

# Housing Allocation Policy

Stevenage Borough Council

2023

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## 1.0 Purpose

- 1.1 This document is the revised Housing Allocation Policy for Stevenage Borough Council. It explains who may or may not join the council's housing register, how to apply for social housing by joining the housing register and how decisions are made about allocating homes. This document, and a summary document, are available on request from the council and can also be downloaded from the council's website [www.stevenage.gov.uk](http://www.stevenage.gov.uk).
- 1.2 The policy applies to both new applicants and existing council/social housing tenants who wish to transfer to another home and covers important issues such as:
- Who is eligible to apply for housing
  - Circumstances when an applicant will not be eligible to join the Housing Register or will not qualify to do so.
  - The process of applying for housing, including 'bidding'
  - How housing needs are assessed
  - How properties are allocated to different household sizes and circumstances
  - How the Council will consider exercising discretion
  - How offers of accommodation are made

## 2.0 Scope

- To meet the legal requirements placed on the council to give appropriate priority to applicants who fall under the Housing Act "reasonable preference groups". This is to ensure that social rented housing is let to those in greatest need
- To make the best use of the social housing owned by the council
- To have a system for assessing applications and allocating homes that is transparent and easy to understand
- To have a Policy that treats all sectors of the community fairly
- To offer choice to applicants wherever practicable
- To meet the wider objectives of the council's housing strategy, homelessness strategy, tenancy strategy and tenancy policy

- To promote sustainable and mixed communities

## 2.1. Making Changes to the Policy

The policy will be reviewed and revised as required in response to:

- Any national policy or legislative changes, or
- Policy changes instigated by the council, or
- To reflect the requirements of any leading and relevant new case law

Any significant changes to this Policy will be approved by a meeting of the council's Executive.

For minor changes to the Policy, or changes to the procedures that administer it, decisions will be delegated to the Portfolio Holder responsible for Housing.

Decisions on changing the operating procedures will be delegated to the lead officer for the Housing Service.

Formally, any major change to the Policy can only be made after a copy of the proposed amendments have been consulted on by sending this Policy to every Private Registered Provider operating in the Borough and giving them a reasonable period of time to comment on any proposed changes. This is a requirement under Section s166A (13) Housing Act 1996.

The council will take any steps as it considers reasonable within a reasonable period of time, to bring to the attention of applicants likely to be affected by:

- any alterations made to this Policy.
- any subsequent alteration to this Policy that would affect the relative priority of a large number of applicants; or
- any significant alteration to any associated procedures for administering this policy.

Where a full review of the Policy is undertaken, the council will adopt local government good practice guidelines and undertake a broad consultation that includes relevant statutory and voluntary sector organisations, tenant representatives, and applicants to the Policy.

## 3.0 Legal Framework

Stevenage Borough Council's Allocation Policy sits within a legal framework that is summarised in this section.

The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocation Policy. A summary of the Allocation Policy must be published and made available free of charge to any person who asks for a copy. This document is available on the council's web site:

<https://www.stevenage.gov.uk/housing/council-housing/housing-register>

The Housing Act 1996, (as amended) requires councils to give Reasonable Preference in their Allocation Policy to people with high levels of assessed housing need who are defined as:

- all homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty)
- people who are owed a duty under Sections 189B, 190 (2), 193 (2), or 195 of the Housing Act 1996 (or under Sections 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing Authority under Section 192 (3)
- people occupying insanitary, overcrowded or otherwise unsatisfactory housing
- people who need to move on medical or welfare grounds (including grounds relating to a disability)
- people who need to move to a particular locality within the area to avoid hardship to themselves or others.

The Housing Act 1996 also requires councils to state within their Allocation Policy their position on offering applicants a choice of housing accommodation or offering them the opportunity to express a preference about the housing accommodation to be allocated to them. Our policy on choice is described in section 4 of this Policy.

In developing this policy, the Council has had regard to the law and regulatory requirements, including:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England).
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017.
- Allocation of Accommodation: Guidance 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”.
- 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 and all subsequent amendments.
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869.
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015.
- ‘The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)’.
- Equality Act 2010.
- Data Protection Act 2018
- UK-GDPR (General Data Protection Regulation) 2021.
- Care Act 2014.
- Human Rights Act 1998.

- Domestic Abuse Act 2021; and
- Children and Social Work Act 2017

In framing the Allocation Policy, regard has also been given to the Council's current:

- Housing Strategy
- Homelessness and Rough Sleeping Strategy
- Tenancy Strategy,
- Relevant caselaw.

All references to statutory materials are by way of summary and are not used as substitutes for the details within the original.

The Council will provide an electronic copy of this Policy to anyone who asks for one. Copies in alternative formats will be considered on an individual basis. A paper copy can be available on request.

Any provision in this Policy may be waived in exceptional circumstances at the discretion of the lead officer responsible for the housing services. The reasons why a provision has been waived will be documented. An applicant can ask for discretion to be applied for exceptional circumstances in relation to how they have been treated under any part of this policy. The process for how the Council will consider a claim that discretion should be applied for exceptional circumstances is detailed in section 2 of the policy.

This is the revised Housing Allocation Policy for Stevenage Borough Council and will take effect on or after *date to be confirmed*. The assessment of need and qualifying criteria set out in the Policy will be applied to all new and existing applicants from this date.

## 4.0 Equalities

Under the Equality Act (2010) the Council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty and in the application of this policy, the council will carry out its functions in a way that:

Removes discrimination, harassment, victimisation and any other conduct that is unlawful under the Equality Act (2010)

Promotes equal opportunities between people who have a protected characteristic(s) and those who don't

Encourages good relations between people who have a protected characteristic(s) and those who don't

Further information on the Council's fulfilment of the Equality Act (2010) is set out in the Equality, Diversity and Inclusion (EDI) Policy (2022) and Reasonable Adjustment Policy (2024).

## 5.0 Data Protection

The Council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to delivery of services.

The Council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and Data Protection Act (2018). For further information on the Council's approach to handling information please see [Data Protection Act \(stevenage.gov.uk\)](https://www.stevenage.gov.uk)

## 6.0 Policy

### 6.1 Who can Apply to join the Housing Register and how you will be assessed.

#### 6.2 The eligibility rules

Some groups of people cannot, by law, join the Council's Housing Register regardless of their housing need or circumstances. These are people who:

- come under a government rule which means they cannot lawfully access social housing as they are not eligible to do so, or
- do not live habitually in the 'Common Travel Area' (UK, Channel Islands, the Isle of Man or the Republic of Ireland), or
- do not have the right to live in the UK, or
- fall under other categories of people who the Government may in the future decide are not eligible for housing assistance.

The key relevant regulations that apply to eligibility are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294, and
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861), plus
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020 (SI 2020/667) implemented from the 24 August 2020.

The above is not a complete list of all the eligibility regulations. For example, there is significant legislation that relates to the UK's exit from the European Union and the implications for accessing housing assistance. These rules are complicated. Anyone who is impacted, or



believes they may be impacted, can approach the council for advice, or can seek independent legal advice.

### **6.3 The qualification rules adopted by the council**

Under Section 160ZA(7) of the Housing Act 1996 Part 6 a Council is allowed to set criteria for classes of persons who are, or are not, qualifying persons. The rules adopted by the Council mean that the following classes of person will not normally qualify to join the Housing Register unless the Council accepts there are exceptional circumstances. These rules include the circumstances under which an applicant will not be allowed to qualify for the Housing Register and the circumstances under which an applicant can be removed from the Register.

Note: references to applicant throughout this Policy are to be taken to mean the applicant and any member of the applicant's household unless specifically stated.

### **6.4 Non qualification rule 1: A local residential connection**

To qualify for the Housing Register an applicant must have a residential connection, within the terms of this Allocation Policy, which will normally mean that an applicant currently lives in the borough and has done so for a minimum of five years in the last seven years, with no more than two separate occasions outside of the borough.

Households placed in accommodation outside of the borough by the council in meeting its statutory homelessness duties to provide temporary accommodation will also have a residential connection as long as in total they fulfil the five-year residential connection.

Once registered, an applicant must continue to meet the residential connection qualification rule. If the applicant no longer meets this rule, they will be removed from the Housing Register as they will no longer qualify for inclusion.

Persons who have been admitted or detained in the local authority area (e.g., in prison, custody, or hospital), will not be able to establish a local connection as this does not constitute being resident in the local government boundaries set for the borough of Stevenage by choice.

People in the following categories will not normally be considered as having a residential connection:

- households applying for housing through this Allocation Policy that are still owed any homelessness duty by any other local housing authority under the Housing Act 1996 Part 7. They will be regarded as non-qualifying persons regardless of whether they have been placed in the Council's area or not. This is because the other local authority retains the responsibility for assisting that applicant.
- those placed in the borough of Stevenage in residential or supported housing by another Council.
- those who do not meet the residential criteria but who have family members in this borough, or who are employed in the borough.

- For the purposes of determining a local connection for residence, the Council will accept the following circumstances as demonstrating residence:
- Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch.
- People sleeping rough in the Stevenage area as who can demonstrate a local connection.

## **6.5 Exceptions to the 5-year residential connection rule**

These are:

- a) Where the Council agrees there are very exceptional circumstances requiring a move into the area. This will be decided on a case-by-case basis. Examples include:
  - reasons of safety, for example when an applicant is fleeing domestic abuse or hate crime from another area. This includes currently residing in a Stevenage refuge for a minimum of six months, or
  - an applicant is on a witness protection program and the council has agreed that a move to Stevenage is essential; or
  - where the council agrees there is a very exceptional need to live in the area to provide or receive essential support.
- b) An applicant owed the Main Housing Duty under Section 193 of the Housing Act 1996, or a relief duty under Section 189B (2) where the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not.
- c) An application from a Gypsy or Traveller household where the applicant may not fully meet the five years in the last seven period of residence rule if that period has been broken by travelling. The facts of each case will be considered when deciding whether the rule should be waived, and the applicant must have spent most of the last 5 years residing in Stevenage.
- d) A young person owed leaving care duties under Section 23C of the Children's Act 1989, looked after by Hertfordshire County Council or any other County or Unitary Council, where at any time they were looked after in Stevenage will be considered to have established a local connection to Stevenage until they reach the age of 21 (when this duty will cease, or 25 if they are pursuing a program of education agreed in their pathway plan).
- e) A young person who has been provided with accommodation under Section 22A of the Children Act 1989 (provision of accommodation for children in care) who has resided in Stevenage for a continuous period of at least two years will be considered to have

established a local connection to the area even if some of that period accrued before that person turned 16 years old.

- f) Any applicant over the age of 60 who is willing to accept an offer of a hard-to-let specialist accommodation for older people property. Note, such applicants will not be considered for general needs properties or specialist accommodation for older persons housing that is not considered to be hard to let.
- g) Applicants who satisfy the 'Right to Move' criteria. The Allocation of Housing (Qualification Criteria for Right to Move) Regulations 2015 state that local connection qualification rules must not be applied to existing social tenants who seek to move from another council in England, and who have a need to move for work related reasons to avoid hardship. However, under this Allocation Policy, Stevenage Council will limit these moves to no more than 1% of all lettings per year via a direct offer only.

See appendix 3 for details of how the 'Right to Move' criteria will be applied.

- h) Where, at the date of application, the applicant is not currently resident in Stevenage whilst:
  - receiving medical or respite care; or
  - serving a custodial sentence, or
  - adhering to bail conditions, or
  - is a student living in student accommodation and studying outside of Stevenage
  - living in supported housing outside of Stevenage

In all these circumstances, the applicant must have been living in Stevenage for five years in the last seven years prior to their current circumstances.

- i) Applicants who satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012. These are:
  - applicants who are serving members of the regular armed forces.
  - applicants who served in the regular armed forces within the 5 years immediately prior to the date of their application.
  - applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service.
  - applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner; or
  - 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.

Applicants who fulfil any of the exception criteria will not be required to prove a local connection in order to be accepted onto the housing register, although the other qualifying criteria set out in this policy will still apply.

There is an exception to this rule for applicants over the age of 60 who are willing to be considered for a hard to let specialist accommodation for older people's property only. This exception to the requirement to have a local connection is because the evidence is that a number of older applicants are able to receive an offer of specialist accommodation for older person housing or age restricted housing as there is a greater availability for this type of housing. Note applicants who qualify under this exemption will only be considered for age restricted hard to let specialist accommodation for older people properties and will not be considered for general needs properties.

## **6.6 Non-qualification rule 2: Housing need**

Applicants who do not meet the housing need criteria for an award of a band 1-3 will not be admitted to the Housing Register.

## **6.7 Non-qualification rule 3: Unacceptable behaviour**

The non-qualification rule for unacceptable behaviour will apply where an applicant, or any member of their household, has demonstrated serious unacceptable behaviour that, in the view of the council, makes them at the time of their application, or since their application, unsuitable to be a tenant.

The unacceptable behaviour disqualification rule will also apply to applicants currently on the Housing Register. An applicant's eligibility to remain on the Housing Register will be kept under review and an applicant may be rendered ineligible should the council be satisfied that the rule relating to unacceptable behaviour should be applied to their case.

