



your council working for you

Housing Allocation Policy 2017



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South Kesteven District Council: Housing Allocations Policy 2017

The purpose and overview of this document

The Housing Act 1996 (Part 6), as amended by the Homelessness Act 2002 and the Localism Act 2011(*the Act*), requires all local authorities to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation. The purpose of this document is to set out South Kesteven District Council's (SKDC) housing allocation policy.

The Allocation Policy has been drawn up having regard to SKDC's policies and strategies (most notably the Tenancy Strategy and the Lincolnshire Homelessness Strategy) and SKDC's statutory duties, which include, but are not exhaustive;

- *Housing Act 1996, Part 6* as amended by the *Homelessness Act 2002* and the *Localism Act 2011*.
- Codes of Guidance:
 - Allocation of Accommodation: Guidance for Local Authorities for Local Housing Authorities in England (2012, DCLG) "The Code"
 - Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code".
 - Right to Move: Statutory Guidance on social housing allocations for local housing authorities in England (DCLG, March 2015).
- Regulations:
 - Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
 - Allocation of Housing (England) Regulations 2002, SI 2002/3264
 - Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
 - Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
 - Housing Act 1996 (Additional Preference for Armed Forces) (Armed Forces) (England) Regulations 2012, SI 2012/2989

This Allocation policy has also been developed whilst having regard to the following legislation:

Equalities Act 2010
Disabilities Discrimination Act 2005
Health and Social Care Act 2012
ASB Crime and Policing Act 2014

Statement on the protection of public funds

This authority is required by law to protect the public funds it administers. We participate in the Cabinet Office's anti-fraud initiative, known as the National Fraud Initiative. We may share information provided to us with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud. The allocation of social housing via this allocation policy is considered to be the allocation of public funds. SKDC will seek to ensure that all allocations are in accordance with this policy and that applicants on the *Housing Register* are subject to thorough verification and identity checks to minimise losses to fraud and corruption.

Confidentiality and Data protection

Any personal data provided to the council will be managed in line with the requirements of the Data Protection Act 1988. The council will use this information to respond to customers and improve services. The Council will take all reasonable steps to ensure that the data and information (including sensitive information) it collects and holds is protected against any unauthorised access in line with the Computer Misuse Act 1998.

We collate a range of data relating to housing register applications including, name, address and address history, national insurance numbers, information relating to ethnicity and gender as well as sensitive information for example relating to medical health needs. All data is held in line with our obligations under the Data Protection Act.

All applications for housing accommodation will be dealt with in a confidential manner. Information held by SKDC will not be disclosed to any third party except where:

- the individual who is the subject of such confidential information has consented to disclosure to a third party to facilitate securing accommodation e.g. through a Housing nomination to a *Registered Provider* where an information sharing protocol is in place; or
- SKDC is permitted to disclose the information under data protection legislation; or
- there is a requirement in law to make such disclosures; or
- it is considered by SKDC that the applicant has given consent for any information held on an application to be shared with other social housing landlords, such as *Registered Providers*, and other agencies.

Equalities and Diversity

We are committed to promoting equality and diversity and to promoting a culture that actively values difference. We recognise that people from different backgrounds and experiences enrich our society and we promote respect and acceptance throughout our council and the district we serve.

Our aim is to embed equality in our culture and systems by ensuring that decision and policymaking and service delivery are all equality orientated.

Allocation of social housing will be determined in a fair and equitable way regardless of a person's race, gender, sexual orientation, religion or belief, disability or age.

Misrepresentation or withholding information

It is a criminal offence for anyone to try to obtain accommodation from SKDC by knowingly and recklessly giving a false statement or knowingly withholding information. Offences under these provisions are prosecuted in the magistrates' court and carry a maximum fine of £5000.

Failure by an applicant to inform SKDC of changes to his/her application or deliberately withholding information relevant to or misrepresenting his/her housing circumstances, may result in an offer/nomination for accommodation being withdrawn or criminal prosecution.

An applicant considered by SKDC to have been guilty of such behaviour will have his/her application subjected to our unacceptable behaviour test or the application may be reduced in priority to band five (which is the lowest rehousing band).

SKDC may seek possession of a tenancy that was granted because of a false statement and may also attempt to recover any costs incurred.

Housing Register applicants are also reminded that it is an offence under the Counterfeiting and Forgery Act 1981 to hold or present false documents such as passports or bank statements with a view to receiving goods or services including social housing.

Changes to the Allocation Policy

When SKDC makes a substantive alteration to the housing allocation scheme, we will notify everyone on the *Housing Register* and explain, in general terms, the effect of the change. Where changes are made as a result of changes to staff posts or by Government directive, then these will be incorporated without notifying everybody on the *Housing Register*. However, the online version will always be the current copy.

SKDC will publish a summary of our housing allocation scheme and provide a copy of it free of charge to any member of the public who requests it. A summary is also available on the SKDC website.

The full housing allocation scheme is also available for inspection at any of the local housing offices listed in appendix 2 and is also available on the SKDC website www.southkesteven.gov.uk

Review and Monitoring of this policy

This Allocation Policy will be reviewed and revised as required for example in response to:

- National Policy
- Regional and/or Local policy
- changes in Legislation
- the implication of any relevant case law.

We will monitor the effectiveness of this policy on an annual basis to ensure that the contents continue to meet the needs of households seeking social housing in the District.

The Allocation Scheme

Section 167 of the Housing Act 1996 requires Local Authorities to have a scheme in place (known as the Allocation Scheme) for determining priorities and procedures to be followed when allocating housing. The SKDC Allocation Scheme sets out:

- how to make an application to join the Register
- who can join the Register
- who is eligible for allocation
- the types of information held on the Register
- the right to information and confidentiality
- how the Register is kept up to date.

The Housing Register

SKDC operates a *Housing Register* (the Register), which is a list of people (applicants) who have applied to SKDC for housing. SKDC's *Housing Register* is a local register of housing need and all applicants seeking social housing in the District must apply through the *Housing Register*. There is a high demand for housing in the District and only those applicants with the greatest need will be prioritised for housing. In order to be made a housing allocation, a person has to be on the SKDC *Housing Register* and be eligible for an allocation.

Local connection to South Kesteven

In order to be eligible to join the *Housing Register* and receive a priority banding, an applicant must have a local connection to the locality of South Kesteven. SKDC will not award any priority on the *Housing Register* where an applicant has no established local connection to South Kesteven. Applicants are considered to have a local connection when they meet the following criteria:

- Residence – He/she has been normally resident in the district for a minimum of two years preceding the application or has been resident for three out of the preceding five years
- Employment – He/she has been in paid employment in the district for the preceding 12 months, for at least 17 hours per week on average
- Family – He/she has a close family member who has normally resided in the district for the preceding five years. Family connection will normally mean that the applicant has a parent, adult child, brother or sister residing in the district.

Exceptions to this are:

- Homeless households for which SKDC has accepted a main duty to accommodate under s193 Housing Act 1996.
- Armed Forces personnel who are due to be discharged within the next six months and those ex Armed Forces personnel who have been discharged within the last six months

- The divorced or separated ex-spouse of a member of HM Armed Forces, who is currently serving or going through resettlement, will be exempt from the local connection criteria for a period of six months following the divorce or separation
- Ex-Armed Forces Personnel who have left the forces within the preceding five years, who do not satisfy any of the above local connection criteria, but do have a “housing need” as defined by this policy, may be considered to be exempt following an assessment of their circumstances by the Lead Allocations Officer on the Housing Register Team.
- A 16/17 year old who has been assessed as a “child in need” by Lincolnshire County Council
- A care leaver
- Those applicants currently living in social housing in another district wishing to move under Right to Move regulations
- Consideration to waive the local connection criteria will be given to those applicants who cannot satisfy the local connection criteria because of a nomadic lifestyle. For example, Gypsies and Travellers who have been unable to secure a permanent pitch to meet their accommodation needs
- Consideration to waive the local connection criteria may be given to those applicants who may have a local connection to another district, but it is not safe for them to return to that district. For example, someone who has been accommodated temporarily in a refuge

See also: The allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015

What is a Housing allocation?

The Housing Act 1996 states that a local authority allocates housing accommodation when they:

- select a person to be a secure or introductory tenant of housing accommodation held by them,
- nominate a person to be a secure or introductory tenant of housing accommodation held by another person,
- nominate a person to be an assured tenant of housing accommodation held by a registered provider.

What is not an allocation?

Secure, introductory or demoted tenancies arising in the following circumstances are not covered by the allocation provisions of *the Act* and, therefore, fall outside the scope of this document. The circumstances not covered are as follows:

- Succession to a tenancy on the death of the previous tenant; and
- Assignment of a tenancy by way of mutual exchange; and
- Assignment of a tenancy to a person who would be qualified to succeed to the tenancy of the death of the current tenant; and
- Transfer of the tenancy pursuant to a Court Order under family law provisions or the Civil Partnership Act 2004; and

- Allocation to an existing secure tenant unless the allocation involves a transfer of accommodation for that person and is made on his application;¹ and
- Where a person becomes a secure tenant on ceasing to be an introductory tenant.

Applications from people related to SKDC staff, SKDC staff and Councillors

If a member (i.e. a councillor) or an employee of SKDC or a close relative of such a person applies to join the *Housing Register*, they will be automatically required to disclose their position and/or relationship to the Council. (Examples of close relatives include parents, uncles/aunts, siblings and grandparents). Any such applications will be treated in the same way as an ordinary *Housing Register* application; however, formal approval for registration and any subsequent offer will be undertaken by the Business Manager–Housing or the Executive Manager–Property. No application will be dealt with by officers who are related to the applicant.

Making an application to join the *Housing Register*

An application to join the Register must be made using the SKDC Housing Application form. The completed form and relevant proofs must be returned, to any of the council offices listed in appendix 2, for the application to be processed.

Application forms and a summary of SKDC’s housing allocation scheme (in leaflet form) can be obtained from any of the council offices listed in appendix 2 or downloaded from the SKDC website at www.southkesteven.gov.uk

Applicants needing advice and assistance with their application can arrange this by contacting SKDC, using the contact details in appendix 2.

Who can be included on the application form?

SKDC will usually consider single and joint applications. Joint applications can be made by married couples, civil partners or people living together; however, acceptance onto the Register will be subject to eligibility. Other people included on the application form will be considered to be either members of the applicant’s household or members of a host household, with whom they currently live.

Housing Register applicants are reminded that family members who do not currently reside in the UK cannot be added to a *Housing Register* application form.

SKDC will consider members of an applicant’s household to be people who normally live with him/her, or who are reasonably expected to live with him/her as a member of his/her household. In order for a child to be included in an applicant’s household, the applicant, or another member of the applicant’s household, must be the person with parental responsibility

¹ SKDC may proactively seek tenants in certain situations that have not applied for re housing and give them a transfer of property. These tenants will not be placed on the Housing Register and any lettings carried out in this manner are not allocations and therefore not subject to any of the procedures and rules set out in this document.

for that child. If the applicant/member of the household does not have parental responsibility for a person under 18, SKDC will ask for confirmation from the person(s) with parental responsibility to give permission for that child/young person to be included on the application.

Only in exceptional circumstances can a child be included on the housing application of more than one person, for example where formal joint custody has been agreed by the Courts.

Verifications checks

Applications to join the Register are subject to verification checks for all members of the household who form part of the *Housing Register* application form. The verification process includes: (*this is not an exhaustive list*)

- Identification checks
- Home visits
- Proof of pregnancy
- Proof of dependants
- Proof of income / employment
- Proof of address history and residence

Who is eligible to join the *Housing Register*?

Applicants aged 16 or 17 may be accepted onto the Register, but will not normally qualify for an allocation until reaching the age of 18. For exceptions to this, see section below: Applicants under 18 year's old – exceptional circumstances.

Acceptance onto the *Housing Register* does not mean that the applicant is eligible for an allocation of housing. Some applicants will be ineligible for an allocation of accommodation; this is described further below.

Who may be ineligible for an allocation of housing?

Persons subject to immigration control and certain persons from abroad

SKDC is required by law to decide whether certain applicants are ineligible for an allocation. SKDC will apply whatever statutory instruments are in place at the time of application. This will also include a Habitual Residence Test (as applicable).

Eligibility can change with a change of immigration status, and therefore, eligibility for an allocation of housing will be kept under review. The applicant is responsible for informing SKDC of any change in immigration status.

An officer on the Housing Register Team will determine the eligibility of an applicant based on immigration status, applying the legislation and statutory instruments that are in place at the time of application.

