

**ALAN FRANKS  
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Dear Sir/Madam,

An additional meeting of the **HOUSING, HEALTH AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL** will be held in Committee Room 'B', Town Hall, Nuneaton on Wednesday 8<sup>th</sup> May, at **5.00pm**

Public Consultation will commence at 5.00 p.m.

Yours faithfully,

ALAN FRANKS

Managing Director

To: All Members of the Housing,  
Health and Communities  
Overview and Scrutiny Panel

Councillors S. Doughty (Chair),  
D. O'Brien (Vice-Chair), J.B. Beaumont,  
D. Fowler, V.N.J. Fowler, J. Glass, M.P.  
Grant, G.D. Pomfrett, C.M. Watkins,  
K.D. Wilson and Mrs L. Price.

## AGENDA

### PART 1 – PUBLIC BUSINESS

#### 1. EVACUATION PROCEDURE

**A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.**

**Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.**

**If you need any assistance in evacuating the building, please make yourself known to a member of staff.**

**Please also make sure all your mobile phones are turned off or set to silent.**

2. APOLOGIES - To receive apologies for absence from the meeting.
3. MINUTES - To confirm the minutes of the meeting of the Housing, Health and Communities Overview and Scrutiny Panel held on 19<sup>th</sup> March, 2013 **(Page 4)**.
4. DECLARATIONS OF INTEREST/PARTY WHIP - To receive declarations of Disclosable Pecuniary and Other interests in accordance with the Members' Code of Conduct and of the Party Whip in accordance with the Overview and Scrutiny Procedure Rules 4E, Paragraph 16(b).

**Note (1): Following the adoption of the new Code of Conduct, members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.**

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

**N.B. Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.**

**Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.**

**Note (2): Overview and Scrutiny Procedure Rules 4E, Paragraph 16(b) states "when considering any matter in respect of which a Member must declare the existence of the whip, and the nature of it before the commencement of the OSP's deliberations on the matter".**

5. PUBLIC CONSULTATION - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.
6. NEW NBBC ALLOCATION POLICY – Report of the Director – Housing and Communities attached. **(Page 7) (Overview)**
7. RESPONSES FROM CABINET  
  
None
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

#### **N.B** Agenda Item Descriptors

**Scrutiny** = Members to consider the evidence presented in detail (e.g. service delivery, value for money, performance, customer satisfaction, social outcomes) and make recommendations for any necessary changes/improvements to service provision or resources and/or request further information.

**Overview** = Members to consider the information presented and make observations, comments and/or recommend further considerations to be taken into account and any additions or amendments required.

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**HOUSING, HEALTH AND COMMUNITIES  
OVERVIEW AND SCRUTINY PANEL**

**19<sup>th</sup> March, 2013**

A meeting of the Housing, Health and Communities Overview and Scrutiny Panel was held at the Town Hall, Nuneaton, on Tuesday 19<sup>th</sup> March, 2013.

**Present**

Councillor S. Doughty – Chair

Councillors D O'Brien (Vice Chair), D. Fowler, V.J.N. Fowler, J. Glass, K.A. Kondakor, G.D. Pomfrett and C.M. Watkins, and Mrs L. Price.

416 **Minutes**

**RESOLVED** that the minutes of the meeting held on 18<sup>th</sup> February, 2013, be confirmed.

417 **Declarations of Interest**

Councillor W.H. Sheppard declared an Other interest in Item 9, by reason of him being a Council Tenant.

Councillor C.M. Watkins declared an Other Interest in any relevant item by reason of him being a board member of the Nuneaton and Bedworth Leisure Trust.

Mrs L. Price declared an Other Interest in Item 9, by reason of her being a Council Tenant.

418 **The Family Intervention Project (FIP) – Update Report**

The report of the Director – Housing and Communities, updating the Panel on the progress of the Family Intervention Project was considered.

The Panel were informed on the success of the project to date with detailed performance information, criteria for referrals, and the way the project is funded. Jeanette Staley, Operations Manager for Priority Families attended for this item.

**RESOLVED** that

- (a) the report providing an update on the progress of the Family Intervention Project be noted;
- (b) the Panel continue to actively support the work of the FIP.
- (c) Jeanette Staley representing Priority Families be thanked for her attendance at the meeting.

419 **Museum Progress Report**

The Panel received an update from Catherine Nisbet, Senior Museum Officer on the work being carried out at the Museum, and the methods used to promote their work and increase visitor numbers.

**RESOLVED** that

- (a) the Museum be advertised more effectively in other parts of the County to increase visitor numbers;
- (b) the Senior Museum Officer investigate ways of advertising the Museum more effectively in the Town Hall building.

420 **Modernisation Drug and Alcohol Treatment Service**

The Panel received an update from Mr Paul Hooper, Group Manager: Community Safety and Substance Misuse, Communities Group, Warwickshire County Council, Julie Bains, Recovery Partnership and Donna Hussain, Commissioner.

The Panel received information on the Recovery Partnership which is a new integrated and recovery focused treatment service for residents across Coventry and Warwickshire with a drug or alcohol problem.

**RESOLVED** that

- (a) the information to update the Panel be noted;
- (b) Members be sent invitations to Open Days and are sent monthly Newsletters;

(c) Mr. Paul Hooper, Julie Bains and Donna Hussain representing Drug and Alcohol Treatment Services for Coventry and Warwickshire, be thanked for attendance at the meeting.

421 **Decoration Vouchers**

The report of the Director – Housing and Communities on information relating to Decoration Vouchers was considered.

**RESOLVED** that

(a) the information be noted;

(b) the Portfolio Holder for Housing be requested to instigate a review into the Council's Decoration Allowance and include a review of the tenancy agreement with regard to recharges for repairs and maintenance, particularly with regard to tenancy terminations.

**Speakers: Councillor W. H. Sheppard**

422 **Work Programme**

The Principal Democratic Services Officer (Committees) discussed the Work Programme for 2013/14

**RESOLVED** that a review of Council Garages and Mortality rates at the George Eliot Hospital be added to the Work Programme for 2013/14.

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Chair

## AGENDA ITEM NO. 6

### NUNEATON AND BEDWORTH BOROUGH COUNCIL

**Report to:** Housing Health & Communities OSP - 8<sup>th</sup> May 2013

**From:** Director - Housing & Communities

**Subject:** New NBBC Allocation Policy

**Portfolio:** Housing (Councillor J A Jackson)

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#### 1. Purpose of Report

- 1.1 To consider the proposed changes to the Council's Allocation Policy as a result of the Localism Act 2011 and revised statutory Guidance.
- 1.2 To consider the attached draft Allocations Policy following stakeholder consultation.

#### 2. Recommendations

- 2.1 That the proposed Allocations Policy is endorsed by cabinet on 22<sup>nd</sup> May 2013.

#### 3. Background

- 3.1 The UChoose Common Letting Scheme will expire in June 2013 and the existing partners have agreed that local individual allocation policies are required following the new guidance published by government as a result of the Localism Act 2011.
- 3.2 Changes to the legal framework give more discretion to local authorities to set up their own allocations policies that reflect local priorities. Whilst maintaining the status of those granted 'reasonable preference' by the statutory guidance. These priorities include the potential extension of the local connection time, priority to be given to Armed Forces personnel, and the opportunity to filter out applications for people who have a low or no housing need.

#### 4. National Context

- 4.1 The key drivers of proposed change to the policy and practice of allocations for Local Authorities and Registered Providers are two documents: the Localism Act (November 2011) and the newly revised allocations guidelines which were produced as a consequence of the

- Localism Act, 'Allocation of Accommodation, Guidance for housing authorities in England (June 12)'.  
4.2 The Housing Act 1996 states that all Local Authorities exercising a housing function must publish an Allocations Policy showing how homes will be allocated to applicants.
- 4.3 As well as these documents the national agenda has been shaped by the changes to welfare benefits including Housing Benefit and the introduction of Universal Credit. In particular the changes to the definition of under occupation will mean that tenants of social housing below retirement age will (with some exceptions) suffer Housing Benefit deductions if they are assessed as under-occupying their accommodation.
- 4.4 The changes will need to be implemented for the launch of the new Homehunt IT system that will replace UChoose in June/July 2013
5. Local Context
- 5.1 The changes allow Local Authorities significant local control over who qualifies for social housing
- 5.2 The implementation of the Localism Act requires the Council to review their Allocation Policy to take these changes into account. This provides the Council with the opportunity to produce an Allocation Policy that is fairer, enables the Council to provide priority for certain groups to reflect local demands for housing, contribute to building sustainable communities and provides the opportunity to manage the Housing Register more efficiently and effectively.
- 5.3 These changes have been introduced by amending the provisions of Part 6 of the 1996 Housing Act which provides the statutory framework for the allocation of accommodation. This statutory framework covers both the direct selection of a household for a Council property and the nomination of households for housing association properties.
- 5.4 Government produced the 'Allocation of Accommodation: guidance for local housing authorities in England' in June 2012. Under s.169 of the Housing Act 1996 housing authorities are required to have regard to it exercising their functions under Part 6 of the 1996 Act. This guidance replaces all previous guidance on social housing allocations.
6. Key Legislative Changes
- 6.1 Government recognises that it is time to change the social housing system to ensure that the system is more transparently fair; that good, affordable housing is available for those who genuinely need it. Whilst empowering tenants to take a more active role in the management of their homes.