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

- they or a member of their household has committed anti-social behaviour in or around the vicinity of their home that has resulted in an ABC, injunction or other legal deterrent being issued within the past five years.
- they or a member of their household have a conviction for using their accommodation, or allowing it to be used, for illegal or immoral purposes such as drug dealing, within the past five years.
- they have been evicted from a tenancy by a social or private landlord for a breach of tenancy conditions, including non-payment of rent, within the past five years.
- failing to maintain any previous social rented or private rented property within the terms of their tenancy agreement, or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the area where they live or have previously lived.
- conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy. It may include the circumstances where an applicant, or a

member of their current or prospective household, is the subject of actions being taken by any council (or some other recognised body) on grounds of alleged antisocial behaviour (ASB).

- circumstances where the applicant, or any member of their household, has assaulted a member of the council's staff, whether or not an injunction is being sought, or has been obtained.
- being subject to a court order (including an interim order) for breach of tenancy conditions.
- conviction for illegal or immoral use of their current or former home.
- causing nuisance and annoyance to neighbours or visitors.
- committing criminal offences that still pose a threat to neighbours or the community such as drug dealing.
- being violent towards a partner or members of the family. The council does not **tolerate any form of domestic abuse**.
- allowing the condition of the property to deteriorate in avoidable circumstances.
- paying money illegally to obtain a tenancy.
- unlawfully subletting their tenancy.
- applicants who have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974.
- having unspent convictions where an assessment by the Council concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities.
- an applicant or any member of their household has been responsible for any racial harassment or other hate crime. 'Racial harassment' and 'hate crimes' are defined as racist, religiously aggravated, faith, gender, age, disability, and transphobic or homophobic or gender re-assignment harassment or hate crime. A hate crime or racist incident is defined as any incident which is perceived to be racist or hate crime related by the complainant or any other person.

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

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

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

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

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

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

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

Where an applicant is disqualified, any new application will only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of 12 months. It is the applicant's responsibility to notify the council when they have, in their view, resolved the issue and they will need to present evidence to back up their view as part of any new application.

An applicant may re-apply to join the housing register after 12 months. During this time they will

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

#### **6.8 Non qualification rule 4: Former or current rent arrears or another housing related debt.**

This section sets out the rules for when an applicant:

- a) Will not be allowed to qualify for the Housing Register because of former or current rent arrears or another housing related debt, or
- b) Will be allowed to qualify but will not be allowed to bid for any properties advertised until their rent arrears or housing related debt have been resolved to the satisfaction of the Council.

This section explains the rules relating to:

- a) Current or former rent arrears or another housing related debt owed to Stevenage Council, or another Council or a Registered Provider
- b) Current or former rent arrears owed to a private sector landlord.

#### **6.9 Current or former rent arrears or another housing related debt owed to Stevenage Council**

Generally, applicants who have housing related debt will either:

- not qualify to join the housing register if the debt owed is over £1,000, or
- can qualify but not be entitled to be made an allocation of housing until the debt is resolved as per the rules set out below. If allowed to join the register they will be ineligible to bid until the debt has been resolved but they will still be allocated a band and will accrue their time in band whilst they take action to resolve the debt as per the rules set out in this section of the policy.

Housing related debt includes but is not limited to:

- Any current or former tenant rent arrears or charges for use and occupation owed to any local authority, registered provider or private sector landlord
- Unpaid sundry debts owing to any local authority, registered provider or private sector landlord, including rechargeable debts or court costs
- Any unpaid Right to Buy discounts from previously owned property
- Any tenancy deposit or rent in advance loans provided by the council that remain unpaid; or tenancy deposit guarantees that have been honoured by the council and remain unpaid



- Unpaid rent that was lawfully due to be paid to any local authority or registered provider landlord or any private sector landlord, but such unpaid rent is now unrecoverable in law because of bankruptcy proceedings
- Outstanding council tax debts.
- Outstanding re-chargeable repairs
- Current and former housing related service charge arrears
- Temporary accommodation charge arrears for a licence or a tenancy where that temporary accommodation was provided by the Council
- Any court costs incurred by the Council or a Housing Association associated with any of the above debts

Housing related debts apply to both the applicant and any joint applicant on the application.

The purpose of this qualification rule is:

- a) To ensure any relevant debt owed to the Council or a social landlord is recovered and
- b) To consider whether an applicant's current position creates a risk of future non-payment of rent.

The following framework will be used to guide officers when applying this qualification rule. The Council will consider:

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

After considering the above the Council will decide whether the applicant will not qualify for the housing register, or that they will be allowed to qualify, but not allowed to bid for properties until the issue has been resolved to the satisfaction of the Council. Debts of over £1,000 will mean that the applicant automatically does not qualify for the housing register until that debt has been reduced to under that amount, after which the rules set out below must be met before they will be considered for an offer of accommodation.



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

However, the applicant will be expected to continue making regular payments of the agreed sum until the debt is cleared – if payments are missed then the application will again be suspended from bidding until the arrears are cleared or payments have been made satisfactorily for at least a further three months.

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

For all other housing related debt under £1,000 the applicant will be banded but be suspended from bidding until the debt is cleared in full. It will be the responsibility of the applicant to advise the lettings team when the debt is cleared in full and provide written evidence of this.

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

If disqualified an applicant will be informed of the actions they need to take to resolve the debt in order to qualify.

Note: Tenants would not usually be allowed to move home if they have a current housing debt owed to the council, however we will consider allowing tenants in arrears to downsize; on the basis that smaller accommodation will be cheaper to rent and it will be cheaper to run. An affordability assessment will be carried out with the housing staff to identify the financial benefit and/or impact of downsizing. This will be at the discretion of Stevenage Borough Council. Incentive payments will be offset against arrears. Where applicable, we will refer tenants with significant arrears, where the downsizing payment would not be enough to offset it, to apply for the Discretionary Housing Fund.

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

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

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

should be suspended from bidding until the debt is resolved. Where it is established that a debt is owed the same rules will apply as per a social housing debt above.

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

The Council will only contact the landlord or agent for the last rented property. However, where it comes to the attention of the Council that there were significant rent arrears relating to a previous private rented tenancy in the last 5 years that was not the applicant's last tenancy, a decision will be taken on the facts of the case whether to suspend the applicant from bidding until the debt is resolved.

#### **6.11 Non qualification rule 5: Fraudulent applications**

It is an offence for a person approaching the Council seeking an allocation of housing to make a false statement or to withhold information which is relevant to their claim. This is under section 171 of the Housing Act and is punishable with a fine.

Any applicant seeking to obtain accommodation by making a false or misleading statement, by withholding relevant information, or by failing to inform the council of any material change in circumstances may be prevented from qualifying for the Housing Register, or where they are already registered, may have their application cancelled. Prosecution will be considered where it appears to the council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.

It will be for the housing assessing officer in the first instance to decide if any errors contained in an application were deliberately made or not. If the officer is satisfied that the errors were not deliberate, or that they have no impact on the application, then no action will be taken though the applicant may be warned about the need to provide accurate information and the consequences for not doing so.

Once an applicant is disqualified from joining the register or removed from the register on these grounds they will normally not be able to reapply for a period of 12 months. Decisions will be made based on the seriousness of the attempted fraud or false information given, including an assessment of why information was withheld.

#### **6.12 Non qualification rule 6: They are the owner of residential property**

Applicants who are current homeowners in the UK or abroad will not qualify to join the housing register. If another member of an applicant's household, who is included in their application, is a homeowner the applicant will not qualify to join the housing register.

The council defines current homeowners as:

- people who have or are acquiring a freehold or leasehold interest in a residential property whether in sole or joint names. This includes properties purchased under the right to buy or the right to acquire, properties abroad, properties that have been sublet and properties where people have an interest via shared equity or shared ownership (but not those purchased under the Council's Low Start Shared Ownership Policy where only 5% equity is owned)
- people who own or part-own a sited mobile home or houseboat
- people who still have their names on the title deeds of a residential property which has been repossessed but not sold or who still have their names on the title deeds of a property that is for sale, or have an unresolved legal or financial interest in their home (for example through divorce or separation proceedings), will be considered as current homeowners until such time as they can provide documentary proof that they no longer have a legal or financial interest in the property
- someone who has gifted their residential property, or equity from their property to another person within the last ten years.

The council will consider re-housing some owner-occupiers living in Stevenage into specialist accommodation for older persons, (subject to the normal assessments) when they fulfil certain criteria and are willing to sell their existing property to the council at below market value, in accordance with the Council's Policy on the Purchase of Open Market Properties to Assist Vulnerable Homeowners to Move into More Suitable Accommodation and to Support the Prevention of Homelessness.

Applicants who have been the owner of a residential property within the last 5 years will be required to provide proof of the proceeds from the sale and of the disposal of any proceeds. Where the Council considers that the proceeds from any sale have not been spent reasonably an applicant can still be determined as not qualifying for the housing register. The final decision will be with the manager of the housing allocation.

### **6.13 Non qualification rule 7: Current Council and Housing Association tenants who apply within 1 year of the commencement of their current tenancy**

Any applicant who is a Council or Housing Association tenant will not normally be allowed to join the Housing Register for a period of 1 year (from the start date of their current tenancy), however in some circumstances exceptions may apply such as for example:

A change in their circumstances which would mean that they should be awarded a Band 1-3 under this policy such as the property is no longer suitable for tenants (or a member of their household) due to a disability or the property/location is severely impacting on their health and wellbeing.

Each case will be assessed on its own merit.

#### **6.14 Disqualification rule 8: Refusal of 2 suitable offers in a 3-year period**

This is a disqualification rule that will be applied to applicants who are already included on the Housing Register.

Any applicant who refuses 2 suitable offers within a 3-year period will be disqualified from the housing register and not allowed to reapply for a period of 12 months (see the separate policy below in section 4 that is relevant for applicants owed a statutory homeless duty who refuse one suitable offer). They will then have to reapply to join the housing register and, if they qualify to join, their effective date within any band awarded will not be backdated to their original band date before they were disqualified.

#### **6.15 Disqualification rule 9: Failure to Bid**

This is a disqualification rule that will be applied to applicants who are already included on the Housing Register.

Any applicant who has failed to bid for more than twelve months on suitable and available properties will be removed from the Housing Register to reduce the administrative burden of maintaining the register. This assumes that an applicant who has not bid for accommodation in 12 months is unlikely to continue to be in housing need. Any applicant removed from the register can reapply if they have a housing need with a new start date.

The Council will monitor the bidding patterns to identify applicants who fail to bid and identify any applicants where their failure to bid could be the result of a vulnerability and not being able to understand the bidding system. In these circumstances the rule will not be applied.

#### **6.16 Exceptional circumstances**

Stevenage Borough Council will retain the ability, in exceptional circumstances, to exercise its discretion when applying any of the qualification rules listed, or any other rule adopted under this policy. Any person who is not a qualifying person by reason of the above criteria may be deemed to be a qualifying person for exceptional circumstances by the manager of the housing allocation.

Where in their application to join the Housing Register an applicant makes a case for discretion to be applied for exceptional circumstances, this will be considered as part of the application. Otherwise, where the case for discretion has not been made out as part of the application, the applicant will have a second chance to make the case for why discretion should be applied through the review process. For example, where an applicant has requested a review for a decision that they do not qualify, or a decision as to what band is owed, they may make the case for why discretion should be applied to their case for exceptional circumstances.

It is for the applicant to request a review and make the case for why discretion should be applied to their case for exceptional circumstances. A request for a review by an applicant of a decision that an applicant does not meet a qualification rule, or for any rule in the policy to be waived, will be taken as a request for any exceptional circumstances to be considered. This request for review should be within 21 days of their application being refused.

Where requested, the council will consider whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that discretion should be applied.

The applicant will receive a written decision on their claim for exceptional circumstances to be applied within 56 days and, where that decision is that the case is not considered to be exceptional, reasons will be given.

Note the council cannot waive the eligibility rules for any applicant who is not allowed to access social housing under the immigration and 'persons from abroad' rules set by Central Government.

In deciding whether an applicant's circumstances are exceptional the council will fully consider the Equality Act 2010 and Children Act 2004 where children are part of the applicant's household. With regard to the Equality Act, the council will specifically consider:

- whether the person, or a member of their household, meets the definition for one or more of the nine protected characteristics listed in the Equality Act 2010
- if we agree that the applicant or a member of their household comes under the definition for a protected characteristic, the council will fully comply with Section 149 of 2010 Equality Act and ensure it has obtained all relevant information relating to the applicant's protected characteristic and will consider that if they were not able to qualify for the Policy, whether this would have an exceptionally detrimental impact on the person with that protected characteristic: and
- ensure any decision that the applicant's circumstances are not exceptional will be a decision that is a proportionate means of achieving the legitimate objectives for the policy.

## **7.0 How to apply to join the Housing Register**

Anyone over the age of 16 can apply to join the Council's Housing Register. Applications will be rejected if:

- they are ineligible to be considered by law; or
- they come within one of the 'non qualification' categories adopted by the Council (see section 2 of the Policy).

The Stevenage Borough Council website provides an online housing application form to join the Housing Register. <https://www.stevenage.gov.uk/>

Any applicant who may need help in completing their on-line application can contact the council on 01438 242242 where they will be guided through the process of making their application on-line or offered an appointment.

There is free access to the 'internet' at libraries, and at some community facilities. A home visit or office appointment can be offered when an applicant has no access to the 'internet' or is unable to use the 'internet', in exceptional circumstances.

