check Armed Forces Covenant

Armed forces personnel meeting one of the above criteria in Band 2 will be afforded additional preference in the form of one higher Band if they meet **one** of the additional criteria below. They are:

- a serving member of the armed forces or a former member who has served in the regular forces within five years of the date of their application and they need to move because of a serious injury, medical condition or disability sustained because of their service
- a bereaved spouse or civil partner of a member of the armed forces leaving Services Family Accommodation following the death of their spouse or partner.
- a serving or former member of the Reserve Forces who has served within five years of the date of their application and they need to move because of a serious injury, medical condition or disability sustained because of his/her service.
- a former member of the regular forces who has served within five years of the date of their application (Royal Navy, The Royal Marines, regular army or the Royal Air Force).

Band 3

Applicants will be placed in this band where; an applicant, a joint applicant, any other member of their household or any number of people identified on their housing application are: -

- aged 60 and over currently living in Sheltered Housing owned by a South Derbyshire Homefinder Landlord that is too big for their needs, and they are willing to move to a smaller property.
- assessed as having a need to move on medical or mobility grounds where a move to a certain type of accommodation will improve their quality of life.
- in need of one or more additional bed spaces but they are not classed as statutorily overcrowded.
- living in an upper floor flat and have a child under 10 years old.
- sharing facilities such as a kitchen and bathing facilities with another household where the other household was already in residence. This does not include adult family members who would normally reside in the property.

- suffering a relationship breakdown and are living in the same property as their partner.
- suffering from low level anti-social behaviour or harassment. The evidence of which must be provided by a South Derbyshire Homefinder Landlord.
- seeking to move due to a requirement to move closer to:
 - a child's school
 - family/friends for non-essential care and/or support where the applicant can demonstrate a move would significantly help their situation
 - shops and other local amenities where the applicant are aged 60 or over and lives in a rural community.
 - give non-essential care and support.
- needing to move to access specialised medical treatment for a defined period which is less than 24 months.
- needing to move to take up employment or training opportunities, which is for a defined period less than 24 months.
- In supported, hostel type accommodation and have made an initial application to South Derbyshire's Social Housing Register.

Reviewing banding

Applicants in any band have the right at any time to request a review of their banding.

All applications placed in Band 1 (Emergency) will be reviewed weekly (where possible) due to the urgency of re-housing. Applications in Bands 2 and 3 will be reviewed at least annually to check whether their housing needs have changed.

An applicant's banding will also be reviewed at the time of any offer to ensure the banding is still applicable.

Property Allocation

Shortlisted applicants will be offered accommodation based on the number of people in their household. See below.

The Council will inform the applicant which size of property it considers to be most suitable for them. The Council will advertise properties with the minimum and maximum number of occupants. If there is a permanent carer in residence or a medical condition that justifies the need for an extra room, accommodation with an additional bedroom will usually be offered

Some properties will be advertised with an age requirement. For example, where the Council states ‘applicants over the age of 40 years’, there must be at least one member of the household that meets this requirement.

The table below provides a guide as to how many bedrooms an applicant or household are usually entitled to bid for. There will be circumstances where it is necessary to allocate properties outside of these guidelines.

Size of family	Size of property
Single person over the age of 18	Studio / single person home with single bedroom
A couple without children	1 bedroom
A couple with one child of any age, including an adult child	2 bedrooms
A couple with two children of the same sex up to the age of 21	2 bedrooms
Two adults of opposite sex who do not live as a couple, for example a brother and sister	2 bedrooms
A couple with two children of the opposite sex and both under 10	2 bedrooms
A couple with two children of the opposite sex, one of whom is aged 10 or over	3 bedrooms
A couple with three children	3 bedrooms
A couple with four children (all the same sex or two of each sex)	3 bedrooms
A couple with two children of the opposite sex aged under 10, and one dependent relative (for example, widowed mother)	3 bedrooms
A couple with four children (three of one sex and one of the opposite sex)	4 bedrooms
A couple with more than four children	4 bedrooms

There may be occasions where applicants are offered a property, that has an extra bedroom. Before bidding for that property, applicants who are in receipt of Universal Credit or other benefits will need to check what size of property their benefit entitlement will cover.

If an applicant is unable to meet the cost of the rent from their income the South Derbyshire Social Housing Landlord may bypass the applicant unless the applicant can evidence, and the landlord is satisfied, that they will be able to make full rental payment.

Sheltered Housing

Around a third of the Council’s stock is sheltered housing which are normally allocated for households with at least one occupant who is aged over 60 years old. These properties are typically bungalows or flats with communal entrances.

