

## Contents

1.1	Melton Home Search – Melton’s Choice Based Lettings Scheme.....	3
2.	Aims and objectives.....	3
3.	The Housing Register .....	4
4.	Regulatory Code and Legal Framework .....	4
5.	Equality and Diversity .....	5
6.	Public Sector Equality Duty.....	5
7.	Statement on offering choice. ....	6
8.	Confidentiality .....	7
9.	General Data Protection Regulation GDPR .....	8
10.	How the housing allocation scheme will operate .....	8
11	Eligibility .....	9
12.	Qualification.....	11
13.	Local Connection.....	12
14	Who cannot join the scheme? .....	14
15	Application requirements .....	22
16.	Verification - Information you need to provide .....	26
17.	Assessing applications .....	27
18.	Additional preference groups.....	29
19.	False statements and withholding information.....	30
20	The Banding System .....	30
21	Priority Band.....	32
22	High.....	34
23	Medium.....	36
24	Low Band .....	37
25	Choosing a home .....	37
26	Choosing the right property .....	39
27	How to bid (express your interest).....	41
28	What happens next? .....	42
29	Feedback information.....	43
31	Allocations to Employees and Relations .....	43
32	Viewing.....	44
33	Renewals and Application Reviews.....	44
34	Appeals .....	45
35	Complaints .....	46

36 Accommodation options during and after a review decision..... 48

37 Reviewing the Allocation Policy..... 48

Appendix A: Suitability of Accommodation..... 49

Appendix B: Out of area placements..... 53

Appendix C: reasonable preference..... 53

Appendix D: Examples of when an applicant may be awarded priority or high band based on a medical or disability need. .... 54

Appendix E – Guidelines for assessing extra bedroom requests for ADHD, Aspergers, sensory processing difficulties and other mental or physical health problems. .... 57

## 1. Introduction

### 1.1 Melton Home Search – Melton’s Choice Based Lettings Scheme

Applications for and allocations to social housing in Melton (including both social and affordable rent) are administered through a Choice Based Lettings (CBL) scheme known as Melton Home Search.

The allocations policy, outlines how the scheme works, sets out how properties are advertised, who can bid, how bids are made and how lettings and offers of accommodation are made.

1.2 This policy does not cover the allocations of social housing made outside the Melton Home Search **CBL** system, for example:

- Mutual exchanges
- Right to Buy
- Temporary decants to another property
- Introductory tenancies becoming secure tenancies
- Licence agreements to introductory tenants under the councils' homeless statutory responsibilities
- Succession to a qualifying person after a tenant dies
- Offers of tied accommodation to Council employees
- Tenancies changed by a Court Order (Matrimonial and Children)
- Local lettings policies, (See section 23.5)

1.3 The Melton Allocations Policy ('the Policy') sets out who can apply for social housing in Melton and how priority is given to different home seekers. Demand for social housing in Melton is high. The Councils allocations policy prioritises social housing for local people who are in housing need as well as people who can demonstrate a strong local connection to the area or who qualify due to statutory guidance. The policy sets out how applicants will also be supported to consider alternative housing options, dependent on their circumstances.

1.4 If you need to contact us, you can do so by:

- i. Completing an online form [housingoptions@melton.gov.uk](mailto:housingoptions@melton.gov.uk)
- ii. Email: [housingoptions@melton.gov.uk](mailto:housingoptions@melton.gov.uk)
- iii. Telephone: 01664 502502

1.5 You may also meet with a team member in person at Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire LE13 1GH. However, this is usually by appointment only.

**1.6 If you would like a copy of this document in another format such as large print, Braille, audiotape or translated into a different language, please contact us on 01664 502502.**

## 2. Aims and objectives.

The Council will aim to make the best use of the social housing stock in the borough to meet the needs of residents.

2.1 This document explains how social housing is allocated in Melton. The policy provides a fair, open and accountable framework in which everyone has equality of access when seeking an affordable home. The aims of the policy are wide ranging:

- To ensure that all regulatory and legal requirements are met
- To prevent homelessness and reduce the use of temporary accommodation through an effective prioritisation system
- To ensure that the best use of limited housing resources is made, and that balanced and stable communities are maintained
- To set out the requirement for considering eligibility and qualification
- To set out the categories of home seekers who will be given reasonable preference
- To set out the categories of home seekers who will be given additional preference
- To confirm when local lettings policies and direct lets may be used
- To set out the legal framework for reviews
- To ensure that home seekers on the housing register are ready to move and actively bidding for properties
- To offer as much choice to home seekers as reasonably possible
- To provide feedback to home seekers about homes let through the choice-based lettings scheme
- To encourage and support sustainable communities and social inclusion
- To ensure home seekers are treated fairly, individually and in accordance with the Council's commitment to equality and diversity
- To ensure that properties are let as quickly as possible
- To aid applicants of the Scheme who are unable, for whatever reason, to participate fully in the Scheme without help, support, or advocacy
- To ensure that good quality information and property details are easily available
- To provide a bidding process that is easy to access for all applicants of the Scheme, supported by guidance on how to register and how to bid

### **3. The Housing Register**

3.1 Melton Borough Council maintains a register of home seekers who have applied for accommodation.

### **4. Regulatory Code and Legal Framework**

4.1 The 'Allocation of Accommodation: Guidance for Local Authorities in England' is the statutory guidance issued in 2012 to Local Authorities in England (Section 169 of the Housing Act 1996). Housing Authorities are required to have regard to it in exercising their functions under Part VI of the Housing Act 1996. Section 166A of the Housing Act 1996 provides that authorities must also have regard to their homelessness strategies when framing their allocations policy.

4.2 Additional guidance 'Providing Social Housing for Local People.' was issued in 2013, (updated in September 2021) to assist housing authorities to make the best use of their flexibilities within the allocations legislation to better meet the needs of their local residents and their communities.

4.3 This policy has also been reviewed to comply with the requirements of:

Homelessness Reduction Act 2017

- Homelessness Code of Guidance 2018
- Domestic Abuse Act 2021
- Localism Act 2011
- National Rough Sleeping Strategy 2018
- Children Act 2004
- Equality Act 2010
- Care Act 2014
- Armed Forces Bill 2021.

4.4 The policy identifies the groups that will be given preference for social housing in Melton. The policy applies to existing tenants wishing to transfer from one tenancy to another and to new home seekers including people who are homeless. When we refer to a “home seeker” in this document, it will refer to both new home seekers including homeless people and tenants wishing to transfer (unless otherwise stated).

4.5.1 The policy will be effective from April 2022 and will be kept under regular review to reflect changes in legislation or local housing priorities.

4.6 The Housing Act 1996, Part 6 states a housing authority allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation held by that authority
- Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority.
- Nominates a person to be an assured tenant of accommodation held by a private registered provider of social housing or a registered social landlord.

4.7 For the purposes of this policy an allocation will be considered to be a nomination if the property has been advertised and shortlisted through the Melton Borough Choice Based Lettings Scheme (Melton Home Search), or with the agreement of both the Housing Association and a senior Melton Borough Council officer.

## **5. Equality and Diversity**

5.1 Melton Borough Council is committed to promoting equality of opportunity and anti-discriminatory practices when providing services. Communities thrive and prosper where individuals and groups are treated fairly and with respect and are given equality of access to services.

5.2 The aim of the Policy is to ensure that you and all home seekers applying for housing through the scheme are treated fairly. In implementing this policy, people who can join this scheme will not be discriminated against on the grounds of race, age, disability, gender re-assignment, gender, religion or belief, marriage and civil partnership, pregnancy and maternity, sex, or sexual orientation.

## **6. Public Sector Equality Duty**

6.1 In framing the qualification criteria, Melton Borough Council has given regard to its duties under the equality’s legislation, as well as the requirement in s.166A(3) to give overall priority for an allocation to people in the reasonable preference categories.

6.2 Melton Borough Council does not intend to set a criteria which disqualify groups of people whose members are likely to be accorded reasonable preference for social housing, for example on medical or welfare grounds. However, Melton Borough Council intends to adopt criteria which would disqualify individuals who satisfy the reasonable preference requirements. This could be the case, for example, if applicants are disqualified on a ground of antisocial behaviour.

6.3 When Melton Borough Council is deciding what classes of people do not qualify for an allocation, it will consider the implications of excluding all members of such groups. For instance, when framing residency criteria, Melton Borough Council has considered and made provision for people who are moving into the district to take up work or to escape violence, or homeless applicants or children in care who are placed out of borough.

## **7. Statement on offering choice.**

7.1 The Council is committed to enabling home seekers to play an active role in choosing where they wish to live. However, the housing pressures faced by the Council will limit the degree of choice that the Council is able to offer along with the legal responsibility the Council must ensure that those in greatest housing need are given priority for social housing, therefore in certain circumstances choice may need to be restricted.

7.2 There is extremely high demand for affordable housing in Melton Borough and this demand cannot be fully met from the current Council and social housing stock. Therefore, the Councils allocations policy prioritises social housing for local people who are in housing need as well as people who can demonstrate a strong local connection to the area or who qualify due to statutory guidance. The policy sets out how applicants will also be supported to consider alternative housing options, dependent on their circumstances.

7.3 Due to the high demand for social housing some applicants may have to wait a considerable time before appropriate accommodation is made available to them, particularly in areas of high demand for social housing and/or where the applicant has low priority. In some cases, applicants may have little prospect of ever being allocated accommodation. To give such applicants a wider choice, the Council aims to provide information, or signpost applicants to the appropriate agency, about other appropriate housing options which might be available to them. This might include:

7.4 Private Rented Accommodation - The private rented sector can provide types and sizes of dwellings which may not be readily available within the social rented sector. For those with a lower priority under the CBL scheme, and who may be waiting a considerable time before they are offered accommodation, a vacancy in the private rented sector may offer a quicker housing solution.

7.5 Immediately vacant properties – some low demand properties may be available directly through the council and housing associations.

7.6 Shared ownership schemes – for those people who cannot afford to buy a home outright on the open market, shared ownership allows the applicant to purchase a share of a property and pay rent on the remainder.

7.7 Mutual exchanges & mobility schemes – a quicker way of moving, rather than applying for a transfer. Tenants find another Housing Association or Council tenant to swap their homes with, providing they have the agreement of their landlord. Further information on [mutual](#) exchanges can be found on the council's website.

7.8 Home improvement schemes or provision of aids and adaptations – these may enable applicants to remain in their existing accommodation for longer.

7.9 Homeless duty - For any home seeker owed a homelessness duty under S.195, 189B, 193(2) or 193c(4) of the Housing Act 1996 Part 7 (as amended by the Homelessness Reduction Act 2017) the Council may make a direct offer of suitable accommodation at any time in order to resolve a threat of homelessness or homelessness itself.

## **8. Confidentiality**

8.1 You will be asked on the application form to give permission for us to share the information provided with other members of the Choice Based Lettings scheme (such as Housing Associations) and other relevant agencies. We can also request specific information such as information from the Police or Probation service relating to convictions.

8.2 All applications for housing accommodation will be dealt with in a confidential manner. Information held under the scheme will not be disclosed to any third party, except where:

- Melton Borough Council is satisfied that the applicant has given consent for any information held on an application to be shared with other social housing landlords, such as (but not limited to) Registered Social Landlords, and other agencies
- Melton Borough Council is permitted to disclose the information under data protection Legislation; and/or
- There is another lawful requirement in law to make such disclosures.

8.3 For more information regarding how the Council uses personal data, please see the privacy notice at: <https://www.melton.gov.uk/your-council/data-security-and-access/privacy-notices/>

8.4 Complaints regarding Data Protection can be made to the Council's data Protection Officer, or to the Office of the Information Commissioner. Full details can be found on the Council's website.

8.5 Sometimes, information must be shared even without your consent, e.g. to the police to prevent and/or detect crime (Crime and Disorder Act 1998, Section 17 Safeguarding).

8.6 Subject to limited exceptions, you have the right to access the personal information we hold about you. This includes information we hold as paper and

electronic records. If you would like to access the information we hold about you, please contact the Data Protection Officer at Melton Borough Council.

## **9. General Data Protection Regulation GDPR**

9.1 We will use the information provided by you to progress your application to join the Choice Based Lettings Scheme. The basis under which the Council uses personal data for this purpose is that this is necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the Council, as per General Data Protection Regulations 2018 (GDPR). The information provided by you may include information regarding your health, this is a special category of personal data, and this information is used by the Council on the basis that it is necessary for reasons of substantial public interest and in accordance with the provisions of the Data Protection Act 2018.

## **10. How the housing allocation scheme will operate**

10.1 We will offer properties through Melton Home Search, a Choice Based Lettings scheme, which provides people searching for housing, more choice in where they live. The scheme is designed to be simple to use and easy to understand, but some words have a special meaning as follows:

**Register** – to register you need to complete an online application form. Paper applications can be submitted in exceptional circumstances.

**Qualify** – we will decide whether you qualify for social housing in Melton Borough when you have provided all the necessary information (see section 7 for details).

**Bid** – you will need to look at the weekly property adverts on the Melton Home Search website and tell us about the properties you are interested in by expressing an interest through placing a bid on the Melton Home Search website. This is known as bidding.

10.2 When you apply to join the scheme, we will process your application and assess whether you qualify for social housing. If you do, we will place your application into a band (see section 14), which reflects your housing need. We will also explain the size and type of property for which you can bid. Once we have received your application form and all supporting information, we will process your application as soon as possible.