A 16 or 17 year old applicant who is accepted onto the housing register will not normally be considered for a tenancy until they are 18. If in exceptional circumstances a person who is 16 or 17 is granted a tenancy, this will normally be held in trust until they reach the age of 18. This means that another suitable person (such as a parent, legal guardian, social worker or relative) will normally be responsible for the tenancy. Priority will only be given for a home located in an area that will enable the necessary support to be provided.

### **7.1 Verifying the application**

At point of making the application the Council will not be collecting identification documents or checking circumstances, other than for the qualification rules which include whether there is a local connection, a housing need, or whether the applicant is a homeowner, or has a housing related debt, or may have unacceptable behaviour. The Council will also ask for any medical information that may affect the decision on the band to be awarded. Further verification information will be requested if the applicant were to receive an offer of accommodation.

An applicant should not send in any original documents in the post unless this has been expressly requested. When any verification documents are requested, they should make an appointment to visit the Council's Customer Service Centre where copies will be taken of the documents and the originals returned at the same time. The Council may accept digital copies of documents asked for.

Once the application has been received, if there is a need for additional information we will request this. Any application forms that are not fully completed or, where verification evidence required has not been provided, cannot be processed meaning that an applicant will not be able to access the housing register until the information is fully completed and assessed.

All incomplete applications will be cancelled after a period of 28 days measured from the date further information has been requested. If cancelled, this does not prevent the applicant making a subsequent application at a later date, although in such cases the applicant's effective date of registration would not be backdated to the date of the earlier application.

The Council will make enquiries it considers necessary in order to verify and assess an application for housing. This may involve contacting previous landlords, health or medical advisors, police etc. Applications will be processed within a reasonable period of time (relative to the particulars facts given in the application) after all documentation has been received.

If accepted onto the Housing Register the applicant will be informed of:

- The band they have been placed in (this determines priority)
- The date of application (this is used to determine priority within the band allocated)
- The size and type of properties for which they can bid
- Their application reference number (applicants will need this to bid)
- How to seek a review against their banding if they think it is wrong.

If an application to join the housing register is refused the applicant will be informed in writing and will have a right to review the decision made.



## **7.2 Persons entitled to be considered as part of the application**

Sole applications or joint applications may be accepted. Joint applicants will be accepted in the following circumstances.

The council will accept joint housing register applications from couples where both are aged 16 years or over and are married or civil partners; or have lived together for at least six months; or have a child of their relationship, provided each applicant is eligible and qualifies to join the register in their own right. If they do not qualify, we would accept them as a member of the applicant's household.

Persons entitled to assistance must be members of the applicant's immediate family who normally reside with the applicant. Any other person or persons will only be considered as part of the household if the council is satisfied that it is reasonable for that person to reside with the applicant. This will exclude lodgers or anyone sub-letting from the applicant.

Applicants should only include persons on their application who will be a permanent member of their household and who will be occupying the accommodation offered as their only or principal home.

People who usually live with the applicant but are temporarily absent due to circumstances beyond their control (for example, they are in prison on a short-term sentence, or in the care of the local authority, staying in hospital, or undertaking a college or university course), may be considered as a 'usual' household member at the discretion of the council, and depending on the facts presented.

Specifically, a person's housing application can include the following household members:

- spouses or civil partners where the applicant lives with and/or intends to live with their spouse or civil partner.
- partners where the applicant is currently cohabiting
- children who reside with and are dependent upon the applicant. Children are defined as under 18 for these purposes.
- permanent, full-time, live-in carers residing with the applicant at the date of application will be considered as part of the household if written confirmation of the applicant's need for a permanent, full time, live in carer is received from the relevant Social Services department.
- any other household member such as an adult child where it is accepted that:
- they have been part of the applicant's household for a period of 12 months prior to their application to the council; and
- they reside with the applicant as part of their household and
- the applicant will need to demonstrate that this is not a short term or temporary arrangement.

The council will not generally consider the following as permanent members of a household, and they will not be included when assessing what size and/or type of property the applicant can be allocated:

- Non-dependant adult relatives
- non-relatives
- non-resident carers
- lodgers
- live-in help
- children for whom the applicant or their partner has staying arrangements but who are not permanent members of the household
- Family members who do not currently reside in the UK

The council may also refuse to consider an application for assistance or someone's inclusion on an application if the person concerned (i.e., other than the applicant) has made a separate housing application.

The council may choose to carry out a visit to the applicant's current residence if their priority is sufficient for an allocation of housing under this Allocation Policy. Visits conducted may include an inspection of the accommodation and facilities.

Joint tenancies are normally granted by the Council or a Private Registered Provider where applicants have a long-term commitment, for example, married, or unmarried couples, or civil partners. This decision is for the Council or the relevant Private Registered Provider offering accommodation, who will decide whether to allow a joint tenancy depending on the circumstances.

**7.3 Households with access to children/shared residency order or Child Arrangement Orders** As part of the assessment process the Council will record whether an applicant has children that live with them part of the week and whether this arrangement is set by the court or not.

Where residence of dependent children under 18 has been agreed between the parents, by consent or by a Court Order, and the council is being asked to include them as part of an applicant's household, the council will verify their permanent and/or principal home by applying the test set out in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with and is dependent on the applicant.

Examples of the facts that the Council will consider when applying this test are:

- which parent/guardian receives benefits, such as child benefit/; and
- which parent/guardian arranges and pays for any childcare arrangements; and
- the home address and next of kin which the child/ren's school and GP have registered for them.
- and by checking the identity of the parents/guardian shown on the birth certificate(s), and if necessary, carrying out a home visit.

If an applicant can show that their child/ren has their permanent and/or principal home with them and are therefore dependent upon them, they can be included as part of the applicant's household. Following this assessment there will be a small number of cases where it is agreed



that children live with the applicant on a 'shared arrangement' even though they do not exclusively live with the applicant.

In these cases, even though the child/children can be included as part of the application there will be a number of factors that will be considered when deciding what size accommodation can be offered. These factors include:

- The ability of the applicant to afford the rent with or without help from benefits
- The availability and popularity of family housing in any area that an applicant expresses a preference to live in. For example, a partner housing association may be willing to be more flexible where a vacancy relates to a flat than a house as long as the rent is assessed as being affordable.

#### **7.4 Applications from elected council members, staff members or relations**

To ensure the council is seen to be treating all applicants fairly, any application for housing or rehousing from members of the council or employees of the council must be disclosed.

If an applicant has a connection with the council they are treated no differently than any other applicant. However, before any offer of accommodation is made this must be authorised by the Assistant Director responsible for Housing or other senior officer designated by the Assistant Director. For this purpose, an applicant with a connection includes the following circumstances plus the level of authorisation required:

- Any applicant who is a current elected member of the Council, or a former elected member of the Council
- Any applicant who is a current member of staff of the Council
- Any applicant who is a former member of staff of the Housing Service within the past 10 years
- A close relative of any current member of the Council's Housing Service defined as mother, father, son, daughter, brother, sister, partner, nephew, niece, uncle, aunt, grandparent, or grandchild - partners and people living together are treated in the same way as if they were married.

Lobbying on behalf of any person is not allowed in any circumstances by, or on behalf of, a councillor or member of staff.

#### **7.5 Applications from Care Leavers**

A care leaver who meets the criteria is:

- a care leaver who originates from Stevenage and meets the requirements for housing under the Leaving Care Act 2000 as being an eligible, relevant or former relevant person aged 18-21 (24 if in full time education), or
- a care leaver who does not originate from Stevenage but has been placed into foster care or residential care in Stevenage and has been resident in Stevenage for five years in the last seven and meets the requirements for housing under the Leaving Care Act

2000 as being an eligible, relevant or former relevant person aged 18-21 (24 if in full time education).

Hertfordshire Children's Services will refer the young person to live independently under the terms of the Joint Housing Protocol when it has been evidenced that the young person is assessed as ready. The referral must be made no less than 6 months before the applicant wishes to access housing. If the young person is 20 years old the move on application must be submitted at least six months before they turn 21 years or if they are in full time education 6 months before they turn 25.

The applicant must have an agreed support package and an up to date comprehensive pathway plan and risk assessment in place. The housing staff will consider the referral from Children's Services, and if satisfied that the care leaver is ready to move-on and that all support services are in place for the transition to living independently, will recommend that the application is placed into band 2.

Until the criteria is met for assessing whether a care leaver is ready to be housed they will be allowed to join the register but suspended from bidding.

#### **7.6 Move on from supported housing**

A person who meets the criteria is a person who is living in specialist supported accommodation (other than specialist accommodation for older persons) in Stevenage and qualifies under this Policy. The applicant will have been assessed by their care co-ordinator or social worker as having on-going support needs but ready to live independently with continuing support. The applicant must have a care plan and support package in place for the transition to move into general housing accommodation.

When the tenancy support team receive a referral from the applicant's care co-ordinator or social worker the case will be referred to the Special Needs Panel for a decision. If the Special Needs Panel agrees that the applicant is ready to move-on and that all support services are in place for the transition to move into general housing accommodation, the panel will recommend that the application is moved to band 2.

Until the criteria are met for assessing whether a person in supported housing is ready to move on to a tenancy they will be allowed to join the register but suspended from bidding.

#### **7.7 Checks into any court cases or unspent criminal convictions**

All applicants and members of their prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

The council may use any information disclosed (or any other information obtained during the assessment or following registration) to ascertain whether the applicant should be disqualified from joining, or from remaining on the Housing

Register, after applying the serious unacceptable behaviour rule.

Spent convictions are not required to be disclosed and will not be taken into account in assessing a person's eligibility to join the Housing Register. The assessment will consider

whether there is evidence of any current serious unacceptable behaviour regardless of whether a person has been convicted in the past for that behaviour.

If the council decides that, on the information obtained during the assessment process, there is a pressing need for a Disclosure and Barring Service (DBS) check, or further information from the Probation Service, relevant inquiries will be made.

Information gained will not automatically exclude an applicant from the Housing Register. Information received may also be used to make informed decisions about the suitability of any property that may be offered.

All assessments will be carried out in accordance with data protection and information sharing policies and other legal requirements.

### **7.8 Assessing Applications**

To assess an applicant's housing need and their acceptance on to the Housing Register the policy has adopted a 'needs based' banding system detailed in section 5.

Any band awarded reflects an applicant's housing need with the higher the band awarded reflecting the greater level of housing need.

Applicants will be required to make a declaration, or to give informed consent, to confirm their understanding that:

- The information given is correct and that they will notify the Council of any change in their circumstances.
- Enquiries will be made concerning their eligibility for housing and level of priority.
- Information will be provided to other partner organisations that are part of the Policy.

Once an applicant provides information, the Council will process that information under Article 6 General Data Protection Regulation. The processing is necessary under the 'Public Task' purpose and is necessary for the Council to perform a task in the public interest or for its official functions, in this case to meet its legal responsibility to assess housing applications, and we are satisfied that the task or function has a clear basis in law.

It is the responsibility of the applicant to provide all the information requested to assess their circumstances, and to provide any supporting information or documents that are requested. Incomplete applications will not be made active until such time as the Council is satisfied that it has in its possession all of the information it requires to complete its assessment.

The Council may request information or a reference from an applicant's current or previous social or private rented landlord. An applicant should not be disadvantaged if, despite every effort, it is not possible to obtain a reference from their current or previous landlord.

All applications are subject to verification checks and depending on the verification check required these may be applied:

- At the point of initial application

- Following any change of circumstance notified to the Council by the applicant
- Following any routine validation audits
- Following an annual review of the application
- At the point of an offer of accommodation
- At the point of letting

### **7.9 The requirement to inform the council of any change of circumstances**

Applicants are required to inform the council in writing of any material change in their circumstances that may affect their priority for housing. Examples of a change in circumstances include but are not limited to:

- a change of address or contact details, for either themselves or members of their household
- a change in their medical condition or disability (either existing or newly acquired)
- additional family members or other people they wish to add to their application (It will be for the council to decide whether they will allow additional people to join the application)
- any family member or any other person on the application who has left their household; and/or

Applications may be temporarily suspended while the council assesses the information provided by the applicant and completes further enquiries that may be necessary.

Where following a change in an applicant's circumstances this results in a change to the applicant's application or banding, they will be informed in writing.

### **7.10 Cancelling applications**

An application will be cancelled from the Housing Register in the following circumstances:

- at the request of an applicant
- where an applicant does not respond to an application review, within the specified time set out in any correspondence sent to them
- where the Council or Private Registered Provider has housed the applicant
- when a tenant completes a mutual exchange
- where the applicant moves and does not provide a contact address
- where the applicant has died
- where, at the housing application or any reassessment, an applicant has not supplied information requested within 28 days
- where an applicant already registered becomes ineligible or is disqualified under the rules adopted for this policy
- where the applicant buys a property either through the Right to Buy or Right to Acquire or through the open market or inherits a property.

Any applicant whose application has been cancelled has the right to ask for a review of that decision.

## **7.1 Reviewing an application**

Every active applicant on the Register will have their application reviewed annually, or more frequently if required, to ensure the application information is kept up to date and to efficiently manage the administration of the register.

At the anniversary of the application date, or when carrying out a review, each applicant will be contacted, usually by letter or email, to confirm their application is still required and will be asked to check their application details are still correct against their online portal and update them where necessary. In the instance of an applicant being unable to check and update their online application, a paper review form will be issued and should be returned within the timescales provided.

If an applicant has not responded after 28 days a reminder will be sent by email or by letter. If no response is received to the reminder, then the application will be cancelled.