Applicants under 18 year's old – exceptional circumstances

Although an applicant aged 16 or 17 is able to join the *Housing Register*, he/she will not be made an allocation until he/she reaches the age of 18; except in the following situations where the applicant:

- is an offender and a referral has been made to the Housing Register Team by the Youth Offending Team or Children's Services; or
- is in the care of Lincolnshire County Council (LCC) or a care leaver; or
- has had a Section 17 (Children's Act 1989) statutory assessment and it has been identified that the young person is in danger of homelessness; or
- has been referred from supported accommodation by one of SKDC's partners such as Grantham Foyer;
- **AND** the applicant is owed the full statutory homeless duty; or
- Any applicant who is pregnant and unable to remain in their current accommodation due to overcrowding (once baby arrives) or danger of homelessness, will, in the first instance, be referred to supported accommodation by the housing options team. If the Housing Options Team are unable to secure supported accommodation or prevent homelessness, then a homeless claim may be taken. An offer of accommodation cannot be made until the young person has provided the details of someone over 18 years of age, who is willing to act as a trustee for the applicant's tenancy, until the applicant reaches 18.

Applicants ineligible to join the *Housing Register* on the grounds of unacceptable behaviour

The Housing Act 1996—as amended by the Homelessness Act 2002 and the Localism Act 2011—permits SKDC to decide that an applicant is to be treated as ineligible for allocation because of his/her past unacceptable behaviour, or that of a member of his/her household. SKDC has elected to use the power to make some applicants ineligible for allocation of accommodation where they meet the threshold for unacceptable behaviour as set out in statute.

The decision that an applicant is ineligible for an allocation may occur either at the time of joining the *Housing Register*, at any time during the life of the application or at the time the applicant is allocated a property. The decision will be made by a panel of council officers, more senior to those who registered the application, following the unacceptable behaviour test.

Carrying out the unacceptable behaviour test

SKDC will carry out a **two-stage test** to decide whether an applicant is ineligible for an allocation of accommodation. The first stage is to decide whether the two statutory conditions have been met. The statutory conditions are:

1. that the applicant, or a member of his/her household, has been guilty of past unacceptable behaviour serious enough to make him/her unsuitable to be a tenant of SKDC; and
2. in the circumstances at the time his/her application is considered, he/she is unsuitable to be a tenant of SKDC by reason of that behaviour.

Examples of unacceptable behaviour include:

- Anti social behaviour
- Noise nuisance
- Domestic violence
- Racial, sexual, homophobic harassment
- Drug dealing
- Threatening behaviour against SKDC staff or contractors
- Significant rent arrears including from a private sector landlord

In deciding this, the officer will:

a) Investigate and take into account all circumstances including:

- whether one or more of the relevant grounds for possession exist for past behaviour;² and
- if so, would the court consider it reasonable to make an order for possession under Housing Act 1985 section 84; and if so, would the court make an outright order for possession. (NB: The ASB Crime and Policing Act 2014 gave social landlords new powers to obtain possession against tenants who have been convicted of serious offences such as violence, burglary, sexual offences and offences involving: drugs, weapons.)
- whether the behaviour was committed by the tenant or a visitor to the tenants home

b) Consider whether the applicant is still unsuitable to be a tenant of SKDC by reason of that behaviour

In deciding this, the officer will take into account:

- 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 SKDC can accept any assurances from the applicant as to future behaviour.

If the officers consider that the applicant should be made ineligible for allocation, then they will further consider:

- 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
- the applicant's current circumstances. For example, health needs, dependants and any other relevant factors.

² For the relevant grounds for possession in Housing Act 1985 schedule 2 see appendix 3

Informing the applicant and the right to review

Where a decision has been made to make an applicant ineligible for allocation, the applicant will be informed of this decision - and the grounds for it - in writing.

A copy of the letter will be sent to the applicant's last known address and a copy will be retained on file.

The applicant will have the right to review on any adverse decision on eligibility for allocation. The review procedure is set out in appendix 6.

Repeat applications

A repeat application, following the decision to make an applicant ineligible for allocation, will only be considered if there has been a factual change in the applicant's circumstances. In instances where there has been no factual change, SKDC will rely on its previous decision.

Where the applicant believes there is a factual change of circumstances, a change of circumstances form should be completed and sent to one of the offices listed in appendix 2, along with any supporting evidence.

The right to access information held about you

An applicant accepted onto the *Housing Register* is entitled to see his/her entry and receive a copy of the details we hold (small **fee payable** to cover the cost of photocopying and postage).

An applicant also has the right to request general information to assess how his/her application is likely to be treated under the housing allocation scheme and whether housing appropriate to his/her needs is likely to be made available to him/her.

Statement on choice and the expression of preferences

In making an application to join the *Housing Register*, the majority of applicants³ are able to express a preference about:

- the area(s)⁴ of the district in which they would like to live;⁵ and
- the type of property⁶ they would like to be allocated.

Applications to join the Register are for social housing. This means that **all** applicants will be considered for offers of council accommodation and nomination to a *Registered Provider*.

³ There are exceptions for those who have restrictions placed on them through the criminal justice system.

⁴ The district has been divided into areas for allocation purposes.

⁵ To facilitate the discharge of the main housing duty, there may be restrictions placed on the choice of areas for applicants with the priorities

⁶ Some property types are subject to allocation criteria.

SKDC makes information about and access to other affordable housing options available. Applicants may express an interest in shared ownership schemes, renting in the private sector or may wish to explore options of a mutual exchange.

For applicants who require a property with adaptations to meet their housing needs, SKDC makes available for allocation to them both adapted properties and properties that are considered to be suitable for the adaptations required.

Assessing applications

After SKDC has decided that an applicant is eligible to join the *Housing Register*, the applicant's housing circumstances will be assessed by a Housing Register Officer and the applicant will be placed in a band in line with the banding system described later (summarised on page 36).

Should the initial assessment identify factors requiring further investigation, appropriate follow up action may be taken. For example, this may mean inviting the applicant to complete a self-assessment form and may carry out a home visit to verify circumstances.

Notification of registration

Once an applicant has been registered, a letter will be sent to the applicant's contact address. The letter will contain the following information for applicants:

- Unique Housing Register Number
- Your priority banding
- Reminder about your obligation to inform us of any change in circumstances
- Reminder about the annual review
- Details about your right of appeal

Keeping the Housing Register up to date

It is very important that the *Housing Register* is kept up to date to ensure a fair and transparent allocation scheme and to ensure that the best use is made of available social housing stock, to assist in the avoidance of inappropriate allocations of housing.

Annual review of circumstances

SKDC will contact all applicants on the *Housing Register* at least once per year, usually around the anniversary of the original date of registration. The purpose of this is to check whether there has been any material change in circumstances that may affect an applicant's status or the banding priority awarded.

At the annual review, a Housing Register Officer will try to contact the applicant by telephone to check their circumstances have not changed. In the event that we have been unable to contact the applicant by telephone, they will be sent a letter with a short form (annual review form) to complete and return. If the completed form shows a change of circumstances, an officer will contact the applicant to discuss further and reassess the application. Help is

available with completing the form, by appointment, from any of the offices listed in appendix 2.

If the applicant does not respond within 28 days, the application will be cancelled and a letter will be sent to the applicant advising of this. SKDC may consider reinstatement of an application up to three months after cancellation without loss of waiting time within the band.

An applicant is able to request that correspondence relating to his/her application is sent to a nominated person for him/her to act on his/her behalf. This request must be made in writing and a copy of this will be kept on the applicant's file.

Changes to the *Housing Register* between annual reviews

It is the responsibility of the applicant to ensure that any changes to his/her circumstances that may affect either his/her eligibility for allocation or his/her banding priority are reported to the Housing Register Team in writing, as soon as practicably possible. A standard form is available to applicants to assist with this.

On allocation of accommodation, verification checks into the applicant's current circumstances will be made again to ensure that the allocation is being made in accordance with this published allocation scheme. Any material changes in circumstances that may impact upon the eligibility for an allocation, eligibility for a particular size or type of property or level of priority on the *Housing Register* may result in the allocation being withdrawn and the application being reviewed in line with procedures described "How We Assess and Prioritise Households".

Circumstances where we may cancel your *Housing Register* application

SKDC may cancel an application and remove an applicant from the *Housing Register* in the following circumstances if an offer of accommodation has been made and the applicant has either:

- failed to respond to the offer or SKDC has been unable to establish any contact with the applicant through any of the given contact details; or
- where an officer of SKDC has visited the applicant at the application address given and has had no response either from the visit or the request to contact information left at the visit; or
- the applicant has failed to respond to a letter regarding the application when requested to do so, or within a reasonable time; or
- at the applicant's request

Before cancelling the application and removing the applicant from the *Housing Register*, a letter advising the applicant of the intention to remove him/her and his/her household from the *Housing Register* will be sent to the applicant's last known contact address 28 days before cancellation will take place.

Reinstating a cancelled *Housing Register* application

Where an application has been cancelled, consideration will only be given to reinstating the application where:

- the applicant contacts a member of the Housing Register Team at one of the offices listed in appendix 2 within three months of the cancellation date; and
- the applicant is able to provide evidence of good reason for not responding within the required timescales to either of the two attempts by the Housing Register Team to make contact with the applicant to carry out the annual review.

The decision on reinstatement will be made by an officer from the Housing Register Team. Where a decision is made not to reinstate an application from the original registration date, the applicant will be informed in writing and invited to make a new application.

Ineligible for an allocation at the applicant's request

The applicant may request that his/her housing application is made ineligible for allocation for a period of time. This request must usually be made in writing by the applicant or from someone whom the applicant has authorised to act on his/her behalf. In these circumstances, the applicant should state the approximate length of time he/she would like the application to be ineligible for offer and the reason for it. The Housing Register Team will send a letter of confirmation to the applicant and close the application on the *Housing Register* to ensure that the applicant is not selected for an allocation during the relevant period.

It is the applicant's responsibility to inform SKDC when he/she would like to be available for allocation again. Until such contact is made, the application will remain in a "closed status." Once the applicant wishes to be reconsidered for housing, they must contact us and fill in a Change of Circumstances Form and the application will be reassessed. If there is any change to the banding priority, the application will be put into "live status" and the waiting time will only apply from that date. If there is no change in circumstance, the applicant will be notified in writing and any "waiting time" in the previous band will be applied as though there had been no period of closure. The "waiting time" is the time within the band and not the time the applicant has been on the *Housing Register*.

Other changes to the *Housing Register*

There are some circumstances in addition to those above where SKDC will review an applicant's circumstances, make changes to his/her entry on the *Housing Register*, close or suspend an application on the Register.

These include circumstances such as when the applicant:

- accepts a council tenancy
- becomes a joint tenant with an existing tenant
- is assigned a tenancy
- is granted a secure tenancy on the death of a tenant
- is housed into a *Registered Provider's* property
- buys a property either through the Right to Buy or through the open market
- inherits a property

- moves and fails to inform SKDC Housing Register Team (as listed in appendix 2) of his/her new address

Or where SKDC:

- discovers that the applicant has supplied false or incomplete information
- receives notification from the estate that the applicant is deceased
- receives information that may change an applicant's eligibility for an allocation or the preference afforded to them under the banding system.

An officer from the Housing Register Team will write to the applicant requesting information, as appropriate in the individual circumstances. Where a decision is made to close an application, remove eligibility or reduce priority, the applicant will be informed in writing of the intention to do so and given the right to a review of the decision.⁷

How we assess and prioritise households

The Housing Act 1996, as amended by the Homelessness Act 2002 and the Localism Act 2011, requires all local authorities to have an allocation scheme for determining priorities. SKDC operates a banding system to assess the relative housing priority of applicants on the *Housing Register*. SKDC uses the banding scheme to ensure that overall; priority is given to the reasonable preference groups set out in *the Act*.

The Allocation banding system

SKDC operates a banding system to rank applicants on the *Housing Register* in terms of priority for re-housing in accordance with this allocation scheme. To distinguish between applicants who are in the same band, consideration is made of waiting times within the band. "Waiting time" is the time within the band and not the time the applicant has been on the Register. Details of the banding allocation awarded for each category are held in the banding table on page 36.

The applicant in the highest band will generally be allocated the next available property that matches his/her requirements and preferences and for which he/she is eligible. More details on how properties are allocated can be found in section five. If two applications have exactly the same priority, the application that has been waiting in that band the longest will be allocated the property.

Reasonable preference

Under part 7 of the Housing Act 1996 - Local Authority Allocation Policies must give "reasonable preference" to certain categories of applicants. The reasonable preference categories set out in Part 6 of *the Act* are:

- people who are *homeless* (within the meaning of Part 7 of the Housing Act 1996);

⁷ Review procedures are detailed in appendix 6

- people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2), or under section 65(2) or 68(2) of the Housing Act 1985, or who are occupying accommodation secured by any such authority under s192(3);
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- people who need to move on medical or welfare grounds;
- people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others). This includes social tenants currently residing outside of SKDC but who are eligible to move under the Right to Move regulation and those leaving the Armed Forces who are in housing need.

The Banding system and reasonable preference

SKDC uses the banding system to give reasonable preference to these groups by giving applicants within the banding categories more preference overall than others on the *Housing Register*.

This section sets out:

- how multiple needs are recognised;
- the categories of housing circumstances that are considered in SKDC’s allocation scheme;
- how the applications are banded;
- the overarching banding system which assists applicants in gauging relative position on the *Housing Register*; and
- when an applicant may have a reduction in the priority awarded as a result of certain circumstances.