- 6.2 These changes have been introduced by amending the provisions of Part 6 of the 1996 Housing Act which provides the statutory framework for the allocation of accommodation. This statutory framework covers both the direct selection of a household for a Council property and the nomination of households for housing association properties.
- 6.3 Government produced the 'Allocation of Accommodation: guidance for local housing authorities in England' in June 2012. Under s.169 of the Housing Act 1996 housing authorities are required to have regard to it exercising their functions under Part 6 of the 1996 Act. This guidance replaces all previous guidance on social housing allocations.
- 6.4 Currently we allocate accommodation through the UChoose Common Policy it is our intention to localise this policy for the sole use of Nuneaton and Bedworth Borough Council (NBBC).  
policy to formulate our own NBBC Allocation Policy.
- 7.0 Consultation
- 7.1 Appendix C, attached, details the list of organisations and stakeholders Consulted on the draft Allocation Policy
- 7.2 At the end of April we had received only 3 responses, 2 from Members and 1 from a Housing Association. The responses were queries concerning nomination arrangements to Housing Association properties and about the rules concerning joint tenancies. The queries have all been responded to.
- 8.0 Conclusion
- 8.1 The adoption of the proposed Allocation Policy, will allow the Council to appropriately allocate the limited Social Housing stock, in a fair and transparent manner.

DAWN DAWSON  
Director Housing & Communities

## Proposed Changes to Nuneaton and Bedworth Borough Council Allocations Policy - Appendix A

### The Localism Act 2011 – Proposed Changes

The proposed changes are detailed below. These have been split into three areas. First area compulsory change in accordance to the guidance, Second area is our proposed optional changes in accordance to the localism guidance and third area is our minor changes to the existing UChoose Common Allocation policy thus creating a Nuneaton and Bedworth Borough Council Allocation Policy.

#### Compulsory Change

<b>1.</b>	<p><b>Reasonable Preference Groups</b></p> <p>The current allocation policy gives Reasonable Preference to the following categories of people under the old guidance 167(2) of the Housing Act 1996 and the Homelessness Act 2002:</p> <ul style="list-style-type: none"> <li>(a) Applicants who are homeless. This includes applicants where there is a statutory duty to re-house as well as applicants who are intentionally homeless and those who are not in priority need.</li> <li>(b) Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions</li> <li>(c) Applicants who need to move on medical or welfare grounds, including grounds relating to disability</li> <li>(d) Applicants who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others)</li> </ul> <p><u>Cumulative Need</u></p> <p>The current allocation policy also gives cumulative need to those applicants or members of the household who have more than one housing need. For example - This has resulted in applicants with two or more categories in Band 2 moving to Band 1.</p> <p><b>Proposals</b></p> <p>It is proposed that the new description of the reasonable preference categories detailed below is adopted (s.166A(3):</p> <ul style="list-style-type: none"> <li>(a) people who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need)</li> <li>(b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing act 1985) or who are occupying accommodation secured by any housing</li> </ul>
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	<p>authority under s. 192(3)</p> <ul style="list-style-type: none"> <li>(c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions</li> <li>(d) people who need to move on medical or welfare grounds, including grounds relating to a disability</li> <li>(e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others)</li> </ul> <p>s.166A(3); should have regard to the following considerations;</p> <ul style="list-style-type: none"> <li>- the scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.166A(3), over those who do not</li> <li>- although there is no requirement to give equal weight to each of the reasonable preference categories, authorities will need to demonstrate that, overall, reasonable preference has been given to all of them</li> </ul> <p><u>Cumulative Need</u></p> <ul style="list-style-type: none"> <li>- There is no requirement for housing authorities to frame their scheme to afford greater priority to applicant who fall within more than one reasonable preference category (cumulative preference) over those who have reasonable preference on a single, non-urgent basis. (It is proposed that the Cumulative Need is removed at the Additional Preference guidance is adopted)</li> </ul>
2.	<p><b>Additional Preference</b></p> <p>Additional Preference is new guidance it is assumed that this replacement to cumulative need.</p> <p><b>Proposals</b></p> <p>Section 166A(3) give housing authorities the power to frame their allocation scheme to give additional preference to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing needs.</p> <p>The follow additional preference categories are adopted;</p> <ul style="list-style-type: none"> <li>(a) those who need to move urgently because of a life threatening illness or sudden disability</li> <li>(b) families in sever overcrowding which poses a serious health hazard</li> <li>(c) 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</li> </ul>

	<p>In addition to the above legislative additional preference categories it is proposed that for NBBC the following is added;</p> <p>(d) those who have been accepted as homeless who occupy temporary accommodation either within the authority stock, refuge, bed and breakfast or hotel</p>
3.	<p><b>Priority for Armed Forces</b></p>
	<p>The Government has also introduced new regulations to increase the priority given to Armed Forces, Reserve Armed Forces and former Armed Forces households within local authority allocation schemes ensuring that forces applicants are not disqualified as a result of residency criteria.</p> <p>The guidance strongly encourages polices to take into account the needs of all serving or former Service personnel</p> <p><b>Proposals</b></p> <p>To give additional preference to the following categories of people who fall within one or more of the reasonable preference categories and who have urgent housing needs:</p> <ol style="list-style-type: none"> <li>1. Former members of the Armed Forces</li> <li>2. Serving member of the Armed Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service</li> <li>3. Bereaves spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner</li> <li>4. Serving or former member of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustain as a result of their service.</li> </ol>
4.	<p><b>Decisions and Reviews</b></p>
	<p>Current policy advises applicants to make a written complaint through the authority complaint procedure this has now altered.</p> <p>The Government has added an addition to the existing right to review a decision on eligibility. Section 166A (9)9c) includes a new requirement for an allocation scheme to give a right to review a decision on:</p> <p>s.160ZA(9) and (10) housing authority must notify an applicant in writing of any decision he or she:</p> <p>-is ineligible for an allocation of accommodation under s.160ZA(2) or (4) or</p>

	<p>-is not a qualifying person under s.160ZA(7)</p> <p>Or Applicants also have the right, on request, to be informed of any decision about the facts of their case which has been or is likely to be taken into account in considering whether to make an allocation to them 166A(9)(b)</p> <p><b>Proposals</b> It is proposed to follow the guidance and adhere to the process ensuring all correspondence explains the process to clients</p>
5.	<p><b>Eligibility and qualification</b></p> <p>The current policy does fully advise on eligibility and qualification it advises that some people travelling to the United Kingdom from abroad are not entitled to social housing on the basis of their status as detailed in Section 160A of the Housing Act 1996 as amended.</p> <p><b>Proposals</b></p> <p>This will now need to be replaced to the 'new s.160ZA which replaces s.160A in relation to allocations by housing authorities in England. It is advised that applicants are notified of ineligibility at time of registration. The questions on the application form will highlight ineligibility and thus will award a pre-live status for further investigation by the Choice Based Letting team.</p> <p>The policy should therefore indicated as follows:</p> <p><u>Qualifying Persons</u> In that social housing may only be allocated to 'qualifying persons' and housing authorities are given the power to determine what classes of persons are or are not qualified to be allocated housing (s.160ZA(6) and (7)).'</p> <p>'These requirement are in addition to the provisions on eligibility in respect of persons from abroad (s.160ZA(2) and (4) which continue to be set centrally'</p> <p>The act gives authorities the opportunity to define qualifying periods but they must ensure that classes of people excluded are not done so on unreasonable grounds all policies must be proportional to their stated goals in their allocations and tenancy strategies.</p> <p><u>Persons from Abroad</u></p> <p>A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for allocation under s.160ZA of the 1996 Act. There are two categories for the</p>

	<p>purposes of s.160ZA:</p> <p>(a) a person subject to immigration control – such as a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2), and</p> <p>(b) a person from abroad other than a person subject to immigration control – regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4).</p> <p>The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 NO.1294) ('the Eligibility Regulations').</p>
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Optional Change