## **7.12 Deliberate worsening of circumstances**

Social housing in Stevenage is an extremely scarce resource in demand from a very large number of applicants, the majority of who will never receive an offer of accommodation from the council. The council has a responsibility to make the best use of its housing stock by ensuring that allocations of houses are made only to those who are in genuine housing need and who, despite having made every effort to help themselves improve their housing situation, continue to have a housing need.

For this reason where there is evidence that an applicant has deliberately made their housing situation worse in order to gain a higher banding, the assessment of their needs will be based on the circumstances before the change in their situation brought about by their actions to deliberately worsen their circumstances.

Examples of deliberately worsening circumstances include:

- applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded unless the addition to the household is considered to be unavoidable such as an older relative requiring full time care.
- homeowners who have transferred their property to another family member within the last five years from the date they make their application to the Housing Register.
- applicants who have given up affordable and suitable private rented accommodation that they are able to maintain to move in with other relatives or friends, creating a situation of overcrowding.
- requesting or colluding with a landlord or family member to issue them with a notice to leave their accommodation.

These are examples only. There may be other circumstances in which the council decides that an applicant has deliberately worsened their circumstances.

## **8.0 The Council's statement on choice**

It is a legal requirement for the Council to include within its Allocation Policy a statement on choice.

The Council will let the majority of properties through a system called 'choice-based lettings' (CBL) (but not all properties, see below for when the Council may make a direct offer outside of the CBL system). This means the majority of properties will be advertised and applicants will be able to 'bid' on properties that suit their needs.

Applicants who are eligible to be considered for properties under the policy will be able to express a preference for an area, or areas, in which they would like to live and the type of property they would prefer. However, the ability to satisfy their preferences is extremely limited by the lack of available social housing in the Stevenage area.

While the council is committed to offering applicants accepted onto the housing register as much choice as possible, the vast gap between the supply and demand of social housing means that we expect the refusal of offers of accommodation following a successful bid to be few and far between. However, the considerable housing pressures faced in Stevenage limit the degree of choice that can be offered, along with the responsibility the council has to offer housing to applicants in urgent housing need. These pressures include the need to reduce the financial impact on the council for households placed into temporary accommodation under a homelessness duty.

Therefore, expressing a preference over where an applicant would prefer to live does not mean that preference can be met, or that an applicant won't be offered a direct offer of suitable accommodation outside of their preferred area.

An applicant may be asked at the time of registration to state any area in which they believe they cannot live due to fear of violence, harassment, or domestic abuse. The assessment of their application will then consider the facts and decide whether the applicant can restrict areas.

Priority for Council and Private Registered Provider properties being let as secure, flexible, or assured tenancies will be determined by housing band, with those applicants in Band 1 having a greater priority than those in Bands 2 and 3, and those in Band 2 having a greater priority than those in Bands 3. Within bands, priority will normally be determined by the date the applicant is registered in that band.

- In selecting properties to allocate the council will take into account the following factors:
- the number of bedrooms required (as measured against the criteria adopted in this Policy).
- any essential requirement concerning the type or location of housing
- the housing band into which the applicant's case falls, and
- the date registered within that band (except for when a property may be allocated outside of band and date order (see section below for details))

The council will not normally take into account:

- non-essential preferences concerning the location or type of rehousing requested by the applicant, or
- an applicant's preference concerning an allocation of a Council property or a nomination to a Private Registered Provider Housing Association property.

### **8.1 Penalty for refusing 2 suitable offers in a 3 year period**

Applicants who are made a direct offer or bid successfully under CBL but subsequently fail to attend viewing appointments or refuse an offer of a tenancy without good cause, increase administration time and cost and more importantly are denying other applicants the opportunity to be shortlisted for properties.

An applicant may withdraw their bid for a property without penalty at any stage of the bidding process up to the close of the bidding round. However, if an applicant is the successful bidder on a property but fails to attend a viewing appointment or refuses the offer of a tenancy without good reason, this will count as a reasonable offer refused.

Any applicant who refuses 2 suitable offers within a 3 year period will be disqualified from the housing register and not allowed to reapply for a period of 12 months (see the separate policy below that is relevant for applicants owed a statutory homeless duty who refuse one suitable offer). They will then have to reapply to join the housing register and, if they qualify to join, their effective date within any band awarded will not be backdated to their original band date before they were disqualified.

This adopted rule is intended to tackle the problem of some applicants making a successful bid and then refusing the property offered, which has the impact of increasing the time it takes to re-let that vacant home.

The Council will determine whether an offer was reasonable for an applicant to accept using the reasonable offer criteria set out at appendix 1.

Representations from an applicant that they had good reason to refuse the offer of a tenancy will be considered on a case by case basis. However, since full details of the property such as property type, size, floor level (if applicable), street name and rent due are given on the property advertisement on the Housing Online website, we expect that the number of occasions we would consider a refusal to be reasonable to be very few.

### **8.2 When the council may choose to make a direct offer outside of the bidding (CBL) system and sometimes outside of the band and date order system**

There will be circumstances in which there are urgent strategic, operational, or financial reasons to make a direct offers outside of the bidding system and/or outside of the normal band and date order criteria. Specific examples include but are not limited to:

- people that need to move due to a fire or flood, or severe storm damage to their home.



- where there is an evidenced threat to life in the area in which an applicant currently lives for example, people who are at imminent risk of violence and are to be housed through a Witness Protection Programme.
- people who it has been agreed must be housed urgently as part of a multi-agency protocol such as a MAPPA, MARAC case where it is agreed there is a need to manage where a person should be housed.
- where a vacant adapted property or a property designed to disability standards becomes available it may be offered to those households with a need for this property type regardless of their band or the date they were registered.
- in the case of a secure council tenant who is willing to transfer from a property they do not require, and which is particularly suitable for an applicant with special or support needs.
- applicants who have given up their secure council tenancy whilst they are in prison and there is an intention to return.
- where an applicant is homeless and in temporary accommodation and owed a Section 189B (2) Relief duty or 193(2) Main duty under the Housing Act 1996 and the council wishes to make a direct offer to move applicants out of temporary accommodation to manage any budgetary or legal requirements placed on the council.
- persons whom the council has a duty to rehouse under Section 39 of the Land Compensation Act 1973.
- If the applicant has not been bidding for all suitable properties or has been the successful bidder on a property but subsequently refused the offer of a tenancy
- a vulnerable applicant where the outcome of an assessment is that a managed let in a particular suitable location is the best letting solution for that applicant; or
- special allocation arrangements may also apply in respect of properties available for letting on new-build developments.
- where the previous tenant of a vacant property has perpetrated anti-social behaviour and there may be a need to let that property sensitively in respect of understanding the impact on the community of the previous tenant.
- where a direct allocation is identified as making best use of the council's housing stock
- a property is required to enable a council tenant with no reasonable preference to transfer in the best interests of managing the housing stock
- a property is required as a direct allocation under the Council's Policy on the Purchase of Open Market Properties to Assist Vulnerable Homeowners to Move into More Suitable Accommodation.
- the applicant is a statutory or discretionary successor to a tenancy and is required to move to a smaller property. In these circumstances the chance to bid for a property will be limited because of the legal rules that require the Council to serve a notice requiring them to move six months after the tenant's death but before 12 months for the notice to be considered valid.

In all of these examples a direct allocation may be made at any time and there is no minimum time that an applicant will be allowed to bid before they can be considered for a direct offer. For example, even though an applicant owed a homeless duty and in temporary accommodation



will be allowed to bid under the CBL Housing Online Policy they may still receive a direct offer at any time in order to reduce the financial impact on the Council of temporary accommodation.

Note: Specialist accommodation for older persons properties these will be let entirely outside of the bidding system. They will be let through a direct offer.

Any decision to allocate properties outside of band and date order system will be recorded, with the reasons why an allocation has been made. These will be reported on to members at least annually through a performance report covering all applications and lettings.

Note: Council tenants that may be at risk due to, for example significant repair issues will be decanted and made a direct offer outside of this Allocation Policy. Any offer will be a management initiated move and these transfers sit outside of the legal requirements set under allocations legislation.

### **8.3 Choice and offers made to any applicant owed a statutory homelessness duty under Part 7 of the Housing Act 1996**

For applicants owed any statutory homelessness duty under Part 7 of the Housing Act 1996, the need to offer suitable housing is considered to be more important than allowing an applicant to wait for an offer of accommodation in a location where they would prefer to live. There is therefore no minimum time set for when an applicant owed a statutory homeless duty will be allowed to bid for social housing before a direct offer can be considered.

An offer of accommodation for an applicant owed a statutory homeless duty could be either a private rented property, or a social rented property. Should the applicant refuse an offer which is considered both suitable for their needs and reasonable then, subject to the Council's homelessness review procedure, the homelessness duty owed will be discharged and they will lose any priority status granted to them based on the homelessness duty owed.

In these circumstances the Council will then assess whether they have another housing need and otherwise qualify that means they should be awarded bands 1-3. If they don't, they will be removed from the Housing Register.

A statutory homeless duty is defined as:

- The prevention of homelessness duty under Section 195(2)
- The 'relief of homelessness duty under Section 189B(2)
- Where the relief duty has come to an end and an applicant is then owed a section 190 Intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty),
- The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty

#### **8.4 When an application may be suspended**

An application can be suspended for various reasons set out in this policy. Where an applicant is suspended the applicant remains on the Housing Register and they will receive a new date in band when their application is made live with the exception of applicants who qualify despite a housing related debt or rent arrears who will be banded and will accrue their time in band but will be suspended from bidding. An applicant who is suspended cannot however express an interest (bid) or receive any offer of accommodation. An applicant can be suspended for various reasons which include:

- Waiting for verification information
- Investigation of incomplete or inconsistent details on the application
- Awaiting proof of change of circumstances
- Applicants in supported accommodation who are not ready for move on
- Some applicants with rent arrears (see section 2 non qualification/suspension rule for current or former rent arrears for details of when an applicant will be allowed to qualify but suspended from bidding)
- Applicants considered not to have mental capacity
- Fraud investigations

#### **8.5 Suspension if the applicant is not capable of entering into a contract**

Where an applicant who has qualified to join the Housing Register is assessed as lacking the mental capacity to understand the contractual responsibilities of a tenancy, they will be suspended from being considered for any offer of accommodation. The Council cannot enter into a contractual agreement with applicants who are unable to understand the contract. Mental capacity can change and if the applicant, following their suspension, is subsequently assessed as possessing sufficient mental capacity the suspension can be lifted.

Alternatively, if it is deemed an applicant does not have the capacity to understand a tenancy agreement the Council will consider whether to make an offer in the circumstances where the applicant's interests are vested in a Power of Attorney who has been appointed by the court of protection.

#### **8.6 Assessing whether a band should be awarded for any impact of an applicant's current housing on a medical condition or disability**

Priority banding may be given if qualifying applicants are suffering ill-health, which is aggravated by their housing conditions and which would be helped by a move elsewhere.

When assessing whether to award Band 1 or 2 or no priority, the council will follow the five-stage assessment set out below:

- Is the medical/disability issue serious enough for a priority banding to be considered?
- If the medical condition is serious enough for a priority banding to be considered the assessing officer should then decide if there is a direct link between the identified medical problem and the applicant's current housing accommodation/situation, i.e., on

the facts obtained (from the applicant and any medical information or reports submitted including any advice from an independent medical advisor or occupational therapist) does the assessing officer accept that the applicant's current housing accommodation/circumstances are making their medical condition or disability substantially worse, or will make it worse?

- In practical terms, the officer will consider the adverse effect this has on the applicant's ability to manage day-to-day tasks in their current home. The applicant's current housing accommodation/circumstances may be impacting on their medical condition or disability but not to the extent that an award of Band 1 or 2 priority should be granted under the criteria adopted for the Policy. There are examples listed in appendix 2 for when an award of Band 1 or 2 may be awarded, and they are used to guide the officer when making their decision.
- Before making an award, the assessing officer needs to be satisfied there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly improved through the provision of alternative accommodation.
- If the officer is satisfied that the impact on the identified medical condition/disability would be removed or significantly improved, they would then decide whether to award Band 1 or 2 depending on the severity of the impact. The assessing officer will make their final decision based on a medical adviser's recommendations and the medical adviser will be guided by this five-stage assessment process.

### **8.7 When medical priority will not normally be awarded**

Medical priority will not normally be awarded in the following circumstances:

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

Medical assessments are not just related to banding. The council will also consider recommendations for future housing, for example regarding the floor level a household may

need and whether an extra bedroom is required due to a child having autism. Guidelines for assessing extra bedroom requests for ADHD, Autistic spectrum, sensory processing difficulties, and other mental or physical health problems are set out in appendix 2.

An applicant or member of their household who considers themselves to have a disability will only be given housing priority banding (based on the disability), if the property is assessed as no longer suitable for their needs. If the assessment indicates that a move to a different type of property would be more beneficial to the household's health and wellbeing, then priority will be awarded. For example, an applicant with a disability who finds it difficult to walk up steps would be awarded priority if their current property had stairs (and no adaptation to help), they would not be awarded any priority if their current housing was level access or contained adaptations to make the property suitable. Again examples are given at appendix 2 for when an award may be made due to the impact of current housing circumstances on a person's disability.