Cumulative housing need

Where there are multiple needs within a household, the “need” that attracts the highest banding priority will be awarded to the application.

Where the needs of the household are multiple and together bring a complexity over and above the highest priority that could be awarded for any one specific need and where the need is chronic, this application will be considered for additional priority under Management priority banding.

Releasing a valuable *adapted property*

Priority may be given to an applicant who is the tenant of a *social rented unit* within SKDC boundaries and who wishes to move from a property that has significant adaptations or facilities that would make it suitable for allocation to another applicant on the *Housing Register* in need of an adapted property.

Banding priority will be awarded once SKDC is satisfied that:

- the adaptations in the property are not obsolete; and

- the property is adapted to such an extent that it could be used to meet the needs of an applicant on the *Housing Register*; and
- the adaptations are no longer needed by the applicant or any member of his/her household.

The assessment will be carried out by a Housing Officer or a member of our Property Development Team, following a home visit.

Releasing an under occupied property

Priority banding is available to an applicant who is the tenant of a *social rented unit* within SKDC boundaries and who is currently under occupying that property by at least one bedroom and wishes to move to a smaller property.

The banding priority awarded in this category depends upon the size of the property being vacated and the size of the property the applicant and his/her household requires (see table on page 36).

Banding priority can only be awarded where SKDC will be given vacant possession of the under occupied property on the applicant being allocated a smaller property. For example, if the tenant of the property wishes to move to a smaller property, but is currently living with other people who will not be moving with him/her, priority will not be awarded until SKDC is satisfied that the other people in the household have made their own arrangements for re-housing. Whilst the other household members may be eligible to join the *Housing Register*, there is no guarantee that they will be eligible for an allocation or that they would have sufficient priority on the *Housing Register* to secure an allocation.

Where circumstances are such that another resident of the under occupied property provides support or care for the applicant, SKDC must still be satisfied that alternative housing accommodation would be available to him/her on allocation to the applicant before banding in this category can be awarded.

The standard property eligibility rules are relaxed for re-housing applicants that have been awarded priority in this category.

Statutory overcrowding

Priority in this category is available to an applicant whose household is overcrowded by either the *Room Standard* or the *Space Standard* as set out in the Housing Act 1985. These standards are detailed in appendix 4.

The priority awarded for statutory overcrowding is detailed in the table on page 36 and applicants are banded according to the number of bedrooms lacking.

In assessing whether an applicant and his/her household are overcrowded, according to the *Room Standard* or the *Space Standard*, SKDC will not consider whether the overcrowding resulted from natural growth. However, due consideration will be given to any deliberate worsening of circumstances that has given rise to the overcrowding.

A Housing Register Officer will carry out all assessments for statutory overcrowding and banding will be authorised by a more senior officer within the Housing Register Team. Visits may be carried out to verify the space standards claimed by the applicant. It should be noted that all rooms excluding bathrooms, toilets and kitchens are included in the statutory overcrowding calculations.

Overcrowding (non-statutory)

SKDC awards priority to applicants whose household is overcrowded, but not to the degree that it is statutorily overcrowded. Banding priority is awarded according to the number of bedrooms required by the total number of people residing with the applicant, regardless of whether those people form part of the applicant's household (any *host household* is taken into account). This applies to single dwelling places only, not houses in multiple occupation, hostels or similar accommodation types.

For example, an applicant who lives in a three bedroom property with their mother, father, and three siblings, but who wishes to live alone in a one bedroom property, will have their overcrowding assessed according to the number of bedrooms required by the applicant, his/her mother and father and his siblings, in line with the rules set out below. SKDC applies the following rules when assessing non-statutory overcrowding:

a) Each of the following categories should have a bedroom of their own:

- A couple
- A person aged 21 or over
- Two persons of the same gender up to and including the age of 20
- Two persons of mixed gender up to and including the age of 9
- A person up to and including the age of 20 who cannot be paired with another occupier in the household according to the rules above.
- A household with an expectant mother will have the unborn baby taken into account in the calculation of overcrowding after a Pregnancy Maternity Certificate (MAT B1) has been received.

b) Some bedrooms are not suitable for sharing according to the rules above due to the size of the room. They are:

- rooms under 50 square feet will not be included in the calculation
- rooms more than 50 sq ft but less than 70 sq ft are classed as suitable for half a person (someone under 10 years old)
- rooms more than 70sq ft and less than 90 sq ft, are classed as suitable for one person
- rooms over 90 square feet and less than 110 sq ft will be classed as suitable for one and a half persons.
- rooms over 110 sq ft or larger are classed as suitable for two persons

Overcrowding is assessed by a Housing Register Officer using information given on the Overcrowding Form and suitable verification checks, which may include a visit to the applicant's address.

The applicant is responsible for informing SKDC whenever anyone leaves or joins his/her household or any household with which he/she is living. When SKDC finds out by some other means, for example, at the point of allocation through verification of current circumstances, the application may be subject to a reduction in the priority awarded.

Demolition and regeneration (clearance)

Priority may be given to an applicant living in a property in a designated clearance or regeneration area within the district of South Kesteven. This is often referred to as “decanting”.

The banding priority is awarded by a Housing Register Officer on the Housing Register Team some time after SKDC cabinet has approved the regeneration and clearance. The Business Manager - Housing will determine at which time, post cabinet decision, the priority that will be given to an application.

Factors influencing the decision may include:

- the number of households to be re-housed;
- the time available to achieve the re-housing; and
- any other clearance programmes already underway in the district.

For example, in exceptional circumstances, where re-housing an applicant from a clearance area would be impossible to achieve due to family size or composition, the council will consider awarding clearance priority to more than one household within the clearance property. This decision will be made by the Business Manager – Housing or the Executive Manager - Property.

Leasehold expiry

Priority banding is available to an applicant who is currently an SKDC tenant of a property for which SKDC does not own the freehold and the lease is coming to an end.

Priority will be awarded by a Senior Officer on the Housing Register Team up to 12 months before the lease is due to expire.

Health and Social Care

There are three levels of banding priority that can be awarded relating to the health and social care needs of an applicant or any member of his/her household or his/her carer.

Additional priority may be awarded by the Management Panel where the needs of the household are multiple and together bring a complexity over and above the highest priority that could be awarded for any one specific need and where the need is chronic

The bandings awarded in the health and care category are detailed in the table on page 36.

Health and Social care needs - How to apply?

To be considered for any priority for health and care, the applicant must complete a Medical Self Assessment Form and submit any documentation and evidence available in support of his/her application to the Housing Register Team. The Housing Register Team are then responsible for checking the form for completion and for initial screening to ensure that, broadly, the criteria are met.

The form and any evidence will then be passed to a Housing Register Officer for assessment.

Health and Social care – Assessment process

For all categories, the assessment is carried out by an Officer in the Housing Register Team. Note: Officers will seek the opinion/expertise of health and medical specialists as necessary/appropriate. We will also take into consideration any recommendations from the applicants GP and/or Occupational Therapy as applicable.

The decision may be taken to award banding priority for urgent need, high need, and support and care banding or not to award any priority at all. The decision-making officer may also give a property type or location recommendation that is directly related to the information and evidence submitted on the Medical Self Assessment Form.

For example, priority may be awarded for a property in a specific locality, if the applicant subsequently chooses a different locality for allocation selection, any allocation may be withdrawn and the priority of the application reviewed.

Medical Priority: Urgent medical – criteria for band one

- The applicant or a member of his/her household has a condition that severely restricts or otherwise impacts on his/her ability to live in the current accommodation, and/or the condition is being made significantly worse by the current accommodation; or
- The applicant or member of his/her household has a long-term and enduring mental health condition that is being made significantly worse by the current accommodation; and
- Where a health and social care specialist has stated that the current accommodation significantly increases the severity of the illness and/or adversely impacts on lifestyle; or
- Where a consultant psychiatrist (or a GP confirms a formal diagnosis) has stated that the current accommodation significantly and adversely impacts on the mental health of the applicant or any member of his/her household.

The applicant should provide any supporting evidence from his/her GP, consultant or other relevant health professional (for example, prescription and consultant letters) if this is available. If the applicant is unable to do this, due to their health, the assessor will make contact with health professional(s) on the applicant's behalf.

High medical – criteria for band two

- 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; or
- An applicant or member of his/her household has a long-term and enduring mental health condition that is being made worse by the current accommodation; and
- A health and social care specialist has indicated that the condition of the current accommodation and immediate environment is affecting the health of the applicant or any member of his/her household. For example, where the applicant has advised SKDC of unsatisfactory housing conditions, such as damp or inadequate heating, and where there are no other remedies available; or
- A consultant psychiatrist or a certified paediatric nurse has stated that the current accommodation is having a detrimental impact on the mental health of any member of the household.

Mobility and access: Urgent mobility and access award – criteria for band one

- An applicant or member of his/her household has a serious disability and/or an acute deterioration of mobility or progressive mobility problems, which makes the present housing situation hazardous and extremely difficult to mobilise within; and

Where an applicant needs a certain type of property they will be advised to contact their GP to make a referral to Occupational Therapy for an assessment, or to contact Lincolnshire County Council direct. Where the occupational therapist has identified that:

- the current home is not fully adapted for the needs of any member of the household and that a wheelchair accessible property is needed; or
- that the bedroom, bathroom and toilet all need to be on one single level, but currently can only be accessed by stairs and there is no vertical or stair lift; or
- the applicant or any member of his/her household requires an adapted property to meet the needs of the household but the current home can not be adapted.

High mobility and access award – criteria for band two

- An applicant or member of his/her household has a housing need linked to a disability and or mobility problem that makes the present housing very difficult to cope with; and
- The 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; or
 - the applicant's ability to live independently would be improved by moving to a different locality or a different property type.

Medical care and support

This category is considered when supporting medical evidence does not indicate an urgent or high priority like those referred to above.

Example of applicants who fall into this category:

- the applicant is the main carer of a friend or relative who has a medical condition or disability, and needs to move to provide care and support for that particular friend or relative who without that support the friend or relative would be at serious risk of harm or social exclusions; or
- an applicant or member of his/her household has a serious medical condition or disability and needs to move to receive medical treatment/care or support; and
- the applicant's health care specialist, Community Care assessment or relevant support agency recommends that it is essential for the applicant or member of his/her household to be re-housed in a different locality to receive medical treatment/care or support; and
- the treatment is **only** available at the location near to where the applicant wishes to move; **and**
- there are no alternatives to re-housing. For example, could the applicant, or the relevant member of the household, reasonably be expected to travel by public transport to the hospital or other medical facility for treatment, taking into account the nature and severity of the illness or disability, the distance from the current accommodation and the availability and frequency of public transport, etc.

Other outcomes – property type or location recommendations

In addition to medical, mobility or care points - the Housing Register Officer assessing the application may also decide to give a property recommendation or location recommendation upon which the banding award is conditional.

The property recommendation will be the most appropriate type of accommodation that would meet the needs of the person(s) with the health and care needs.

In some cases, the Housing Register Officer may decide not to award medical or mobility points, but may still decide to make a property recommendation, based on the applicant's particular medical needs.

Examples of applications which may receive a property recommendation, but no medical or mobility priority award, are where the applicant or member of his/her household has a medical condition or disability not currently impacted by their current accommodation, but needs to move out of that accommodation for other reasons, such as homeless applicants to whom the main duty is owed who are living in *temporary accommodation* and who need to be re-housed into a specific type of property to ensure the accommodation offered is suitable.

Homelessness

The allocation scheme gives reasonable preference to the following category of homeless households:

- people who are homeless (within the meaning of Part 7);
and
- people who are owed a duty by any local authority under section 190(2), 193(2) or section 195(2) or who are occupying accommodation secured under s192(3).

To fall within the first reasonable preference category, the applicant need not actually have made an application for homelessness assistance to any local authority.

The definition of homelessness within Part 7 provides that a person is homeless if he/she has no accommodation available for occupation in the UK or elsewhere, which he/she:

- is entitled to occupy by virtue of an interest in it or by virtue of an order of the court
- has an express or implied licence to occupy; or
- occupies a residence by virtue of any enactment or rule of law giving him/her the right to remain in occupation or restricting the right of another to recover possession.

A person is also homeless if he/she has accommodation but:

- he/she cannot secure entry to it; or
- it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he/she is entitled or permitted both to place it and to reside in it.

A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable to continue to occupy.

Homeless within the meaning of Part 7

Priority is available to an applicant who is homeless but who is not, or not yet, owed a statutory duty by any local authority under any of the sections mentioned in the second reasonable preference category.

Examples of when an officer from the Homelessness and Housing Advice Team and/or Housing Register Team may award priority, taking account of the definition of homelessness detailed above are where:

- the applicant is sleeping rough or living in a squat; or
- the applicant is staying in crisis accommodation, such as a night shelter; or
- has no valid implied or express licence or tenancy agreement with a *temporary accommodation* provider or anyone else; or
- the applicant has been assessed by the homeless team as eligible for assistance, homeless and not in priority need; or
- the applicant was previously owed a duty under s190(2) of *the Act* and the applicant is still homeless after the duty has been fulfilled.