<b>1.</b>	<p><b>Removal of No identified housing need clients from the register</b></p> <p>Currently the Council has an open housing register available to all with preference given to those households that have a local connection to the Nuneaton and Bedworth area.</p> <p>Four bands indicate need:  Band 1+ - Highest Priority with exceptional cumulative housing need  Band 1 - Urgent need for re-housing  Band 2 - Priority need for re-housing with no statutory duty  Band 3 - Priority need for re-housing with no statutory duty and low Need  Band 4 - No identified housing need</p> <p><b>Proposals</b>  Removal of Band 4. Many of these applicants have little or no prospect of being housed due to the shortage of supply. Households who are assessed as being in No identified housing need will be unable to join the NBBC register but will be offered other alternatives through the Choice Based Letting Homehunt National Scheme and will be offered local authority advice and assistance</p>
<b>2.</b>	<p><b>Banding</b></p> <p>Currently banding is awarded by Choice Based Lettings Officers based on the questions applicants answer in relation to family size and current housing needs. This has not changed and is not</p>

	<p>proposed as a change. But, how reasonable preference low/medium/high - welfare/ medical is then awarded in addition to this is not robust and difficult to report on thus open to challenge.</p> <p>Each band description gives an example of these categories but does not clearly describe levels. For example; the different forms of depression or anxiety</p> <p><b>Proposals</b></p> <p>It is proposed that a series of questions are devised on the application form to determine medical/welfare need more robustly:</p> <ul style="list-style-type: none"> <li>- Annex 1 for the guidance (attached) gives indicators of reasonable preference categories. These in addition to our local requirement will form questions for applicants to answer when registering on the Choice Based Letting system.</li> <li>- Each question will be weighted so the system is able to determine housing need <ul style="list-style-type: none"> <li>Four bands indicate need:</li> <li>Band 1+ - Highest Priority with additional preference housing need</li> <li>Band 1 - Urgent need for re-housing</li> <li>Band 2 - Priority need for re-housing with no statutory duty</li> <li>Band 3 - Priority need for re-housing with no statutory duty and low Need</li> </ul> </li> <li>- The answer will determine the applicant's band.</li> <li>- The band will automatically give to the customer.</li> <li>- If the band falls under certain categories then the application will become pre-live for the Choice Based Letting team to further investigate. These categories are as follows: <ul style="list-style-type: none"> <li>- Awarded an instant Band 1 and 1+ (reasonable/additional)</li> <li>- Armed Forces (additional preference)</li> <li>- Adapted Accommodation Required</li> <li>- An indications of rent arrears in all circumstances or previous unacceptable behaviour</li> </ul> </li> </ul>
2.	<b>Refusals of accommodation</b>
	<p>Currently applicants are able to express interests in properties and if successful are able to refuse the accommodation without any penalty. This is time consuming and in some cases a refusal of the formal offer can result in a property remaining empty for longer than necessary causing income loss to the authority.</p>

	<p><b>Proposals</b> Is that if an applicant refuses three offers within a period of six months then they will be suspended from bidding for a six month period of time unless their has been a considerable change of circumstance.</p>
4.	<p><b>Size of property to allocate and how to determine overcrowding</b></p>
	<p>When framing the rules which determine the size of property to allocate to different household and in different circumstances, housing authority are free to set their own criteria provided they do not result in a household being statutorily overcrowded. In setting this criteria authorities will need to take into account the Welfare Reform Act 2012.</p> <p><b>Proposals</b> One bedroom for each adult or adult couple who live together as a 'household' or family unit. Two adults in the same property who are not a couple will be allowed a bedroom each</p> <p>A Child under the age of 16 will be expected to share with another child of same sex, while children under the age of 10 will be expected to share with another children regardless of sex.</p> <p>A bedroom will be allowed for a non-resident carer where it is proven that they provide overnight care to a person with a disability.</p>
5.	<p><b>Local Letting Plan</b></p>
	<p>Section 166(A)(6)(b) of the 1996 Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirement of s.166A(3) (Reasonable Preference and best use of stock)</p> <p><b>Proposals</b> That the existing Local Letting Plan for NBBC to assist existing tenants in relation to the impact of the Welfare Reform remains and is reviewed on monthly bases with a quarterly review of performance.</p>

<b>6.</b>	<p><b>Flexible Tenancies</b></p> <p>This gives the authority the ability of offer flexible tenancies. These are essentially the same as a secure tenancy but for a fixed term of which the minimum period is 2 years or at least 5 years</p> <p><b>Proposals</b></p> <p>Local authorities are required by the Localism Act to publish a Tenancy Strategy that provides guidance to local social housing providers on when it may or may not be appropriate to use flexible tenancies.</p> <p>Members will recall that NBBC adopted a Warwickshire Tenancy Strategy in January this year.</p>
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Minor Changes to Existing Policy

<b>1.</b>	<p><b>Local Connection</b></p> <p>The current policy gives priority to applicants who have lived within NBBC for at least 6 out of the last 12 months or 3 out of the last 5 years, or who have immediate family living in the area or work permanently in the Borough.</p> <p>Priority is then given to applicants in band 1 to 3 first with this residency and after that those in band 4 who may be out of the area are considered</p> <p><b>Proposals</b></p> <p>With the proposal of removing Band 4, we would like to propose that until applicants meet the local connection criteria as explained above they are unable to join the register thus not being eligible for housing. This would not include the Armed Forces( as categorised under Additional Preference)</p>
<b>2.</b>	<p><b>Reduced Preference – Suspension and Exclusion</b></p> <p>The guidance has not altered the reduced preference category but does give authorities more powers. Previously in order to treat someone as ineligible for housing because of unacceptable behaviour or to reduce the priority of these applicants, local authorities had to define the type of behaviour as specified in legislation and to abide by a specified test. This has now been removed and now leaves it to local authorities to define for themselves what unacceptable behaviour is.</p>

	<p>The current policy gives reduced preference into Band 4 for various reasons including unacceptable behaviour. But with the removal of Band 4 this is not going to be feasible.</p> <p><b>Proposals</b></p> <p>It is proposed that applicants who fall under the reduced preference criteria are now suspended or excluded for a period of time depending on circumstances.</p> <p>Suspended for a time period (12 months is proposed) and that this time period is sufficient time for the applicant to evidence that their behaviour has show consistent improvement</p> <p>Where however an applicant or member of the applicants household has been evicted from a tenancy for anti social behaviour, whether from a social housing tenancy or a private rented sector property (where they have been evicted using section 8 of the Housing Act 1988, then they will be excluded from the housing register for a period of 5 years.</p> <p>It is proposed that a fuller description of the reduced preference category for current authority tenant rent arrears is more fully described in the Allocation Policy under Appendix 2 Assessment Criteria for Unacceptable Behaviour.</p> <p>Applications to be suspended until arrears are no more than 200 where an arrangement to pay a minimal amount is in place and has been in payment for a thirteen week period.</p>
3.	<p><b>Transfer &amp; Management Move</b></p>
	<p>The currently policy gives a brief description of which social housing tenants can apply to move, with a brief description of assignment and succession by a relative.</p> <p><b>Proposals</b></p> <p>It is proposed that this part of the policy is more transparent in relation to Management Moves.</p> <p>The process and criteria is not currently explained to tenants or other applicants of the register. These dwellings are not advertised on the Choice Based Letting System but removed for the safety of applicants requiring the urgent move.</p>
4.	<p><b>Homeless Expression of Interest</b></p>
	<p>The current allocation policy states ‘Customers accepted as</p>

homeless and owed a 'full housing' duty can express an interest in properties of their choice for a period of 2 months for the date of the decision letter. If a customer, during that 2 month period, isn't expressing an interest in available property, or express an interest on unsuitable properties, or unreasonably restrict their choice during this period, the Authority will express an interest on behalf of the customer for a 'suitable' property.

### **Proposals**

It is proposed that be removed. This has resulted in clients not expressing any interests within a 2 month period spending unnecessary time in temporary accommodation.

In its place it is proposed that the following be adopted;

Customers accepted as homeless and owed a 'full housing' duty can express an interest in property of their choice. In addition to this the Choice Based Letting team will also express interests in all 'suitable' properties that become available. One offer of suitable accommodation will be allocated.

When accepted as homeless the accept letter will provide any exemptions to this eg: to be housed in Nuneaton only, Bedworth only or not to be housed in a specific area for a reason that is supported and evidenced by the Housing Options Officer before determining the homeless case.