10.3 Properties are advertised every week, from Thursday at 00:01 to Tuesday at 23:59. This is known as the “advertising cycle”. The advertisements can be found on the Melton Home Search website and can be accessed by all devices. If you do not have access to the internet, please contact the Housing Options / Customer Services Team. Property adverts give information about each property, such as the number of bedrooms, location, rent, property type, and whether pets are allowed. The advertisements also say who is eligible to bid for the property.

10.4 Once you have found a property that you are interested in that you are eligible to bid you can place a bid. The easiest way to bid for a property is online. However, if you require further assistance, please contact the council (contact details in section 1.5). Bidding does not involve any money - it is an expression of interest, not a financial offer. You can bid for up to three properties in each cycle.



10.5 During the bidding cycle, you can check your position in the queue for that property. You may change your property bids during the bidding cycle to different properties where you are better placed, to increase your chances of being offered a property.

10.6 Once the advertising cycle closes, all the bids received for each property are drawn together in a shortlist, and the property is normally considered for the person at the top of it (see section 21 for more details.) However, there may be instances where the property is offered to a home seeker lower down the list, for example, to avoid under occupation (where the household moving in has more bedrooms than they need), to meet specific local connection criteria, or to make the best use of the property i.e., when the household has medical needs or requires a property which has been adapted. Note: that it is the social landlord, either the Council or the Housing Association who makes the decision about who the property is offered to. Please also note that if you have any arrears of rent/mortgage then a social landlord may decide not to offer to you, but to offer to someone who is lower on the shortlist, but not in arrears.

10.7 The property is usually offered to the home seeker who is in the highest priority band, has been waiting the longest and who meets the criteria of any local lettings policy of the property. If that home seeker refuses, the property is offered to the next highest placed home seeker and so on, working down the short list until the property is let.

10.8 For households accepted as homeless, a direct matching process may be applied. This will be applied via a system called "autobid" whereby the system will automatically place bids on behalf of the customer to appropriately sized properties. To discharge its homelessness duties effectively, the Council will make one suitable offer of accommodation to homeless accepted households. A case officer will provide direct support to homeless households to assist with their rehousing.

10.9 Each week, you can see feedback from properties that have previously been let through Melton Home Search, including how many people bid for them, which band the successful home seeker was in, and how long they had been waiting. This can help you to decide what type of properties to bid for in future and see how likely you are to be successful.

## **11 Eligibility**

11.1 Anyone over the age of 16 years can apply to join the Housing Needs Register. Applications will be rejected if:

- a)** they are to be considered by law; or
- b)** they come within one of the 'non qualification' categories set out in the Scheme; or
- c)** they do not have a statutory housing need.

11.2 A person can apply to join Melton Home Search if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.

11.3 If an applicant is under 18 years of age, they will not normally be offered a property. If in exceptional circumstances a person who is 16 or 17 is granted a tenancy, this will normally be held in trust until they reach the age of 18. This means that another suitable person (such as a parent, legal guardian, social worker, or relative) will normally be responsible for the tenancy.

11.4 There are certain groups of people who are eligible for social housing. The eligibility provisions do not apply to home seekers who are already secure, introductory, or assured tenants of a Registered Provider. The regulations setting out which classes of persons from abroad who are eligible or ineligible for accommodation is the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (as amended).

11.5 Accommodation will not be allocated to persons from abroad who are ineligible for housing if:

- They are subject to immigration control unless he or she comes within a class prescribed in regulations made by the Secretary of State;
- They are to be treated as ineligible for an allocation of accommodation as prescribed in regulations made by the Secretary of State;
- The term 'person subject to immigration control' is defined in S.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 required leave to enter or remain in the United Kingdom (whether or not such leave has been given);
- The home seeker is ineligible due to changes contained in the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020:
- <https://www.legislation.gov.uk/ukpga/2020/20/contents/enacted/data.htm>
- This rights of European Economic Area (EEA) nationals, and their family members, who have citizen's rights under the European Union (Withdrawal Agreement) Act 2020 are protected.

11.6 However, most social landlords will only offer tenancies to home seeker with indefinite leave to remain.

11.7 The following categories of people do not require leave to enter or remain in the UK:

- i. British citizens;
- ii. Certain Commonwealth citizens with a right of abode in the UK;
- iii. Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area within the UK, which allows for the free movement of people. (The Common Travel Area is the United Kingdom (England, Scotland, Wales and Northern Ireland) the Channel Islands, the Isle of Man and the Republic of Ireland);
- iv. Persons who are exempt from immigration control under the Immigration Acts.
- v. Not all potential circumstances can be included in the policy. The UK Border Agency provides a service to housing authorities to confirm the Immigration Status of a home seeker from abroad. If there is any uncertainty regarding eligibility, enquiries will be made before accepting an application.

vi. A joint tenancy, for two or more people, will not be granted if any of the home seekers are ineligible. However, if one of the home seeker is eligible then the tenancy may be offered to that home seeker only, as a sole tenancy. Ineligible family members may be taken into account in determining the size of accommodation which is allocated.

vii. If you are not sure whether you are eligible, you should contact the Housing Options / Customer Services Team for advice.

## **12. Qualification**

12.1 The Localism Act 2011 has given local authorities greater freedom to set their own policies about who can apply for social housing in their area. This means that Councils now have more freedom over how they operate allocations schemes and can set criteria for who *qualifies* to join the housing register. If you do not qualify, then we will not register your application.

### 12.2 16/17 year olds

To join the register, home seeker must; Be aged over 18, unless the following circumstances apply:

- Young people accepted under the homelessness legislation;
- Care Leavers with a recommendation from Children Services;
- People referred and placed in specialist or supported accommodation by the Council who are ready to move on to independent living;
- Teenage parents;
- Exceptional circumstances following an assessment by the Housing Options Team and where a guarantor will be available.

12.3 Any tenancy granted to a person under the age of 18 will be held in trust for them by a responsible adult, appointed to act on their behalf. Most Social Landlords will only consider granting a tenancy to 16- and 17-year-olds if a suitable support package is in place. However, the majority of Housing Associations will only consider home seekers who are 18 years or older.

12.4 Councils are required by law to determine the relative priority that housing applicants are awarded. This is particularly important when the demand for social housing is greater than the availability of homes.

12.5 Households who are not in a reasonable preference group and are adequately housed but have a desire to move will not qualify for social housing under this scheme. The only exceptions to this are:

- a. Home seekers who have a social tenancy and are willing to downsize to a smaller social housing property, and/or
- b. Older home seekers who would be eligible for Sheltered living property, and/or
- c. Home seeker who are in receipt of the medium or high rate of the care element of Disability Living Allowance or Personal Independence Payment, who are willing to move into a sheltered living property. This is because the supply of sheltered living properties is closer to the demand for that type of housing, whereas demand for "general needs" social housing outweighs the supply.

### 13. Local Connection

13.1 To qualify to join the housing register, you must have a local connection to the Borough of Melton, or fall into an exception category, and you must also meet at least one criterion from list 1, and at least one criterion from list 2.

<b>LIST 1: Need for housing, or exception</b>	
1a	Demonstrate your need for re housing by meeting the criteria set out for Bands 1, 2 or 3 (see section 15).
1b	Occupy a social housing property in Melton Borough and have one or more spare bedrooms, and be willing to move to a smaller property.
1c	A household with no children who have one member in the household aged over 501, and be willing to move into a sheltered living property.
1d	A household with no children but you or at least one person in your household is receiving the medium or high rate of the care element of Disability Living Allowance or in receipt of a Personal Independence Payment, and you are willing to move into a sheltered living property subject to any age restriction determined by the social landlord

<b>LIST 2: Local connection, or exemption</b>	
2a	Currently living in the borough and have done so consecutively for the last 2 years.
2b	Currently be working in permanent paid employment in the Melton Borough area for 16 hours per week or more and have been employed in Melton Borough for at least 1 year. Temporary and seasonal work is not included.
2c	Is a social housing tenant who needs to move to Melton Borough, to take up an offer of employment in the borough, which would usually be a permanent position for 16 hours per week or more.
2d	The home seeker provides or receives personal care (paid or unpaid) for/ from a parent, sibling or adult child who has lived in Melton for the last five years and they need to move so that care arrangements can continue. Care must be provided for at least 3 hours per day and for at least 5 days per week. A Community Care Assessment and/ or confirmation of the arrangements by the Adult/ Children's Services Department must be provided to evidence this, and proof of any carers allowance etc. A letter from a GP is not sufficient.
2e	Have been accepted by Melton Borough Council under the main homelessness duty legislation. Those home seekers accepted as homeless under S195 and S189(b) who do not have a local connection or who are unlikely to be owed the Main S.193 Duty and / or are likely to be found intentionally homeless may be offered a private rented property to end the homelessness duty.

2f	Have been accepted for priority re-housing as a reciprocal arrangement with another Council or Housing Association
2g	Have been placed in care as a child outside the area, but wish to return to Melton (and previously lived in Melton) and are still classed as a care leaver
2h	Be a former care leaver aged 25 or younger who has been placed in care as a child in the Leicestershire County Council area, and wish to live in Melton
2i	Have been accepted as part of a witness protection recommendation by the police. (Supporting evidence will be required)
2j	Have been living in temporary/supported accommodation provided by the Council outside Melton, but had a local connection to Melton (2a, 2b) before being placed there. Or have been placed in supported housing by MBC anywhere as part of their prevention / relief work to prevent homelessness. Please note: time spent in supported accommodation in the borough, will not give the home seeker a connection to the borough. Their local connection will be determined by where they lived before the temporary / supported accommodation.
2k	The home seeker is serving in the regular Armed Forces, Reserve Forces or Territorial Army, or have left those forces in the last five years, unless dishonourably discharged
2l	Another special reason. This will only be awarded by a senior manager, where the home seeker can demonstrate a special reason for needing to reside in the Borough that is not covered under any other local connection category
2m	The home seeker' circumstances require them to live close to a special medical facility or support service which is only available in the Borough

13.2 If you do not qualify to join the scheme, we will give you advice about other housing options that may be available to you.

13.3 You also have the right of appeal. Please see section 21

13.3 No Local Connection - If a home seeker were to become homeless the new local connection section 7 referral power advises:

13.4 Section 198a(1) would allow for a referral of the Relief Duty to be made at this point, and would mean an home seeker would then be no longer owed a reasonable preference because the prevention duty would have ended, and the Relief Duty would not be owed as the authority has exercised its power to refer the 198b Relief of Homelessness Duty to another LA in England, where the home seeker does have a local connection. The referring LA does not owe the home seeker a section 198b Relief Duty once the referral is made.

13.5 Section 189b(2) Unless the authority refer the home seeker to another local housing authority in England (see section 198(A1), the authority must take

reasonable steps to help the home seeker to secure that suitable accommodation becomes available for the home seeker occupation.

13.6 Section 198(A1) If the local authority would be subject to the duty under section 198B (initial duty owed to all eligible persons who are homeless) but consider that the conditions are met for a referral of the case to another local housing authority in England, they may notify that authority of their opinion.

13.7 Section 189B(2) and 198 (A1) confirm that when the Relief Duty has been referred the referring local authority does not owe the home seeker the Relief Duty S.189b. They would only owe the relief duty if the authority considering the referral rejected that referral and the referring authority accepted the reasons for the rejection.

## **14 Who cannot join the scheme?**

14.1 Under Section 160ZA(7) of the Housing Act 1996 Part 6 a council is allowed to set criteria for classes of persons who are, or are not, qualifying persons. The following classes of person will not normally qualify for the Housing Register.

### **14.2 People under 18**

You must be at least 18 years old or over at the time of applying, unless the criteria detailed at 8.2 applies.

### **14.3 People living outside the Common Travel Area**

You must be resident in the Common Travel Area at the time of applying. Further information and a definition of the Common Travel Area is available at <https://www.gov.uk/government/publications/common-travel-areaguidance/common-travel-area-guidance>

### **14.4 People who are not 'habitually resident' in the UK**

If you have lived outside the Common Travel Area within the last two years, you may not be classified as 'habitually resident', even if you are a UK citizen. People who are not 'habitually resident' are not eligible for re-housing. We will assess each case on its own circumstances.

### **14.5 People subject to immigration control**

If you are subject to immigration control, as defined by the Asylum and Immigration Act 1996, you are not eligible for social housing. These groups of people are set out by regulations. Please see further information at section 6.2.

### **14.6 People who have demonstrated serious unacceptable behaviour**

We will assess each case on its circumstances as to whether home seeker with a history of serious unacceptable behaviour qualifies for the scheme. Details are set out in section 9.7.

- i. A person may also be excluded from the scheme because of previous unsuitable behaviour or conduct defined as anti-social within the meaning of the anti-social Behaviour Crime and Policing Act 2014, the severity of which makes them unsuitable to hold a tenancy. In assessing this, all relevant factors will be taken into account. This includes but is not limited to, the time that has elapsed since the offences or

occurrences of anti-social behaviour occurred, the applicant's health, dependents and the individual circumstances of the applicant at the point of applying when making these decisions.