Where the council has reason to believe that the applicant is homeless or threatened with homelessness within 28 days, then a homeless application may be taken.

Homeless – Main Duty

Priority banding is given when an applicant has been found to be owed a main housing duty under s193(2) of *the Act*, or who is owed the main duty by any local housing authority. Those owed a duty under s195(2) of *the Act* may also be awarded priority under this category.

An applicant owed one of the duties above by any other local authority may have his/her banding reduced through SKDC's power to give less preference to those with no local connection to South Kesteven, or for any of the other less preference reasons. Applicants owed the duty by SKDC will not be subject to the less preference reduction in banding.

Homeless – duty under s190(2)(a) of *the Act*

This banding priority is available to an applicant who is owed a duty under s190(2)(a) of the Housing Act 1996 by SKDC or any local authority. An applicant in this category has been found to be homeless, eligible for assistance and in priority need, but have become homeless intentionally.

The applicant will usually be residing in *temporary accommodation* provided by SKDC in recognition of that s190(2)(a) duty, whilst the applicant has a reasonable opportunity of securing his/her own accommodation.

Any priority awarded under this category will be removed when SKDC ceases to provide accommodation under s190(2)(a). It is the responsibility of the applicant to notify SKDC's Housing Options Team of this or any other change in circumstances

Ex Her Majesty's Armed Forces personnel and their families

Priority may be given to an applicant who has served in HM Armed Forces or Reserves within the last five years and who:

- has been discharged from armed service in the six months preceding the date of application; or
- has a date for discharge within the next six months; and

- discharge documents (or equivalent) and certification of cessation of entitlement to occupy a service quarter documents have been provided

Priority will be awarded by an officer on the Housing Register Team following verification of the circumstances set out above.

The divorced or separated ex-spouse of a member of HM Armed Forces, who is currently serving or going through resettlement, will be exempt from the local connection criteria for a period of six months following the divorce or separation.

Additional preference:

Additional preference will be given to Armed forces personnel who;

- a) fall within the reasonable preference categories; and
- b) have urgent housing needs; and
- c) who meet one or more of the following criteria:
 - the person is serving in the regular forces and is suffering from a serious injury
 - illness or disability which is attributable (wholly or partly) to the person's service;
 - the person formerly served in the regular forces;
 - the person has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service; or the person is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

Child in Need

A child in need is defined under the Children Act 1989 as:

- (A child) whose vulnerability is such that (he/she is) unlikely to reach or maintain satisfactory level of health and development, or (his/her) health and development will be significantly impaired without the provision of services.
- Any priority given for this category is to recognise any additional housing needs of a child who is part of an applicant's household or who is himself/herself the applicant where those needs have not been recognised elsewhere in this allocation scheme.

Any priority under this category is only available to an applicant or member of his/her household when all of the following criteria have been met:

- a child has been assessed as a child in need following a statutory assessment by LCC Children's Services; and
- the social worker who carried out the statutory assessment has made a referral to the Housing Register/Homelessness and Housing Advice Team; and

- the social worker has clearly indicated that aspect(s) of the child's development is hindered by the current housing circumstances; and
- those housing circumstances have not already been reflected through the award of priority from any other category in this allocation scheme;

An officer from the Housing Register or Homelessness and Housing Advice Team will decide whether to award any priority in this category based on the criteria above.

Fostering and adoption

Priority for this category is awarded to assist an applicant who needs more bedrooms because he/she has been approved by the relevant agencies to foster or adopt a child or children.

A Housing Register Officer from the Housing Register Team is responsible for deciding whether to award any priority. To reach a decision on priority, all of the following criteria must have been met:

- A referral has been made to the Housing Register Team by a social worker; and
- There has been a statutory assessment confirming the applicant has been approved to foster or adopt a child; and
- Larger accommodation is required to continue or begin fostering or adoption arrangements; and
- In the opinion of the Housing Register Officer on the Housing Register team and the social worker, re-housing is the most appropriate solution in that it would address the needs of the applicant and the child

It should be noted that the child does not have to be living with the applicant at the time of referral, but the approval for fostering or adoption must be evidenced and the intention to adopt or foster the child must be apparent.

Unless under specific direction from the Courts to instruct SKDC to make provision for the applicant to be allocated a property large enough for the child to be given a bedroom of his/her own, the applicant will be eligible for a property suitable to meet the needs of his/her household in line with the standard property allocation criteria.

Priority cannot be awarded, along with any other Children Act related referral, where the referral is for the same child. Priority banding cannot be awarded where the housing needs have already been recognised and the application has been banded accordingly. Where more than one banding category applies, the band which would attract the most priority will be awarded.

Care leavers

A care leaver is defined as a young person who has been assessed as a 'relevant child' under the Children (Leaving Care) Act 2002 by the young person's Leaving Care Team.

Priority is available to an applicant where all of the following criteria have been met:

- the applicant is a young person who has been referred to the Housing Options Team by their leaving care support worker; and

- the applicant and the leaving care support worker have reached agreement that the applicant will be ready for independent living, as support plan outcomes have been met or will be met within three months; and
 - there is evidence of a leaving care plan; and
 - there is a named aftercare advisor to support the individual care leaver.
- Referrals can be accepted up to six months before the applicant leaves care or six months before his/her 18th birthday.

Move on

South Kesteven has a number of direct access hostels and specialist accommodation providers that provide short-term accommodation. Applicants moving on from this and other short-term accommodation (up to two years duration) who are capable of independent living can be assessed for priority banding in this category.

Priority may be given to an applicant who is:

- currently living in a direct access hostel in South Kesteven, has low support needs and has already successfully completed a support plan; or
- currently living in short-term (up to two years) accommodation or other supported housing and the applicant and the accommodation provider have reached agreement that the applicant will be ready for independent living within six months because support plan outcomes will have been met. Priority for this category may be awarded up to six months prior to completion of the support package.

Priority banding will be awarded by a Housing Register Officer on the Housing Register Team after he/she has received a satisfactory move on report and a housing risk assessment form from the accommodation provider. These two documents must verify the applicant's capacity for independent living.

On selection for an allocation, further checks may be made to verify that the applicant will be able to live independently with some floating or transitional support if required. The accommodation provider will also be asked to complete another housing risk assessment form if there have been any changes since completion of the first. Should the criteria not be met at the point of allocation, any priority awarded for the move on may be removed, which may result in the applicant no longer having sufficient banding priority to secure the allocation of that accommodation.

Unsatisfactory housing conditions

Priority may be available to an applicant and his/her household who are living in unsatisfactory housing conditions, defined as category one or two hazards under the Housing Act 2004 and the Housing Health and Safety Rating System.

Any priority awarded for this category will be awarded by the Housing Register Team after one of the following situations occurs:

- an applicant produces documentation from a local authority Environmental Health Officer/Private Sector Housing Officer which states that the applicant's current

accommodation is considered hazardous to the applicant's, or any member of the applicant's household's, health; or

- a management order has been served by any local authority on the accommodation in which the applicant currently lives; or
- an improvement notice has been served by any local authority where category one or two hazards have been identified in the applicant's current accommodation; or
- a prohibition notice issued by any local authority

Priority will not be awarded if there has been a subsequent remedial action to remove the identified hazards. The Housing Register Officer will keep the case under regular review in liaison with the relevant environmental health department, to identify whether remedial action has taken place. Where priority has been awarded in this category and subsequent remedial action has taken place, the application will be reassessed.

Any priority awarded for unsatisfactory housing conditions cannot be awarded along with any other category if there are two categories that recognise the same housing circumstances, the banding for the higher priority will apply.

If any of the property issues are found to be attributable to the applicant's behaviour/lifestyle, then no additional priority can be awarded. An example of this may be where an applicant has caused condensation in his/her home by drying clothes inside and not opening the window.

Hardship cases

Priority may be awarded to an applicant who needs to move to a particular locality within the district of South Kesteven to avoid hardship to themselves or others.

An applicant will be awarded priority where there is sufficient evidence to show that:

- he/she, or a member of his/her household, **needs** to move to a particular locality in South Kesteven to take up employment, education or training; or
- he/she, or a member of his/her household, **needs** to move to a particular locality to give or receive social care or support.

In reaching the decision to award priority for hardship, the officer assessing needs will consider:

- any financial, social, physical or emotional hardship caused by the distance of the particular locality required from the applicant's current accommodation; and
- the availability of alternative support, care, employment, training or education within a reasonable distance to the applicant's current accommodation, taking into account the availability and frequency of public transport.

SKDC will only award priority for hardships where there is a demonstrable need to move to a particular locality and not simply an aspiration or desire.

The award of any priority within this category may mean that the applicant is restricted from being considered for an allocation of accommodation outside of that particular locality. Should the applicant subsequently exercise his/her choice to be made an allocation, or to express an interest in other localities within the district, the priority awarded for hardship may be removed and the applicant informed of this in writing.

Right to Move – Additional preference

The allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 requires that a person has a local connection to a local authority if he/she has a need to move for the purpose of this regulation if he/she:

- works in the district of South Kesteven; or
- has been offered work in South Kesteven; or
- SKDC is satisfied that the relevant person has a genuine intention of taking up the offer of work.

This above criteria does not apply where the applicant is someone who:

- is a secure or introductory tenant or an assured tenant of a Private Registered Provider or Registered Provider; and
- is to be given reasonable preference because he/she needs to move to a particular locality in the authority's district, where failure to meet that need would cause hardship; and
- has a need to move

The regulation does not apply if work is short-term or marginal, ancillary to work in another district or voluntary. In determining whether an applicant is eligible for assistance under Right to Move, the following will be considered: (This list is not exhaustive).

- The distance and/or time taken to travel between work and home
- The availability and affordability of transport, taking into account level of earnings
- The nature of the work and whether similar opportunities are available closer to home
- Other personal factors, such as a medical condition and child care, which would be affected if the tenant could not move
- The length of the work contract
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.

Welfare needs

Any priority awarded under this category is to assist an applicant, or a member of his/her household, with specific support and social needs, to secure a firm foundation from which to build a stable life. Any priority awarded is usually only considered on referral from an agency. Appropriate agencies are those recognised by SKDC Housing Register Team.

In carrying out the assessment, the Housing Register Officer will award priority where:

- the applicant, or member of his/her household, has low level or no support and social needs; and
- the applicant, or member of his/her household, is positively engaging with his/her support agency, for example attending scheduled appointments; and
- it has been identified by the referring agency that without the support to access accommodation, the risk of re-offending or of falling back into a previous lifestyle is increased; or
- the current housing circumstances are undermining the applicant's, or a member of his/her household's, recovery or exit from the existing lifestyle; and
- in the case of a single person household, the applicant and his/her support worker from the aforementioned agency, have reached agreement that the applicant will be ready for independent living, as support plan outcomes will have been met within six months from the date of application; or
- ongoing statutory agency intervention is required

On selection for an allocation, further checks may be made to verify that the applicant will be able to live independently with some floating or transitional support if required. Should the criteria not be met at the point of allocation, the priority banding may be removed, which may result in the applicant no longer having sufficient priority banding to secure the allocation of that accommodation.

Witness protection

The council participates in the government funded National Witness Mobility Scheme (NWMS), which gives local authorities, other landlords and police services access to a nationally co-ordinated fast track witness relocation scheme. In order to protect witnesses of crimes, SKDC will consider referrals from NWMS and determine the level of urgency required in helping such a witness to secure alternative accommodation.

A referral to the Housing Register Team through the scheme will be treated as follows:

- The Lead Allocations Officer will determine what property type and area the referred applicant will be offered. The applicant will be awarded priority in the Emergency Band where he/she will receive one offer.
- If the applicant refuses that offer, the NWMS will be informed.
- SKDC will consider local referrals for witness protection. These will only be made through referral from the police or associated agencies.

Domestic Abuse and violence

Priority may be given when an applicant or a member of his/her household is a high risk victim of domestic abuse, is subject to MARAC (Multi Agency Risk Assessment Conference) and an urgent move has been identified as a need as part of the safety plan.

Applicants who are not identified as a high risk, as stated above, may be awarded priority in this category following an assessment with a Housing Options Advisor.

The assessment will consider:

- the legal options available to the applicant
- any risks identified by the police or other relevant support agency

Following the assessment, the Housing Options Advisor may make recommendations on location and property types that would be more suitable to the applicant and his/her household, based on the risks identified during the assessment.

Multi-Agency Public Protection: MAPP

Priority may also be given when an applicant is subject to Multi-Agency Public Protection arrangements or MAPP. In such circumstances, the applicant's housing needs will be subject to a more stringent procedure and will likely include an offer of a direct let.

Serious threat of violence

Priority may be given to applicants who have received threats of violence and where there is a serious risk of harm to a member of the household if they were to stay in their current accommodation. A full investigation into the circumstances will be carried out by a Housing Needs Officer and will involve contacting relevant agencies. For example, the police, the Neighbourhoods Team and landlords will be contacted for confirmation of the level of threats of violence.