**Appendix B**



**Choice Based Lettings  
Allocation Policy  
for  
Nuneaton and Bedworth Borough  
Council**

If you would like this document in another language or format, or if you require the services of an interpreter, please contact us.

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو برائے مہربانی ہم سے رابطہ کیجئے۔

## Urdu

本文件可以翻譯為另一語文版本，或製作成另一格式，如有此需要，或需要傳譯員的協助，請與我們聯絡。

## Cantonese

જો તમને આ દસ્તાવેજ બીજી ભાષા અથવા રચનામાં જોઈતો હોય, અથવા જો તમને ઇન્ટરપ્રિટરની સેવાઓ જોઈતી હોય તો, કૃપા કરી અમારો સંપર્ક સાધો.

## Gujarati

Jeżeli chcieliby Państwo otrzymać ten dokument w innym języku lub w innym formacie albo jeżeli potrzebna jest pomoc tłumacza, to prosimy o kontakt z nami.

## Polish

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# **Section One**

## **The Lettings Policy**

### **Background**

This Allocation Policy has been developed as a result of the changes in the Localism Act 2011 and revised Statutory Guidance.

Changes to the legal framework give more discretion to Local Authorities to set allocations policies that reflect local priorities.

The implementation of the Localism Act requires Nuneaton and Bedworth Borough Council (hereafter referred to as NBBC) to review their Allocation Policy to take these changes into account. This provides NBBC with the opportunity to produce an Allocation Policy that is fairer, enables NBBC to provide priority for certain groups in order to reflect local demands for housing, contribute to building sustainable communities and provides the opportunity to manage the Housing Register more efficiently and effectively.

### **Key Aims and Objectives**

The overall aim of the lettings policy is to ensure that all social housing within the borough is allocated fairly and objectively to those in greatest housing need, having given regard to any legislative requirements and Codes of Guidance issued by both the Communities and Local Government department and the regulator for social housing providers.

This scheme has been developed with a view to meeting the following principles and key objectives:

- To operate an allocations scheme that offers realistic, informed choice for all.
- To improve and encourage a balanced and sustainable community
- To ensure that every application is dealt with fairly and consistently irrespective of race, disability, gender, sexual orientation, religion and belief or age.
- To operate a choice based lettings system that is simple, easy to understand, transparent, open and fair.
- To give appropriate priority to customers who fall within the Housing Act 'Reasonable Preference' and 'Additional' categories.
- To empower customers by giving them more opportunity to express choice and preferences about where they want to live, whilst taking into consideration both the availability of housing resources and the high demand for housing.
- To assist those customers who are vulnerable in accessing the scheme.

## **Service Standards**

As part of our commitment to our customers, Nuneaton and Bedworth Borough Council (NBBC) will:

- Treat you with courtesy and respect
- Listen
- Be helpful and polite
- Try to deal with you at first point of contact
- Make things as easy as possible
- Deal with any complaint in line with our complaints procedure

## **Equality and Fairness**

NBBC will ensure its policies and practices are non-discriminatory and will promote equal opportunity by preventing and eliminating discrimination on the grounds of race, disability, gender, sexual orientation, religion and belief and age. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. NBBC aims to create an environment where equality and diversity is at the heart of everything they do.

The impact of the policy will be monitored to ensure that it promotes equality of opportunity to individuals and minority groups. In order to achieve this, all customers will be asked to provide details of their ethnic origin and demographic information when they apply to join the Register.

We will ensure all potential customers have equality of information about the service and equal opportunity to apply, express an interest in and receive offers of accommodation. NBBC will do this by:

- Providing practical assistance to those who may have difficulty in understanding the requirements of the system.
- Providing practical assistance in the customer's preferred way, where the customer may have difficulty completing an application.
- Providing tailored assistance to those who may have difficulty expressing an interest in properties, including expressing an interest on their behalf, if that is necessary.
- Monitoring the profile of those who are applying and expressing an interest in properties, to ensure that minority and hard to reach groups are actively engaged in the service.

## **Applications from Elected Members, Board Members and Employees**

Applications can be accepted from employees, elected members, board members and their close relatives, provided they are eligible to apply and subject to the rules in Schedule 1 of Housing Act 1996. Applicants must disclose any such relationship at the time of registration.

### **Section Two Eligibility and Qualification to join the Housing Register**

#### **Introduction**

Social housing may only be allocated to 'qualifying persons'. Housing authorities are given the power to determine who is eligible or are not eligible to apply to their housing register.

The Housing Register is a single list of all the customers who have been accepted onto the lettings scheme. It includes both new customers and existing social housing tenants wishing to transfer.

#### **Eligibility**

To be eligible to join the register, you must **be aged 18 or over; AND** belong to one of the following groups:

- British and Irish Citizens
- Commonwealth Citizens permitted to stay in the UK
- People from European Economic Area who have the right to reside in the UK
- Refugees who have been granted leave to remain in the UK

A person may not be allocated accommodation if he or she is a person from abroad who is ineligible for an allocation. This includes such people as those who are:

- subject to immigration control – such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State
- from abroad, other than a person subject to immigration control – regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation.

The regulations that set out classes of persons from abroad who are eligible or ineligible for an allocation are detailed in the Allocation of Housing and

Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 NO.1294) ('the Eligibility Regulations').

## **Qualification**

The Localism Act 2011 gives Local Authorities the freedom to allocate accommodation to applicants who are defined as a 'qualifying person.' If an applicant does not qualify, NBBC will not register their application. This is subject to certain requirements as set out in this policy.

## **Armed Forces**

NBBC will give additional preference to people who have urgent housing needs and fall within one or more of the following reasonable preference categories:

- Former members of the Armed Forces who have discharged within the last 5 years.
- Serving members of the Armed Forces who need to move because of serious injury, a medical condition or disability sustained as a result of their service.
- Bereaved spouses and civil partners of members of the Armed Forces leaving services .
- Family accommodation following the death of their spouse or partner
- Serving or former member of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

## **Local Connection**

In order to qualify to join the housing register, applicants must meet at least one or more of the following criteria. Applicants must:

- have lived within the borough for at least 6 out of the last 12 months, or 3 out of the last 5 years
- have immediate family living in the area,
- work permanently in the Borough
- have had previous residency of ten years or more.
- Have a firm offer of employment within the borough, which is either a fixed term for a minimum of 12 months or a permanent contract.
- give to, or receive support from a close family member who is resident in the Borough. Applicants will need to supply supporting evidence from a medical professional or social worker together with full details of the support that is being given or received.

## **Joint Applications**

Joint applications will be accepted, provided both customers are eligible, aged 18 or over and intend to occupy the property together as their only or main home.

## **Exclusion**

### **Exclusion from the List due to Unacceptable Behaviour**

Applications may not be accepted if the applicant or a member of the applicant's household is found guilty of unacceptable behaviour that is deemed to be serious enough to make them unsuitable to be a tenant.

Examples of the types of behaviour that will **EXCLUDE** are:

- Physical assaults (such as domestic and racial violence)
- Perpetrators of domestic violence causing damage or threats to kill
- Noise nuisance continuing for long periods of time
- Current or former tenants who are or have been in serious breach of their tenancy conditions due to anti-social behaviour or are subject to a court order
- Anyone with a history of serious anti-social behaviour and/or criminal behaviour such as; intimidation, drug dealing, racial or sexual harassment. Where an applicant (or a member of the household) has a history of anti -social behaviour or has breached their tenancy conditions, all relevant facts will be considered before a decision is made.
- Anyone who has caused damage to a council or registered provider property. This includes the tenant, a member of tenant's household or visitors to the property.
- Anyone who has been violent to or threatened staff of NBBC

Behaviour which is considered to make an applicant unsuitable to be a tenant may lead to the applicant being excluded from the housing register for a 12 month period. This is deemed as sufficient time for the applicant to provide evidence that their behaviour has shown consistent improvement.

An applicant may be deemed ineligible for an allocation on the grounds of unacceptable behaviour. In making a decision on eligibility NBBC will adhere to the Code of Guidance (Allocation of Accommodation) which explains in detail how local housing authorities should apply the 'Unacceptable Behaviour Test.'

NBBC will also have regard to regulatory guidance published by the Housing Registered Provider Regulator. These guidance notes state that applicants are only excluded from consideration for housing when their behaviour is serious enough to make them unsuitable to be a tenant in circumstances that are not unlawfully discriminating.

## **Suspended Applicants**

In some cases an applicant's behaviour will be deemed such that they are unsuitable to be a Tenant. Although they will not be excluded from the register, their application will be suspended for a 12 month period regardless of their housing need.

In these circumstances the onus will be on the applicant to provide evidence that their behaviour has improved. If an applicant can demonstrate a change in behaviour before the 12 month period has expired, their application can be re-assessed.