### **8.8 Need for an Adapted Property**

An applicant with an assessed need for specific adaptations will not normally be offered a property where these adaptations are not already fitted, this excludes minor adaptations such as handrails. Exceptions to this can be considered only after a full assessment has been carried out by the Occupational Therapists, and this includes options for adapting the applicant's current property.

### **8.9 Specialist accommodation for older persons in Stevenage**

Older people housing will normally only be allocated to applicants who are aged 60 or over (for couples, where at least one partner is aged 60 or over). All applicants will be subject to a needs and risk assessment.

In exceptional circumstances we may consider allocating specialist accommodation for older people to applicants under 60 if the applicant can demonstrate that they have a diagnosed illness or disability that means they would benefit from older people housing (receipt of Disability Living Allowance or Personal Independence Payment is not in itself evidence of this). We will also consider allocating 1st floor and above un-lifted one-bedroom properties in dispersed specialist accommodation for older people to applicants who are aged 55 and over.

In all cases a needs and risk assessment will be carried out to assess that the applicant:

is suited to live in specialist accommodation for older people; and

would benefit from specialist accommodation for older people.

Applicants without a local connection to Stevenage but who have an identified need for specialist accommodation for older people following an assessment, will be considered for lower demand specialist accommodation for older people properties only.

### **8.10 The Role of the Housing Panel**

Most decisions about applications, priority and allocation of a home will be made by the assessing officer or the manager where a decision clearly comes within the policy rules.

However, there will be a small number of decisions where a case will be referred to the Housing Panel due to the complexity of the decision to be made.

The Housing Panel is made up of a group of senior housing managers from the council who meet regularly to discuss specific housing allocations cases. The Housing Portfolio Holder or their representative can attend meetings and observe the panel's discussions.

Under its remit the Panel may consider:

- decisions on whether to award Band 1 for medical, welfare or exceptional circumstances where the manager for the applications and allocations function is of the view that the case is not straightforward and would benefit from being considered by the Panel.
- complicated cases where on the facts and circumstances a decision is needed as to whether to exercise discretion, for example should discretion be applied where an applicant does not meet a qualification rule but has made a case for discretion to be applied and the facts presented are not straightforward.
- a case that falls outside the rules of this Allocation Policy

### **8.11 Statutory successions**

Tenancies created prior to 1 April 2012:

Under the terms of the Housing Act 1985, where no succession to a tenancy has already taken place, specified family members may succeed to a secure tenancy on the death of the tenant, if certain conditions are met. This is known as a statutory succession. Where the successor tenant is the spouse, partner or civil partner of the tenant they will not be required to move even if under-occupying. If the statutory successor tenant will be under- occupying the property, they will be required to move to a property that is suited to their needs under the terms of this allocations Policy. The right of succession is to the tenancy, not the property.

Tenancies created from 1 April 2012:

The Localism Act 2011 introduced changes to the law on succession rights. For tenancies created from 1st April 2012, the statutory right to succeed to a tenancy rests only with a spouse, partner or civil partner of the tenant, who was residing with the tenant as their only or principal home at the time of the tenant's death. Other family members will not have a statutory right to succeed to a tenancy.

### **8.12 Discretionary successions**

Where a statutory succession to a tenancy has already taken place, or for a post April 2012 tenancy where there is no spouse, partner or civil partner eligible to succeed to the tenancy, the council will consider a request to succeed to the tenancy from certain family members or live-in carers who were resident with the tenant at the time of the death of the tenant. They must be eligible to join the Housing Register and qualify for an offer of accommodation in their own right and satisfy certain other conditions as set out in the council's succession policy. This is known as a discretionary succession. The council's policy on discretionary succession may change from time to time and more information is available on the council's website

[www.stevenage.gov.uk](http://www.stevenage.gov.uk).

In every case where the council has agreed a discretionary succession and there is under-occupation of the existing property, the discretionary successor will be required to move to a property that is suited to their needs under the terms of this Allocation Policy. They will still be allowed to bid under the Choice Based Lettings but a direct offer is more likely to be made and can be made at any time. The chance to bid for a property will be limited because of the legal rules that require the Council to serve a notice requiring them to move six months of the tenant's death but before 12 months in order for the notice to be considered valid.

Only one offer arising out of a successful bid or one direct offer will be made and if this is refused, the council will consider that the discretion is no longer justified and the discretionary successor will be required to leave the property and make their own arrangements for their future housing. The council will take legal action to recover possession of the property in occupation by the discretionary successor if they refuse to leave the property.

### **8.13 Local Lettings Policies**

Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation Policy is able to contribute to building sustainable communities. Note all new developments may be subject to a local lettings plan.

Local Lettings Plans will be tailored to fit local situations in well-defined communities. Each local lettings policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan or the need to provide housing for local people in rural villages and parishes).

See appendix 4 for full details of how local lettings policies will be agreed and applied.

### **8.14 Assessing overcrowding and the bedroom size that can be allocated**

For the purpose of assessing a person's housing need for overcrowding and for the purpose of deciding the number of bedrooms to be allocated to a household for rehousing the following criteria will be used:

1 bedroom will be allowed for:

- One bedroom for applicant and partner/spouse (if any)
- One bedroom for any additional adult couple
- One bedroom for any two additional people of the same sex (up to the age of 18)
- One bedroom for any two additional people of the opposite sex under age 10
- One bedroom for any additional person (aged 18 or over)

Notes on how the Council will apply the above criteria:

- Children are not considered as part of the household of the applicant if the children have a main permanent residence elsewhere. If shared custody, refer to point 3.3.



- Families headed by a single parent will be treated in the same way as a family headed by a couple.
- Couples should always have their own bedrooms and not share with children.
- Couples can be treated as needing two bedrooms only if there is an exceptional medical need and the Council's medical assessment agrees with this need.
- When assessing the level of overcrowding where an applicant or a member of their household who is part of the application are sleeping in a room that is not a bedroom they will not be counted as having a bedroom.
- For measuring overcrowding and the size of the home that can be allocated the Council will include students who are away on a temporary basis i.e. at university or college).
- Non-dependent children will only be considered as a member of the household if they have been living with the applicant as their permanent full-time residence for a period of over 12 months. This may be waived for non-dependents who give or receive care from the applicant.
- Other non-dependents who are not children of the applicant and have lived with the applicants for more than 12 months will be considered on a case-by-case basis.
- Commercial lodgers are never considered as non-dependents. (In this context commercial lodgers are non-family members who are receiving board and/or lodgings in return for payment, or payment in kind).
- Any property with 2 reception rooms will have one counted as a bedroom
- An extra bedroom may be awarded where there is a severely disabled adult or child who the Council agree, based on the facts assessed, needs their own room (see appendix 2 for more details as to how a claim for an extra bedroom will be assessed).
- In assessing overcrowding and the size of home to be allocated where a child is over the age of 10 and not yet 18 the Council will consider a child to be overcrowded on the basis of sex overcrowding if the sex they are transitioning to would result in sex overcrowding if they are receiving specific medical treatment as defined below for gender dysphoria through the NHS Children and Young People's Gender services. Medical treatment is defined as Hormone therapy from a specialist consultant endocrinologist or Puberty blockers (gonadotrophin-releasing hormone analogues). Note the Government has made a decision that puberty blockers will from March 2024 not normally be available to children for gender incongruence or gender dysphoria but will still be available for children who have started such treatments.
- When assessing sex overcrowding, a person who has changed their gender from at birth will be considered in law to be of their acquired gender from the date they were granted a Gender Recognition Certificate (GRC) and not their self-identified gender.
- Carers who provide regular overnight care may be granted a bedroom based on the assessment of the facts of each case. The fact that there is overnight care will not necessarily mean an extra bedroom will be allowed. The decision will be based on the facts of the case including:
  - the number of days overnight care is provided.
  - whether there is a requirement for the carer to remain awake and
  - what other facilities are available in the home.

The number of bedrooms needed by an applicant depends upon the size of their family. The table shows the number of bedrooms that we consider an applicant needs based on household size

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

Note:

- A couple or single parent expecting a baby is entitled to one bedroom. Unborn babies are not considered when determining the number of bedrooms needed
- Single people without children may be offered a studio
- Single bedrooms will be used for one person not sharing (for example a single parent)
- Double bedrooms will be used for two people sharing (for example two children sharing)
- Council tenants under occupying in their current properties from properties with three or more bedrooms will be allowed, if they wish, to be considered for properties with one bedroom more than they need.
- An applicant should note that for Private Registered Provider properties, the Housing Association may have adopted different criteria for determining the number of bedrooms a household requires.
- 3 bedroom or more need families who are willing can choose to be considered for smaller council owned properties that are up to one bedroom size less than their assessed need as long as this does not mean that they will be statutorily overcrowded. For 3 bedroom properties this is limited to families with more than one child under the age of 5 who have been assessed as having a 3 bedroom need but opt to be considered for a 2 bedroom property. For 4 or 5 bedroom properties this is limited to families with more than 4 children.



### **8.15 Complaints**

Complaints are separate to the circumstances in which an applicant is entitled to seek a review of a decision made on their housing application. A request for a review of a decision made on an application should be made under the review procedure (set out in the section below) and not through the council's complaints process.

Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made under the Council's two stage complaints policy. Information about how to make a complaint and how the Council will deal with it can be found at

<https://www.stevenage.gov.uk/have-your-say/compliments-and-complaints>

Where a complaint relates to how an applicant has been dealt with under this Policy an applicant has the right to continue with their complaint to the Local Government Ombudsman Service if they are unhappy with the response to their complaint.

The Local Government Ombudsman is an independent service run by Central Government to make sure that Councils provide the required standard of service to their customers.

The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what has been done simply because someone did not agree with it.

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

### **8.16 When an applicant has a right to request a statutory review**

Under the housing legislation an applicant has a legal right to request a review of any of the following decisions reached by the council:

- a decision that an applicant is ineligible, or not a qualifying person to join the Housing Register
- a decision regarding which band an applicant has been awarded
- the priority date granted for the band awarded
- to remove an applicant from the Housing Register
- any decision about the facts of the case that has been used to assess their application including the decision the council has made regarding who can be included in the application
- where an applicant considers that a decision has been reached based on incorrect information.

### **8.17 How a request for a review will be dealt with**

Applicants who are unhappy with a decision (listed above) made under the Allocation Policy should in the first instance contact the Lettings Team and explain why they think the decision is not correct or not reasonable. An initial informal review will then be undertaken by either the housing officer who dealt with their case or an equivalent officer.

The applicant will be notified whether the decision still stands and the reasons for this usually within 10 working days in writing.

If an applicant wishes to take the matter further, they can make a request for a formal review of the decision which must be made within 21 days of receiving the decision. The request should be made in writing by letter or email. In these cases, the applicant will then be invited to make a written submission stating the reasons for their request for a review. Formal reviews will be conducted by a manager senior to the officer that made the decision and who was not involved in the original decision making process. The applicant will be notified of the outcome of the review in writing, including the reasons for their decision. The council aims to notify the applicant within 56 days; however, this is a target timescale and may be longer depending on operational pressures.

There is no right to request a review of a review decision.

### **8.18 Applicants owed a homeless duty and quotas**

In order to reduce the financial impact on the Council for homeless households occupying temporary accommodation, and to ensure that the Council is able to meet its legal duty to provide suitable temporary accommodation at all times, the council will target a proportion of properties for direct allocation to applicants owed a homeless duty. This will be set at the start of each financial year and may change during the year according to demand pressures.

The Council may wish to apply quotas for other groups and information about the quota level set for the homeless and any other groups will be detailed on the Council's website.

### **8.19 Contacting the council**

You can contact Stevenage Borough Council to ask about any aspect of this policy or your application: By email: [lettings@stevenage.gov.uk](mailto:lettings@stevenage.gov.uk)

Or by writing to:

Lettings  
Stevenage Borough Council  
Daneshill House, Danestrete,  
Stevenage Herts  
SG1 1HN  
By telephoning: 01438 242242

## 9.0 How an Applications Housing Needs and Circumstances are Assessed

### **The Banding system that has been adopted by the Council**

The demand for social housing exceeds supply in Stevenage and therefore this policy prioritises the housing of applicants assessed as being in the greatest need. Once registered many applicants will still unfortunately, not have sufficient housing need to be offered a property.

The banding system set out in this section will normally be used to decide when to make an offer of accommodation and to whom.

The council has chosen to adopt a simple and transparent system creating 3 bands' where people will normally be ranked by date order in each queue as long as they qualify to join the housing register. The housing bands are summarised below, and full details are then set out.

**Band 1 – Urgent priority statutory housing need to move:** these are applicants that are owed a statutory award of 'reasonable preference' but whom the Council also believes should also be awarded 'additional preference' based on their very urgent housing need.

### **Band 2 – High priority statutory housing need to move:**

This band consists of applicants that are owed a statutory award of 'reasonable preference' under the policy and have been awarded band 2 priority based on their assessed high housing need.

### **Band 3 – Lower priority statutory housing need to move:**

This band consists of applicants with a statutory need but that need is assessed as being lower than Band 2, plus applicants over the age of 60 without a statutory housing need but are willing to consider accepting a tenancy for specialist accommodation for older people in Stevenage.

### **9.1 The date a band will be allocated**

The band start date is the date the assessment of the applicant's Housing Register application has been received. If following being banded, an applicant's housing need and/or circumstances change and a reassessment results in the applicant being placed in a higher band their date for the higher band will be the date they were awarded that band for that higher assessed housing need.