Harassment

Priority in this category may be available to an applicant where the following criteria are met:

- The applicant or a member of his/her household is a victim of non-violent harassment; and
- The harassment is ongoing and has been sustained; and
- The police, an SKDC Housing Officer or an officer from SKDC's Community Safety Team have been involved in the case and have been unable to identify the perpetrator and have confirmed to the Housing Options Advisor responsible for assessing needs that they are unable to take any further action into the applicant's reports of harassment.

Priority can only be awarded if the applicant is referred to the Housing Register or Housing Options Team by a Police Officer or by an officer in the Neighbourhoods Team.

Separated Families

Priority will be awarded to families who are living apart because of their housing circumstances. To be eligible, households must have been living together immediately prior to becoming a separated household.

Applications will be subject to the unacceptable behaviour test where it is identified that the applicant and/or household members may have brought about the circumstances that led to their having to live in separated households.

Discharge from hospital

Applicants who cannot be discharged from hospital because their accommodation has become inaccessible can be considered for management priority banding section. In these circumstances, the applicant (or their carer/support) must provide details of their accommodation, why it is no longer suitable and a discharge plan detailing what the applicant's needs are and any adaptations that will be required.

Management priority banding

Priority banding may be awarded by the Housing Management Panel made up of at least two Senior Housing Officers.

Priority may be awarded to address either:

- aspects of housing need that fall into one of the reasonable preference categories as described in *the Act*, but which have not been sufficiently recognised elsewhere in the allocation scheme due to the exceptional nature of an applicants circumstances; or
- the need for SKDC to make the best use of its existing housing stock

Any priority awarded in this category is rare. Applicants are not able to self refer their application; referrals are made from SKDC's Register and the Housing Options Team after checks have been made to ensure that either:

- all priority available to the applicant has been awarded in accordance with the allocation scheme and that there are exceptional, unrecognised housing needs that fall into one of the reasonable preference or additional preference categories; or
- the award of management priority banding to facilitate a move for the applicant would support SKDC's objective of making the best use of its existing housing stock.

Priority awarded by the panel may vary depending upon the nature of the applicant's situation. The panel consists of senior officers from the Housing Strategy and Needs and Housing Services Teams.

Our Priority bands

Emergency Band	Band One	Band two
<p>Social Housing tenant releasing a valuable property</p> <p>Statutory homeless (s193 duty)</p> <p>Domestic Violence (MARAC) MAPPA</p> <p>Serious threat of violence</p> <p>Applicants awaiting Accessible or sheltered housing before they can be discharged from hospital</p> <p>Witness protection</p> <p>Demolition and regeneration</p> <p>NB Highlighted categories are awarded subject to Management Priority</p>	<p>Homeless households where SKDC has discharged s193 duty - refusal of suitable offer of accommodation</p> <p>Social tenant releasing a property under occupied by two or more bedrooms</p> <p>Statutory overcrowding (home visit required)</p> <p>Overcrowded (non statutory) lacking two or more bedrooms</p> <p>Urgent Medical</p> <p>Urgent Mobility and access</p> <p>Fostering and adoption</p> <p>Unsatisfactory housing conditions (confirmed by Environmental health)</p> <p>Urgent Welfare (Including severe hardship and separated households)</p> <p>Households threatened with homelessness as a result of receiving a notice from Landlord or a possession order from a court</p>	<p>Social tenant releasing a property under occupied by one bedroom</p> <p>Overcrowded (non statutory) lacking one bedroom</p> <p>Leasehold expiry</p> <p>High Medical</p> <p>High mobility and access</p> <p>Care Leavers</p> <p>Move on from support accommodation</p> <p>Welfare</p> <p>Threat of violence</p> <p>Harassment</p> <p>Homeless households – no priority need but not intentionally homeless</p>
Band Three	Band Four	Band Five
<p>Medical care and support</p> <p>Homeless, priority need but intentional and in temporary accommodation (s190)</p> <p>Ex HM Armed Forces and Reservists</p> <p>Child in Need</p> <p>Hardship</p> <p>Right to Move</p>	<p>Applicants with a local connection to SKDC but have been assessed as having no housing need but want to move.</p>	<p>Households with no local connection to SKDC</p> <p>Applicants assessed as having sufficient resources to secure alternative accommodation</p> <p>Applicants whose priority is reduced due to unacceptable behaviour</p> <p>Applicants interested in Shared Ownership only</p> <p>Applicants who have refused two properties</p>

Waiting time

The SKDC *Housing Register* is used to allocate properties according to each applicants assessed needs. Each application will receive priority for time within the band that their application has been placed. If an application changes banding priority following reassessment, the application date will be amended to the date of the change of band. The applicant will be notified in writing of any change to their banding priority.

If an applicant has changed banding priority following their initial registration onto the Register, no priority is awarded for the total amount of time that an applicant has been waiting on the Register.

Circumstances where we may reduce an applicant's priority banding

The Housing Act 1996 gives SKDC the power to reduce the preference (priority banding in SKDC's allocation scheme) an applicant has been awarded. The circumstance in which SKDC may exercise its discretion to reduce an applicant's preference on the *Housing Register* is described in this section. Applicants have the right to request a review (see appendix 6) of a decision to give less preference for any of the reasons set out in this section.

Financial resources available to an applicant to meet his/her housing costs: Equity and assets

An applicant and his/her household with assets or equity in a property with a net value of more than £16,000 will have this taken into account when his/her application is assessed. Assets that will be taken into consideration include (and not limited to) savings, shares, bonds, commercial property, residential property (in this country and abroad), proceeds from a divorce settlement, inheritance or any form of cash windfall.

Any compensation payments awarded to applicants or members of their household may be disregarded (see appendix 5 for eligibility details).

In considering whether to reduce any priority of an application, the Housing Register Officer will consider the following:

- if the applicant can sell their current home and/or any other property they may own
- the expected equity following the sale of the property
- the applicants current financial circumstances and commitments
- whether the applicant will be able to secure a mortgage
- whether the applicants current accommodation can be adapted to meet their needs
- the supply of accommodation that is available to the applicant in the private market either for sale or to rent
- the individual circumstances of the applicant and his/her household, for example, the number of dependents, income, age, vulnerability and health

Where the Housing Register Officer decides to reduce preference on this ground, the applicant will be advised in writing.

Income

The income of an applicant and his/her partner where the applicant is part of a couple will be taken into account when his/her application is assessed. For the purposes of the assessment, any Disability Living Allowance (DLA), Personal Independence Payment (PIP) and War Pensions will not be taken included as income.

Single applicants who have an income in excess of £30,000 per annum and households with a joint income in excess of £50,000 may not receive any additional priority.

No Local connection to South Kesteven

SKDC will not award any priority on the *Housing Register* where an applicant has no established local connection with South Kesteven.

Applicants are considered to have a local connection when they meet the following criteria:

- Residence – He/she has been normally resident in the district for a minimum of two years preceding the application or has been resident for three out of the preceding five years
- Employment – He/she has been in paid employment in the district for the preceding 12 months, for at least 17 hours per week on average
- Family – He/she has a close family member who has normally resided in the district for the preceding five years. Family connection will normally mean that the applicant has a parent, adult child, brother or sister residing in the district

Exceptions to this are:

- Homeless households for which SKDC has accepted a main duty to accommodate under s193 Housing Act 1996
- Armed Forces personnel who are due to be discharged within the next six months and those ex-Armed Forces personnel who have been discharged within the last six months
- The divorced or separated ex-spouse of a member of HM Armed Forces, who is currently serving or going through resettlement, will be exempt from the local connection criteria for a period of six months following the divorce or separation
- Ex-Armed Forces personnel who have left the forces within the preceding five years, who do not satisfy any of the above local connection criteria, but do have a “housing need” as defined by this policy, may be considered to be exempt within six months of leaving the Armed Forces, following an assessment of their circumstances by an Allocations Officer on the Housing Register Team.
- A 16/17 year old who has been assessed as a “child in need” by Lincolnshire County Council
- A care leaver
- Those applicants currently living in social housing in another district wishing to move under Right to Move regulations
- Consideration to waive the local connection criteria will be given to those applicants who cannot satisfy the local connection criteria because of a nomadic lifestyle. For

example, Gypsies and Travellers who have been unable to secure a permanent pitch to meet their accommodation needs

- Consideration to waive the local connection criteria may be given to those applicants who may have a local connection to another district, but it is not safe for them to return to that district. For example, someone who has been accommodated temporarily in a refuge.

Unacceptable behaviour which affects suitability to be a tenant

In considering whether to reduce an applicant's allocation priority, SKDC may also consider any behaviour that affects his/her suitability to be a tenant.

Whilst an applicant may have passed the *unacceptable behaviour test* and be eligible for an allocation, a Housing Register Officer may decide that the applicant's banding priority should be reduced due to any behaviour of the applicant or of any member of the applicant's household which affects his/her suitability to be a tenant.

Any priority on the *Housing Register* may be reduced, or entry to the Register may be refused, depending on the whole circumstances of each case. Where a Housing Register Officer decides that an applicant should have his/her preference reduced, the applicant will be informed in full in writing of the reasons for this decision. The applicant will have the right to review this decision, see appendix 6.

Types of unacceptable behaviour

Examples of the types of behaviour a Housing Officer may consider as affecting an applicant's suitability to be a tenant include:

- the applicant has housing related debt with any local authority or any other housing provider including private sector landlords
- the behaviour of the applicant or any member of his/her household has caused or is causing a nuisance to others
- the applicant or any member of his/her household has been or is a perpetrator of domestic violence or harassment
- the applicant or any member of his/her household has displayed threatening, violent or otherwise abusive behaviour towards a SKDC employee, an employee of any other social housing provider or a landlord or letting agent in the private sector
- the applicant has deliberately worsened his/her circumstances to gain priority on the *Housing Register*
- the applicant has deliberately withheld or misrepresented any information which would be relevant to the assessment of his/her housing circumstances and priority on the *Housing Register*
- the applicant or a member of his/her household has been a tenant of any local authority, social housing provider or private sector landlord and has breached tenancy conditions which led to his/her eviction or to him/her abandoning a property prior to court proceedings

The list above contains examples of the behaviours that SKDC considers to be behaviour which may affect an applicant's suitability to be a tenant. This list is not exhaustive of all the circumstances that will be considered.

In making a decision about unacceptable behaviour, we will also take into account the following factors:

- the severity of any of the examples of behaviour which would affect the suitability to be a tenant
- whether the behaviour that has caused a nuisance can be substantiated by the Neighbourhoods Team, the police or an Environmental Health Officer or the equivalent in any other local authority or other housing provider
- the length of time elapsed since the behaviour
- whether there has been any material change in circumstances since the behaviour took place
- whether there are serious health and/or care issues in the household
- whether there are dependents in the household
- the extent of housing need
- any vulnerabilities within the household
- any alternatives to social housing provision for the applicant
- any support that may be available to the applicant or member of his/her household, that may lead to an improvement in behaviour

Factors taken into consideration in reaching a decision about unacceptable behaviour (Debt)

In considering whether to reduce any preference for this reason, SKDC will take into account other factors appropriate to the type of behaviour such as the amount of money owed and the maintenance of any repayment plan.

Applicant scenario	Agreed payment plan in place	Likely decision to be taken by SKDC
Where a payment plan has been maintained over at least 13 consecutive weeks and the debt is less than the equivalent of eight weeks of the applicants rent at the time of the assessment.	Yes	No reduction in priority.
The debt is <i>less than</i> eight weeks rent arrears, but there is no agreed payment plan in place.	No	The application will be assessed and may be awarded priority and the applicant will be encouraged to set up a repayment plan.
The debt is <i>more than</i> eight weeks (equivalent of eight weeks rent arrears)	No	The application will not be given any priority and will placed into band five.
The debt is more than eight weeks (equivalent of eight weeks rent arrears)	Yes	If there is an agreed payment plan and this has been maintained for at least 13 weeks and the applicant or his/her household has an identified significant need to move, the application may be considered for additional priority

If the applicant has not maintained repayment arrangements at the point of allocation, the allocation may be withdrawn and the application be reduced in priority.

Informing the applicant

Where the decision has been made by SKDC to exclude an applicant from the *Housing Register*, the applicant will be informed in writing of the reason for the exclusion and their right to request a review. If the review upholds the decision to exclude the applicant, any further applications will only be considered if there is a factual change of circumstances and supporting evidence of this is provided with the new application form.

Where the decision has been made to reduce preference, the applicant will be informed of this decision in writing. The letter will set out:

- the reason for the reduction in priority
- the band the application has been placed into
- the capacity within the allocation scheme for an applicant to request a review of a less preference decision (see appendix 6)

Removal of less preference

The reduction in priority will be reviewed at least every 12 months at the anniversary of registration review or at such time that the applicant can demonstrate a material change of circumstances affecting the decision to award less preference, for example the repayment of a housing debt.

It is the responsibility of the applicant to inform SKDC of any change in circumstances which may affect the reduction in points and to request that the decision is reconsidered in the light of that change.

Exceptions to less preference

There are certain circumstances in which SKDC may decide not to reduce an applicant's preference on the *Housing Register* even when the criteria for reducing preference have been met.