The following types of behaviour that will **SUSPEND** are:

- Applicants who deliberately worsen their housing circumstances in order to improve their housing priority. For example, if a household in privately rented accommodation with no overcrowding issues were to give up that tenancy to move in with relatives where they are overcrowded, this action would be seen as intentionally making their circumstances worse)
- Their behaviour will be such that it either reflects the applicant's unsuitability to become a tenant or that a current tenancy is not being conducted in a satisfactory manner. The behaviour may include a breach of tenancy obligations or minor anti social behaviour. The applicant will be given written notification about the decision and how they can act to remedy the situation as well as a timescale for a review.
- Applicants with any former Authority, Registered Provider and Private Tenancy rent arrears. These applications will be suspended until arrears are no more than £200 and where an arrangement to pay a minimal amount is in place which has been in payment for a minimum of a thirteen week period.

All cases where there are exceptional circumstances will be investigated by the Housing Options Team. Certain conditions could be waived at the discretion of the Housing Options Manager for example where urgent re-housing is necessary.

## **No Housing Need**

Households who are assessed as being in 'no identified housing need' will be unable to join the NBBC register. These applicants will be given further advice and assistance through the Choice Based Letting Homehunt National Scheme and will be advised to approach the NBBC Housing Options Team for further advice and assistance.

All applicants who have been identified as having no housing need will receive an email notification of the decision. If you disagree with the decision the NBBC website will advise you how to request a review of that decision. For more information on the appeals process please visit (insert web address here)

## **Transferring Tenants**

Existing social housing tenants can apply to move and will have their priority assessed in the same way as other housing register applicants.

Tenants in rent arrears will have their application suspended until arrears are no more than £200, where an arrangement to pay a minimal amount is in place and has been in payment for a minimum of a thirteen week period.

Tenants whose property is not decorated to a standard deemed acceptable by NBBC will not be offered accommodation. These applications will be suspended until the required work has been completed and passed by their Housing Officer.

Exceptional circumstances will be investigated by the Housing Management Team. Where emergency re-housing is necessary, these requirements may on occasion be waived at the discretion of the Tenancy Services Manager.

However, some transfer moves are exempt from the requirements of Part 6 of the Housing Act 1996 and will be dealt with separately. This includes assignment or succession by a relative.

Mutual exchanges are advertised through 'Homeswapper'. A link to this website will be provided on the Home Hunt homepage or details of the scheme can be sent to customers on request. Please contact your local landlord for further information.

In certain circumstances a landlord may approach their tenant to initiate a move to a different property. This could be to meet an urgent housing need or to release a property to meet a particular housing need and therefore make better use of the stock. In these cases the property concerned will be allocated outside of the lettings scheme.

Where a landlord uses introductory tenancies, a transfer to another property will not be allowed until the tenancy becomes secure.

## **Management Moves**

In certain circumstances the Authority may need to move an existing tenant to a different property due to serious risk of harm and life. The Tenancy Services Manager will authorise the need to move and the type/area of accommodation required.

To meet this urgent housing need, the property concerned will be allocated outside of the lettings policy. The property allocated will be at the discretion of the Tenancy Services Manager and only one offer of suitable accommodation will be given. Refusal of the offer should be placed in writing to the Tenancy Services Manager for investigation.

## **Decanting Moves**

In certain circumstances NBBC may need to move an existing tenant to a different property so urgent work can be carried out on their property. This move can either be temporary or permanent. The Tenancy Services Manager will authorise the need to move and advise whether it will be a temporary or permanent move. The Tenancy Services Manager will establish the type/area of accommodation required.

In these circumstances to meet this urgent housing need, the property concerned will be allocated outside of the lettings policy. The alternative accommodation allocated will be at the discretion of the Tenancy Services Manager and only one offer of suitable accommodation will be given. Refusal of the offer should be placed in writing to the Tenancy Services Manager for investigation.

## **Refusals**

If an applicant refuses three offers within a period of six months, unless there has been a considerable change of circumstances their application will be suspended for a six month period of time. During this time you will not be able to register your interest on any properties that become available.

## **Section Three How to apply**

NBBC's Choice Based Lettings System is called 'Home Hunt'. This is a National Scheme that NBBC is part of. When you apply you will need to select NBBC as your area of choice to complete the application form that will enable you to bid on housing in the borough of Nuneaton and Bedworth.

People wishing to join HomeHunt can apply by completing a housing application form. There are two different ways to complete the housing application. You can either do so on-line via the HomeHunt website (Add web address here) or by telephone (add phone number here).

All applicants will need an email address to apply. If you do not have an email address the system will direct you to an alternative website to obtain an email address or you can contact the Authority for assistance.

The registration of an application may be delayed or cancelled if all of the information requested is not provided.

The purpose of the application form is to correctly identify the housing need for each customer. Once an application has been registered you will receive an email advising whether you have been accepted onto the housing register or not. If your application has been successful the email will direct you to the HomeHunt website, where you will be notified of the:

- date of registration (date the application was received)
- priority banding awarded
- application reference (for expressing an interest in properties)
- the right to appeal against the decision on their priority banding

NBBC may require confirmation of your current or previous housing history at the point of application or before they offer a property. Failure to provide these details could result in your application being cancelled.

NBBC will provide written confirmation of the information that is required, and the timescales for providing these details. The timescale to provide documents will usually be within a 14 day period from the date on your letter. If you are unable to provide the information that has been requested you should contact NBBC. Failure to do so may result in your application being cancelled.

NBBC will work to assist and support all customers through the process of applying for, and expressing an interest on, Home Hunt Choice Based Lettings Scheme. Choice Based Lettings enables customers to express an interest in advertised properties.

### **Expressions of interest**

You will be able to search and view properties advertised through Home Hunt without logging in.

To express interest in a property that meets your housing need, you will be required to 'log in' to apply. You will then be able to add your interest to the selected property. Each time you express an interest you will be reminded of the property criteria and will be asked to confirm your contact details.

Adverts will be advertised from midnight on a Wednesday and will close the following Tuesday at 11.59pm. If you are successful for a property you will be contacted within three working days, initially by telephone.

### **Advertising Properties**

NBBC will advertise all vacancies on Home Hunt. However, there may be occasions, such as a property being used for a management move, when this is not possible.

All adverts will be clearly labelled to show the property features, local neighbourhood information and the types of household that can register an interest in the property.

There will sometimes be other restrictions in the advert. Expressions of interest from customers will only count if they can match all of the requirements in the advert.

## **Adapted Properties for Customers with Disabilities**

Accessible properties are homes which have been designed for, or significantly adapted to, meet the needs of customers with physical or sensory disabilities.

Applicants with an assessed need for accessible accommodation will be given priority over other applicants who are in the same band rating who do not have need for accessible accommodation. The property advert will make this priority clear. The advert will also describe the accessible features, together with local neighbourhood information, to help customers choose whether to express an interest in that property or not.

In selecting an applicant for an accessible property from the short-list of qualifying applicants, the full circumstances of each case will be considered before deciding who will be offered the property. In some circumstances priority may be given outside of date order if the vacancy is particularly suitable for the needs of an applicant.

Applicants in this category can also express an interest in properties which do not have accessible features. However, if they are short-listed during the selection stage, the partner landlord will assess whether it is reasonable and practicable for the property to be adapted. These applicants will be considered for the property on the same basis as the other applicants who have submitted an expression of interest.

## **Medical Grounds**

In these circumstances evidence would be required to support the case.

Priority may be awarded on medical grounds. In these circumstances evidence will be required to support your case. The information received will need to indicate that a move will benefit the health of the applicant or their household for medical priority to be awarded.

When determining the level of medical need, an applicant will be assessed to consider whether the provision of adaptations will assist with improving their housing circumstances. This assessment will be carried out by??

## **Welfare Grounds**

Applicants with care or support needs, or other social needs, may need to move to alternative accommodation on welfare grounds.

For priority to be awarded on welfare grounds, evidence will be required to support the case; this could be from the police or professional agencies involved with the applicant.

## **Hardship Grounds**

Priority banding may be awarded on grounds of hardship if an applicant needs to move to a specific locality in order to:

- give or receive care

- be able to access specialised medical treatment or

- take up particular education, employment or training opportunities in a particular local authority district.

Applicants who have a specific financial hardship related to their housing need will be required to provide evidence to support their case.

Appendix One (which can be found at the back of this document) details the banding criteria for the above.

## **Home Visits**

Home visits may be carried out to assess some applications where appropriate. A home visit can enable a landlord to better understand your circumstances, ensure the correct category has been given to your application and give advice about how your housing needs can be met. If a home visit is deemed necessary NBBC/ the landlord will inform you and arrange a suitable time to visit.