Note: for eligible homeless applicants who meet the qualification rules to join the Housing Register the following will apply about their band start date:

- owed a Section 195(2) Prevention of homelessness duty – Band date is the date the duty was owed and not the date of the homelessness application.
- owed a Section 189B (2) Relief of homelessness duty – If an applicant has not been owed a prevention duty then the band date is the date the relief duty is owed and not the date of the homelessness application. If the applicant was owed a prevention duty which ended because they became homeless and they are then owed a relief duty, the effective date is the date the prevention duty was owed.
- owed the Main Section 193(2) duty – Band date is the date the Relief of homelessness duty was owed and not the date the Main duty was owed. This is because to start the

date at the date the Main duty was owed would disadvantage an applicant by 56 days who has been found to be in priority need and unintentionally homeless.

- circumstances where the relief duty has ended, and the applicant is assessed at this point as not being in priority need - Band date is the date the Relief of homelessness duty is owed (or the date the prevention duty was owed if the applicant had been owed a prevention duty before being owed the relief duty) and not the date that the Relief duty is brought to an end.
- circumstances where the relief duty has ended, and the applicant is assessed at that point as not being owed a main duty due to being intentionally homeless - Band date is the date the Relief of homelessness duty is owed (or the date the prevention duty was owed if the applicant had been owed a prevention duty before being owed the relief duty) and not the date that the Relief duty is brought to an end.
- where the applicant becomes homeless unintentionally within 2 years of accepting a private rented sector offer, offered to bring the main Section 193 homelessness duty to an end, the effective date will be the date of the new application.

## 9.2 The Banding System

The following section provides details for how the policy defines and assesses housing need for an award of a band is described below. Where there are further details, beyond the details set out below for how the housing need criteria will be assessed, these are set out in appendices.

It is important to note that applicants will be placed in the appropriate band following an assessment that their housing need meets the threshold for that band. An applicant who qualifies under more than one of the housing need criteria will be awarded the highest priority they are entitled to under the criteria. They will not be awarded a higher band just because they meet more than one housing need criteria. For example, an applicant who meets 2 housing need criteria for Band 2 will still only be awarded band 2 and not Band 1.

### **BAND 1: Exceptionally Urgent Need to Move**

These are applicants awarded reasonable preference and additional preference and include households with the highest need for rehousing.

*Note: To be awarded any of the bands an applicant must qualify to be included on the Housing Register. This means they must meet the residential connection rule and not be disqualified under any of the other adopted rules, unless the council has agreed that discretion should be applied to waive the residential connection rule or any other qualification rule due to exceptional circumstances.*

<p><b>1: Emergency medical or disability need:</b></p>	<p>A Band 1 award is for applicants who are suffering sudden or severe progressive life-threatening medical conditions or disability and need an immediate move (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and poses an immediate and serious danger to the individual.</p> <p>See appendix 2 for more details on when a Band 1 award may be granted with examples of a Band 1 award.</p>
<p><b>2: Exceptionally urgent need to move</b></p>	<p>These decisions may be made by the manager for the applications and allocations service or made by the Housing Panel where it is considered that a case is extremely complicated and would benefit from being scrutinised by the Panel.</p> <p>In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• a severe threat to life by others</li> <li>• emergency cases whose homes are damaged by fire, flood, or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life</li> <li>• households which, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community</li> <li>• cases nominated under the Police Witness Protection Policy or other similar Policies that the council has agreed to be part of</li> <li>• an applicant who has an exceptional need that is not covered in the Allocation Policy. For example, where child or public protection issues require rehousing or for domestic abuse where all other options to remain in the home have been considered</li> <li>• other exceptional circumstances as authorised by the Head of the Housing Service or equivalent.</li> <li>• For any Private Registered Provider tenant, the expectation is that, where it is safe to do so, a like for like management transfer would be granted, or an emergency decant provided whilst a suitable transfer can be arranged and therefore the majority of these cases should not need to be awarded a banding by the Council.</li> </ul>

<b>3: Exceptional impact of an unfit private sector property</b>	<ul style="list-style-type: none"> <li>• Private sector tenants and residents of dwellings where the council's Environmental Health team has determined the property poses a Category 1 hazard under the Housing Health and Safety Rating System (e.g. crowding and space, excessive cold or risk of falls) and</li> <li>• Following assessment, the applicants property is subject to a prohibition order, emergency action, demolition order or clearance under the Housing Health and Safety Rating System of the Housing Act 2004, and</li> <li>• The council is satisfied that the problem cannot be resolved by the landlord within six months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or living conditions that are a statutory nuisance, and there is no prospect of the problems being remedied within a six-month time period.</li> </ul>
<b>4: Applicants without access at all to any of the following facilities:</b>	<p>An applicant who has accommodation (not rough sleepers) with no access to the following within their current property:</p> <p>A bath or shower A toilet Running hot water supplies Electric/gas needed for essential activities</p> <p>Applicants who have access to shared facilities re cooking; bathroom and toilet will not qualify under these criteria.</p>
<b>5: Statutory overcrowding or severe overcrowding by 3 bedrooms or more as defined by the bedroom standard</b>	<p>The measurement of overcrowding is set out in section 4 of the policy.</p>
<b>6: Freeing up a social housing home that has been already significantly adapted</b>	<p>Where a tenant is living in a substantially adapted property and does not need the adaptations in their home they will be awarded band 1 in order to release the adapted home if the adaptations are assessed as being needed by an applicant listed as being in urgent need of the adaptations in the applicant's property</p>

<p><b>7: Armed Forces who meet the following criteria</b></p>	<p>Applicants with urgent housing need and have access to no other accommodation who:</p> <ul style="list-style-type: none"> <li>• Are serving (and will soon leave) the regular forces and are suffering from serious injury, illness, mental ill health, or disability which is attributable to the person's service</li> <li>• Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the MOD 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</li> <li>• 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</li> </ul> <p>For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.</p>
<p><b>8: Care Leavers</b></p>	<p>A care leaver who meets the criteria is:</p> <ul style="list-style-type: none"> <li>• a care leaver who does not originate from Stevenage but has been placed into foster care or residential care in Stevenage and has been resident in Stevenage for five continuous years and meets the requirements for housing under the Leaving Care Act 2000 as being an eligible, relevant or former relevant person aged 18-21 (24 if in full time education).</li> </ul>



## **BAND 2 – High Priority, Statutory Housing Need to Move:**

These are applicants that are owed a statutory award of ‘reasonable preference’ under the policy and have been awarded Band 2 priority based on their assessed high housing need.

*Note: To be awarded any of the bands an applicant must qualify to be included on the Housing Register. This means they must meet the residential connection rule and not be disqualified under any of the other adopted rules, unless the council has agreed that discretion should be applied to waive the residential connection rule or any other qualification rule due to exceptional circumstances.*

<b>1: Homeless applicants who are owed one of the following duties by Stevenage Council only</b>	<ul style="list-style-type: none"> <li>the Main Housing Duty under Section 193 of the Housing Act 1996, or</li> <li>a relief duty under Section 189B (2) where the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is accommodated in interim temporary accommodation.</li> </ul>
<b>2: Severe medical or disability impact:</b>	<ul style="list-style-type: none"> <li>Where an applicant (or a member of their household) is living in accommodation with a severe, long term, medical conditions (chronic or progressive) or severe disability that means they urgently need to move because their home is assessed as being highly unsuitable and is directly detrimental to the applicants’ physical or mental health.</li> <li>Where an applicant’s (or a member of their household) housing is unsuitable because of severe medical reasons or because of their disability. The applicant (or member of their household) is not housebound, but their current housing is exacerbating their health conditions.</li> </ul> <p>See appendix 2 for examples of when a Band 2 award may be granted for severe medical or disability impact.</p>

<b>3: Existing Stevenage Council tenants who:</b>	<p>will move from a property defined as having more than one bedroom than is required for the number of occupants, based on appropriate sharing and/or single bedroom arrangements.</p> <p>Note the Council will assess whether a property that could be released is a high demand property and if so whether to award Band 1.</p>
<b>4: Existing Stevenage Council tenants who:</b>	<ul style="list-style-type: none"> <li>• Has succeeded to the tenancy of a property which was specially built or substantially adapted for a person with a disability and they do not need this accommodation (see the succession policy for further information).</li> <li>• Has an identified need for adaptations to their current property and there is another property with these adaptations already fitted. This will only apply when the applicant has been assessed by an Occupational Therapist and excludes minor adaptations i.e., grab rail.</li> </ul> <p><i>Note: many of these moves will be achieved through the Council initiating a management transfer and where this action is taken the transfer will not be carried out under this allocation policy.</i></p>
<b>5: Overcrowded by 2 bedrooms as defined by the bedroom standard set out in this policy</b>	<p>This group is defined as applicants overcrowded by 2 bedrooms who are living in the Stevenage area as defined under this Policy's overcrowding standard.</p>
<b>6: Succession to a tenancy</b>	<p>The applicant is a statutory or discretionary successor to a tenancy and is required to move to a smaller property. Note successors who are downsizing or are required to move to a smaller property will not be allowed one more bedroom than their housing need (as per the previous policy before this revised 2024 policy).</p>

<p><b>7: Unsatisfactory housing conditions or fitness</b></p>	<p>Private sector tenants that Stevenage Borough Council has determined that the property poses a serious category 1 hazard under the Health and Safety fitness rating and the Council's assessing officer is satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period, and the household are not able to resolve their own housing problem by moving to alternative private sector accommodation.</p>
<p><b>8: Ready to move on from Council accredited supported housing scheme</b></p> <p>(except for the Haven YMCA and Housing Futures – See Band 3)</p>	<ul style="list-style-type: none"> <li>• An applicant is in a Council accredited supported housing in the Stevenage area, and</li> <li>• Is ready to move to independent settled housing on the recommendation of the support worker or equivalent; and</li> <li>• The applicant is in need of medium to long term rather than short term ongoing tenancy support; and</li> <li>• That support package has been assessed and is in place.</li> </ul>

### **Band 3 – Lower Priority, Statutory Housing Need to Move:**

*Note: To be awarded any of the bands an applicant must qualify to be included on the Housing Register. This means they must meet the residential connection rule and not be disqualified under any of the other adopted rules, unless the council has agreed that discretion should be applied to waive the residential connection rule or any other qualification rule due to exceptional circumstances.*

<p><b>1: Applicants owed one of the following homelessness duties</b></p>	<p>Applicants owed any of the following homelessness duties by Stevenage Council as set out below:</p> <ul style="list-style-type: none"> <li>a) Applicants where the Section 189(B) Relief duty has been brought to an end and an applicant has been assessed at that point as being intentionally homeless (and hasn't been disqualified under the unacceptable behaviour disqualification rule).</li> <li>b) Applicants owed the Section 193 C (4) Main duty where the Prevention or Relief duty was ended by the council due to their deliberate non-cooperation.</li> <li>c) Applicants owed a Section 189B (2) Relief duty by the Council and not considered likely to be in priority need.</li> <li>d) Applicants owed a Section 195 (2) Prevention of homelessness duty by the Council.</li> <li>e) Applicants where the Section 189(B) Relief of homelessness duty has been brought to an end and the applicant is determined to be homeless but not in priority need and therefore not owed a Main Homeless Duty.</li> </ul>
<p><b>2: Insecurity that risks homelessness</b></p> <p><i>Note: Applicants in this category will be boosted to Band 2 after 6 months in Band 3. Their effective date for Band 2 will be the date they are boosted to Band 2 and not the date they were awarded Band 3</i></p>	<p>A pregnant applicant or applicant with a child or children who are sharing a home with family who are not part of their household and where:</p> <ul style="list-style-type: none"> <li>a) They have no ownership or tenancy rights, and the arrangement is short term and very insecure and only available whilst the applicant is actively seeking an offer of social housing or alternative accommodation with friends or in the private rented sector, and</li> <li>b) They were owed a prevention of homelessness duty as they were assessed as likely to become homeless within 56 days, and that duty has ended because they have been allowed to remain at home whilst they bid for social housing with their Band 2 priority and it is likely that they can remain for at least a year, and</li> </ul>

	c) The family member with the interest in the home has agreed to allow the applicant to remain for at least a year.
<b>3: Applicants over 60 who have been assessed for specialist accommodation for older persons only</b>	Single applicant or couples aged 60 or over and with no other priority. The applicant wishes to move to specialist accommodation for older persons and has been assessed as suitable by Stevenage Borough Council.
<b>4: Overcrowded by 1 bedroom as defined by the bedroom standard set out in this policy</b>	This group is defined as applicants overcrowded by 1 bedroom who are living in the Stevenage area as defined under this Policy's overcrowding standard.
<b>5: Applicants who satisfy the 'Right to Move' criteria</b>	These are applicants who meet the Allocation of Housing (Qualification Criteria for Right to Move) Regulations 2015. This banding award applies to existing social tenants who seek to move from another council in England, and who have a need to move for work related reasons to avoid hardship. However, under this Allocation Policy, Stevenage Council will limit these moves to no more than 1% of all lettings per year. See annex 3 for details of how the 'Right to Move' criteria will be applied.