- ii. Behaviour likely to be considered as serious unacceptable behaviour, for example:
- Physical assaults (such as domestic, racial, and homophobic violence);
  - Severe damage to property (including buildings, cars etc.) for example, arson attacks;
  - Threats of violence and/or damage, including threats to kill (this includes perpetrators of domestic violence);
  - Persistent and offensive verbal abuse, due to a person's religion, ethnicity, sexuality, disability, or other reason;
  - The use of dwellings for the cultivation, supply, or use of drugs;
  - The use of the dwelling for illegal or immoral purposes;
  - Committing social housing or benefit fraud – such as illegal subletting or obtaining a tenancy by deception
  - Persistent/widespread criminal activity such as burglaries or vehicle crime;
  - Violence to or threatening behaviour towards the staff of Melton Borough Council, a Housing Association, another previous landlord, the Police, Councillors, Emergency Services Personnel, or NHS workers etc. either in person, via correspondence or social media;
  - Persistent noise nuisance continuing for long periods of time; and
  - Stalking, harassment, and coercive behaviour
  - they have been evicted from a tenancy by a social or private landlord for a breach of tenancy conditions, including non-payment of rent, within the past five years.
  - • failing to maintain any previous social rented or private rented property within the terms of their tenancy agreement
  - conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy. It may include the circumstances where an applicant, or a Page 13 of 71 member of their current or prospective household, is the subject of actions being taken by any council (or some other recognised body) on grounds of alleged antisocial behaviour (ASB).
  - having unspent convictions where an assessment by the Council concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities.
  - allowing the condition of the property to deteriorate in avoidable circumstances.

#### **14.7 Additional information – disclosure of spent convictions**

- i. The Rehabilitation of Offenders Act 1974 allows most convictions (and cautions) to be considered 'spent' after a specified period of time. Once a caution or conviction is spent the person is considered rehabilitated and the ROA treats the person as if they had never committed an offence.
- ii. The Act aims to rehabilitate offenders by not making their past mistakes affect the rest of their lives. This includes individuals' ability to access housing from local social landlords.

iii. Probation providers make regular referrals to local authorities and housing providers, as part of the support provided to an individual to enable them to secure suitable accommodation. Often, as part of that process, Local Authorities will ask for information relating to the individual's criminal record. A recent High Court ruling ([2016] EWHC 1850 (Admin)) found that Local Authorities must not take spent convictions into account when making decisions relating to housing allocations or entering an individual onto the housing register.

iv. Guidance on the Rehabilitation of Offenders Act 1974 can be found at: [www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974](http://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974)

#### **14.8 Assessing unacceptable behaviour**

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

- The behaviour need not have led to possession, prosecution, or other enforcement action by a statutory agency, provided that, on the balance of probability, the household is responsible.
- in normal circumstances the behaviour concerned should have occurred within the last five years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer timescale may be appropriate if the applicant still poses a threat to neighbours and community.
- there must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats, or there might be a history of repeat offending

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

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



**14.10** All applications will be considered on their individual circumstances before a decision is made whether they will qualify for the scheme. We will consider the nature and severity of the criminal or anti-social behaviour, how long ago the incidents occurred, and anything you tell us about them. A manager or senior officer will decide if you qualify. If their decision is to dis-qualify the application, the home seeker will be advised of this and for how long the exemption will be applied. You will also have the right to appeal the decision (see section 21).

**14.11** A person will only normally be excluded from the Housing Register where such behaviour would likely have or did lead to a Possession Order being granted, the tenancy has been demoted, the Court has granted an Injunction to Prevent Nuisance and Annoyance, Criminal Behaviour Order, a Public Spaces Protection Order or other enforceable court order being issued or the Local Authority has enforced a noise abatement notice. Such exclusions may be made regardless of previous tenure.

**14.12** If you or anyone in your household who is on the application with you, have behaved or are currently behaving anti-socially then you may not be allowed to join the scheme. Please note, these requirements apply to the applicant, and any household members or visitors.

#### **14.13 Rent arrears and other housing related debts**

The council will consider any debts held with the council and those with any other social or private landlord when deciding if someone can qualify for the housing register. This will include but not be limited to:

- Former and current council tax arrears
- Former and current rent arrears
- Monies owed for damages incurred to tenancies held by the applicant or applicant's household
- Monies owed to Melton Borough Council in temporary accommodation

**14.14** The reasons why the applicant accrued the housing related debt and whether there are exceptional circumstances will be considered before excluding someone from the register. Other considerations include:

- Whether the debt has been caused by factors difficult for the applicant to control, for example a case where an applicant was genuinely unable to pay the full rent due to being impacted by the 'spare room subsidy' rule. This is also known as the "bedroom tax"
  - Whether the applicant still owes that debt, and if they do, the extent of the arrears/debt as well as whether it is a recoverable debt, or a statute barred debt.
- Whether the applicant has taken debt advice, acted on it, and entered into an arrangement to clear the arrears/debt.
- If an arrangement has been made, the amount of arrears/debt paid off, any amount outstanding, and the regularity of payments made.
- Exceptional circumstances will be considered for applicants in the council's Temporary Accommodation

**14.15** After considering the above the Council will decide whether the applicant will not qualify for the housing register, or that they will be allowed to qualify, but not allowed to bid for properties until the issue has been resolved to the satisfaction of

the Council. Debts of the equivalent of 2 months rent for the property where they were accrued will mean that the applicant automatically does not qualify for the housing register until that debt has been reduced to under that amount, after which the rules set out below must be met before they will be considered for an offer of accommodation.

**14.16** In cases of current tenant rent arrears under £1,000 the applicant must have made a repayment commitment to clear the debt and are making regular payments of an agreed sum which they have maintained for a period of at least six months, which will normally mean not having missed a single payment; and the arrears have reduced to a figure that is equal to or less than eight weeks payable rent.

**14.17** At this stage the application will be re-assessed and allowed to bid. However, the applicant will be expected to continue making regular payments of the agreed sum until the debt is cleared – if payments are missed then the application will again be suspended from bidding until the arrears are cleared or payments have been made satisfactorily for at least a further three months

**14.18** If arrears are still outstanding when the applicant is successful in bidding, they will be expected to sign an agreement to continue the agreed payments after they have moved.

**14.19** For all other housing related debt under two months rent the applicant will be banded but will be suspended from bidding until 12 weekly payments have been made. It will be the responsibility of the applicant to advise the lettings team when the debt is cleared in full and provide written evidence of this

**14.20** For applicants who are assessed as not qualifying for the housing register there is no time limit regarding when a person can make a new application following disqualification under this rule. Where a new application is made, the Council will assess whether the applicant has taken appropriate action to address the rent arrears/debt.

**14.21** If disqualified an applicant will be informed of the actions they need to take to resolve the debt in order to qualify. Note: Tenants would not usually be allowed to move home if they have a current housing debt owed to the council, however we will consider allowing tenants in arrears to downsize; on the basis that smaller accommodation will be cheaper to rent and it will be cheaper to run. An affordability assessment will be carried out with the housing staff to identify the financial benefit and/or impact of downsizing. This will be at the discretion of Melton Borough Council.. Where applicable, we will refer tenants with significant arrears to apply for the Discretionary Housing Fund.

Note: For applicants who have had their rent arrears included in a 'Debt Relief Order', bankruptcy declaration or individual voluntary agreement (IVA) a period of at least 12 months has to pass from the declaration of insolvency to the point a debt is cleared. Should an applicant maintain their finances for this period, this will be considered as strong evidence that their previous problem has been resolved.

**14.22 Current or former rent arrears owed to a private sector landlord**

The Council normally only consider rent arrears from an applicant's last private rented tenancy in the circumstances where the council has obtained information that confirms on the balance of probabilities that a debt is owed. If there is a debt owed it will be for the assessing officer to decide on the facts gathered, the level of debt and the reasons for it, whether the applicant should be classified as a non-qualifying or should be allowed to qualify and if so whether they are able to bid

**14.23** Where an applicant or joint applicant has held a private rented tenancy in the last 5 years the Council will write to their last landlord or lettings agency to enquire as to the reasons why the tenancy was terminated and whether there were any rent arrears at the point the applicant left the property. Applicants should not be penalised in the circumstances where a landlord or lettings agency fails to reply within 6 weeks. A further reminder will be sent and an attempt to obtain information through telephoning the landlord or agent. If no reply has been obtained within 6 weeks, the applicant will be allowed onto the register and will be able to bid for properties.

14.24 If at any time after you have been accepted onto the scheme, we or a partner in the Melton Home Search scheme, obtain evidence that you or a member of your household have exhibited unacceptable behaviour as outlined above, then your application may be suspended or cancelled. You will be informed in writing of this and will have the opportunity to appeal against this decision, in accordance with the appeals procedure (see section 21 about appeals). . The applicant will be given 28 days to provide information showing that they are eligible, their application will be suspended for that period and unable to place bids, bids already placed may be bypassed. If they do not reply within this period, or if they reply but the council remains of the view that they are ineligible, they will be removed from the housing register i.e. their application will be cancelled.

**14.25** In certain cases, we may register an applicant onto the Housing Register but may not nominate to a housing provider until they pay off a debt or improve their behaviour. This applies to behaviour that makes us concerned about an applicant's ability to maintain a tenancy, but is not serious enough for us to disqualify them. In these circumstances the application will be registered and will be awarded the appropriate banding. However, the applicant would need normally over a period of six months to successfully maintain a tenancy with a positive landlord reference. Other applicants who have not been guilty of poor behaviour will be preferred over them i.e.any bids placed will be passed over

#### **14.26 Homeowners**

If you own part or all a home you will not be able to join the scheme unless the only property you own is outside the United Kingdom, and it is not reasonable to expect you to occupy it for example, you are an older or disabled owner-occupier living in poor housing conditions or in unsuitable accommodation. The resources available to you would be considered (including grants available for repairs etc. and the capital value of the property) before a decision is taken about whether you would qualify to register on the scheme.

The decision about whether a homeowner can join the scheme is at the Council's discretion.

### **14.27 Financial Circumstances**

If it is considered that you have sufficient resources/equity in your home to resolve your housing situation, then you will not be eligible to join the housing register. We will consider a range of factors, based on your specific circumstances and your ability to access either the private rented sector, intermediate housing tenures (such as shared ownership & discount for sale) or owner occupation. We want to ensure that there is a balance between affordability and availability of accommodation in the Borough.

**14.28** An allocation will not be made to an applicant who can obtain and afford a mortgage to buy a property which meets their requirements within the area by using their assets and income. All households applying to the scheme are assessed for their ability to buy their own home or adapt their own home to meet their assessed needs. Assets that may be taken into consideration when assessing financial capacity may include but are not limited to savings, shares, bonds, commercial property, residential property, property abroad and money apportioned through the proceeds of a divorce settlement, inheritance, or any form of cash windfall. An allocation will not be made where an applicant(s) owns a property that would be reasonable for them to live in or where, if they sold it, they could afford to buy another property in the area.

**14.29** An allocation will not be made to an applicant who can obtain and afford a mortgage to buy a property which meets their requirements within the area by using their assets and income. The following limits apply:

- i. If the household has specialist needs that cannot be met within the local housing market, then these rules will not be applied. For example, if the need is for wheelchair standard housing, or the home seeker needs housing with support services, which is not available to buy or rent in the private sector.
- i. If a household has support needs, the assessment will also take account of this in assessing the cost of meeting the household's needs in the local housing market. For example, if the home seeker needs sheltered housing, which is available, but the level of the service charges is prohibitive.

**14.30 Income limit** - The lowest income required to buy an averagely priced terraced home in the district with a 10% deposit and borrowing no more than 3.5 times combined income or is sufficient to rent privately

### **14.31 Equity limit**

The equity limit is based on the home seeker having equity equivalent to 25% or more of the average price within the property types of flats, maisonettes and terraced houses in the district (i.e. the cheapest 25%). It is assumed this could be used to put down a deposit on a new home or be released and used to rent privately.

### **14.32 Savings limit**

The savings limit is equivalent to 15% of the average price of the property types of flats, maisonettes and terraced houses in the borough. It is assumed that the home seeker could use this as a deposit to buy a home or else use it to rent privately.

The following thresholds will be used to assess whether a household has sufficient means to meet their housing needs by renting or buying. Unless there are exceptional circumstances, if the household income, joint savings or equity exceed the threshold set, the home seeker will not be eligible to join the housing register.

<b>Local Authority</b>	<b>Household Income (gross*) limit</b>	<b>Equity limit</b>	<b>Savings limit</b>
Melton	60,000	46,250	27,750

\*Gross income includes all income before any taxation or other statutory deductions are made, this includes income that is regularly disregarded for certain local taxation, universal credit, housing benefit and other purposes.

*Note: the threshold amounts will be reviewed annually to take account of changes in housing market prices.*

### **14.33 Sanctuary Scheme**

People who have had Sanctuary or target hardening measures installed in their properties within the last 12 months, and where there has not been a change in their circumstances that increases their risk or personal safety, will not usually qualify to join or remain on the Melton Home Search Choice Based Lettings Scheme. However, this would be assessed on a case-by-case basis.

### **14.34 Adaptations through a grant scheme**

People who have had adaptations to their home through either a Disabled Facilities Grant or the councils home and adaptations scheme shall not be allowed to join the scheme for 5 years unless the households circumstances have substantially changed

### **14.35 Right to buy or home renovation grants**

People who have had bought their home through right to buy or have used a home renovation grant shall not be allowed to join the scheme for 5 years unless the households circumstances have substantially changed

### **14.36 Mitigating circumstances**

The council is committed to tackling anti-social behaviour and enabling our communities to become safer places to live. We are also committed to reducing the level of rent arrears and ensuring that rent and other housing related debts are paid promptly. We have a duty to have regard to the financial consequences of their actions and to balance their budgets.