These circumstances are where:

- an applicant is owed the main homeless duty by SKDC;
- an applicant has been awarded priority for any of the categories: Releasing a valuable property, under occupying a property, demolition/regeneration, leasehold expiry.

Allocation Criteria

This section sets out how SKDC determines who can be allocated certain types of properties and the size of accommodation an applicant may be allocated under the scheme.

The size of properties

The size of accommodation an applicant may be allocated is usually determined by the number of people in the applicant's household and the age, gender and relationship of those people to each other. The table below is a guide to bed need entitlement.

Property size (bedrooms)	Eligible household bed size entitlement
Bedsit	Single person
1 bedroom	Single person or couple
2 bedrooms	Couple or single person with 1 child, Couple or single person with 2 children opposite sex under 10 years Couple or single person with 2 children same sex up to age 21.
3 bedrooms	Household with 3 or 4 children subject to the age and sex of the children. Household with 2 children where 1 or both children is over 10 years of age subject to sex of the children.
3 bedrooms plus 2 reception rooms	Household with 4 or more children. Household with 3 children subject to age and sex of the children.

Allocation criteria - Exceptions

A household member is expecting a child

Where the applicant, or a member of the applicant's household, is pregnant and once the Pregnancy Maternity Certificate (MAT B1) has been provided, the size of accommodation the applicant may be allocated, or may express a preference for, will be as if the child were already born.

Where there is an existing child⁸ in the household who has not already been paired with another, the unborn child will be treated as being of the same gender and so able to share a bedroom with that child.

Applicants who will be releasing an under-occupied property

To make the best use of housing stock available and to encourage applicants to release larger family sized accommodation (due to the severe shortage of large family sized accommodation available for social rent in the district), an applicant who has been awarded priority can be

⁸ Person under the age of 21.

allocated a property up to one bedroom in excess of that which the applicant and his/her household need. This will be subject to checks on affordability. For example, an applicant and his wife currently living in a four bedroom *social rented unit* in South Kesteven can be allocated a two-bedroom property providing he has sufficient priority on the *Housing Register* to secure that allocation and the council are satisfied that the applicant will be able to financially sustain the tenancy.

Health or social care circumstances

If an applicant or a member of his/her household has been awarded priority in the health and social care category and an SKDC recognised health professional has recommended the provision of an additional bedroom either for the storage of medical equipment or because a person's particular medical condition means that person is unable to share a bedroom with anyone else, where possible the applicant will be allocated a property in accordance with the recommendation.

Applicants who need four bedrooms or more

The supply of large accommodation available for allocation to those on the *Housing Register* is very limited, with very few properties with more than three bedrooms becoming available each year. When calculating the size of a property, an applicant may be allocated a property that does not meet their bed need. For example, a household may require four bedrooms, but may be allocated a three-bed property with two reception rooms.

This means that if the rules in the *Bedroom Standard* were applied without any flexibility for larger families, there would be little, if any, prospects of re-housing them from the *Housing Register*; even where there are urgent housing needs.

An applicant whose household needs a property with more than three bedrooms may be allocated a property that does not have enough bedrooms as long as the allocation of that property would not result in statutory overcrowding.⁹ For example, an applicant who has six children under the age of 21 would usually be allocated a four-bedroom property depending on the age and gender of the children. A three-bedroom property with two living rooms (parlour type) will be classed as a four-bed property for the purposes of allocation.

When a property is *low demand*

This occurs when a property cannot be allocated because there are no applicants on the *Housing Register* who are requesting a property of that size, type and location who fulfil any of the allocation criteria that apply to that property.

In instances where there are no applicants on the *Housing Register* who fulfil all the criteria, then the criteria may be relaxed. The Allocation Officer will not apply the standard criteria to the search for an applicant and will apply criteria that are incrementally relaxed.

For example, where there are no applicants on the *Housing Register* who have requested a three-bed flat and who meet the criteria set out above, the Allocation Officer will search for the highest banded applicant who is requesting a flat in the area, but who under ordinary

⁹ See appendix 4

circumstances would be eligible only for the allocation of a two-bed property. The officer will allocate the property accordingly.

The Allocation Officer will require verification that the property will be affordable for the applicant. For example, applicants subject to the spare room subsidy will be required to complete a new income and expenditure form.

Nominations to Registered providers

Exceptions relating to the selection of an applicant from the *Housing Register* for nomination to a Registered Providers under a formal Nominations Agreement between SKDC and a RSL.

Types of properties/accommodation available

SKDC have a range of property types that become available for allocation. In most cases, properties are allocated to applicants who meet the property size criteria, who have indicated on their application forms or through subsequent contact with SKDC, that they have a preference to live in that property type, size and location and who have the highest priority on the *Housing Register* for that location, property type and size.

The following rules are applied to make the best use of the stock available and to meet the housing needs of specific groups.

Houses

Houses will usually only be allocated to applicants with at least one child in his/her household. There are rare exceptions to this. For example, an applicant who would be releasing an under-occupied *social rented unit* under the rules of this allocation scheme may be eligible for allocation to a house. For instance, a single applicant giving up a four-bedroom house would be able to be allocated a two-bedroom house.

Other instances may include:

- on the medical recommendation from a medical professional or occupational therapist
- where SKDC has accepted a homeless duty to a single applicant and they are currently in temporary accommodation provided by the council and there are no suitable one bed properties available. An allocation of a larger property will only be made in these circumstances when the council is satisfied that the applicant will not be affected by the bedroom subsidy or they have the means to pay the full rent.

Properties that have major adaptations

Properties with specific adaptations, or those built to lifetime home standards, will only be offered where the applicant or a member of their household has a specific need identified by an Occupational Therapist.

Prior to any offer of accommodation being made to an applicant, an Occupational Therapist may carry out an assessment of the properties suitability against their specific needs. The Occupational Therapist's recommendations will be taken into consideration when making an offer.

Where there is no suitable property on the *Housing Register* with the required facilities, the property may be allocated in the usual way to applicants without a need for adaptations.

Properties designated for older people

SKDC has a number of properties that are allocated to older people and vulnerable people, who fulfil the criteria set out below. The properties are of various types and include low-rise flats, bungalows with alarm links and purpose built accommodation for older people with linked corridors and communal facilities.

To be allocated one of these properties, the applicant will normally be aged 55 or over. Applicants with or without a support need may be allocated this type of accommodation. Where a property of this type has major adaptations for the disabled, the criteria governing allocation to those in need of adapted properties are also applied and the age restriction may be lowered to enable SKDC to best meet the needs of the applicant.

Applicants with children are not allocated a property in a building designated for Older People.

Extra Care Housing

An Extra Care scheme is purpose built housing for older people who usually have care needs and support needs. This means that eligibility for Extra Care accommodation is made based on age, care and support needs and housing need. The housing provider of the Extra Care scheme may also have their own eligibility criteria that should be consistent with that of the Social Care and Housing authorities.

Applicants who wish to be considered for an Extra Care scheme will usually be aged 55 or over and will have had a care assessment carried out by Adult Social care. To be considered for an Extra Care housing referral through SKDC, an applicant must be accepted onto the *Housing Register*, and have the highest priority in terms of allocation banding and waiting time, over any other applicant who may be eligible for Extra Care at the time a property becomes available.

The consideration of referrals and the decision on the letting of accommodation at an Extra Care scheme will be a multi-agency decision involving Social Care, Health, Housing and the Extra Care provider.

Properties funded for specific groups of applicants

Occasionally, SKDC may receive funding from central government or another agency to assist in meeting the housing needs of a particular client group; for example, those that are owed the main housing duty.¹⁰

Where a property has been brought into the management of SKDC or purchased by SKDC using this type of funding, the property may only be allocated to the highest priority applicant, who meets the allocation property type and size criteria, and who has been awarded priority for that particular allocation priority category.

¹⁰ Housing Act 1996 s193(2)

Properties allocated as a direct let

Very rarely, a property may be allocated as a direct let where the usual allocation criteria are not applied. Whilst the majority of direct lets will still be allocated according to the property type and size restrictions described above, sometimes an applicant who has been left in occupation of a property after the death of the previous tenant may be allocated a property type or size outside of the allocation criteria. See section “What is not an allocation.”

Tenure types

There are a range of tenure types offered by the council and its partners. The local authority offers both introductory and secure tenancies whilst our partner agencies can offer starter, assured and fixed term contracts.

How properties are allocated

Traditional allocation method – selection by SKDC

SKDC has a small team of officers responsible for allocating properties in accordance with the allocation policy. All allocations and nominations are made using the method set out in this section, unless they are direct offers (see Offers and Refusals below).

Allocations are only made to applicants on the *Housing Register* who are eligible for an allocation. Some allocations and nominations may be subject to Local Lettings Policies and Section 106 Agreements. This means that not all applications will meet the criteria set out within these agreements.

When a property is determined to be available for allocation, the Allocations Officer will seek to match the property to the applicant with the highest banding priority who has been in that band for the longest period of time and who meets the allocation criteria.

The Allocations Officer will also take into consideration whether the applicant with the highest priority has already refused an offer of the same property type in the same area and take account of the refusal reasons given.

In the case of nominations to Registered Providers (RP's), the Allocations Officer may apply additional criteria to comply with the individual RP's allocation policy. Offer and viewing arrangements for RP properties lie with the individual RP's.

On allocation, the applicant will be required to complete a Pre-tenancy Assessment form and invited to view the property before deciding whether or not to accept the offer. This may not be until some time after the applicant has been allocated the property and advised of the offer, either because repair work is being carried out or because the property is still occupied. The applicant may decide to refuse the offer at any time before viewing, providing reasons for the refusal.

If an applicant refuses the offer/nomination of accommodation, the Allocations Officer will carry out a new search of the *Housing Register*, applying the same criteria as above, selecting the applicant with the highest priority that matches the criteria.

Offers and refusal of offers

Applicants other than homeless applicants, who have been awarded a statutory duty, will be entitled to two offers of accommodation. If an applicant refuses a second offer of accommodation, the application will be placed into reduced priority for six months and the applicant will receive a letter advising of this.

The applicant has the right to request a review of the decision to place their application in reduced priority for two refusals. The request must be made in writing within **21 days** of the decision. If the review upholds the decision to reduce priority, the application will be reassessed after six months and placed into the band that reflects the household's needs at that time.

Withdrawing an offer

From time to time, we may have to withdraw an offer of housing to an applicant. For example where: (this is not an exhaustive list)

- at the time of the offer, the applicants circumstances or need may have changed
- the property is found to be unsuitable for the applicant, is not affordable based upon the outcome of the pre-tenancy assessment or not ready to let

Homeless applicants owed the main housing duty

Applicants placed into the emergency band following the acceptance of a s193 duty will receive one final offer of suitable accommodation in discharging the main housing duty. If the applicant refuses a final offer of accommodation, the council will consider the s193 duty to accommodate to be discharged and the application will be reduced in priority to band one. The applicant has a right to request a review of this decision; it must be in writing within 21 days of the decision. The applicant may receive one offer of accommodation in band one and if this is refused, the application will be placed into band five for refusing two offers and re-assessed after six months. Applicants have a right to have the decision reviewed after refusing their band one offer (see appendix 6).

Applicants with priority awarded under category clearance or demolition

Applicants awarded priority in the clearance category will be made up to two offers before legal proceedings are commenced under the Housing Act 1985 to gain possession of the property. Banding priority for clearance may be removed at any time after legal proceedings have begun. When a court hearing date is set, the applicant may be selected for a direct let.

What is a direct let?

A direct let is an allocation to an applicant from the *Housing Register*, where the allocation is not made to the applicant with the highest priority, nor does the applicant necessarily meet the allocation criteria described at the start of this document.

Allocations of this nature will be kept to a minimum to maintain a fair and transparent allocation scheme, with the majority of allocations being made to applicants that fall within the reasonable preference categories as set out in the Housing Act 1996 (as amended).

Direct lets – one offer only

An applicant will usually only be made one offer of accommodation as a direct let. If the offer is refused, the case will be reviewed and the applicant may have to wait on the *Housing Register* until such time that he/she has sufficient banding priority to secure an allocation.

Exceptions – Direct Lets

There are some occasions where allocations will be made outside of the one offer rule set out above. Examples include Witness Protection, MARAC and MAPPA applicants.

Direct let to an applicant left in occupation of a SKDC property following the death of a tenant.

Following the death of a secure, introductory or demoted SKDC tenant and where no other member of the tenant's household has a right to succeed to the tenancy, SKDC may consider the allocation of that property, on application, in the following circumstances:

- The property was the principal or only residence of the applicant at the time the tenant died; and
- The applicant would have qualified as a potential successor, in accordance with the Housing Act 1985, if succession had not already been passed; and
- The applicant had been living with the tenant for a minimum of one year prior to the tenant's death; and
- The applicant had been providing care for the tenant; or
- The applicant has accepted responsibility for the dependants and needs to live with them to do so and does not have suitable alternative accommodation available to him/her.