If an applicant under the age of 60 is currently receiving Disability Living Allowance

(DLA) or Personal Independence Payment, the South Derbyshire Social Landlords may offer them a property that's normally considered for someone over 60, if the move to this type of accommodation alleviates an issue with their current housing situation. i.e. a wheelchair user moving into a bungalow

Several properties will have adaptations suitable for people with disabilities. Wherever possible the Council reserves the right to make the best use of these adaptations and allocate properties to those applicants with needs matching the property adaptations.

Local Connection

To be accepted on to the South Derbyshire Social Housing Register applicants must normally demonstrate they have a local connection to the District.

To qualify for 'local connection' and be accepted on to the Housing Register, the applicant must:

- Have lived in the District for at least two out of the last five years as their only or principal home, or
- Worked permanently in the District immediately prior to the application, for a period of two years or longer. The employment must be for a minimum of 16 hours per week, or
- Have a close family member (Mother, Father, Brother, Sister or Adult Child) with whom they are in close contact, living in the District who themselves meet the local connection criteria in this Scheme.
- Needs to reside in the District to give or receive essential support from a close family member. Note: it is for the Council to decide on whether the applicant meets this requirement.

Applicants will need to provide evidence of their local connection with the District.

- If applicants claim a local connection through employment, they will need their current employer to provide written evidence of their employment.
- Where applicants claim a local connection through a close family member, they will need provide evidence to confirm the family connection.

Other Local Connection Circumstances

These circumstances are:

- applicants who have been accepted by the Council under homeless legislation,
- applicants who have been accepted for priority re-housing as a reciprocal arrangement with another local authority. This may be where another local authority wishes to place an applicant away

- from their area due to threats of serious harm against the applicant, Members of the Armed Forces, who are seeking accommodation under the terms of the Armed Forces Covenant.

If applicants come under the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 as amended which means the Council must not apply the 2-year residency qualification rule to:

- a) Those who are currently serving or have ever served in the Regular Armed Forces.
- b) Bereaved spouses or civil partners of those who have served in the regular forces where the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in the Ministry of Defence accommodation following the death of their spouse or civil partner and the death was wholly attributable to their service.
- c) Existing or former members of the reserves forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.

If applicants come under the armed forces regulations, the Council will not apply the 2-year residence rule, but the other qualification rules will still be applied to applications such as earning levels, unacceptable behaviour or current or former arrears.

- Care Leavers.

Under Government Regulations passed in 2025 local authorities must not disqualify the following applicants on the grounds that they do not have a local connection with the authority's District:

- a) Eligible child as set out in paragraph 19B of Schedule 2 to the Children's Act 1989. These are a child who are: (a) currently being looked-after; (b) aged 16 or 17; and (c) have been looked after by a local authority in England or Wales for a period of 13 weeks, or periods amounting in total to 13 weeks, since the age of 14, at least one day of which must have been since attaining age 16.
- b) Relevant child as set out by section 23A(2) of the Children Act 1989. These are children who are: (a) no longer a looked-after-child; (b) aged 16 or 17; and (c) a former eligible child.
- c) Former relevant child aged under 25 as set out by section 23C(1) of the Children Act 1989. These are children who are: (a) aged 18 to 24; and (b) either a former relevant child or a former eligible child.

The Council will also consider exempting care leavers from the residency rule more broadly than those who fall within the scope of the Regulations above in recognition that their experiences whilst in or leaving care might mean that some care leavers may not have a tangible connection to an area. The Council will consider each of these cases on their facts to decide whether to apply the exemption.

- Households with an occupant over the age of 60 with no local connection but with a desire to live in South Derbyshire in Sheltered Housing. These applicants will only be offered accommodation after all other bids for that particular property have been considered.

Local Lettings Policies

In some cases, South Derbyshire Social Landlords may decide to let properties within a local area or new development on a different basis. A “Local Lettings Plan “for either newly built or existing properties will be adopted where there is evidence that indicates that such an approach is necessary.

Applications to join the Register from 16–17 year olds

Applicants can apply to join the Housing Register once they are 16 years old. However, if they are under 18, after they register and before they can be offered a home, they will be expected to attend an independent living interview with the Council’s Tenancy Services Team.

Applicants under 18 years old must provide details of a guarantor (someone who accepts legal responsibility for the tenancy on their behalf) otherwise accommodation will not be offered to them.

The guarantor will be interviewed by the Council’s Housing Solutions and Tenancy Service Team to ensure they are able to afford to cover rent payments and are a qualifying person under this Scheme.

If the guarantor does not meet this criterion the offer of accommodation will be withdrawn.

Young people in the care of the local authority (Care) will be allowed to apply to join the Housing Register when they reach 17 years and 6 months old. If their application is complete and meets the qualifying criteria of the policy, it will be considered in accordance with this Scheme and assessed at a minimum Band A.

Upon the young person turning 17 years and 11 months old they will be allowed to bid for applicable properties advertised each week. Accommodation will not be offered until on or after their 18th birthday. If a bid is successful before their 18th birthday the tenancy sign up will take place following their 18th birthday.