The council believes they are entitled, when deciding whether or not to nominate an applicant to a property, to take into account the previous record of the applicant (and/or a member of his/her household), whether as a rent payer or in any other respect.

We will act reasonably when we decide to disqualify an applicant. We will consider all relevant information before we make our decision. Where the council has reason to believe that poor behaviour is due to a physical, mental or learning disability, the

person will not be determined as disqualified without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support. In such cases the council will consult as appropriate with any relevant agencies, including Social Services and providers of support services. We will consider the interests of the applicant and their household but we will also consider the interest of the people who live and work in our communities.

The council will also have due regard to the Care Act (2015) when determining whether an applicant has capacity to hold a tenancy. In determining the issue it is not necessary for the applicant to have actually been a tenant of a registered provider who receive allocations via Melton Borough Council or to have been a tenant of Melton Borough Council when the poor behaviour occurred. An example would be where an applicant who previously had a tenancy with a private landlord and was in arrears of rent, or had been guilty of anti-social behaviour, would be subject to this part of the Policy.

Breaching a condition of the tenancy agreement - We may visit tenants before they are offered another tenancy. If we find that the tenant is breaking their tenancy conditions we may not allow an allocation or nomination of a property until the breach has been remedied. Breaking tenancy conditions includes:

- damaging the property;
- making structural alterations without consent;
- allowing the garden to become seriously neglected or overgrown;
- poor internal decorative and cleanliness standard.

We will write to the applicant to tell them why we will not nominate or allocate a property, informing them of what they need to do before we will nominate to a housing provider. This applies to applicants whose landlord is either a Local Authority, Registered Provider or a Private Landlord

## **15 Application requirements**

A home seeker will need to complete an online application to apply to join the Melton Borough Council Choice Based Lettings scheme. This section contains the assessment criteria.

### **15.1 Household definitions**

A household is the group of people that would normally be expected to live together. It will often comprise of people with caring responsibilities such as a parent, or someone with parental responsibility and children or adults who have demonstrated a long-term commitment to living together whether as a couple or other family unit. The purpose of the allocations policy is to house households into suitable accommodation that meets their needs.

**15.2** Moving another person into an existing home will not automatically make them a household member and in some circumstances to address housing need they may be expected to apply for accommodation in their own right. Equally, where an applicant expresses a wish to be rehoused with someone they are not currently

residing with them will be expected to demonstrate the nature of their long term commitment to living together.

### **15.3 Family Applications**

You will be considered as a family household if you have at least one dependent child living permanently within your household. Dependent children are defined as children aged up to 18 and who must be living with you as their main home. This includes children who are adopted or fostered on a long-term basis. Children aged over 18 but still living at home are regarded as adult members of the household. Children over 18 must have been living with the family unit for at least 12 months. Proof is required of child benefit, child tax credits or Universal Credit. Some children can receive child benefit up to the age of 20, and as such they would be considered as a dependent.

15.4 Children who do not live permanently in your home, or who have their main home elsewhere (for example, due to access arrangements) are not considered as permanent members of the household and will not be counted for bed spaces.

### **15.5 Joint Applications**

Joint applications can be accepted from couples and people who are not couples but have a long-term commitment to live together, up to a maximum of four people, all of whom must meet the requirements of the allocations policy and local connection criteria. If this applies to you then you and all the other home seekers must agree that you are applying together. You may make a joint application if the following applies:

Partners who want to share a home;

Relatives wishing to live together where there is a long-term commitment to a shared home;

One of the parties is a carer for another.

People / friends who have a long-term commitment to live together.

### **15.6 Home seeker no longer wishing to apply jointly**

If you and any other home seeker in a joint application no longer wish to apply jointly, then you can all have separate applications. When a request to split the joint application is received, each applicant's circumstances will be reassessed separately, and an appropriate band awarded from the original application date. However, if the reassessment results in a higher band for one applicant, then the waiting time will only be effective from the date of their single application assessment.

### **15.7 Defining Bedroom Requirements**

The Council's policy on bedroom need is based on the Housing Benefit rules on bedroom eligibility. This is to ensure that issues of affordability are avoided. The following rules are used to determine the minimum size of accommodation needed by a household:-

A separate bedroom is normally needed for each of the following:

- Every adult couple or single parent
- Any other person aged 16 years or over

- Any two children aged under 16 years of the same sex
- Any two children aged under 10 years regardless of sex
- Any other child
- The needs of transgender household members to have their own room will be included.

**a) Medical need for an extra bedroom**

An additional bedroom may be awarded in the following circumstances:

A member of the household has a disability or medical reason that means they are unable to share a bedroom. This is explained in section 12.2. Behavioral issues can be included as long as they can be evidenced. A home seeker has a non-resident carer (or group of carers) providing regular overnight care to themselves or a disabled household member.

When considering whether an extra bedroom is needed the Council will take into consideration:

- Whether the household receives or would be likely to receive an additional bedroom entitlement for housing costs purposes as part of a benefit claim
- Proof of need and receipt of overnight care
- Any assessment made by a medical or care professional that supports the fact the person cannot share a bedroom

Large families (i.e. those with five or more children) will be given additional priority over smaller households for larger properties such as those with four or more bedrooms or those with bigger sized bedrooms.

**b. Foster Carers**

If you have been approved as a foster carer and need an additional bedroom to commence a placement, then you will be placed in High as soon as we have confirmation from Social Care or a Fostering agency.

**c. Pregnant Home seeker**

If you are pregnant you will be considered as a family applicant, requiring appropriately sized accommodation, as soon as your pregnancy has been confirmed. This would be typically by the form of maternity notes. It is the choice of the social landlord if they will include your pregnancy in the household size calculation, prior to the children being born.

**15.8 Members of HM Forces**

a) If you are a serving or former member of:

- i. The Regular Armed Forces;
- ii. The Reserve Forces;
- iii. The Territorial Army; or
- iv. You have left those forces in the last five years, and you have not been dishonourably discharged.

b. You will qualify for housing if you meet the criteria from list 1 in section 7.5 (recognised need for housing, or exception). You do not need a local connection to Melton Borough to qualify. If you do qualify for housing, then you will be given an additional 9 months waiting time.



c. However, if you do not have a housing need, or do not meet the criteria set out in list 1 in section 7.5, then you will not qualify to join the scheme, even if you are a serving or former member of the Forces listed above.

d. We define former and serving members of the Armed Forces as:

- i. People who left the regular Armed Forces, Reserve Forces or Territorial Army within the last 5 years, except those dishonourably discharged.
- ii. Serving members of the regular Armed Forces, Reserve Forces or Territorial Army who need to move because of a serious injury, medical condition or disability sustained because of their service.
- iii. Bereaved spouses and civil partners of members of the Armed Forces, Reserve Forces or Territorial Army, leaving Services Family Accommodation following the death of their spouse or partner.

### **15.9 Prisoners**

If you are a prisoner serving a custodial sentence then you can apply to the Council 12 weeks before your release date as per the Prison Release & Ex-Offender Homeless Pathway Protocol, National Probation Service Leicester, Leicestershire & Rutland (2021). This is because it would not be fair for you to apply for the scheme and build up waiting time while you are serving a custodial sentence and are in no position to move. Your last settled address will be used to establish whether you have a local connection.

NB please provide the information requested at section 11 to enable us to assess your eligibility to join the scheme.

### **15.10 Transfer Home seeker**

Current social housing tenants with an assured or secure tenancy, seeking to move to another housing tenancy will be defined as a transfer applicant.

Transfer home seeker who are on introductory / probationary / starter / fixed term tenancies with their social landlord are not usually allowed to register unless there are exceptional reasons which will need agreement from their landlord.

### **15.11 New Home seekers**

All other home seekers will be “new” home seekers. This includes home seekers in temporary accommodation, and assured short hold tenancies

Some social housing providers may restrict some properties to “Transfer” home seekers only.

### **15.12 Homeless Home seeker**

The council has statutory duties to homeless households and as such they will be placed in the relevant bands according to the duty owed to them.

- **Duty** - To provide assistance/ advice to all eligible home seekers who are homeless

- **Prevention** – home seeker is facing homelessness within 56 days and is eligible to help to prevent them from becoming homeless
- **Relief** - Where the local authority is satisfied that the home seeker is both homeless and eligible, assistance will be provided to help the home seeker to secure accommodation that will be available for at least 6 months
- **Main** - To secure ongoing accommodation for priority need home seeker

10.13 If you are homeless with no fixed abode, then you must provide a 'care of' address where you can receive post. This could be a friend, a relative or a support agency's address.

### 15.13 Ineligible home seekers

Home seekers will be informed in writing of the reason their application has been rejected. They will have the opportunity to appeal against the decision if they feel it is incorrect (see section 21 Reviews and appeals)

## 16. Verification - Information you need to provide

16.1 To accompany your application form, you will need to provide some information about you and your household. Your application cannot be registered without this information, so please make sure you have provided the following:

- **Identification** – Proof of identity for all members of your household is required, such as a current passport, driving license or birth certificate. All documents must be in date. If you are a current tenant of a social landlord, and you are struggling to supply proof of identify, please contact your landlord.
- **Children** – You will need to provide recent proof for all children who live permanently at your address. This could be a letter confirming Child Benefit; Tax Credits or Universal Credit for each child living with you permanently
- **Immigration status** - If you are not a UK citizen you will need to provide proof that you are eligible for social housing in the UK, such as Home Office documentation.
- **Residency Checking** - The Council must confirm that you and your household members are living at the address you state on your application form. The Council may use credit reference agencies to do this. If you are not registered for Council Tax or are not on the electoral roll, you will need to provide some other proof that you live at the address on your application form (such as a utility bill in your name, a NHS medical card, benefit letters etc.). These addresses must prove a minimum of 2 years consistent residency in Melton Borough.
- **Criminal and/or anti social behaviour** - You must also give full information about any criminal and/or anti-social behaviour as detailed in section 9.5 above. A

home seeker who has a conviction may still be accepted, but this is at the Council's discretion. Before an offer of a property is made further checks may be completed, such as Disclosure and Barring Service – (DBS) checks which would need to be provided at the applicant's expense

- **Rent or mortgage arrears** - You must also provide full details relating to any rent or mortgage arrears as detailed at section 10.13. Social landlords may wish to include former arrears in the terms of their tenancy agreement. Please see the "Supporting Documentation Check list" in the application form, which will tell you the information required. For home seeker with additional support needs assistance is available from the Housing Options / Customer Services Team to provide the necessary information. Equally, there are independent advice and support services such as CAB.
- **Medical information** – If you are applying to move because you have a medical condition, a mobility problem or a permanent physical disability, you will need to provide information about your condition and how your condition is affected by your current housing. We would need to see copies of a patient summary, letters from consultants which detail your medical situation and/or copies of assessments made by medical professionals such as Occupational Therapists.
- We may need further information regarding your need to move home. This could be a letter from your GP, Social Worker, Occupational Therapist or other health or social care professional who knows about your condition, and proof of any disability benefits that you are in receipt of.

## 17. Assessing applications

17.1 When an application is received it will be assessed by a member of the Housing Options Team who will contact the home seeker to request any further supporting evidence which is required. Home seekers will only be accepted, awarded a band and allowed to bid once all the evidence has been received. The registration date for allocation purposes is the date that application was activated following all verifications being completed. An application will not be processed until all documentation has been provided.

17.2 **Medical Need** - The council will make its own decision about medical need. This will be based on evidence from the customer, support letters from health care professionals, evidence of medical history and support statements or letters from any other professional working with the household.

If you are applying to move because you have a medical condition, a mobility problem or a permanent physical disability, you will need to provide information about your condition and how your condition is affected by your current housing (e.g. if you need to move following a stroke which has affected your mobility to such an extent that you can no longer manage stairs and require ground floor accommodation etc.). The council will look at how this affects the ability for the customer to lead an independent life and if a significant risk of harm in the event of an emergency would occur.

**17.3** Medical bandings will not normally be awarded in the following circumstances:

- a) where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied;
- b) health problems that are not affected by housing or cannot be improved by moving;
- c) where a move would only make a marginal improvement to the applicant's condition;
- d) medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame;
- e) where another reasonable course of action is available to the applicant to resolve their difficulties;
- f) time-related medical problems (e.g., pregnancy-related problems or a broken leg)
- g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note: under the Scheme an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact);
- h) overcrowding not impacting significantly on the applicant's medical condition. (Note: under the Scheme an applicant may receive priority separately for being overcrowded);
- i) if the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.

Medical assessments are not just related to banding. The council will also consider recommendations for future housing, for example regarding the floor level a household may need and whether an extra bedroom is required due to a child having autism. Guidelines for assessing extra bedroom requests for ADHD, Asperger's, sensory processing difficulties, and other mental or physical health problems are set out in Appendix E.

#### **17.4 Welfare Need**

In assessing welfare or financial issues or needs, we will use our discretion and consider each application on its merits. The Council will have regard to reasonableness and proportionality in deciding whether there is a significant housing need to register an application and to award any additional priority to the application.

There may be an urgent need for settled accommodation because of risks posed to an applicant's welfare, which other applicants would not face. For example, there may be case and support needs which make it important that settled accommodation is available so that these needs can be met and support services arranged, to the applicant will face hardship if unable to give or receive support.