Decisions on a direct let for this reason will be made by an officer with delegated authority; for example: the Team Leader for Strategy and Needs or the Business Manager – Housing. In reaching a decision, the officer will take into account the best use of the housing stock and an allocation of the property is unlikely to be made where there would be under occupation of the property or where the property was adapted or built for a person with specific needs and the applicant does not need such a property.

The officer may also consider any behaviour that may affect the applicant's suitability to be a tenant and the financial resources available to the applicant. A different property may be allocated to the applicant if he/she has sufficient priority for such an allocation in accordance with this allocation scheme.

The applicant will be informed of the decision and the reasons for it in writing. There is no right to review of a decision not to grant the applicant a tenancy as a direct let in these circumstances. Where the decision is to grant a tenancy, the tenancy granted will be an *introductory tenancy*.

Relationship breakdown

Where a joint or sole tenant of a SKDC property has served a valid notice to quit, SKDC may consider granting a sole tenancy to the remaining and former joint tenant or to a remaining occupier of the property who had been living in the property with the former tenant as a part of a couple.

In the granting of a tenancy for this reason, the remaining occupier must be on the *Housing Register* and eligible for an allocation.

In reaching a decision, the officer will take into account:

- whether granting the tenancy will be the best use of housing stock; and
- whether the applicant caused the departure of the tenant through any incident of threatening behaviour, violence or abuse; and
- any behaviour that may affect the applicant's suitability to be a tenant and the financial resources available to the applicant; and
- the individual circumstance of each case, such as whether the applicant has caring responsibilities, length of residence in the property and the re-housing options available to the occupier were he/she to be evicted from the property. For example, the banding priority he/she is likely to be awarded.

Alternatively, a different property may be allocated to the applicant if he/she has sufficient priority for such an allocation in accordance with this allocation scheme.

The applicant will be informed of the decision and the reasons for it in writing. There is no right to review of a decision not to grant the applicant a tenancy as a direct let in these circumstances.

Any tenancy granted in this way will be an introductory tenancy.

Please note: If the tenancy was a joint tenancy and the couple are married, have a civil partnership or have children, the Family Court has jurisdiction to decide that a joint tenancy should transfer to a sole tenancy in one of the partner's names. A transfer following a court's decision is not subject to the allocation scheme.

Court Orders

If a solicitor from SKDC's Legal Services team advises that SKDC should attend a court hearing with an offer of an allocation of accommodation, a direct let will be considered. Decisions relating to direct lets as a result of a court hearing or instruction will be made by Business Manager – Housing, Executive Manager Property or Strategic Director Environment & Property or an officer of equivalent seniority.

This may occur when SKDC is seeking possession of a property scheduled for clearance or demolition or in child protection cases. In all cases, the person for whom the offer is intended must be on the *Housing Register* and eligible for an allocation. The letting of a property to such a person would not be considered to be an allocation and so would be outside of this allocation scheme. For example, a ruling from The Family Court.

Exceptional circumstances

In exceptional circumstances, applicants on the *Housing Register* and those who are eligible for an allocation, may be given a direct let. Decisions relating to direct lets in exceptional circumstances will be made by the Team Leader Housing Strategy and Needs or the Business Manager-Housing. Direct lets, authorised as exceptional circumstances, will usually feature one of the following characteristics:

- A referral to SKDC has been received from the national witness protection scheme. The Lead Allocations Officer is responsible for collating relevant information surrounding the request for assistance and passing this to the Team Leader Housing Strategy and Needs or Business Manager – Housing for a decision on whether a direct let is the best course of action. In this instance, the Housing Strategy and Needs Senior Officer is responsible for managing the case and safeguarding the witness' identity.
- A referral has been made by LCC's Children's Services indicating a child at risk. The child must have undergone a statutory assessment, assessed as a child at risk and there must be evidence to suggest that re-housing will remove the child from risk.
- A referral has been made by Lincolnshire Multi Agency Public Protection Panel. Before authorising a direct let, the Business Manger - Housing will have considered implications for public safety, including the management of risk and how they would impact on risk management. Any agreement to the direct let of a specific property will be subject to licence conditions and approval by the relevant statutory agency.
- An applicant has requested consideration to move to accommodation that would clearly and demonstrably result in SKDC making better use of the available housing stock. For example, two applicants, both of whom are tenants of a *social rented unit* in South Kesteven, have requested to move into one property and the resulting empty properties would better enable SKDC to meet the needs of others on the *Housing Register*. This decision can only be authorised by the Business Manager – Housing, the Executive Manager – Property or the Strategic Director.

The list above is not exhaustive, but indicates the type of circumstances in which a direct let for exceptional circumstances could be made.

All direct lets will be monitored to assess the impact on the overall transparency of the allocation scheme and the need to ensure that overall those applicants entitled to a reasonable preference receive it and that the scheme meets statutory and other legal requirements.

Local Lettings Policies and Section 106 Agreements

Local Lettings Policies are usually introduced to meet a particular local need and have an overall positive effect on estates. There are a number of Local Lettings Policies throughout the area. To be considered for a property within one of these schemes, the applicant needs to meet the criteria detailed within that specific Local Lettings Policy. For example, the applicant's children may have to be over a certain age.

New developments can be subject to restrictions that are set out by SKDC's Planning Department. These are known as Section 106 agreements. These are legal agreements between local authorities and developers that are linked to planning permission.

These agreements often set out criteria that can impact on who the Council can offer/nominate to these properties. For example, only people over 55 or 60 will be eligible for nomination for older person's bungalows or applicants with a local connection to a specific town or village will be considered for offer of accommodation in the first instance.

Appendices

Appendix 1: glossary of terms

Glossary of key terms used in this policy. These explanations are not meant to be legal definitions.

The Act

This refers to The Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011.

Adaptations

Adaptations are alterations to a home, ordinarily funded by the local authority, that make it accessible or suitable for a tenant with physical challenges or disabilities. These may often be very specific to the needs of the current occupant, but the council will seek to reuse such facilities wherever possible.

Adapted property

A council property or Registered Provider's property that has had some of its standard features changed, or which has additional features and fittings, in order to make the property suitable for a person with physical disabilities. Adapted properties are not necessarily wheelchair accessible – levels of adaptations vary considerable from property to property.

Allocation

Where an applicant from the *Housing Register* has his/her details matched to an empty SKDC or RP (via nomination) property and an offer of a secure, assured or introductory tenancy is made.

Applicant

A generic term used to denote someone who has been accepted onto SKDC's *Housing Register*. This may be either:

- an existing, introductory or secure tenant of SKDC who wishes to transfer to a RSL or another council owned accommodation; or
- a person who is not yet a SKDC tenant, but who would like to become a tenant of SKDC or of another social housing provider in South Kesteven.

Application Form

The form that both tenants and new applicants have to fill out to apply for housing and appear on the *Housing Register*. The form collects information about the applicant, the applicant's household and other information to assess his/her housing needs. A person cannot be admitted to the *Housing Register* without applying by completing the form and providing proof of identification.

Application review form

SKDC will write to its applicants on the *Housing Register* on the anniversary of the application, to check that they wish to remain on the Register and the accuracy of the information held. The applicant is required to complete the application review form. If the applicant does not respond, the application may be cancelled.

Assured tenancy

A kind of tenancy granted to RSL or private tenant. Assured tenancies are long-term and do not end after a fixed period. They are more secure than assured shorthold tenancies. Applicants are advised to seek advice on tenancy types.

Change of circumstances

If an applicant's circumstances change, for example, he/she changes address or has a child, the applicant must inform the housing service. The applicant will be asked to complete a change in circumstances form and, in some cases, a new application form.

Child

A person under the age of 18.

Clearance

SKDC may decide that a property is to be demolished or redeveloped and require vacant possession of the property to do this. Tenants in a clearance area are given priority on the *Housing Register* for re-housing. Where suitable offers of alternative accommodation have been refused, South Kesteven District Council may seek possession of the property under Schedule 2 Housing Act 1985.

Council tenant

When referred to in the allocations scheme document, a council tenant is someone who has signed a tenancy agreement with SKDC.

Couple

Two people living, or wanting to live, together of the same or opposite sex, who are married or have entered into a civil partnership, or who will live together as if they were married or had entered into a civil partnership.

Cumulative housing need

A holistic assessment of the applicant and their household's housing circumstances. Often also known as multiple housing need.

Demand

Demand is measured by the number of people who are requesting re-housing in a certain property type and in a particular location. The more people requesting to be re-housed in a specific area, the greater the demand.

Demoted tenancy

Demoted tenancies were introduced by the Anti-Social Behaviour Act 2003. They act as one-year probationary council tenancy. Councils use demoted tenancies to take action against tenants who have been involved in antisocial behaviour. Demoted tenants can be evicted much more easily than secure council tenants. The secure tenancy is terminated with effect from the date specified in the demotion order.

Deliberate worsening of circumstances

An applicant who is found deliberately worsening their housing circumstances to obtain a higher housing priority. For example, giving up other accommodation to move in with someone else, causing overcrowded circumstances and so gaining priority under this allocation scheme.

Domestic violence

Any incident of threatening behaviour, violence of abuse (psychological, physical, sexual, financial or emotional) between adults who have been intimate partners or family members.

Eligible

Applicants have to satisfy certain rules to be eligible for an allocation of accommodation and to be allocated certain property types.

Harassment

Any unwanted behaviour directed at an individual or group that is offensive or objectionable to the recipient. It is behaviour or conduct calculated to interfere with the peace and comfort of individuals or groups, which has the effect of hurting, intimidating, humiliating, ridiculing them or undermining their confidence.

Homeless

An applicant is considered to be homeless when he/she meets the definition contained in the Housing Act 1996 Part 7. This definition includes those who are threatened with homelessness with at 28-day period.

Homeless application

Under homelessness law, anyone who is homeless or threatened with homelessness can make a homeless application to the council. The council will assess their situation and decide whether they are eligible for assistance; and if so, whether they pass the four homelessness tests or hurdles. They are:

- homelessness
- priority need
- intentionality
- local connection

This will determine the kind of help the council is legally obliged to offer, which can range from advice and assistance to an offer of permanent accommodation.

Housing Options

A multi agency advice and homeless prevention scheme that provides specialist help relevant to individual circumstances. Housing options interviews are available at the offices listed in appendix 2.

Host household

People with whom the applicant and his/her household are living, but who are not moving with the applicant. In many cases, the host household consists of relatives or friends of the applicant or a member of his/her household.

Household

This can be a single person or a group of people who live, or want to live, together. This does not include people who want to share a property and then live separately within it.

House in multiple occupation (HMOs)

A property that is shared by three or more tenants, who form two or more households and who share kitchen, bathroom or toilet facilities.

Housing debt

An amount of money owed to SKDC for current or former tenancy arrears, court costs, housing benefit overpayments or on a sundry account (for example, rechargeable repairs or the rent/deposit scheme).

Housing Options

Providing the applicant with advice on private, public and specialist housing in order for them to select the most appropriate for them.

Housing Register

A database of all individuals or households who have applied to a local authority or registered provider/housing association for the allocation of a social rented unit. It is often known as a waiting list.

Immigration Status

This defines the applicant's residence status in the UK. Some groups of people will not be eligible for an allocation due to their immigration status. These groups of people are defined by the Secretary of State within housing law.

Ineligible for an allocation

Section 160 (A) of the Housing Act states that certain descriptions of people are ineligible for an allocation of accommodation. These are people from abroad, unless they are re-included by order of

the Secretary of State and those who the local authority decides to treat as ineligible due to unacceptable behaviour.

Intentionally homeless

If someone is called intentionally homeless it usually means that a local authority, in carrying out its statutory function set out in part 7 of the Housing Act 1996, has decided that the person deliberately caused his/her homelessness through actions or lack of actions.

Introductory tenancy

Introductory tenancies were introduced by the Housing Act 1996 (as amended). They are like a trial period for the first 12 months of a new tenancy and carry fewer legal rights than secure tenancy. Introductory tenancies are intended to help local authorities deal more effectively with new tenants who break the conditions of their tenancy. Introductory tenants can be evicted more easily than secure tenants. If there are no problems during the 12-month trial period, the introductory tenancy will automatically become a secure tenancy.

Joint tenants

Where two or more people are tenants of the same property, and share contractual responsibility for the tenancy.

Local connection

A person defined within section 199 Housing Act 1996 who is currently, or has previously, resided for a specified period of time in a local authority district. A local connection may also be established if the applicant has family connections in the local authority district.

Low demand

A property is classed as low demand when it cannot be allocated using the standard allocation rules because there are no applicants on the *Housing Register* who would meet the allocation criteria usually applied.

Mutual exchange

A mutual exchange is an assignment of a secure assured tenancy. An exchange cannot therefore take place where any of the parties proposing the exchange is an introductory tenant, a non-secure licensee or an assured short hold tenant. It is not an allocation.

Natural growth

Natural growth is one of three instances where overcrowding is allowed and the household cannot be prosecuted. Natural growth also refers to when a household is being assessed under statutory overcrowding standards and children within the household reach one of the specified ages within the standards. SKDC does not take into account natural growth when assessing statutory overcrowding for the award priority banding.