## **Changes in Circumstances**

Applicants who move to a new address or whose circumstances change after they have been accepted onto the housing register. (E.g. someone joining or leaving their household) should immediately update their application. This can be done via the Home Hunt website. Failure to do so could result in your application being rejected.

If the change of circumstances affects your banding priority you will be informed by email of the outcome of your reassessment.

## **Renewal**

A review of applications will be administered every 6 months and this will identify inactivity over that 6 month period.

If this applies to your application, you will be emailed to confirm whether you still wish to remain on the register or not. You will be asked to login within 14 days, if you do not log in, a second email will be sent giving another 14 days for you to login. If, after this period of time, you have failed to log in as requested, your application will be deleted and your status with NBBC on the register will be set to "cancelled".

If you have any difficulties with the system, you will be advised to contact NBBC

## **Cancelling Applications**

Applications will only be cancelled in the following circumstances:

- A request has been received from the applicant (or their advocate) in writing.
- The applicant has been re-housed.
- Notification has been received from an executor or personal representative that the applicant is deceased and s/he was the sole applicant.
- It is discovered that the applicant has given false or misleading information in their application.
- Evidence is obtained that the applicant is no longer eligible.
- If information requested remains outstanding after 14 days from the date of the request letter being sent to you.

Applicants will be notified of the reason(s) why their application has been cancelled and informed of their right to request a review of the decision.

## **Section Four Banding Assessment**

The application form asks a series of questions relating to housing need. It is essential that all of these questions are answered as they determine the priority band you will be awarded. These questions are designed to ensure that those in greatest housing need are given preference when accommodation is allocated. NBBC will give additional 'reasonable preference' to applicants who are considered to have exceptional circumstances.

### **Housing Need (Reasonable Preference)**

Some applicants may have additional housing needs. To establish greater housing need NBBC will investigate as appropriate and the applicant may need to provide evidence to support the housing need.

The reasonable preference categories are;

#### **Insanitary, overcrowded and unsatisfactory housing conditions, including but not limited to:**

- Lacking a bathroom or kitchen
- Lacking an inside toilet
- Lacking cold or hot water supplies, electricity, gas, or adequate heating
- Lack of access to a garden for young children
- Sharing a living room, kitchen, bathroom or toilet in a house of multiple occupation
- Property is in disrepair
- Poor internal or external arrangements
- Children under the age of 8 years old living in flats above ground floor level

#### **People who need to move on medical or welfare grounds (criteria may apply to any member of the household). Examples include:**

- A mental illness or disorder
- A physical or learning disability
- Chronic or progressive medical conditions (e.g. MS, HIV/AIDS)
- Infirmity due to old age
- The need to give or receive care
- The need to recover from the effects of violence, such as racial attacks, threats of violence and physical, emotional or sexual abuse
- Ability to fend for self restricted for other reasons
- Young people at risk
- People with behavioural difficulties

## **Exceptional Housing Need (Additional Preference)**

Some applicants may have an exceptional housing need. The following additional preference categories are;

- 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.
- Those who have been accepted as homeless who occupy temporary accommodation either within the authority stock, refuge, bed and

breakfast or  
Hotel.

## **Banding**

There are 4 potential priority bands that you can be placed in to.. Each question on the application will be weighted so the system is able to determine housing need.

The four bands are:

- Band 1+ - Highest need with additional preference for re-housing
- Band 1 - Urgent need for re-housing
- Band 2 - Priority need for re-housing with no statutory duty
- Band 3 - Low need for re-housing with no statutory duty

## **The Bands in More Detail**

### **Band 1+**

Applicants in the following circumstances will be placed in the highest priority band

(Band 1+):

- Applicants assessed as statutorily homeless who are owed a full housing duty and who have been placed in temporary accommodation by NBBC.
- Transfers under the local lettings plan (See Appendix Two)
- Anyone with Band 1 and exceptional circumstances (additional preference)

## **Band 1**

Applicants in the following circumstances are deemed to have an urgent need for re-housing:

- Applicants assessed as statutorily homeless who are owed a full housing duty and without exceptional circumstances (additional preference)
- Applicants who are required to leave their homes as a result of an emergency Prohibition Order served in relation to the premises under the Housing Act 2004. This will also apply to applicants affected by any regeneration schemes.
- Applicants living in unsafe or unsanitary housing conditions (as defined by the Housing Health and Safety Rating System (HHSRS)) and there is a high risk of harm.
- Those applicants needing to move urgently on welfare/medical grounds (Appendix One)
- Where applicants are unable to continue to occupy their current accommodation due to a high need or disability.

## **Band 2**

Applicants in the following circumstances are deemed to have a priority need for re-housing with no statutory duty.

- Applicants who are assessed as homeless or threatened with homelessness but where there is no statutory duty to obtain housing. (Page 23 )
- Applicants with a medium need for alternative accommodation on the grounds of serious welfare/medical need (Appendix One)
- Applicants who need to move to give/receive care and support.
- Applicants who are overcrowded because their present home is short of at least 2 bedrooms.
- Tenants of NBBC who are under occupying two bedrooms
- Applicants who have to share facilities with more than one household. A household is defined as an applicant or somebody who normally resides with them and it is deemed reasonable that they would continue to live with them.
- Applicants who have no permanent address and have to move between family and friends

## **Band 3**

Applicants in the following circumstances are deemed low priority with no statutory duty.

- Applicants who have been assessed as having a low medical /welfare need (Appendix One)

- Applicants who are overcrowded because their present home is short of 1 bedroom.
- Children under the age of 8 living in upstairs accommodation
- Single applicants who have always resided at their parental home and have no housing need
- NBBC tenants who under occupy by one bedroom

## **Pre Live**

If your housing need falls under certain categories, your application will become 'pre-live'. This allows the Choice Based Letting team to further investigate your Application before making a final banding decision. Applicants who may experience this include:

- Members of the Armed Forces (additional preference)
- Those who require adapted accommodation
- Those who have indications of rent arrears or previous unacceptable behaviour
- Those applicants needing to move urgently on financial hardship grounds. Priority at this level will only be awarded if the current situation is so significant that it will cause considerable hardship to the applicant or to others.
- Those deemed as being severely, statutorily overcrowded. NBBC will determine over-crowding after considering best use of the rooms available to the household and whether the applicant has deliberately worsened their own circumstances.
- Applicants who are in short-term supported housing and are required to move on to alternative accommodation urgently. Confirmation of these circumstances will be required from the organisation providing the supported accommodation.
- Families forced to live apart (where they have previously lived together) except where it could reasonably be expected for both parents to live in either of the homes that they occupy.

## **Section Five Allocation of properties**

Before properties are allocated, expressions of interest in a property are shortlisted in a number of ways.

### **Banding**

Expressions of interest on a property are sorted by order of priority, with Band 1+ coming top of the list followed by band 1, band 2 and finally applicants in band 3 .

### **Application Date**

If two or more applicants within the same band have expressed an interest in the same property for which they qualify, their application date or the date they entered their current band will be used to determine the higher priority. In the rare instance that the band date is the same, whichever customer expressed an interest in the property first will be successful.

### **Assessed Housing Need**

Where properties are targeted at specific customers, those with assessed need for that type of accommodation e.g. accessible accommodation for customers with disabilities or new build properties where certain eligibility rules apply under special Planning requirements (Section 106 agreements) will be given priority over those without an assessed need.

### **Local Connection Criteria**

Local connection criteria, as outlined in section (X), will also be taken into consideration when prioritising applicants.

If an applicant is positioned first for more than one property, and provided the eligibility criteria are met, they will be contacted to make a decision about which property they wish to accept.

### **Best Use of Stock**

Properties will be allocated in a way that makes the best use of stock. Accommodation will normally be offered according to an applicant's needs and all properties will be clearly labelled to show who is allowed to apply for the property concerned – for example by indicating family size or age of applicant.

Should these bullet points have a heading?

- One bedroom for each adult or couple, who live together as a 'household' or family unit. Two adults in the same property who are not a couple will be allowed a bedroom each
- A child under the age of 16 will be expected to share with another child of same sex, while children under the age of 10 will be expected to share with other children regardless of sex
- A bedroom will be allowed for a non-resident carer where it is proven that they provide overnight care to a person with a disability
- Elderly and supported accommodation will be allocated to people aged 60 or over, or 50+ with a medical priority
- Bedsits will be allocated to single people only

- Ground floor accommodation will be allocated in the first instance to applicants with a medical priority
- Families with children under the age of 8 will not be allocated accommodation above ground floor level
- An expected child is included from 6 months prior to the expected date of birth

NBBC reserves the right to modify the above criteria at our discretion particularly where enforcing the criteria would result in unfairness to the particular applicant or other applicants generally. For example in certain circumstances the size of the bedrooms in a property and the relationship between those sharing a bedroom will be taken into account as well as the sex of the children when carrying out an overcrowding/bedroom shortage assessment.