The Council will ask for information from carers, Social Services or other support workers as appropriate. This is to ensure that any ongoing support needs are identified. Joint working with other agencies may also identify ways to enable applicants to stay in their current home with appropriate support.

#### **17.5 Threatened with loss of accommodation**

If you have been asked to leave your home, you will need to provide proof, such as a copy of your notice to quit, possession order or letter from your employer or family member (if you live in tied accommodation). Enquiries will be made with your landlord to verify the grounds for serving the notice, and to try to mediate to prevent the loss of your tenancy. Where safe and appropriate to do so, the Council will try to prevent an applicant from losing their home in the first instance. This may mean you are not accepted onto the housing register if the council is able to safely keep you in your home.

### **17.6 Collusion**

If following these enquiries with your landlord and where there is evidence that you have colluded with your landlord in the issuing of a notice to quit, you will be excluded from joining the scheme for 1 year in line with other grounds for exclusions.

### **17.7 Deliberate worsening of circumstances**

Deliberate worsening of circumstances arises where the Council decides that you have given up accommodation that was suitable for your needs where there was no requirement or obligation to do so. To reduce the likelihood of people moving into poorer accommodation to qualify more quickly for re-housing. If you are found to have deliberately worsened your circumstances, you will not normally qualify for housing based on this situation for 12 months after you deliberately worsened your own circumstances. Examples of deliberate worsening of circumstances might include:

- Selling or giving up any property that was affordable and suitable for your household's needs;
- Moving from a secure or assured tenancy to insecure or overcrowded accommodation with family or friends, where there is no good reason for this move;
- Where there is evidence that it was reasonable that you could have remained in your original accommodation;
- Arranging for another person to move into your home, creating an overcrowded situation, where there was no good reason for this move.

17.8 Where you have little or no control over your move to alternative accommodation, this will not normally be considered as a deliberate worsening of circumstances.

### **17.9 Bedroom size**

In terms of the size of property you will be offered, the following points will determine the number of bedrooms. This means that children will be expected to share a bedroom until:

- Two children of the same sex when one reaches 18 years old
- Two children of different sex when one reaches 10 years old.

## **18. Additional preference groups**

The Council has decided that we wish to give additional preference to home seekers from certain groups. We will achieve this by applying additional waiting time to these home seekers, so that if this applies to you, then you will be placed higher within a single band than you would otherwise be.

### 18.1 **Armed Forces home seeker**

We support the principles of the Armed Forces Community Covenant. The aims of the Community Covenant are to:

- Encourage local communities to support the Armed Forces community in their area and vice versa;
- Nurture public understanding and awareness amongst the public of issues affecting the Armed Forces community;
- Recognise and remember the sacrifices faced by the Armed Forces community;
- Encourage activities which help to integrate the Armed Forces community into local life; and
- Encourage the Armed Forces community to help and support the wider community, whether through participation in events and joint projects, or other forms of engagement.

18.2 To further these aims, if you qualify for housing (see section 8) and you are a serving member of the regular Armed Forces, Reserve Forces or the Territorial Army, or you have left those forces in the five years prior to your application, you will be awarded an additional nine months' waiting time, unless dishonourably discharged. This means that your effective date will be nine months earlier than the registration date on your housing application form.

## 19. **False statements and withholding information**

19.1 Section 171 of the Housing Act 1996, as amended by the Homelessness Act 2002, states:

*“A person commits an offence if, in connection with the exercise by a local housing authority of their functions under the Act: a) he knowingly or recklessly makes a statement which is false in a material particular, or b) he knowingly withholds information which the authority has reasonably required him/her to give in connection with the exercise of those functions.”*

19.2 This means that it is an offence for which you may be prosecuted in the Magistrates Court to give false information or knowingly withhold information you have been asked for regarding your housing application.

19.3 If you are found to have given false information, you may be excluded from registering with Melton Home Search for a period of 1 year. If you have given false information and have obtained a property through Melton Home Search, the social landlord may bring proceedings for possession of the property.

## 20 **The Banding System**

Once an application has been processed and determined to be eligible, the Council will place the application in one of three bands:

### 20.1 **Priority Housing Need**

This is the highest band and is for home seekers who are in urgent need of housing, for example, have been accepted as homelessness or cannot be discharged from

hospital. In view of their urgent need for re-housing, accepted homeless applicants will be directly matched to the next suitable property, as opposed to other home seekers who can bid for properties of their choice

### **20.2 Priority band home seekers time restrictions**

Home seekers who have been assessed as having an emergency need to move will be placed in the priority Housing Band. Home seekers can remain in this band for a period of up to 12 weeks. If no suitable properties have become available during the 12-week period, or the home seekers has not been successful in their search for accommodation, their application will be reviewed.

Home seekers in a priority need category retain the right to respond to properties of their choice, however, if they fail to bid in any cycle within the priority period the authority reserves the right to place bids for the home seeker on suitable properties to meet their housing need via the directly match facility.

Home seeker will be expected to consider all suitable offers of accommodation / properties. Failure to respond to suitable properties or refusal of an offer of suitable accommodation may result in the priority not being renewed at the end of the 8-week period.

Priority band applicants to who the Council has accepted a full homeless duty will only be made one offer via directly match to a suitable property.

### **20.3 High Housing Need**

This band is for home seekers who have a clear need to move, for example if they are fleeing harassment or are ready to move on from supported accommodation, but who will be allowed to bid for properties of their choice.

### **20.4 Medium Housing Need**

This band is for people with an acknowledged housing need, but who's housing situation is not urgent, for example, home seeker who need an extra bedroom or are interested in moving into sheltered living housing

### **20.5 Low Housing Need**

This band is for people who are classed as adequately housed but are eligible for sheltered type accommodation.

### **20.6 Effective date**

The relevant date for short listing home seekers placed in the priority band will not be the date they joined the housing register, it will be as follows

- Homeless households – the date a main homelessness duty was accepted
- All other priority households – the date the decision was made to increase their banding to the priority band.

### **20.7 Moving between housing needs bands**

A home seekers housing need band will change if their level of need changes.

When a home seeker moves up to a higher housing need band, their effective date will be the date the decision was made to increase their priority.

If a home seeker moves to a lower band, they will retain their original effective date.

## **20.8 Agricultural Workers and the Rent (Agriculture) Act 1976**

Under the rent (Agriculture) Act 1976 Melton Borough Council has a duty towards agricultural workers who are required to leave their tied accommodation.

20.9 When considering an application from a displaced agricultural worker the Council will need to be satisfied that

- The property from which the worker is displaced is needed to accommodate another agricultural worker
- The farmer cannot provide suitable alternative accommodation for the displaced worker
- To re-house the vacating worker would be in the interests of efficient agriculture.

All 3 conditions need to be satisfied

20.10 In reaching a decision the Council will seek the advice of the Agricultural Dwelling House Advisory Committee (ADHAC). The ADHAC will advise whether or not the home seeker should be asked to vacate the tied accommodation and make recommendations as to the urgency of the rehousing.

## **21 Priority Band**

All home seekers receiving a band 1 priority, except for under occupation, and those moving due to medical reasons will be directly matched to properties. This means that those home seeker cannot place their own bids, but bids will be placed for them on the most suitable properties which they are most likely to be matched to. Suitability is determined by the number of bedrooms not the property type, i.e., a two bedroomed flat as opposed to a two bedroomed house.

### **21.1 Urgent Medical Priority**

This applies if you have a permanent (life-long or terminal) or chronic medical condition, illness or disability and as a result of this condition you are unable to continue to occupy your current accommodation. There is a serious medical condition or disability that is made substantially worse by the current housing. This would include people whose life is at risk due to their current housing conditions or who are completely housebound because of the type of accommodation they live in. Your current home must be assessed by a housing, health or social care professional or medical practitioner as no longer being accessible or suitable. You will only be awarded an Urgent Medical Priority where rehousing is the only realistic option. Examples include:

- If you cannot be discharged from hospital to your present home; or
- If you are unable to access essential parts of your home e.g. bathroom, kitchen.

### **21.2 Urgent Property Factors**

This applies to you if:



- You are a tenant and live in the Melton Borough but are required to leave your home as a result of a regeneration scheme, major repair order demolition/ clearance; or
- Your home is subject to a demolition order; or
- Where a property has been compulsory purchased and there is a legal requirement to offer the household a specific property
- Your home is subject to Environmental Health action, such as statutory overcrowding, or has a Category 1 hazard (as defined by the Housing Act 2004) which cannot be resolved, in the near future and is likely to lead to homelessness, or which presents an immediate risk to your health and safety (until the remediation works have been carried out by the satisfaction of the Environment Health team); or
- You live in the Melton Borough area, and are unable to return to your home due to extensive works required following a fire or flood etc. This would need to be confirmed by Environmental Health Officers and/or other supporting evidence.
- Where the Council has decided that this is the best use of stock, this would only take place in exceptional circumstances and can include joint to sole and sole to joint tenancies

## **21.2 Statutory Overcrowding**

This applies to you if your current accommodation has been assessed as being statutorily overcrowded by an Environmental Health Officer, as defined in Part 6 of the Housing Act 1985. This assessment will take into account the number, ages, and gender of your household members living with you in the property along with the number and sizes of rooms.

21.3 A claim of overcrowding is usually only considered where it arises as the product of natural growth (i. e. when a new child is born, adopted or fostered). Overcrowding caused by people of any age coming (back) to live in the property would not usually be awarded this priority, unless there is proof that the person causing the overcrowding had no other option but to move into the property. In this case, the application will only be placed in this band once the situation has existed for 12 months. We will determine over-crowding after considering the best use of all the rooms available to the household. An Environmental Health referral could be made for a home visit / inspection.

## **21.4 Urgent management cases**

This applies if you are a social tenant and currently live in Melton Borough, and your social landlord has made a firm recommendation that you should move urgently. This is called an 'urgent management move' and an award of Band 1 will only be granted following approval by a senior officer at the Council.

## **21.5 Under occupation by two or more bedrooms.**

This lies if you are a social tenant and live in Melton Borough and your current home is too big for the needs of your household by two or more bedrooms. You will only be considered for this category if you are willing to move to a one- bedroom home or give up two bedrooms. The property you bid for must have at least two bedrooms fewer than the property you currently live in. For example, if you live in a three- bedroom house and are accepted in this category you will only be able to bid for one bedroomed properties or bedsits.

### **21.6 Adapted property which is no longer required**

A tenant who is occupying a wheelchair or significantly adapted property which they no longer require, but which could be used for somebody else.

### **21.7 Care Leavers**

Accepted applications from care leavers who, if after 8 weeks on High band have not secured a property, will have their priority increased to Priority and directly matched to properties.

### **21.8 Succession**

Home seeker who have succeeded to the tenancy of a property in Melton owned by one of the partner Housing Associations, where the property is unsuitable for the successor, because, for example, it is too big, or has special adaptations, and have lived there for at least the last 12 months and suitable alternative accommodation is being sought, will be placed in this band.

Home seeker who are occupying a property owned in Melton by a social landlord where the landlord has not agreed to a non-statutory right of succession.

### **21.9 Emergency Welfare Need**

Where the applicant has an urgent need to move, and failure to move would have a serious impact on the wellbeing of the applicant. Evidence will need to be provided from a Doctor, other Medical Specialist, Occupational Therapist or qualified support worker. Circumstances could include (this is not an exhaustive list):

Home seekers who are subject to **Severe** harassment, threats of violence or actual violence or threats of physical, emotional, or sexual abuse.

If you are fleeing to the borough from another area, we will assess your situation by taking a homeless application.

### **21.10 Homelessness**

This band will be awarded where the Council has accepted a Main Homelessness Duty i.e., eligible for assistance, have a priority need and not be homeless intentionally. The home seeker will be directly matched to the next available suitable property in any area either within or outside the borough regardless of the areas requested by the home seeker. The council will ensure they have regard to all suitability requirements as outlined in The Homeless Code of Guidance to discharge their homeless duty under Section 193 (2) of the Housing Act 1996.

## **22 High**

### **22.1 Homelessness Prevention and Relief Duties**

This band will be awarded where a home seeker is owed a Prevention and Relief Duty and who would be likely to be owed the Main Duty if the Relief Duty were to end unsuccessfully. The decision to owe a prevention or relief homeless duty will be made after an interview with a housing options officer. The home seeker will be placed in this band from the accepted date and directly matched to the next suitable available property either within or outside the borough regardless of the areas requested by the home seeker to prevent or relieve homelessness successfully.

The home seeker may also have the duty ended with any accommodation that is not social housing that is suitable and secured or offered with a reasonable prospect of being available for the next six months. If the duty is ended but the applicant refuses the property, the application will be reassessed and the applicant advised of the options available to them.

22.2 Social landlords will be advised not to skip or accept refusals from the home seeker without referring to the Housing Options Team first. Where refusals are deemed to be unreasonable the band may be reduced to Medium band whilst still in the Relief of Homelessness stage.

22.3 Please note: Home seeker owed a Relief Duty but where they would not be owed or are unlikely to be owed the Main Duty when the Relief Duty ends will be placed in Medium band and awarded an additional 6 months waiting time. Equally where enquiries are being made to ascertain a local connection prior to a formal referral being made to another Council, home seeker will be placed in medium band

**22.4 Move-on from supported accommodation where referred by Melton**

If you are ready to move from supported accommodation which you were placed in by Melton Borough Council staff, then you will be awarded this category. We will need confirmation from the support provider that you are ready to move on. This band is a referral arrangement between the support provider and the Council.