Nomination

A type of allocation defined in the Housing Act 1996. Where a local authority puts forward (nominates) an applicant from the *Housing Register* to a registered provider, a co-operative or a community association for re-housing into a property owned by the provider.

Notice of Seeking Possession

A formal notice that SKDC may serve on one of its tenants. A notice of seeking possession must be issued before the council can seek to gain possession of the property in court. The grounds on which a notice may be served are listed in the Housing Act 1985 for secure council tenants.

Occupational therapist (OT)

Occupational therapists specialise in helping people to reach their maximum level of function and independence in all aspects of daily life. They work with children and adults of all ages, whose difficulties may be congenital, of the result of an accident, illness, ageing or lifestyle.

The council uses occupational therapists to assist with medical/care and Disabled Persons Housing Register (DPHR) assessments concerning medical conditions, mobility, disabilities and welfare. Occupational therapists also give the housing service guidance on what type of property would be suitable for an applicant, in particular where the applicant requires adaptations.

Partner

One of two people living, or wanting to live, together of the same or opposite sex, who are married or have entered into a civil partnership, or do, or will, live together as partners.

Permitted number

The legal maximum number of persons (as defined by the Housing Act 1985) that can live in a property before it is overcrowded.

Priority band

Applicants are placed in priority bands to signify the urgency of their housing needs.

Qualifying person

Only people who are qualifying persons may be put on the *Housing Register*. The Secretary of State may prescribe who is or is not a qualifying person. Asylum seekers and others not entitled to claim benefits are excluded from the list.

Reasonable preference

Section 167 of the Housing Act 1996 (as amended by the Homelessness Act 2002) requires SKDC to give reasonable preference to five categories of applicants on the *Housing Register*. These are explained in section three of the main document.

Registered Providers (RP's)

RP's are social landlords that are registered with Housing Corporation that are run as businesses but don't trade for profit. Most RP's are housing associations, but there are also trusts and co-operatives that provide social housing. They aim to provide good, low cost accommodation for people who really need it. SKDC has a nomination agreement with most RP's with properties within South Kesteven. The types of tenancies they grant are usually assured, but are sometimes assured shorthold.

Residential home

Accommodation that is used by people who are not able to live on their own, but do not yet need the level of continuous nursing care that a nursing home offers. There are different types of residential homes in South Kesteven, each one specialising in care or support to specific client groups. For example, older people or people with physical or learning disabilities.

Service tenants

Service tenants are people employed by South Kesteven whose current accommodation is "tied" to their job. When the employment comes to an end, the accommodation will no longer be available for use by the former employee or his/her household and he/she will be required to leave. There are special rules about this and the directorate for whom the person worked should seek advice and guidance of re-housing options.

Social rented unit

Housing of an adequate standard, which is provided to rent at below market cost for households in need by local authorities or registered providers (RP's).

Sole/single applicants

SKDC will treat applications to the *Housing Register* as if there is one applicant. All others that are included on the application and wish to move with the applicant are considered by SKDC to be part of the applicant's household.

This is the case even if the applicant has a partner or is married. The reason for this is for ease of administration of the *Housing Register*. It does not mean that, if an allocation is made and accepted, that SKDC would not consider granting a joint tenancy to a couple.

Sole tenant

Where a single person is the tenant of a property, and the contractual responsibility for the tenancy is vested with them.

Statute

A statute is a formal, written law of a country, written and enacted by parliament; for example, the Housing Act (1996). A statute is made up of many parts called "sections" or "provisions".

Statutory review

Applicants who have had their application to join the *Housing Register* refused, who have been removed from the *Housing Register* or who have received an unfavourable decision on a homeless application (including the decision to discharge homeless duty), have the right by law (Housing Act 1996) to appeal against the decision. This document does not deal with homeless review, only reviews carried out as part of SKDC's part 6 functions.

Statutory Unacceptable Behaviour Test

Statutory unacceptable behaviour means behaviour that, had the person been a secure tenant of a housing authority at the time (i.e. the applicant does not have to have been), would have entitled the housing authority to a possession order under s.84 of the Housing Act 1985, Schedule 2 in relation to grounds one to seven. The grounds include breaches of tenancy, non-payment of rent and also antisocial behaviour. If an applicant is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of a housing authority then they will not be eligible for an allocation.

Succession

The Housing Act 1985 (as amended) states that if a tenant dies, the tenancy of the property will pass to his/her spouse or civil partner. It can also be passed to another member of their family providing they were living with the tenant as their only or principal home at the time of the tenant's death and had lived with the tenant for the 12 months prior to the tenant's death. Family members include a person living with the tenant as husband or wife including same sex couples, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece.

Successors

A person who is entitled to succeed to a council tenancy upon the death of the previous tenant, as set out in the Housing Act 1985 s87. A successor succeeds to the same type of tenancy that the deceased tenant held. It is not an allocation under Part 6 of the Housing Act 1996.

Temporary accommodation

SKDC uses several types of temporary accommodation to house homeless people whilst homeless investigations are carried out, to satisfy the legal requirement to house intentionally homeless people for a reasonable period or to house priority need and non-intentionally homeless people until a suitable offer of permanent accommodation can be made from the *Housing Register*. Temporary accommodation includes both council-run and voluntary hostels, respite accommodation, dispersed hostels and tenancies given on a non-secure basis, which do not satisfy requirements to discharge homeless duty.

Appendix 2: South Kesteven District Council offices

Forms and documentation may be handed in at the district offices and will be forwarded to the main offices in Grantham. All written correspondence must be posted to the main offices in Grantham.

Grantham	Opening Hours
St Peter's Hill Grantham NG31 6PZ	Monday, Tuesday and Thursday - 8.45 to 17.15 Wednesday - 8.45 to 16.00 Friday - 8.45 to 16.45
Stamford	
1 Maiden Lane Stamford Lincolnshire PE9 2AZ	Monday, Tuesday and Wednesday - 9.00 to 17.00 Thursday - 9.00 to 15.30 Friday - 9.00 to 16.30
Bourne	
3 Abbey Road Bourne Lincolnshire PE10 9EF	Monday, Wednesday, Friday - 9.00 to 17.00 Tuesday, Thursday - 9.00 to 18.00 Saturday - 10.00 to 13.00
The Deepings	
Deepings Community Centre Douglas Road Market Deeping Peterborough	Monday to Friday - 9:30 to 14.00

Telephone:

South Kesteven District Council – 01476 406080 and follow the options for housing register.

Website www.southkesteven.gov.uk

E-mail housingregister@southkesteven.gov.uk

Appendix 3:

Grounds for Possession – Unacceptable behaviour test

Below are the grounds for possession as contained in the Housing Act 1985, Schedule 2, grounds 1-7

<p>Ground 1 Rent lawfully due from the tenant has not been paid or an obligation of the tenancy has been broken or not performed</p>
<p>Ground 2 The tenant or a person residing in or visiting the dwelling-house— (a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or (b) has been convicted of— (i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or (ii) an indictable offence committed in, or in the locality of, the dwelling-house.</p> <p>Ground 2A The dwelling-house was occupied (whether alone or with others) by a married couple, a couple who are civil partners of each other,] a couple living together as husband and wife or a couple living together as if they were civil partners and— (a) one or both of the partners is a tenant of the dwelling-house, (b) one partner has left because of violence or threats of violence by the other towards— (i) that partner, or (ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and (c) the court is satisfied that the partner who has left is unlikely to return.</p>
<p>Ground 3 The condition of the dwelling-house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or a person residing in the dwelling-house and, in the case of an act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.</p>
<p>Ground 4 The condition of furniture provided by the landlord for use under the tenancy, or for use in the common parts, has deteriorated owing to ill-treatment by the tenant or a person residing in the dwelling-house and, in the case of ill-treatment by a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.</p>
<p>Ground 5 The tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly (a) the tenant, or (b) a person acting at the tenant's instigation</p>
<p>Ground 6 The tenancy was assigned to the tenant, or to a predecessor in title of his who is a member of his family and is residing in the dwelling-house, by an assignment made by virtue of section 92 (assignments by way of exchange) and a premium was paid either in connection with that assignment or the assignment which the tenant or predecessor himself made by virtue of that section. In this paragraph "premium" means any fine or other like sum and any other pecuniary consideration in addition to rent.</p>

Ground 7

The dwelling-house forms part of, or is within the curtilage of, a building which, or so much of it as is held by the landlord, is held mainly for purposes other than housing purposes and consists mainly of accommodation other than housing accommodation, and—

(a) the dwelling-house was let to the tenant or a predecessor in title of his in consequence of the tenant or predecessor being in the employment of the landlord, or of—

a local authority,

a corporation,

an urban development corporation,

or

the governors of an aided school,

and

(b) the tenant or a person residing in the dwelling-house has been guilty of conduct such that, having regard to the purpose for which the building is used, it would not be right for him to continue in occupation of the dwelling-house.

Appendix 4:

Definition of statutory overcrowding - Part X Housing Act 1985

A property is statutorily overcrowded under part 10 of the Housing Act 1985 when either the **Room Standard** or the **Space Standard** is contravened.

The Room Standard

The room standard is contravened when the number of people sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of opposite sexes who are not living together as man and wife are forced to sleep in the same room.

- Children under the age of ten may be disregarded
- A room means any room normally used as either a bedroom *or* a living room.

When interpreting this definition we can look at *how* the sleeping arrangements within the premises *could* be organised rather than how they are *actually* organised.

There is no limit on the number of people of the same sex who can live in the same room although there may be a contravention of the space standard (see below).

The Space Standard

The permitted number of persons per room is the smaller of the number of persons obtained from the following two calculation methods:

Where a house consists of:

1 room	2 persons
2 rooms	3 persons
3 rooms	5 persons
4 rooms	7.5 persons
5 rooms or more	2 for each room

OR

Floor area of room	Number of persons
Less than 50 sq ft	Nil
50 to less than 70 sq ft	½ person (child under 10 years)
70 to less than 90 sq ft	1 person
90 to less than 110 sq ft	1 ½ persons
110 sq ft or more	2 persons

- No account shall be taken of a child under the age of 1
- A child of 1 to 10 counts as a ½ person

Appendix 5: Equity and Assets - Exemptions

Personal Injury payments

The following payments of capital are disregarded if they relate to a personal injury you or your partner have had:

- (a) Damages for personal injury which are:
 - Held by a court and administered by it; or
 - Held by someone else and can only be used under a court order or direction;
- (b) Any payment for personal injury which is held in a trust; and
- (c) Any other payment for personal injury except for capital paid to you by a trust.

The disregards in (a) and (b) have no time limit.

The disregard in (c) has no time limit in pension age Housing Benefit claims, but in working age Housing Benefit claims it is limited to 52 weeks from the day you receive the first or only payment (it does not start again if you receive a further payment for that injury). The 52 weeks is called a 'grace period' because it should give you time to form a trust to hold the money (see (b) above) or invest it in an annuity.

Personal Injury payments can include:

- Vaccine Damage Payments
- lump sum awards of damages
- out of court settlements, eg by insurance companies
- lump sum gratuities under the War Pensions and Industrial Injuries schemes
- Criminal Injury Compensation Scheme payments
- lump sum payments following charitable collections or public donations made to people injured in an accident or disaster
- lump sum payments from accident insurance
- payments from the Department of Trade and Industry (DTI) compensation schemes for ex-miners
- payments from the Armed Forces and Reserve Forces Compensation Scheme (AFRFCS) (it **MUST** be paid via AFRFCS)

Note: This list is not exhaustive.

Appendix 6:

Review Process: Review of decisions on applications or offers

All applicants have the right to ask for a review of a decision, if they consider they have been unfairly or unreasonably treated having regard to the provisions of this Allocations Policy. For example, a decision about:

- Exclusion or removal from the *Housing Register*
- Type of property applicant is eligible for
- Suitability of accommodation offered
- Information that has been taken into account when assessing the *Housing Register* application
- The band into which they have been placed
- Any instances of an application being “passed over”
- Any decision taken in relation to their Registration

Initial requests for reviews will be dealt with by a Senior Officer on the Housing Register Team and who was not involved in the original decision. Requests for a review should be addressed initially to the Team Leader Housing Needs, in writing.

Requests for a review will be acknowledged within 3 working days and the applicant will be notified within 21 days (provided all relevant information has been submitted).

If the applicant is still unhappy, they have the right to have their case considered through the council’s complaints procedure.

Complaints Procedure

If you are unhappy with the decision on the second review, you can make a complaint through the council’s complaints procedure. This can be done through the council’s customer feedback form.

Ombudsman

The Local Government Ombudsman is independent of all government departments, councils and politicians. The Ombudsman examines complaints without taking sides.

In most cases, the complainant must have pursued the matter through the council’s own complaints procedure before a complaint can be considered by the Ombudsman.

Contact details for the Local Government Ombudsman are:

- Email advice@lgo.org.uk
- Telephone 0300 061 0614
- Text ‘call back’ on 07624 804299

- Fax to 024 7682 0001
- Write to the Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH

This document has been produced by:

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