## **Access to Children**

For those customers who require an additional bedroom for access purposes, appropriate information to verify these circumstances will be required. Examples of suitable documentation include (but are not limited to) a copy of the court order if one is in place or a residency order and a copy of the Child Benefit. Each case will be assessed on an individual basis.

If an applicant has less than 50% access to children, no additional bedroom requirement will be given and there will be no increase in banding. These applicants will be able to express an interest in properties that are advertised but preference will be given to applicants with children who are permanently at home or at home over 50% of the time.

## **Local Lettings Policies**

From time to time NBBC may agree a Local Lettings Policy for specific areas or developments in order to reflect local circumstances. Any such policy will be published (where?) and have regard to considerations such as the social mix, density, age and community stability of the area. Any such policy will be time limited, but during that time properties may be let to applicants outside the normal rules for priority and banding included in this policy.

NBBC have one local lettings policy (Appendix Two). This is in relation to the Welfare reform changes and addresses under-occupation.

## **KeyRing Living Support Network**

KeyRing gives support in the community for people who maybe described as having learning disabilities and wish to live independently. Keyring provide a support and advice service to assist each individual in managing a tenancy of their own.

NBBC assist by providing suitable vacant properties, usually in the same locality, to enable the scheme to run successfully in the community. These properties will be advertised and labelled as being for KeyRing applicants.

## **Affordable Housing Developments**

Affordable housing will be advertised through Home Hunt. When new housing developments are built within certain areas, planning restrictions may state that those customers wishing to apply must have a direct local connection to that specific area (local lettings policies). When advertising these properties they will be clearly labelled with their specific eligibility criteria.

## **Support for Vulnerable Applicants**

NBBC will ensure that vulnerable applicants are able to access the Home Hunt scheme. When a vulnerable applicant is identified, every effort will be made to assist and support them through the application process. Some applicants will require or request support and assistance with accessing information about available properties, expressing an interest or making a decision about an offered property. In all cases the level and type of support required will be decided on an individual basis. In some cases however, NBBC may have to use specialist staff to express an interest on their behalf.

A number of measures will be put in place to ensure that vulnerable applicants are not disadvantaged for example through:

- Providing appropriate advice and assistance
- Providing information in other formats
- Partnership working with support agencies
- Translating key documents
- Ensuring appropriate support is available for applicants using the system

NBBC would like applicants, whatever their background or presumed ability, to become active participants in the choice based lettings process. However, we recognise in limited circumstances that it may be necessary to place certain vulnerable applicants outside of this process, and to allocate properties to them.

## **Viewing Properties and Receiving Offers**

If you are offered a property, NBBC will contact you to invite you for an interview. Once you have been formally offered a property, you will have the opportunity to view the accommodation with a Housing Officer before signing for the tenancy. For Supported Housing accommodation the Scheme Manager will show you around the property.

## **Section 6 Further Information about Categories**

### **Homeless Applicants**

Local Authorities have a legal duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) to ensure that homeless applicants owed a full housing duty under s.193 (2) are provided with suitable accommodation. Applicants meeting this criteria will be placed into band 1.

Band 1 is effectively the urgent priority band for most applicants and all those within it are considered to be in high levels of need. It is not considered possible or necessary to award any further priority to homeless applicants. Such applicants are under the s193 (2) duty, to be provided with accommodation suitable to their needs. However, applicants assessed as statutorily homeless who are owed a full housing duty and have exceptional circumstances may be placed in band 1+. (Exceptional includes being placed into emergency temporary hostel, refuge or hotel).

The Choice Based Letting's team will express interests on the behalf of homeless applicants on all 'suitable' properties that become available. Only one offer of suitable accommodation will be allocated per homeless applicant.

When acknowledged as being homeless, the applicant's acceptance letter will provide any exemptions to this eg: to be housed in Nuneaton only, Bedworth only or not to be housed in a specific area for a reason that is supported and evidenced by the Housing Options Officer before determining the homeless case.

Applicants who are assessed as homeless, or threatened with homelessness in 28 days in accordance with the Housing Act 1996 (as amended by the Homelessness Act 2002), where there is no statutory duty to obtain housing, will be placed in Band 2.

NBBC will work with all applicants who are homeless or threatened with homelessness to provide them with assistance and options appropriate to their individual situation.

## Serious Harassment or Violence

In circumstances of serious harassment or violence, evidence will be required to support the case. An investigation will be carried out in conjunction with other agencies as appropriate. Examples of serious harassment or violence include, but are not limited to:

- An applicant suffering domestic abuse from a partner, former partner or relative with whom they currently reside and for whom the use of an injunction or other form of legal action may not be appropriate.
- An applicant suffering serious harassment and legal remedies are not working or are inappropriate. Harassment implies a degree of deliberate intent with some underlying motive and can be distinguished from neighbour disputes or nuisance.

## Succession and Left in Occupation

For new tenancies from 1<sup>st</sup> April 2012, the succession rights for tenants are that only a spouse or partner can succeed to a tenancy after the death of a tenant. For all other tenancies which started before 1<sup>st</sup> April 2012 succession rights remain the same.

When a tenant has succeeded to a tenancy, but the property is more extensive than they need, the tenant may be asked to move to more suitable accommodation. These transfer applicants will be placed in priority Band 2 because they are under occupying their current accommodation.

In these circumstances, two reasonable alternative housing offers may be made. If neither offer is accepted, possession of the property may be sought through the County Court.

When an applicant does not have a right to succeed to a tenancy but is left in occupation on the death of the tenant, NBBC may consider whether the applicant:

Has been living with the tenant for a year before the tenants' death

**OR**

Has been looking after the tenant for a substantial period of time (for example 12 months or more)

**OR**

Has accepted responsibility for the tenants' dependants

Depending on the applicant's circumstances, NBBC may consider granting a tenancy to the remaining person or persons. This could be either in the same home or in suitable alternative accommodation. The

Housing Management Team will always take into consideration best use of stock.

If the applicant is to be allocated another property, one reasonable offer only may be made. If that offer is refused, possession of their current residence may be sought through the County Court.

## **Deliberately Withholding Information or Providing False Information**

It is a **criminal offence** for an applicant to provide false information or withhold information related to their housing application. Possession proceedings can be instigated if a tenancy was obtained by giving false information. Providing false information is punishable by a fine of up to £5,000.

## **Reviews**

Applicants have the right to request a review against decisions made in the allocation process.

The applicant's request for a review of the decision should be made within 21 days of the date on their decision letter. The applicant should provide supporting evidence if necessary, and explain why they require a review of the original decision.

An independent Senior Officer will investigate the review (this officer will not have been involved in the original decision making process). The officer will consider the evidence provided and decide whether to overturn or support the original decision. The applicant will be informed within 8 weeks of the day the review request was received. The reply will contain the decision made, the reasons for the decision and the facts taken into account when making the decision.

There is no further right of appeal if the applicant is not satisfied with the decision on review. Any further challenge would have to be through the Courts by way of Judicial Review or by taking their case to the Local Government Ombudsman.

## **Making a Complaint**

All applicants who make a complaint will be treated fairly and objectively. A reply to the complaint should be received within 10 working days.

If the applicant has gone through the complaints procedure and remains dissatisfied, they can write to the Housing Ombudsman (Registered Social Landlord tenants, the Local Government Ombudsman or apply for a judicial review (social housing tenants and other applicants).