**22.5 Transfers affected by the under-occupancy housing benefit restrictions**

Transfer home seekers who are under occupying a home and are affected by the social size criteria, will be awarded this band.

**22.6 Severe Overcrowding**

If your household is subject to severe overcrowding and is assessed as being two bedrooms short of the number of bedrooms required or where there is gender overcrowding, then you will be placed in High. An Environmental Health referral could be made for a home inspection as part of this process. Gender overcrowding is defined as:

- Where a child aged 10 or over has to share a bedroom with a child or adult of the opposite sex;
- Where a child aged 10 or over has to share a bedroom with their parent or parents.

Household Member	Bedroom Eligibility
Couple/single person	1 bedroom
Single adult (age 18+)	1 bedroom
Person with confirmed medical need for own bedroom	1 bedroom
1 child or 2 children of the same sex until one is 18 years old.	1 bedroom
1 child or 2 children of different sexes, until the eldest is 10 years old	1 bedroom

The needs of transgender household members to have their own room will be included.	1 bedroom
---	-----------

### **22.7 Under-occupation**

If you are a tenant of a partner Housing Association, and live in Melton Borough, and your present home is too big for the needs of you and your household by one bedroom, and you wish to move to smaller accommodation, you will be placed in High. The property you bid for must have 1 bedroom less than your current home.

### **22.7 High medical priority**

If you or a member of your household has a serious medical condition, illness or disability which is made worse by your current accommodation. As a result of this condition a move is essential as it is not reasonable to continue to occupy your current accommodation on a long-term basis, and it cannot be adapted in a reasonable timeframe you will be placed in High. The supporting evidence required would be a report from an Occupational Therapist, housing professional or Social Care report or other documentation from a housing organisation who is able to comment on property suitability.

### **22.8 Care Leavers**

Those care leavers aged under 25 years old who are either moving on from care or who's current accommodation arrangements have broken down are able to approach the Council for assistance. Supporting information will be required from Social Care. Accepted applications from care leavers will be placed in High for 8 weeks. If after 8 weeks a property has not been secured, the home seekers banding will be increased to Priority band.

### **22.9 Social housing tenants who no longer require adaptations**

If you are a social tenant currently living in an adapted property with significant adaptations in Melton Borough (for example, a stair lift, through floor lift or a level access shower) which are no longer required (when confirmed by for example an Occupational Therapist) then you will be placed in High.

## **23 Medium**

### **23.1 Homelessness Prevention and Relief Other Circumstances**

This band will be awarded where an home seeker was owed a Prevention or Relief Duty but where they are not owed a Main Duty when the Relief Duty comes to an end because they have been assessed, as or are likely to be:

- Not in a priority need;
- Intentionally homelessness;
- Have refused an offer of suitable accommodation as discharge of the Council's Main, Prevention or Relief Homelessness Duties,
- Do not have a local connection or where enquiries are being made to ascertain a local connection prior to a formal referral being made to another Council.

### **23.2 General Overcrowding**

If your household is overcrowded by one bedroom,

### **23.3 Medical Circumstances**

Home seeker whose household includes a person whose illness or disability is made worse by their present home, and who need to move to improve their condition, but a move is not essential.

### **23.4 Welfare need to move**

Home seeker who experiences hardship in their current accommodation and who need to move to improve their situation, but a move is not essential. This could include:

- People with an evidenced need to be close to specialist educational/medical facilities
- People who are experiencing low level harassment or nuisance from their neighbours, such as verbal abuse or damage to the property. The problems will have been reported to the landlord and/or the police for action, but a satisfactory conclusion has not been found. The harassment is not at a level whereby the home seeker has an emergency need to move.
- The need to be near relatives to give or receive care/support. This would only apply where NOT moving would cause physical, financial or emotional distress or hardship to either party
- Home seekers who are suffering financial hardship and having difficulty in meeting their housing costs. Examples could include adverse impact to Welfare Reform, benefit caps, redundancy, or the under-occupancy housing benefit restrictions.

This list is not exhaustive and other special circumstances may exist, and all applications will be considered on their individual circumstances.

### **23.5 Insecure accommodation**

Home seekers living as a licensee / lodger or sharing accommodation with family, relatives or friends who do not have security of tenure.

### **23.6 Home seeker aged under 50 with no children and with no other housing need**

If there are no children in your household, but you or another home seeker is receiving the medium or high rate of the care element of Disability Living Allowance or Personal Independence Payment and are willing to move into a sheltered living property, you will be placed in Medium, for sheltered living accommodation.

## **24 Low Band**

Adequately housed but want housing within a sheltered scheme . This is available for households who are over 60 and want to move into a sheltered scheme but have no specific reason why they need to leave their current home.

## **25 Choosing a home**

25.1 Properties are advertised every week. The adverts are available on the website at Melton Home Search

### **25.2 Advertising**

Properties are advertised each week; an advert will be generated for each property. The advert will contain basic information about the property and the eligibility criteria the home seeker must meet.

25.3 Property adverts may be restricted to receiving bids from certain types of home seekers, where this is in line with the local letting policies, for example property adverts may be restricted to

- By home seeker type ( transfer or new)
- By support needs ( sheltered, extra care and supported housing)
- By banding
- By home seeker age
- By household and type.

**25.4** Non standard properties, i.e. those that have been adapted for people with disabilities will be let to the home seeker most suited to the property based on their need. The advert will clearly state when it is being allocated on that basis.

25.5 The listing will contain the following groups of properties:

**A. Local property for rent**

These are social rented properties which are in Melton Borough Council area. These are advertised to home seekers who have been accepted on to the Melton Borough Council's housing register.

**B) Parish Connection**

There are some village housing schemes, known as rural exception sites, where there are planning restrictions requiring that available properties must be let in the first instance to people who have a connection with the village or parish.

The factors that determine a village or parish connection for these Rural exception site properties vary. The local connection criteria will be clearly displayed on the individual property advert.

Allocation of Rural Exception sites properties can only be made to the person with the strongest local connection, regardless of waiting time or banding.

Each home seeker / Transfer applicant applying for a rural exception site property will be assessed according to the published criteria for that property and may not be considered in no local connection is proved.

**C) Supported, sheltered Housing and Extra Care**

Home seekers will need to satisfy the advertised age rules for the scheme and/or be assessed as having a support need that can be met with in the supported or sheltered housing scheme.

Elderly or disabled home seekers with assessed care and support needs who have been accepted onto the housing register will be eligible to bid for extra care, supported and sheltered housing where they meet the advertised criteria and income circumstances will be subject to a social care assessment.







All adverts may be restricted to certain types of home seeker

## 26 Choosing the right property

26.1 The advertisements contain details of the property type, who the landlord is, where the property is and how much the rent is. The advertisements contain a range of symbols which give you more details about the property and help you to bid for the right property for your household.

Once accepted on to the housing register every home seeker will be provided with information about the size and type of accommodation, they are eligible for.

Eligibility for properties is dependent on the size and composition of the household and may also consider age criteria and / or mobility needs.

Icon	What it means	Icon	What it means
	How many bedrooms the property has		Wheelchair accessible or adapted for disabled use
	Property has a garden		No pets normally allowed unless at discretion of the social landlord.
	Sheltered living accommodation		Off-road parking

### 26.2 Restrictions

#### A) Age

Some properties are only suitable for people over a particular age. The property advertisement will tell you if there is any age restriction.

#### B) Sensitive Lets

There will be occasions where certain properties are advertised on Melton Home Search as “sensitive lets”. These will generally be properties where it has been identified that it is in the best interest of the community for them to be allocated to a particular type of household, for instance, to persons of a certain age. Each social landlord will have their own procedures for identifying properties that will be subject to “sensitive lets”, and this information will be contained in the property advertisement.

#### C) Local Lettings Policies (LLP's)

These are policies that are for a designated area to help create sustainable communities. Local Lettings Policies are restricted to areas or estates and have set criteria written to meet the objectives of each scheme. The property advertisement will tell you if there is a local lettings policy in place and what the criteria are. Where LLP's are introduced, clear evidence will be required of the need to vary the policy. The decision will always consider the implications for equal opportunities and consider the ‘reasonable preference’ criteria. LLP's are designed to be time limited and will be monitored regularly.

### 26.3 Property Types

The property advertisement will tell you who is allowed to bid for each property. The table below shows who is eligible for what type and size of property. Here are some general guidelines:

Type of accommodation	Single person	Couple	Sharing couple e.g friends, adult siblings, parent adult child/carer	Home seekers + 1 dependent and non dependents	Home seeker + 2 dependent child and non dependants	Home seeker + 3 dependant and non dependants	Home seekers + 4 or more dependants and non dependants
Studio flat	Yes						
1 bed ground floor flat *	yes	Yes					
1 bed upper floor flat	Yes	Yes					
1 bed sheltered scheme**	Yes	Yes					
1 bedroom bungalow*	Yes	Yes					
1 bedroom house	Yes	Yes					
2 bed ground floor flat		Yes	Yes	Yes	Yes		
2 bed upper floor flat		Yes	Yes	Yes	Yes		
2 bed house				Yes	yes		
2 bed bungalow*		Yes	Yes	Yes	Yes		
2 bed sheltered scheme**		Yes	Yes				
3 bed bungalow*					Yes	Yes	
3 bed house					Yes	Yes	
3 bed large house (min						Yes	Yes (4 children



2 double bedrooms)							maximum)
3 bed parlour (2 reception rooms)						Yes	Yes (Minimum 3 children)
4 bed house							Yes (Minimum 4 children)
5 bed house							Yes (Minimum 4 children)

\* applications with a specified ground floor requirement will be prioritised for this type of property

\*\* applications only considered for those over the age of 55 or receive a high level of PIP or other disability benefit

#### 26.4 Direct Lets

A direct let is where a property is let to a registered home seeker without it being advertised, or when a property has been previously advertised but not allocated. This may include but is not limited to:

- Let's to homeless home seeker who have not secured a property within a reasonable timescale;
- Conversion of an applicant in temporary accommodation from a non secure licence agreement to an introductory tenant where the move would be a like for like property.
- Emergency re-housing when requested by the Police or other statutory organisation (only by the agreement of the senior officer);
- In other exceptional circumstances (by agreement of the senior officer);
- Where a property is classed as a hard to let and has previously been advertised on Melton Home Search for 2 consecutive weeks but there has been no suitable home seeker.

### 27 How to bid (express your interest)

27.1 Expressing your interest (also known as bidding) on a property lets the Council know Which properties you would like to be considered for. Bidding doesn't involve any money If you bid on line it's completely free.

27.2 You can bid for up to **THREE** properties in each advertising cycle.

27.3 Bidding for a property is simple. Make a note of the Property Reference Number (at the top of each advert) for the properties you are interested in.

#### 27.4 Online

Logon to the website at Melton Home Search and follow the “How to Express Your Interest” instructions.

### **27.5 In Person**

You can also bid in person on the self-serve computers within the Melton Borough Council offices.

### **27.6 By Proxy**

Someone can place bids on your behalf if you wish. This could be a family member, support worker, social worker or someone else. This may be useful if you do not have a computer, or if you will struggle to use the methods above. Please let us know if you want someone to bid on your behalf.

### **27.7 If you do not express your interest**

If you do not bid for suitable properties, we may review your priority on the housing register, and it may be suspended or closed

27.8 If you think you may need extra help to use Melton Home Search, or if you need this information in a different format (for example, another language), please contact us. If you require any assistance with your online application, help is available from the Housing Options / Customer Services team and appointments can be booked via 01664 502502

## **28 What happens next?**

### **28.1 Short listing**

Once the advertising cycle closes Melton Home Search creates a short list of home seeker who have bid for a property. The short list sorts all the bids by:

- Priority band (i.e., Priority, High and Medium Band 1
- The date you were placed in the band (effective date)
- Local connection

The social landlord will normally offer the property to the home seeker who has a local connection, from the highest band who has been registered for the longest time. If you are made an offer and refuse it, the property will then be offered to the next person on the shortlist.

28.2 However, there are some exceptions to this general rule, such as where local lettings policies apply, or where the social landlord will not allow any under-occupation of the property, or where you have rent/mortgage arrears, and the social landlord has decided that he does not wish to let to anyone with rent/mortgage arrears. If it is because the social landlord does not want under occupation, then they may offer the property to the highest placed home seeker whose household will make the most efficient use of the property within the band they are placed. For instance, this means that on a shortlist for a three-bedroom house, a family with two young children, may be by passed in favour of a lower-placed but larger family within that band that needs all three bedrooms. This is at the discretion of the social landlord. Full details will be advertised with the property.

28.3 In the event of more than one home seeker in the same band with the same registration date bidding for the same property, the Council will decide, taking into consideration the housing circumstances of each case.

28.4 Properties which have been adapted for home seekers who have been assessed as having a need for wheelchair adapted property will be advertised on a “best fit” basis. An assessment will be carried out by Melton Borough Council and an occupational therapist consulted, if necessary, to advise on which home seeker would be the best fit for the property.

28.5 Where there is a shortage of accessible properties, the Council may, subject to the current adaptations programme and budget availability, take steps to identify properties which are suitable to be adapted, and consider giving priority to disabled persons who bid for such properties.

## **29 Feedback information**

Every property that is allocated through the choice-based lettings scheme will be included in the feedback information. The feedback information will include details of the number of home seekers who correctly placed bids for the property and the date of registration/effective date of banding for the successful home seeker.