The Council’s Tenancy Services Team will carry out a case review and provide support to the young person at the point of an offer of accommodation, through to the early stages of their tenancy.

In order to sustain tenancies offered to young people leaving Care, the Council will manage these tenancies in accordance with the South Derbyshire ‘care leavers protocol’.

Types of Tenancy Offered

The Council will offer an Introductory Tenancy of 12 months. Where the Introductory Tenancy period is successfully completed, the Introductory Tenancy becomes a secure tenancy.

Other South Derbyshire Social Landlords will normally offer a Starter Tenancy of 12 months. This will be followed by the tenancy type determined in the Landlord's tenancy policies.

Reviews

The Housing Act 1996 (as amended) gives applicants the right to ask for a review if the Council decides not to allow applicants to join the Housing Register or makes a decision that affects their application.

Requests for review must be made in writing to the Council's Housing Solutions Supervisor or Manager. Applicants or their representative may give their reasons for requesting a review in person, if it is difficult to provide their reasons in writing.

A Council Senior Officer, who has not been involved in the original decision, will consider the request for a review. The officer will base their decision on the known facts at the time of the review. In some cases, the applicant may be asked for more information to help decide.

The Council will write to the applicant about their decision and explain their reasons for it within 28 days of receipt of the request for a review.

Complaints

The Council is committed to providing the best possible Housing Service.

If an applicant is unhappy with the service provided by the Council's Housing Solutions Team, they should contact the team to try to get the problem resolved.

If an applicant is still not satisfied with the response, they should email customer.experience@southderbyshire.gov.uk to make a formal complaint. The complaint will be handled by the Customer Experience Team and passed to the Head of Housing at Stage 1 to investigate and respond.

If the complaint cannot be resolved at Stage 1 then a Stage 2 complaint can be made via the Customer Experience Team. The Stage 2 complaint will be investigated and responded to by the Chief Executive.

After Stage 1 and Stage 2 if the complaint is still not resolved then the complaint can be referred to the Local Government Ombudsman. This is an independent service run

by Central Government to ensure that Local Authorities provide a certain standard of service to their customers.

The **Local Government Ombudsman Advice Team** can be contacted by telephone on 0300 061 0614. The helpline is open Monday to Friday, between 9am and 12 noon or via their website at www.lgo.org.uk

The **Independent Housing Ombudsman** for complaints about registered social landlords.

Call on 0300 111 3000

9.15am - 5.15pm, Mon to Fri

Housing Ombudsman Service

PO Box 152

Liverpool L33 7WQ

Email at info@housing-ombudsman.org.uk or use the online complaint form Website at www.housing-ombudsman.org.uk

Appendices

Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006

Overview

The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 are statutory regulations made under the Housing Act 1996. They came into force on 1 June 2006 and apply only in England.

The purpose of the Regulations is to determine which persons from abroad are eligible or ineligible for:

- An allocation of social housing by a local housing authority; and
- Homelessness assistance under Part 7 of the Housing Act 1996.

Categories of Eligibility

The Regulations divide applicants into two broad categories.

1. Persons Subject to Immigration Control

Some individuals who are subject to immigration control are eligible for housing assistance. These include certain persons who have:

- Refugee status;
- Humanitarian protection; or
- Other qualifying forms of leave to remain specified within the Regulations.

Other persons are ineligible where their immigration status does not qualify, particularly where their leave to remain includes a condition of “**No Recourse to Public Funds (NRPF)**”.

2. Persons Not Subject to Immigration Control

Individuals who are not subject to immigration control may still be ineligible if they:

- Are not habitually resident in the United Kingdom; or
- Fall within specified classes of persons from abroad defined by the Regulations.

Historically, eligibility depended upon habitual residence requirements and, before the United Kingdom left the European Union, certain rights arising under EU free movement law.

Amendments

Since coming into force in 2006, the Regulations have been amended on numerous occasions to reflect changes in immigration law. Significant amendments include provisions relating to:

- The EU Settlement Scheme following Brexit;
- Stateless persons;
- Family members of persons of Northern Ireland; and
- Holders of the Hong Kong British National (Overseas) (BN(O)) visa.

Purpose of the Regulations

The Regulations provide the legal framework used by English local housing authorities to determine whether a person from abroad is entitled to:

- Join a housing register;
- Receive an allocation of social housing; and
- Receive homelessness assistance under Part 7 of the Housing Act 1996.

Housing authorities must assess both a person's immigration status and, where applicable, whether they satisfy the habitual residence test before determining eligibility.

Official Legislation

The official version of the Regulations is available from [legislation.gov.uk](https://www.legislation.gov.uk):

Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006

<https://www.legislation.gov.uk/ukxi/2006/1294>