## **Appendix One - Medical Assessment Criteria**

### **Physical and Mental Health**

#### **Urgent Need Band 1**

- Where the illness is likely to seriously deteriorate, become life threatening or it is no longer reasonable for the applicant or household member to stay in the present accommodation
- Where the accommodation is causing an increasing detrimental effect on their mental illness. As a result there is an inability to cope
- A high risk of or actual breakdown
- If moving is essential to avoid loss of life
- A move would avoid serious mental dysfunction or deterioration

#### **Priority Need Band 2**

- A change of property would significantly improve the applicant's or household member's illness or disability
- Where the current accommodation may be one of the causes of stress/distress to the applicant or household member

#### **Low Need Band 3**

- Where there is some concern about physical safety, and re-housing may improve health, and a change in property would moderately improve the health of the applicant or household member
- Where there is some concern that the current accommodation contributes to social isolation, restricts independence and re-housing may be required to prevent deterioration

#### **No priority**

- No medical award will be given where the accommodation does not affect the illness or disability (Pregnancy is not regarded as an illness) or where no significant improvement in quality of life will be gained by re-housing

## **Environment**

### **Urgent Need Band 1**

- Where there is a life threatening situation developing if the applicant is not re-housed from their existing neighbourhood
- There is evidence of a dangerous and unsafe physical environment
- There is clear evidence that there would be significant health improvement if re-housed

### **Priority Need Band 2**

- Where there are concerns that the type of property and surroundings are affecting the situation and a change in property would significantly improve this
- Where the applicant or a member of the household is experiencing difficulties within the household that is affecting the well being of the applicant or a household member (supporting evidence with be required)

### **Low Need Band 3**

- Where there is some concern that the type of property and surroundings may affect illness and the applicant may need assistance from other agencies. A change of property would moderately improve this

### **No priority**

- No award will be given if the stress/illness will not be improved by re-housing
- No award will be given if the interruption is of a temporary nature
- No award will be given if the existing property is adapted to meet the needs of the applicant/ family members or further adaptations are required and are practical

## **Appendix Two – Local Letting Plan Welfare Reform**

This plan has been drawn up by Nuneaton and Bedworth Borough Council (NBBC) to assist existing tenants with the impact of the Welfare Reform.

### **Principles of the Lettings Plan**

The aim of this Lettings Plan is to establish additional assistance to tenants who may need to down size to more suitably sized accommodation due to housing benefit income loss.

### **Background**

In April 2013 the Welfare Reform Act introduces new social housing room size criteria, which is basically the under-occupation penalty or 'bedroom tax' for social housing tenants claiming housing benefit.

The criteria will mean that any working age household deemed to be under-occupying their home, as defined by the criteria below, will lose part of their housing benefit from April 2013.

In addition to this, from April 2013 there will be a cap on the total amount of benefit a household can receive. The benefit cap will apply to people aged 16 to 64.

Benefit will be capped to the income level of the average working family after tax which is expected to be £500 a week for families and £350 a week for single people. The cap means that households where no one is in work should not get more in benefits than the average wage paid to people in work. This is after tax and National Insurance has been taken off.

Tenants may also be affected by Council Tax Benefit. Councils will be required by April 2013 to put in place local Council Tax Support schemes. This will require local Councils to design their own schemes to administer Council Tax Support, working within a framework set out in legislation. This could mean that existing tenants will be asked to pay a percentage towards Council Tax.

NBBC recognise the importance of helping social tenants who under occupy their accommodation and aim to award appropriate priority for a transfer to prepare for the financial difficulties ahead whilst making best use of stock.

### **Housing Benefit new criteria for April 2013**

From April 2013 there will be restriction on the size of property Housing Benefit will pay for, based on who lives in the property. If someone is assessed as having more bedrooms in their accommodation than is necessary according to the new rules, they will be considered to be under-occupying that property and a percentage reduction will be applied to their eligible rent and service charges.

The new rules will allow one bedroom for:

- every adult couple (married or unmarried)
- any other adult aged 16 or over
- any two children of the same sex age under 16
- any two children aged under 10
- any other child (other than a foster child or child whose main home is elsewhere)
- a carer (or team of carers) who do not live with the claimant but provide them or their partner with overnight care

The cut will be a fixed percentage of the housing benefit eligible rent and this will be set at initially a 14% cut for one extra bedroom and a 25% cut for two or more extra bedrooms.

The table below shows how tenants may be affected by under occupancy.

<b>Eligible Rent</b>	<b>Under Occupancy of 1 Bedroom (Tenants may have to pay and extra)</b>	<b>Under Occupancy of 2 Bedrooms (Tenants may have to pay an extra)</b>
£55	£7.70	£13.75
£60	£8.40	£15.00
£65	£9.10	£16.25
£70	£9.80	£17.50
£75	£10.50	£18.75
£80	£11.20	£20.00
£85	£11.90	£21.25
£90	£12.60	£22.50
£95	£13.30	£23.75
£100	£14.00	£25.00

In order to prevent future inability to pay rent and potentially Council Tax contributions, these room size criteria will be used to assess applicants' bedroom need and entitlement. NBBC need to make it easier for existing tenants to move who will be under occupying their social housing property. To downsize to more suitably sized accommodation thus freeing up accommodation for applicants who are overcrowded.

### **Transfer Process**

In order to meet the needs of tenants the Housing Options Team working alongside the Housing Benefit Team/Housing Management Team will identify those tenants who, through no fault of their own, will be affected by the under occupancy shortfall and priority will be awarded.

If investigations conclude that the tenant has deliberately worsened their own circumstances then the application will be suspended. This is where priority is reduced because an applicant, for example, has past unacceptable behaviour, has financial resources available to meet their own housing need,

rent arrears that are not being reduced on a regular basis or their current property is not to a decorative standard.

### **Band Process**

Once the need is identified, applicants will be awarded Band 1+. Choice Based Letting Officers will administer the process, award banding and maintain appropriate records. Tenants will also be advised by the Housing Options Team of alternative housing options that may be available promoting the Homeswapper register for possible mutual exchanges.

Expressions of interests for properties will be the tenant's responsibility unless vulnerability is identified. This retains tenants ability to choose where they would like to live.

Adverts for properties will clearly identify priority to those affected by the Welfare Reform without restricting all customers from expressing interested for successful allocation to avoid extended void periods.

The advert label will state **'Priority will be given to those affected by Welfare Reform benefit changes who have been awarded priority banding for this by the Council. All other expressions of interest are also accepted for this property'**

NBBC will assign 25% of local authority stock to assist tenants to move. This will not apply to Housing Association stock.

### **Equality and Fairness**

The proposal in this plan has no adverse implications for the Council's Policy on Equality and Diversity.

The plans purpose is to achieve a socially economically balanced and sustainable community giving tenants choice with no age restrictions.

### **Consultation**

Housing Director, Housing Portfolio Holder

### **Measurement and Monitoring**

It is intended to review the impact of the plan on a monthly basis to identify how tenant transfers have enabled stock to be allocated to those in need of that property type. It is hoped that this will free up stock to create a quicker process for applicants who are threatened with homeless. Choice Based Lettings Officers will be responsible for the collation of data required.

### **Review**

It is intended to operate the Local Letting Plan for 1 year with a quarterly review of performance.

## **Annex 1**

### **Indicators of the criteria in the reasonable preference categories (s.166A(3) (c) and (d))**

Housing authorities may devise their own indicators of the criteria in the reasonable preference categories. The following list is included for illustrative purposes and to assist housing authorities in this task. It is by no means comprehensive or exhaustive, and housing authorities may have other, local factors to consider and include as indicators of the categories.

#### **Insanitary, overcrowded and unsatisfactory housing conditions**

Lacking bathroom or kitchen  
Lacking inside WC  
Lacking cold or hot water supplies, electricity, gas, or adequate heating  
Lack of access to a garden for young children  
Sharing living room, kitchen, bathroom/WC  
Property in disrepair  
Poor internal or external arrangements  
Young children in flats above ground floor

#### **People who need to move on medical or welfare grounds (criteria may apply to any member of the household)**

A mental illness or disorder  
A physical or learning disability  
Chronic or progressive medical conditions (e.g. MS, HIV/AIDS)  
Infirmity due to old age  
The need to give or receive care  
The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse  
Ability to fend for self restricted for other reasons  
Young people at risk  
People with behavioural difficulties  
Need for adapted housing and/or extra facilities, bedroom or bathroom  
Need improved heating (on medical grounds)  
Need sheltered housing (on medical grounds)  
Need ground floor accommodation (on medical grounds)  
Need to be near friends/relatives or medical facility on medical grounds  
Need to move following hospitalisation or long term care

## **Appendix C**

List of organisations and stakeholders consulted on the proposed Allocations Policy

w.e.f. 6<sup>th</sup> March 2013 to 26<sup>th</sup> April 2013.

**All NBBC Councillors**  
**All NBBC Service Units**

**Residents Executive Committee**

**WCC Adults Team**  
**WCC Childrens Team**  
**WCC Supporting People Team**

### **Housing related support providers:**

Doorway  
Fry Housing Trust  
Chapter 1  
Bromford  
Cyrenians  
FCH & care

### **Housing Associations:**

Orbit Housing Association  
Waterloo Housing Group  
Bromford  
ASRA Housing Group  
Midland Heart  
Jephson  
Derwent Living  
Sanctuary  
Housing 21  
FCH  
Mercian  
Hanover