<p><b>6: Former Regular Armed Forces Applicants</b></p>	<p><i>Note armed forces that meet the legal requirement for additional preference will be awarded Band 1.</i></p> <p>Members of the Armed Forces persons who meet the following criteria:</p> <ul style="list-style-type: none"> <li>a) They are serving in the regular forces and will be discharged within 6 months and have served for 5 years or more, or</li> <li>b) They were serving in the regular forces in the last 5 years and have applied to join the housing register within that 5-year period, and</li> <li>c) Had been previously living in the Stevenage area immediately before joining the armed forces or since leaving</li> </ul> <p>And d and e below must also apply</p> <ul style="list-style-type: none"> <li>d) They did not leave the armed forces as a result of a dishonorable discharge, and</li> <li>e) They do not own or have a legal interest in any other property</li> </ul> <p>For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.</p>
<p><b>7: Specific supported housing schemes subject to an annual quota</b></p>	<p>Haven YMCA supported housing scheme</p> <p>Housing Futures schemes</p> <p><i>These schemes are subject to an annual quota and will be let through direct lets.</i></p> <p><i>Outside of quota residents are still able to bid for appropriate accommodation.</i></p>

### 9.3 Advertising Properties

The council operates a choice based lettings (CBL) Policy called Housing Online for available council-owned properties and nominations to available properties owned by registered provider landlords. Available homes are advertised weekly on our website and applicants are invited to bid to become the new tenant of the home. Information on bidding and how to bid is also available online.

Adverts will clearly indicate any restrictions on bidding (e.g., where properties have been adapted and/or are specifically for people with disabilities) and will detail any particular criteria that apply (e.g., any affordability criteria).

Available properties will normally be advertised on a regular basis and applicants given a restricted timeframe to place a bid. The bidding rules and deadlines will be available to applicants. We will not accept any bids received after the deadline.

#### **9.4 The bidding and selection process**

Properties are advertised weekly when noticed is received. They are uploaded on a Thursday and bidding will close the following Wednesday on our Housing Online website.

An applicant may express an interest through bidding on any advertised property that meets their needs.

Bids will only be registered if the applicant is on the housing register

- Applicants will not be contacted individually if their bid is unsuccessful, however the results of the bids will be advertised on a regular basis
- Applicants can express an interest on a maximum of 3 properties in any single bidding cycle
- Bids can be withdrawn at any time prior to the closing date
- When the applicant wishes to bid for more than one property they will be prompted to capture their preference in numerical order,
- Bids will be accepted from nominated representatives of the applicant. To make a bid on behalf of an applicant the representative will be required to give the Housing Application Reference Number, National Insurance Number and date of birth for the first applicant
- Bids received after the advertised closing date and time will not be accepted under any circumstances
- At the end of each lettings cycle the bids will be sorted in order of:
  - Meeting the lettings criteria as stated in the property advert
  - Date order from Bands 1 to 3. Where an applicant has bid for more than one property and is top of the short list for more than one property, they will be offered the property for which they first bid.
- Applicants are encouraged to check their Housing Online housing portal to ensure the bids they have placed are recorded and the order of priority reflects their preferences

Note: where applicants are being shortlisted for a 4-bedroom property and there are more than one household who have bid from the same band, any household with 3 or more children under 16 will be shortlisted before a smaller family. There will be exceptions if a child has an assessed disability. The reason for this policy is that the demand for 4-bedroom properties is far higher than the number that become available to let and families with younger children are more likely to require and larger property for longer than a family with older children where it is more likely that 1 or more of those children will move out.



## 9.5 Offers of accommodation

This section sets out the procedure that will apply to making an offer of accommodation once an applicant has been selected from a shortlist of successful applicants bidding for that property.

We will carry out verification checks on applicants who will be new tenants of the council. These checks are to ensure that all the information we hold relating to an application is up to date. Verification checks may be carried out as part of a pre-tenancy interview process or we may carry out a home visit prior. All applicants who will be new tenants of the council (including those housed outside choice based lettings, such as via an external mutual exchange) must attend a pre-tenancy interview before being offered the tenancy of a council home. Council tenants transferring will not normally be required to attend. Following the pre-tenancy interview, tenancy training will be offered to applicants where it is considered appropriate.

We will contact the successful applicant at their last notified address, email address or telephone number to complete verification check and then arrange pre-tenancy interview.

If the successful applicant does not respond to this contact within two working days or fails to attend an appointment for a pre-tenancy interview and verification check, their bid will be disregarded and the next shortlisted applicant will be contacted.

Following a successful verification check and pre-tenancy interview, the successful applicant will be offered the property. They will be invited to view the property when it is ready to let. At the viewing, they will be offered the tenancy of the property and invited to sign their tenancy agreement for the property. There may be times where a viewing would be prior to the letting but will be stated by the officer at the time of offer. If an applicant requests more time to make a decision, they will be asked to contact the lettings team with their decision by 9.30am on the next working day.

If the applicant refuses the offer of a tenancy or fails to contact the lettings team with their decision by 9.30am on the next working day, the next shortlisted applicant will be invited to view and accept an offer of the tenancy of the property, and so on until an offer is accepted.

From time to time it may be necessary to arrange multiple viewings of a property. In these circumstances, the decision on whether to accept a tenancy must be made at the viewing. The offer of a tenancy will be made to the top bidder present, if refused to the next ranked bidder and so on until the offer of a tenancy is accepted.

Where two or more bidders have the same effective date of application within a band, the council will give priority to the applicant with the earliest original date of application.

The council will disregard the highest shortlisted bidder and invite the next shortlisted

Bidder to view in the following circumstances:

- where priority is given to a particular group and the applicant is not in that group
- under the terms of this allocations scheme, the applicant does not meet the criteria for the property bid for
- the applicant failed to respond within two working days to a request to arrange pre-tenancy interview and verification check

- the applicant fails to attend an arranged viewing
- the applicant has pets and the property bid for is not suitable for certain pets
- the applicant is a tenant of the council or a registered provider and following their successful bid they are found to have committed anti-social behaviour or to have rent arrears, or their current property is found not to meet the leaving standard, or they have committed any other breach of tenancy conditions
- following their successful bid, an applicant is found to not qualify for the housing register
- since joining the Housing Register an applicant has become ineligible.
- on verification of the applicants' details, the priority band has been incorrectly awarded due to the information received by the applicant or due to mistakes in the assessment of the application itself.
- the applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.
- the Council or the Housing Association landlord for the property being advertised has evidenced housing management reason not to offer the property to the person selected

As part of the pre offer verification checks applicants will be expected to provide evidence of their identity and the identity of anyone to be rehoused with them, as well as their current address before any tenancy can be agreed. A home visit may be required to confirm this.

If the visiting officer discovers the details are incorrect, no offer of accommodation may be made.

Applicants will only be offered one property at a time. Once an offer has been made to the applicant they will not be able to bid or be considered for other offers of accommodation until the current offer is refused.

As part of the offer we will provide details of the property and make arrangements to view it as quickly as possible. Applicants are expected to decide whether to accept or refuse the offer at the viewing and will also be offered the opportunity to sign for the tenancy at the viewing. If applicants do not inform the Council of their decision immediately or within 24 hours of the viewing the offer may be withdrawn and the property allocated to the next suitable bidder.

If an applicant does not reply to an invitation in writing, by letter or email, to view a property within 2 working days the offer will be deemed to have been refused and the property will be offered to the next applicant on the shortlist who qualifies for that offer. This will then count as one of the applicant's 2 reasonable offers unless a satisfactory explanation for the applicant's failure to respond is accepted by the Council.

Where the offer is to an applicant owed a statutory homeless duty a property will not be reoffered until the Council have been informed of the applicant's refusal or failure to attend the appointment to view and have made a decision whether or not to enforce the offer to end the homeless duty owed.

A suitable and reasonable offer of accommodation is defined in appendix 1 of the policy.

There may, unfortunately, be exceptional circumstances where, following a viewing or notification of offer an offer may still be withdrawn. This can be done up to the point before a tenancy is signed. Examples of reasons when a property offer may be withdrawn are:

- The property is not suitable for the households needs
- The property fails to become available
- The offer has been made in error
- The property is required for an emergency for another applicant or tenant
- It transpires that the rent would not be affordable

There must be clear grounds for refusing or bypassing applicants who are top of any shortlist and these will be recorded by the Council, or a partner Housing Association where the property advertised is owned by them.

#### **9.6 Acceptance of an offer made under CBL or a direct offer**

If an applicant accepts an offer of a council tenancy and the property is ready for letting they will be invited to sign for the tenancy and complete all necessary paperwork.

Where the offer is of a joint tenancy, then both parties to the tenancy must attend the letting appointment to sign the paperwork. If only one party attends, the letting will not proceed and the offer of a tenancy will be withdrawn.

If an applicant is a tenant of the council or a local registered provider, they must give up vacant possession of their existing property and the keys must be returned to the council's customer service centre or to the registered provider, by an agreed date. The tenant will be liable for both rents once the tenancy agreement is signed until the keys have been returned.

When the tenancy agreement has been signed, the tenant's housing register application will be cancelled. A new housing register application must be completed if the tenant wishes to be considered for re-housing in the future and there is a new housing need.

## **7. Consultation**

To help frame the proposed policy, consultation took place in person and online for eight weeks beginning in October 2022. To allow for more face-to-face discussions, a further two weeks of consultation was carried out in December 2022. Key groups across the community were consulted including Housing Register applicants from all bands, those not on the register, older people, single people, homeless, minorities and those with disabilities. Key stakeholder organisations were also consulted including housing associations, Hertfordshire County Council and Mental Health Services. The council's Community Select Committee provided feedback in March and September 2023 to help shape the policy, as did The Leader of the Council and the Portfolio Holder for Housing and Housing Development.

## 8. Monitoring and Review

This Allocation Policy will be reviewed on a regular basis to ensure that it meets its stated objectives, complies with existing and proposed legislation and guidance, and does not operate in a manner that disadvantages, or discriminates against, any particular group.

The Allocation Policy will be monitored for any unintended consequences over the first twelve months of operation.

This policy will be reviewed by the relevant Business Unit's Head of Service or Service Manager every 2 years (see page 1 for details of Business Unit) or earlier if there is a change in legislation. Where more than 10% of the policy content is changed the Assistant Director and appropriate Portfolio Holder will be required to decide if the policy needs to be formally reconsidered by the Executive or appropriate decision-making body.

Where there is a request for the content of the policy to be reviewed in response to a complaint, the relevant Business Unit's Assistant Director will be notified. If the Assistant Director agrees that a review of policy is required, this will be discussed with the appropriate Portfolio Holder. The Head of Service or Service Manager will be responsible for implementing a subsequent policy review.

## 9. Abbreviations and Definitions

EDI	Equality, Diversity and Inclusion
GDPR	General Data Protection Regulation
PSED	Public Sector Equality Duty
SBC	Stevenage Brough Council

Supported Housing Scheme:

The definition of supported housing referred to in 3.6 of the Policy would include: Hertfordshire County Council supported schemes, Peabody supported housing for younger people, Haven One YMCA and Housing Futures.

## 10. Appendices

### APPENDIX 1: DEFINITION OF A SUITABLE OFFER

Where accommodation is offered an applicant will normally be expected to accept an offer of a property that meets their specified needs. Reasonable offers are those that are deemed as suitable and appropriate to meet the housing and medical needs of the household concerned and are affordable to the applicant and his or her household.

The suitability criteria used to determine whether an offer to end a main homeless duty owed under Section 193(2) of the Housing Act 1996) or a relief of homelessness duty owed under Section 189b, will be the criteria set down in the Suitability of Accommodation Order England 2012, as amended by Section 12 of the Homelessness Reduction Act 2017, relevant case law and statutory guidance.

These criteria only apply to an offer of social housing or private rented housing made with the intention of ending a full homeless duty. Where an offer is made to any other banded applicant who is not owed a full homeless duty it is for the council to decide on the facts of the case whether the offer is suitable using the guidance in this appendix to help the officer make the decision.

The council will consider that a property is suitable if all of the following criteria are met:

- it is located in an area that the council considers to be suitable for the applicant and their household. This could include accommodation located outside of the Stevenage area
- if it is affordable for the applicant and his or her household based on his or her financial circumstances at the time of offer
- it is sized in accordance with the criteria in this Policy
- it complies with any recommendation made by a medical or other relevant advisor

In determining the suitability of accommodation, the council will consider the following:

- the significance of any disruption to the employment, education or caring responsibilities of the applicant or a member of the household
- the accessibility of medical or other support facilities that are currently used by the applicant or a member of the household
- the accessibility of local services, including places of worship, amenities, and transport
- its duty to safeguard children under Section 11 Children Act 2004
- its public sector equality duty under Section 149 Equality Act 2010
- if a suitable property is located outside of the borough's boundary then the council has to take into consideration the distance from the applicant's existing accommodation in the borough

The above are matters for the council to determine based on the facts of the case.

Guidance for assessing officers on how the council will assess reasonable and unreasonable refusals:

### **1) Property size**

The property must be the appropriate size for the household's needs at the time of making the offer. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.

It is the applicant's responsibility to ensure that they register any change in their circumstances that will affect the number of bedrooms to which they are entitled.

Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the lettings standard, this will normally be considered to be an unreasonable refusal unless the applicant provides new medical information at the offer stage that is accepted by the council.

### **2) Property type**

It will not be considered to be a reasonable refusal due to a dislike of the property type. Therefore, an applicant cannot reasonably refuse an offer because for example, it is in a tower block, it does not have a garden or a particular heating system, it is on a wrong floor, or does not have a lift. If the applicant states medical grounds for refusing the property, these should already have been disclosed and considered as part of the assessment of their application, unless new information is submitted that is accepted by the council.