## **30 Accepting the property offered**

30.1 If you have been successful with your bid, the social landlord that owns the property will contact you with details of the potential offer. Each social landlord may have a different process that they follow when offering a property.

30.2 All social landlords participating in the Melton Home Search scheme reserve the right to:

- Give preference to home seeker who specifically need the services or facilities that are part of the property;
- Carry out checks on the information you provided as part of your application;
- Carry out further checks with statutory agencies on the home seeker that have been successfully shortlisted for a sensitive let property;
- Carry out a property inspection;
- Withdraw an offer if you have provided inaccurate information;
- May not make an offer to anyone who has rent/ mortgage arrears;
- Withdraw the property. Properties will only be withdrawn where there is just cause, and the social landlord will need to explain why the property has been withdrawn,

## **31 Allocations to Employees and Relations**

31.1 We require all applicants to declare if they or a member of their household are either a member of staff/Councillor/Board Member or related to a member of staff/Councillor/Board Member of any Partner within the Scheme.

31.1 In such cases there will be additional procedures and checks in place to ensure the application is processed in accordance with this Policy and other

applications. A manager will check the processing and assessment. Prior to any offer of accommodation being made to such an applicant the relevant Partner will notify their Head of Service for approval.

31.2 Homeless home seekers will be able to request a review if you do not believe the property is suitable for your needs. This is further explained in section 21

31.3 Home seekers without a local connection who are owed a Prevention Duty but where they would not be owed or are unlikely to be owed the Main Duty (i.e. non-priority and intentionally homelessness) when the Relief Duty comes to an end will be placed in Medium Band, and directly matched. In these instances, home seeker will only be offered one suitable offer, either within or outside the borough, regardless of the areas requested by the applicant, (unless the applicant(s) are fleeing in which case only areas considered to be safe will be offered) in order to prevent or relieve homelessness successfully.

31.4 If the homeless home seeker refuses this offer and they are in Priority, High and have a local connection as defined in List 2, section 7.5 they will be moved to Medium Band as in 14.27

31.5 Home seekers in Medium with no local connection who refuse this offer will no longer be eligible for the housing register but would be able to reapply after 1 year.

## **32 Viewing**

Each social landlord may have a different process for viewings, but you should have the opportunity to view the property before deciding whether you wish to accept an offer.

## **33 Renewals and Application Reviews**

33.1 Your application will be reviewed annually, and we will ask you to tell us if your circumstances have changed in any way and ask you to provide evidence of your current housing need. It is important to respond to your letter, phone call or email. If we do not hear from you within 14 days, we will assume that you no longer need housing and will remove you from the housing register. (failure to do so will result in a reminder letter being sent advising that their application will be cancelled in 14 days. Failure to respond to the letter will normally result in the application being cancelled).

### **36.1 Priority Reviews**

If you are placed in Priority or High, this represents an urgent housing need, so you are expected to place bids for any properties that match your needs. Your application will be reviewed periodically to check whether your circumstances still warrant that level of priority. This may result in your banding being reduced. This does not apply if you have been awarded Priority or High because you are under-occupying your current home.

36.2 As well as the annual review, we may review your application at any time in order to confirm that we still have the correct information. If we are not able to contact you, via letter, email, or phone call then we may suspend your application. If we do this, we will write to inform you. If we still do not hear from you, we may cancel your application. It is important therefore that you tell us if your address, email or telephone number has changed after you completed the forms.

### **36.3 Periodic Review.**

Home seekers in the high need category retain the right to respond to properties of their choice. Home seekers are expected to consider all suitable properties. Failure to respond to suitable properties or refusal of an offer of suitable accommodation will be considered when the application is reviewed, and the high priority banding may be reduced

### **36.4 Changes in circumstances**

It is the home seekers responsibility to inform the Council about any changes in your circumstances immediately. For example, someone moves in or moves out, or there is a change to your income. Changes will mean that we must review your application and your priority banding may change, or mean you no longer qualify to remain on the housing register. If the Council becomes aware of a change in the home seekers circumstances, the home seeker may be overlooked for an offer and their application suspended until the information requested is provided and the application is re assessed.

36.5 This is so that home seekers who have been in this high level of need for a long time will remain above home seeker who have recently joined this band.

36.6 If you bid for a property successfully, and it is later found that your housing situation was different from the most recent details you provided to us, then this is an offence (please see section 13 for which you could be prosecuted, and the offer might be withdrawn or the landlord may take action to recover possession of the property. You could also be excluded from the housing register for 1 year.

## **34 Appeals**

### **34.1 Reviews against qualification and banding decisions**

If you disagree with

- the band you have been placed
- You have been advised that you do not qualify to join the scheme
- Your application has been cancelled and the home seeker requests to have their application reinstated
- where a home seeker wants to be considered for a property type that they are not eligible for
- where a home seeker has been successfully matched to a property but been refused the offer by the Council.

34.1 You should submit any relevant additional information you feel will support your application. Your request for a review should be sent in writing within 21 days. The request can either be made by the home seeker or their

representative. The allocations panel will review your case and write to you to tell you the outcome of the review, usually within 21 working days.

34.2 If a home seeker has been successfully matched to a property but has been refused the offer by one of the Housing Associations, they should ask the Housing Association to review the offer.

#### **34.4 Appeals against non-qualification or anti-social behaviour**

If you have been notified that you do not qualify to join the scheme, because of criminal or anti-social behaviour, you have the right to appeal against the decision. You, need to provide evidence that your behaviour has improved and you are suitable to become a tenant (perhaps following a successful private tenancy or stay in supported accommodation).. The time needed to demonstrate a change in behaviour will depend on the circumstances of each case and is at the Councils discretion, though usually for 1 year. If accepted onto the register, any offer of a property will still be at the discretion of the social landlord.

#### **34.5 Appeals against suitability of accommodation as a final offer (accepted main homelessness duty only).**

If you are offered accommodation in discharge of our homelessness duty, you have the right to request a review of the offer if you think the accommodation offered is not suitable. This however is separate to the appeals process for banding reviews and eligibility. The process can be found on the councils [website](#). If you intend to request a review of this type, we strongly advise you to accept the offer pending the outcome of the review so that you will have somewhere to live in the meantime. The Council may no longer have a duty to provide you with temporary accommodation and if your appeal is not successful you are unlikely to be offered another property. The request must be made, in writing or by email, within 3 working days of you receiving the offer letter, giving clear reasons for the request, and any supporting evidence. The appeal can be made by either the home seeker or their representative. Appeals against the suitability of a property are usually determined within 56 days. Whilst your appeal is being considered, your application will be suspended pending the outcome.

The appeal should be addressed to:

Mail: Strategic Lead Supporting Communities Housing Options & Homelessness Prevention Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire LE13 1GH

Email: [housingoptions@melton.gov.uk](mailto:housingoptions@melton.gov.uk) titled "APPEAL".

Reviews of this type will be looked at by the Strategic Lead Supporting Communities. The officer considering the appeal will not have been involved with the original decision. The appeal will normally be carried out within 5 working. A written notification of the decision, including the grounds for the decision, will be sent to the home seeker.

## **35 Complaints**

35.1 If you are not satisfied with the way we have dealt with your application, or how we have considered your request for a review or appeal, then you can make a complaint to the Council in several ways:

- By using the online [complaint form](https://www.melton.gov.uk/contact-us/standards-feedback-and-complaints/feedback-compliments-and-complaints/) at: <https://www.melton.gov.uk/contact-us/standards-feedback-and-complaints/feedback-compliments-and-complaints/>
- By email to: [contactus@melton.gov.uk](mailto:contactus@melton.gov.uk)
- By letter to Melton Borough Council, Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire LE13 1GH/
- By telephone on 01664 502502
- Or in person at the Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire LE13 1GH, NB by appointment only.

35.1 Melton Borough Council's complaints procedure is available [on-line](https://www.melton.gov.uk/strategies/digital-customer-service-and-communications/complaints-policy/) at: <https://www.melton.gov.uk/strategies/digital-customer-service-and-communications/complaints-policy/>

35.2 If a home seeker is not satisfied with the review decision, they can complain to the Local Government Ombudsman. The Ombudsman will not consider certain matters, for example, if 12 months has passed since the cause for the complaint occurred or when matter is, or could be, subject to court proceedings.

35.3 The Ombudsman will consider a complaint if a home seeker believes they have been treated unfairly because of maladministration. Examples include where the Council may have:

- Delayed acting without good reason.
- Considered irrelevant considerations or ignored relevant considerations.
- Not followed rules (legal or local procedures);
- Given the wrong decision.
- Not reached a decision in the correct way.

35.4 Any correspondence received from/sent to the Ombudsman will be managed by the Council's complaints officer on behalf of the Council's Monitoring Officer who will enter the referral on to the LGO system. The actual referral will also be sent to the relevant Service Manager for their comments.

35.5 To contact the Local Government Ombudsman:

Call 0300 111 3000 for help making a complaint

Lines are open Monday to Friday 9:15am to 5:15pm (except public Holidays)

Website: [www.lgo.org.uk](http://www.lgo.org.uk) using the online form

Email: [housing-ombudsman.org.uk/contact-us](mailto:housing-ombudsman.org.uk/contact-us)

Housing Ombudsman Service. PO Box 152 Liverpool L33 7WQ

The Local Government Ombudsman has a leaflet called "Complaint about the Council? How to complain to the Local Government Ombudsman." You can get a copy by telephoning or writing to the address above, or you can download it from the Ombudsman's website.

If you contact the Local Government Ombudsman without giving us the opportunity to resolve the issue first, then your complaint will be judged as premature and passed to us to resolve.

### **35.6 County Court Appeals**

A home seeker can appeal to the County Court on any point of law for one of the following reasons:

- If they feel the review decision is legally incorrect; or
- If the Council has not met the time limit to complete the review process

35.7 All appeals must be made to the County Court within 21 days of the review decision.

35.8 Home seeker considering an appeal to the County Court are advised to obtain independent legal advice e.g., from the Citizens Advice Bureau or Shelter etc.

## **36 Accommodation options during and after a review decision**

**36.1** During the review process, the Council is not legally obliged to provide the home seeker with temporary accommodation. Home seekers will be advised to accept the final offer of accommodation whilst the review is being considered. This is because the home seeker will have somewhere to stay during the review process and there is no guarantee of a further offer of accommodation following the outcome of the review.

## **37 Reviewing the Allocation Policy**

37.1 The new policy will be reviewed annually or in line with any changes in legislation or Government guidance.



## **Appendix A: Suitability of Accommodation**

### **Policy aims and objectives**

The policy will ensure comprehensive and consistent needs and risk assessments are conducted for each statutory homeless household, as part of their HIP. This approach will ensure home seeker' needs are appropriately met and risks to personal safety and that of staff and the community are minimised. This policy and the needs assessments procedure will ensure there is no discrimination on the grounds of gender, age, religion or belief, race or ethnicity, disability, marriage and civil partnership, pregnancy and maternity sex or sexuality and gender re-assignment. This is assessed via an Equalities Impact Assessment.

Each case will be assessed on an individual basis to avoid blanket policies. The policy will comply with:

- The Housing Act 1996, as amended by the Homelessness Act 2002.
- The Localism Act 2011.
- Equality Act 2010.
- The Homelessness (Suitability of accommodation) (England) Order 2012.
- The Homelessness Reduction Act 2017.
- The Homelessness code of Guidance 2018.
- Ministers letter regarding Out of Area Placements.
- The Domestic Abuse Act 2021
- Public Sector Equality Duty

### **Assessment procedure**

When we decide to accept a main homelessness duty to an applicant. We will assist the home seeker to find accommodation; this might include searching for properties, consulting with landlord and arranging incentives such as the Discretionary Housing Benefit and use of the Council's prevention fund.

We will place bids on behalf of homeless home seekers on any suitable social housing that becomes available, via auto-bids on the CBL scheme and assist home seeker to search for private rented properties that may be suitable.

Both social and private rented properties will be considered for all homeless households owed a duty under section 195, 189B, 193(2) initially, but a thorough assessment process will be undertaken to ensure that this type of accommodation is appropriate.

Accommodation must meet the requirements of Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012, if it is to be considered as suitable when offered:

- To end the s103(2) Main Duty.
- As a final accommodation offer made in the 189B relief stage; or
- To a home seeker who has a priority need in order to prevent or relieve their homelessness.

Article 3 does not apply to accommodation secured for households that do not have a priority need, or to accommodation that the Council helped the home

seeker to secure (for example through a deposit Guarantee or financial assistance) but which the home seeker identified themselves. However, Councils will need to make reasonable efforts to ensure that accommodation is safe and in reasonable condition and that home seeker have sufficient guidance for them to consider the standards of the accommodation.

Where the landlord confirms they are willing to offer a tenancy to the applicant, this will constitute an offer and a final offer letter will be sent to the applicant. If the home seeker does not accept this offer of accommodation, then the Council will consider that it has discharged its duty in full to secure accommodation for the applicant, and no further offers of accommodation will be made. Equally, this will also end the duty to provide temporary accommodation.

When assessing the suitability of accommodation, the Council will also consider:

- Bedroom eligibility under the Local Housing Allowance rates.
- Financial circumstances and affordability.
- Physical mobility / health needs;
- Mental and emotional health needs;
- Practical support needs;
- Cultural or faith related needs;
- Risks to personal safety;
- Risk to self (e.g., substance misuse / self-harming);
- Recent housing history;
- Ability to manage finances and maintain a tenancy;
- Ability to manage personal health and hygiene;
- Whether school children are due to sit final exams;
- Distance / journey to place of employment;
- Other relevant issues raised by the applicant.