Where specialist accommodation is offered to a household inappropriately, this is considered to be a reasonable refusal. This may be for example:

offers of wheelchair standard housing to households which do not have wheelchair users

offers made to disabled applicants which are unsuitable for their needs, for example where they are unable to open a door entry system because the doors are too heavy

offers of specialist accommodation for older people housing where the applicant is not of the appropriate age

### **3) Property condition**

Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the voids team decides to withdraw the property from letting for further works to be carried out.

### **4) Area of choice**

An offer will still be considered reasonable even if it is not within an applicant's area of choice.

### **5) Racial harassment**

Where an applicant from an ethnic minority household refuses the property prior to viewing because the previous tenant was rehoused as a result of racial harassment, or there is a known problem of racial harassment in the vicinity of the property, the refusal is considered reasonable.

### **6) Choice of landlord**

An applicant cannot choose whether they are rehoused by a specific Private Registered Provider. Therefore, any refusal for example by an applicant of a property because it is a

Private Registered Provider property with no 'Right to Buy', or 'Right to Acquire', or the rent is higher than another social landlord will not be considered to be reasonable (unless in the example of the rent level the assessment is that the offer is unaffordable for the applicant in question).

## **7) Pets**

One of the conditions of the tenancy agreement is that a tenant must obtain the written consent of the landlord before keeping domestic pets.

Any intention to keep a pet must comply with the council or Private Registered Provider tenancy terms and conditions, which means that permission must be sought and agreed prior to signing the tenancy agreement for the property. Therefore, any refusal on the basis that permission has not been granted to keep a pet is not reasonable.



## APPENDIX 2: EXAMPLES OF WHEN AN APPLICANT MAY BE AWARDED PRIORITY BAND 1 OR 2 ON THE BASIS OF A MEDICAL OR DISABILITY NEED

### Examples of circumstances to help the assessing officer to decide when Band 1 (Emergency) may be awarded on medical or disability grounds

The following examples are intended to guide the assessing officer on the threshold set for a Band 1 award. They can also serve to help an applicant understand the threshold for a priority award to be granted. A Band 1 award is for *“Applicants who are **suffering sudden or severe progressive life-threatening** medical conditions and **need an immediate move** (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and **poses an immediate and serious danger** to the individual.”*

- where an applicant’s condition is expected to be terminal within a period of 12 months and rehousing is required to provide a basis for the provision of suitable care
- the condition is life threatening and the applicant’s existing accommodation is a major contributory factor
- the applicant has severe mobility issues, is housebound and is unable to leave their accommodation except with assistance that will result in high risk to themselves or their carer. They have an assessed need to move to accommodation that meets their needs
- the applicant is not ambulant and a wheelchair user who is unable to use their wheelchair within their current accommodation and has an assessed need to move to suitable accommodation
- the applicant’s accommodation is directly contributing to the deterioration of the applicant’s health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually six months
- where overcrowding in the property leaves the applicant at risk of life-threatening infection
- Applicants who have a progressive, chronic or life-threatening medical condition and cannot be discharged from hospital because they do not have any accommodation, or their accommodation is unsuitable for example, because they cannot access toilet and/or bathing facilities in the property. This will include cases that cannot be discharged from hospital because their home is, and will remain, permanently entirely unsuitable or entirely inaccessible to live in
- Where the assessing officer accepts that the evidence from a relevant health professional indicates that there is a significant risk of serious and permanent injury and/or permanent disability
- Applicants who have a progressive, chronic or life-threatening medical condition as diagnosed by a healthcare professional and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user

- A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care
- The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g., applicant has severe mental health problems that are significantly exacerbated by their accommodation and that opinion is fully evidenced by the applicant's consultant or mental health services
- Due to limited mobility a person is unable to access essential parts of the property e.g., bathroom/toilet and no adaptation is possible
- A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home
- Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition

Examples of circumstances to help the assessing officer to decide when Band 2 should be awarded on medical or disability grounds

- A life-threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage
- A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care
- A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities, or have difficulty accessing facilities inside and outside of their accommodation and require housing into suitable accommodation
- 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
- Where their current property leaves a person at risk of infection, e.g., where an applicant is suffering from late-stage or advanced AIDs
- People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life, and which puts them at risk of admission to hospital or residential care. Evidence would normally need to be provided from a specialist consultant psychiatrist or a certified paediatric nurse that their current accommodation is having a significant detrimental impact on the mental health of any member of the household
- People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs
- Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability
- Someone with a medical or disability who's housing has rendered them housebound
- Where a move would avoid the need for another service (e.g., Social Services) from having to provide a significant level of support. This might include for example

residential care, overnight care provision, or other support with similar resource implications

- Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. This will involve an assessment of the layout of their current accommodation, for example the number and nature of steps, stairs or other hazards that may increase the risk of serious injury
- The applicant or household member requires significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective
- Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service
- Veterans who have actively served in the armed forces and are suffering from severe post-traumatic stress disorder or serious illness directly related to service in the forces
- An occupational therapist has identified that the current accommodation is partially suitable but:
  - the applicant or member of his/her household needs a major adaptation, such as a level access shower; or
  - the applicant or member of his/her household has significant difficulty managing stairs or difficulty accessing the property owing to stairs or slopes leading to doorways and the occupational therapist recommends a lift, ramped access or ground floor living; and
- Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation
- Applicants who have significant mobility issues and would benefit from a move to accommodation that has level access showering facilities
- Children with severe conditions and a formal diagnosis such as autism, or cerebral palsy or ADHD where their long-term needs cannot be met without long term settled accommodation
- A person with a severe disability requiring some adaptations to their property that cannot be provided for in their current accommodation
- Where an applicant can access their home but struggles to access normal day-to-day facilities within it (e.g., bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort, confirmed with evidence from a healthcare professional. This would include cases where an adaptation is possible but cannot be undertaken in a reasonable period of time. (Note: any priority would be removed if an adaptation is completed, or work started)

Guidelines for assessing extra bedroom requests for ADHD, autistic spectrum, sensory processing difficulties and other mental or physical health problems.

Following a successful Court challenge the Government has issued new guidance in relation to the social size criteria which allows Housing Benefit to be paid on an extra room for children who are unable to share because of their severe disabilities.

The judgement is not binding on councils in respect of their Allocation Policy, however, when an applicant says that their children are unable to share a bedroom it will be for the council to satisfy itself that this is the case.

In making an assessment for an extra bedroom for ADHD, Autism, sensory processing difficulties, and other mental or physical health problems the council will consider the following framework to help guide the assessing officer:

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

In all cases this will come down to a matter of judgement on facts of each individual case.

A claim should normally be supported by medical evidence and many children will be in receipt of Disability Living Allowance (DLA) care component at the middle or highest rate for their medical condition.

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

- medical evidence detailing the nature of the disability, how this is affected by the home environment and the impact on other members of the household
- other supporting information from care and support agencies involved with the child and family (this should be specific information relating to the request for re-housing rather than a general letter of support and is likely to be from specialist rather than universal services); and,
- proof of DLA entitlement

The circumstances where a possible award of an extra bedroom may be made include a consideration of all of the facts set out below:

- Supporting letters for example from school SENCO stating that they also use a calm room at school and why, a letter specifying aggressive behaviour and frequency, behaviour flow charts, list of aggressive behaviours displayed at school, also stating the danger of child sharing alone with another child, their sensory issues, their inability to cope with small changes and reaction as a result
- Where there is professionally assessed evidence of a child or young person up to the age of 25 in the household who has a severe or profound learning difficulty, with a presentation of behavioural or emotional difficulties who exhibits sexually exploratory behaviour or other inappropriate behaviour of a serious nature and has a limited understanding around the impact of this on others. This may need to be certified by a consultant psychiatrist.
- The applicant or a member of their household (adult or child), need major medical equipment for the long term, such as home dialysis, equipment for percutaneous

external gastrostomy feeding, long term large assistive equipment or and/or bulky medical supplies which need to be used and stored on a permanent basis

- A DLA award letter stating high care and low mobility
- An assessment of need which supports the claim for an additional bedroom based on a severe impact where that assessment has been undertaken by the appropriate health or care professionals. The assessment would need to evidence that sharing with another family member who has care needs or behavioural problems that severely affect that family members ability to sleep, which in turn is having a very significant negative impact on their employment (to the extent that they may lose their permanent employment), or on their mental health (to the extent that they have been assessed with a severe mental health condition, or their current condition has become more severe, as a result of having to share)
- Carers award letter stating care award is due to care needing to be given day and night

Examples unlikely to qualify include:

- Circumstances, for example, where the claimant is one of a couple who is unable to share a bedroom
- Where children share and the claim is that by having to share this is impacting on their ability to study and complete homework but there is evidence that they are able to study elsewhere in the home or at relatives or using library services
- Where family members provide overnight care and support only at weekends or for part of the year
- People with mental health issues who say they want an extra room for a friend or relative who provides support
- A claim based solely on the wish that the applicant requires an additional room so that a child can cut themselves off from the world, which they claim is essential to their mental wellbeing
- People who are in receipt of formal overnight care (provided by NHS continuing care nurses, visiting agency carers, etc)

### **APPENDIX 3: RIGHT TO MOVE QUALIFYING CRITERIA**

Right to Move – Statutory guidance on social housing allocations for local housing authorities in England.

An existing social housing tenant (living outside of the Stevenage area) will not be disqualified on the grounds of no residential connection if they have reasonable preference under s166(3)(e) because of a need to move to the Stevenage area because the tenant works in the Stevenage area or needs to move to take up an offer of work.

Whether or not the applicant meets the above criteria isn't solely determined by the need to move for work, but that it would cause them hardship if they were able unable to do so.

#### **Definition of Work**

- Work should be a permanent contract or one with a minimum term of 12 months.
- Work should be of 16 or more hours a week (unless it can be demonstrated that the earnings are substantial).
- Work should not be voluntary.
- Work can include apprenticeships.
- The relevant district should be the main place of work.
- In the case of self-employed tenants, work should be regular as opposed to intermittent.

#### **Distance, time and travel costs**

When determining hardship, the time taken to travel to work and the cost of the travel should be taken into account. The council considers the following criteria may suggest hardship:

- Travel time to get to work is in excess of two hours each way (personal or public transport depending on circumstances).
- Travel costs are more than £30 per day or 25% of net income from the employment or there is no transport available at all.

#### **Other factors**

These factors are all considered on a case-by-case basis as to whether hardship would be faced by the applicant if they could not move:

- Would failure to move mean the applicant would lose an opportunity to gain a better job/promotion, an apprenticeship, increase hours/pay or move from unemployment to employment.
- If the nature of work likely to be available closer to the applicant's home.
- Personal factors including care responsibilities and medical conditions affected by the tenant not being able to move closer to work.
- Any other situation where hardship would be demonstrable if the tenant could not move

## **Discretion**

Every application will be dealt with on a case-by-case basis allowing all circumstances and variables to be considered.

## **Proof of Work**

A combination of the following can be used as to prove that work or a job offer is genuine:

- Contract of employment (particularly if stating main place of work).
- Wage slips showing hours worked (particularly if zero hours contract) but they are unlikely to evidence the location of work.
- A letter offering employment (it is likely that the employer will be contacted to confirm acceptance).
- A letter from an employer to prove the work and location.

## **Right to Move Quota**

No more than 1% of all lettings will be prioritised for Right to Move applicants based on the total of the previous year's lettings by the council.



## **APPENDIX 4: HOW ANY LOCAL LETTINGS POLICY WILL BE APPLIED AND REVIEWED**

Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing Allocation Policy is able to contribute to building sustainable communities.

They will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development, or may be applied to a parish or a village in a rural area). Each Local Lettings Policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan or the need to provide housing for local people in rural villages and parishes).

The following are examples of Local Lettings Policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.

- Age restrictions.
- Prioritising applicants who are key workers, as defined by the Council.
- Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
- Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
- Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
- Allowing, for example a 60 year old plus applicant to occupy 2 bedroom older person housing if there are sound management reasons and the person can afford the higher rent
- Ensuring that there is a balance of working and non-working households allocated to a Policy.

New developments may have Local Lettings Policies (usually only applies to first lettings) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.

In order to ensure a reasonable mix of household sizes and types, and families with children of different ages, a Local Lettings Policy will normally be used for new developments larger than four properties. This may set restrictions on the number of lettings, which can be made to families with young children, for example, or the number of families who are not working.

### **How will a Local Lettings Policy be assessed and agreed?**

The Council will decide when a Local Lettings Policy may be appropriate and why.

There must be a clear evidence base for adopting a local lettings policy. The following framework will be used by the Council to decide whether a Local Lettings Policy is appropriate:

- That there is a clear definition of the objective to be achieved by that particular Local Lettings Policy.
- That there is a clear evidence base to back up the need for a Local Lettings Policy.
- That any potential equality impact has been considered.
- How long the Local Lettings Policy is intended to operate.
- When the Local Lettings Policy should be reviewed.

A written record of each policy adopted or rejected should be kept.

It is the intention that Local Lettings Policies will be fluid with new policies being added as are required and existing policies being deleted once the objective for that policy has been met.

Any property advert will state whether there are any local lettings restrictions or criteria.

## 11. Version History

Date	Outlined Amendments	Author
March 2023	4.14 I & M: Assessing overcrowding and the bedroom size that can be allocated.	Tracy Jackson