### **Suitability of accommodation**

When assessing whether a property is suitable, the Council will use the criteria set out by the Government. We will normally regard a property as suitable unless, in our opinion:

- It is not in a reasonable condition;
- Any electrical equipment supplied does not meet safety regulation standards;
- Reasonable fire safety precautions have not been taken;
- The landlord has not taken reasonable steps to prevent carbon monoxide poisoning;
- The landlord is not a fit and proper person;
- It is a House in Multiple Occupation subject to licensing (either mandatory or discretionary) and has not been properly licensed.
- It does not have a valid Energy Performance Certificate.
- It does not have a gas safety record.
- An adequate written tenancy agreement has not been provided.

We will also consider the circumstances of the home seeker and their household (for instance, disability or health needs) and make sure that any property offered is suitable for their needs.

### **Affordability of Accommodation**

We will also consider whether the accommodation is affordable to the home seeker in the long term, or whether the rent would be excessive given their income (including any Housing Benefit or Universal Credit they would be entitled to) and their essential household expenditure.

Home seeker should note that if they need to claim Housing Benefit or Universal Credit to pay their rent, they will only be eligible for the Local Housing Allowance rate for the

size of property they require. For instance, a couple with two children under 10 would be eligible for the two-bedroom rate, not the three-bedroom rate.

Single home seekers who need to claim Housing Benefit or Universal Credit to pay their rent and are under 35 years old should note that they will normally be eligible for the Local Housing Allowance shared room rate, not the higher 1-bedroom rate. We will normally try to assist these home seekers to find shared accommodation, as this may be more affordable for them.

### **Location of Accommodation**

So far as possible, we will aim to find accommodation within Melton so that home seeker do not need to move out of the borough. However, Melton has higher house prices and higher rents than many of its surrounding areas and very few properties advertised in the private rented sector are priced to be affordable under the Local Housing Allowance rates. This is particularly the case for family sized properties.

We will therefore look for properties located outside Melton, which may be suitable for an offer. When deciding whether a property is suitable, we will consider:

- The distance of the property from the Melton Borough
- The significance of any disruption to the employment, caring responsibilities, or education of any member of the applicant's household;
- The proximity and accessibility to medical facilities or other support which are essential to any member of the household's wellbeing (and whether they could access alternative facilities or support in the area they were moving to);
- The proximity and accessibility to local services and transport.

When we discharge our duty by securing that home seeker a property that is in a different local housing authority's area, we will notify that authority of the name of the applicant, the people who form part of their household, the fact that we have discharged our homelessness duty, and that the duty will reoccur on us should they become homeless again (except if intentionally) within the next two years. If the household becomes homeless again after two years of our duty being discharged, they should normally approach the Council where they now reside for advice and assistance.

### **Reviews on the suitability of accommodation offered**

As part of the offer process and in accordance with the Allocation Policy and Procedures, home seeker will be advised of their right to request a review on the suitability of the accommodation offered. Home seeker will also be advised of the advice services, for example: Citizens Advice Bureau or Shelter etc. who could support them in this matter.

### **Review process**

Home seeker can request a review within 21 days once we consider an offer to be suitable and that the Council's duty under the homeless legislation can be discharged. Review requests must be made in writing to the senior manager. Review requests can either be made by the home seeker or their representative. We will advise the home seeker of the full procedure and process for completing a review of the suitability of the accommodation offered. A senior manager will consider review requests received after 21 days but is not obliged to agree to carry out the review. Once a review request has been received, the Housing Option Team will write to the home seeker to:

- Acknowledge the request
- Provide details of the review procedure

A senior manager will complete the review within 56 days of receiving the applicant's review request (unless a longer period is agreed, by the home seeker and the Council).

A Senior Officer will conduct the review so long as they have not been involved in the original decision. If they have been involved in the original decision, another senior manager will conduct the review.

### **Review outcomes**

The review outcome can be:

- Unsuccessful – in this situation the Council's original decision will stand.
- Successful – in this situation the Council will amend the original decision.

Once the review has been completed, the Senior Officer will write to the home seeker informing them of the review decision. The letter will be sent to the home seeker or will be available for collection from the Council offices.

The outcome letter will explain the review decision, how the Council reached this decision and the right to appeal the review decision to the County Court if the home seeker believes the decision is legally incorrect. An appeal must be made within 21 days of being notified of the review decision.

## Appendix B: Out of area placements

In accordance with the Code of Guidance, whilst the Council will endeavour to rehouse home seekers in the borough, due to the pressure for housing, and the issues around securing affordable housing, it may be necessary to secure accommodation outside the borough. In such instances the same checks as those used for accessing accommodation in the private sector, detailed at Appendix A will be followed. In addition, a section 208 will be sent to the relevant local authority.

## Appendix C: reasonable preference

The law, as it applies to local housing authorities, requires that reasonable preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). Applicants with reasonable preference must be given a reasonable head- start in terms of accessing housing over those who do not have reasonable preference.

Reasonable preference does not mean that applicants will have an absolute priority over all other applicants. Applicants who meet a reasonable preference category who cannot demonstrate a strong association to the borough will qualify to join the register however their prospects of receiving an offer of accommodation may be lower. This is because the council will prioritise people in high housing need who have a strong connection to the area.

The statutory reasonable preference categories in section 166A(3) (a) to (e) of the Housing Act 1996 (as amended) are:

- People who are homeless (within the meaning of Part VII of the Act). This includes non- priority need applicants to whom no duty is owed;
- People who are owed a duty by any local housing authority under section 190(2) (intentionally homeless but in priority need), 193(2) (the full housing duty) or 195(2) (duty to those threatened with homelessness) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3) ) (discretion to accommodate non-priority need homeless applicants);
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds (including grounds relating to disability);
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others

- Applicants who are fleeing domestic abuse will be granted a priority need as per the Domestic Abuse Act 2021, without a further assessment around their vulnerability.

## **Appendix D: Examples of when an applicant may be awarded priority or high band based on a medical or disability need.**

Examples of circumstances to help the assessing officer to decide when Priority Band may be awarded on medical or disability grounds. The following examples are intended to guide the assessing officer on the threshold set for a Priority Band. They can also serve to help an applicant understand the threshold for a priority award to be granted.

### **A Priority Band award is for**

“Applicants who are suffering sudden or severe progressive life threatening medical conditions and need an immediate move (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and poses an immediate and serious danger to the individual.”

- a. Applicants who have a progressive, chronic or life-threatening medical condition and cannot be discharged from hospital because they do not have any accommodation, or their accommodation is unsuitable for example, because they cannot access toilet and/or bathing facilities in the property. This will include cases that cannot be discharged from hospital because their home is, and will remain, permanently entirely unsuitable or entirely inaccessible to live in.
- b. Where the assessing officer accepts that the evidence from a relevant health professional indicates that there is a significant risk of serious and permanent injury and/or permanent disability.
- c. Applicants who have a progressive, chronic or life-threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user.
- d. A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care.
- e) The applicant’s health is so severely affected by the accommodation that it is likely to become life threatening, e.g., applicant has severe mental health problems that are significantly exacerbated by their accommodation and that opinion is fully evidenced by the applicant’s consultant or mental health services.

- e. Due to limited mobility a person is unable to access essential parts of the property e.g., bathroom/toilet and no adaptation is possible.
- f. A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.
- h) Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition. Examples of circumstances to help the assessing officer to decide when

### **High Band should be awarded on medical or disability grounds**

- a. A life-threatening condition which is seriously affected by the current housing and where rehousing would make that condition significantly easier to manage
- b. A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care.
- c. A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities, or have difficulty accessing facilities inside and outside of their accommodation and require housing into suitable accommodation.
- d. An applicant or member of his/her household usually has a chronic condition; examples might include a respiratory condition, severe asthma or emphysema – and that the condition is being made worse by the current accommodation.
- e. Where their current property leaves a person at risk of infection, e.g., where an applicant is suffering from late-stage or advanced AIDs.
- f. People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life, and which puts them at risk of admission to hospital or residential care. Evidence would normally need to be provided from a specialist consultant psychiatrist or a certified paediatric nurse that their current accommodation is having a significant detrimental impact on the mental health of any member of the household.
- g. People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs.

- h. Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability.
- i. Someone with a medical or disability who's housing has rendered them housebound.
- j. Where a move would avoid the need for another service (e.g., Social Services) from having to provide a significant level of support. This might include for example residential care, overnight care provision, or other support with similar resource implications.
- k) Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. This will involve an assessment of the layout of their current accommodation, for example the number and nature of steps, stairs or other hazards that may increase the risk of serious injury.
- l) The applicant or household member requires significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective.
- m) Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service.
- n) Veterans who have actively served in the armed forces and are suffering from severe posttraumatic stress disorder or serious illness directly related to service in the forces.
- o) An occupational therapist has identified that the current accommodation is partially suitable but:
  - the applicant or member of his/her household needs a major adaptation, such as a level access shower; or
  - the applicant or member of his/her household has significant difficulty managing stairs or difficulty accessing the property owing to stairs or slopes leading to doorways and the occupational therapist recommends a lift, ramped access or ground floor living; and
  - the adaptations are unlikely to be completed in a reasonable period of time
- p) Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation.
- q) Applicants who have significant mobility issues and would benefit from a move to accommodation that has level access showering facilities.



r) Children with severe conditions such as autism, or cerebral palsy or ADHD where their long-term needs cannot be met without long term settled accommodation.

s) A person with a severe disability requiring some adaptations to their property that cannot be provided for in their current accommodation.

t) Where an applicant can access their home but struggles to access normal day-to-day facilities within it (e.g., bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort. This would include cases where an adaptation is possible but cannot be undertaken in a reasonable period of time. (Note: any priority would be removed if an adaptation is completed, or work started)

## **Appendix E – Guidelines for assessing extra bedroom requests for ADHD, Aspergers, sensory processing difficulties and other mental or physical health problems.**

Following a successful Court challenge the Government has issued new guidance in relation to the social size criteria which allows Housing Benefit to be paid on an extra room for children who are unable to share because of their severe disabilities. The judgement is not binding on councils in respect of their Allocation Scheme, however, when an applicant says that their children are unable to share a bedroom it will be for the council to satisfy itself that this is the case. In making an assessment for an extra bedroom for ADHD, Asperger's, sensory processing difficulties, and other mental or physical health problems the council will consider the following framework to help guide the assessing officer:

- the nature and severity of the disability;

- the nature and frequency of any care required during the night; and
- the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom.

In all cases this will come down to a matter of judgement on facts of each individual case. A claim should normally be supported by medical evidence and many children will be in receipt of Disability Living Allowance (DLA) care component at the middle or highest rate for their medical condition or Personal Independence Payment (PIP) at the enhanced rate or mobility component.

Requested evidence will include, but may not be limited to, the following:

- medical evidence detailing the nature of the disability, how this effected by the home environment and the impact on other members of the household;
- other supporting information from care and support agencies involved with the child and family (this should be specific information relating to the request for re-housing rather than a general letter of support and is likely to be from specialist rather than universal services); and,
- proof of DLA entitlement. The circumstances where a possible award of an extra bedroom may be made include a consideration of all of the facts set out below:
  - a. Supporting letters for example from school SENCO stating that they also use a calm room at school and why, a letter specifying aggressive behaviour and frequency, behaviour flow charts, list of aggressive behaviours displayed at school, also stating the danger of child sharing alone with another child, their sensory issues, their inability to cope with small changes and reaction as a result.
  - b. Where there is professionally assessed evidence of a child or young person up to the age of 25 in the household who has a severe or profound learning difficulty, with a presentation of behavioural or emotional difficulties who exhibits sexually exploratory behaviour or other inappropriate behaviour of a serious nature and has a limited understanding around the impact of this on others. This may need to be certified by a consultant psychiatrist.
  - c) The applicant or a member of their household (adult or child), need major medical equipment for the long term, such as home dialysis, equipment for percutaneous external gastrostomy feeding, long term large assistive equipment or and/or bulky medical supplies which need to be used and stored on a permanent basis.
  - d. A DLA or PIP award letter indicating high care and low mobility.
  - e) An assessment of need which supports the claim for an additional bedroom based on a severe impact where that assessment has been undertaken by the appropriate health or care professionals. The assessment would need to

evidence that sharing with another family member who has care needs or behavioural problems that severely affect that family members ability to sleep, which in turn is having a very significant negative impact on their employment (to the extent that they may lose their permanent employment), or on their mental health (to the extent that they have been assessed with a severe mental health condition, or their current condition has become sever, as a result of having to share).

f) Carer's award letter (or social services report) stating care award is due to care needing to be given day and night.

Examples unlikely to qualify include:

a) Circumstances, for example, where the claimant is one of a couple who is unable to share a bedroom.

b) Where children share and the claim is that by having to share this is impacting on their ability to study and complete homework but there is evidence that they are able to study elsewhere in the home or at relatives or using library services.

c) Where family members provide overnight care and support only at weekends or for part of the year.

d) People with mental health issues who say they want an extra room for a friend or relative who provides support.

e) A claim based solely on the wish that the applicant requires an additional room so that a child can cut themselves off from the world, which they claim is essential to their mental wellbeing.