

HOUSING ALLOCATIONS POLICY

March 2009

(updated 2012)



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REDDITCH BOROUGH COUNCIL ALLOCATION POLICY

1. INTRODUCTION

- 1.1 Redditch Borough Council is an area of high housing demand and need. Property prices and private sector rents are high, resulting in additional pressures on affordable housing. Allocations of Council owned property and nominations to Housing Associations will be made using the guidelines set out in this Policy.
- 1.2 The Allocations Policy aims to give clear criteria setting out who is eligible to apply for social rented housing in the Borough and how applicants' priority is assessed. The Policy is based upon the Council's statutory duties contained in the Housing Act 1996 (as amended by the Homelessness Act 2002), the accompanying Code of Guidance issued by the Secretary of State issued in November 2002 and Allocation of Accommodation: Choice Based Lettings - Code of Guidance for Local Housing Authorities published on 27 August 2008.

2. OBJECTIVES

- 2.1 Redditch Borough Council has set a number of objectives for its Allocations Policy in order to provide good quality, well managed social housing in Redditch. The policy is transparent and easy to understand, regular monitoring and reviewing will take place ensuring all targets are met and the best use is made of the available housing stock, and applicants are kept updated of all their Housing options.

- **Objective 1** Ensure that anyone in housing need has advice on access to affordable Housing, and that this advice is easily available to disadvantaged, vulnerable and ethnic groups.

The Housing Act 1996 Section 166 and 179 requires Local Authorities to provide housing advice and information about homelessness and the prevention of homelessness to people in their area. Staff in the Housing Options Team, One Stop Shop's and Housing Strategy Section of Redditch Borough Council will provide advice and information about housing issues relating to the Borough free of charge. This advice and information may cover issues relating to owner occupation, shared ownership, private sector tenancies, Housing Association tenancies and exchanges, as well as advice relating to eligibility for and priority on the Councils Housing Register. Staff will also seek to reduce under occupation in affordable rented housing, by encouraging tenants in this situation

to transfer to smaller accommodation. Where specialist advice is necessary, for example if there are complex legal or financial problems, customers will be referred to specialist agencies which can help them. Where appropriate, referrals will be made to agencies providing support for vulnerable people.

- **Objective 2** Make Social Housing available to those who cannot afford to purchase property of their own, or to rent privately.

The Allocations Policy sets out the framework by which the Council will house customers from the Register. The principles that are set out in this policy are guidelines and not absolute rules. The composite housing need of the customer must be undertaken when making a judgment on the level of housing need, and when letting a property. To assess the composite need, all relevant needs will be considered. To ensure that the Council lets homes to those most in need it will:

- Continue to develop a greater understanding of housing needs throughout the Borough.
 - Monitor the performance of its procedures.
 - Take customer feedback into account.
- **Objective 3** That there is equality of opportunity within the Allocations Policy and the allocations scheme is fair, consistent and accountable which reflects the values of the Council.

The Council will seek to ensure that there is equality of opportunity and fair treatment for all persons. The Council wishes to ensure that all sections of the community have equal access to services and that all services are delivered in a way that takes into account the specific needs of disadvantaged groups. The Council is committed to policies and action to ensure that the people it serves are not discriminated against on the basis of disability, race, colour, ethnic origin, religion, age, sexuality or gender. The Council will not discriminate on grounds of age, colour, disability, ethnic origin, gender, HIV status, marital status, social or economic status, nationality or national origins, race, religious beliefs, responsibility for dependants, sexuality or trade union membership. The Council will promote equality of access and opportunity for citizens who suffer from unfair treatment on any of these grounds or through multiple forms of discrimination. The Council has zero tolerance toward any racist incidents. A racist incident is any incident, which is perceived by the victim or by any other person as racist.

The Council will strive to make the Allocations process as transparent as possible and to reduce bureaucracy, wherever this can be done, within the confines of our legislative duties under the Housing Act, the Data Protection Act and the Human Rights Act. An applicant has the rights in s167 (4A) of the, Housing Act 1996, as amended, which, so far as are relevant to this policy, are:

The right to request general information to enable him/her to assess how the application is likely to be treated under this policy, and whether housing accommodation appropriate to his/her needs is likely to be made available to

him/her, and if so how long it is likely to be before such accommodation becomes available for allocation to him/her:

- The right to request the Council to inform him/her of any decision about the facts of his/her case which are likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him/her;

The right to request a review of such decision, or a decision as to eligibility or suitability, and to be informed of the review decision and the reasons for it

- **Objective 4** Incorporate the Council's Housing Strategy, Private Sector Renewal Strategy, Sheltered Housing Strategy and Homelessness Strategy.

The Council's Housing Strategy is the Council's overarching Strategy which the other strategies mentioned above feed into. It maps out how we want to achieve first class housing in the borough and work to provide more affordable housing for those who need it. In order to achieve this, the Strategy has four priorities:

- 1) Meeting affordable housing needs
- 2) Tackling homelessness and providing housing options
- 3) Council housing
- 4) Improving conditions in the private sector

The Allocations Policy and its processes will link strongly with the Housing Strategy and the goals listed in its Action Plan.

- **Objective 5** To build and sustain diverse and balanced communities and promote social inclusion.

The Allocations Policy plays a key part in contributing to the aims identified in the Redditch Borough Council's Corporate Plan. The Allocations Policy will also emphasis the close links between creating and maintaining sustainable communities and the sustainable Community Strategy vision of 'Redditch to be successful and vibrant, with sustainable communities built on partnerships and shared responsibility. We want people to be proud that they live or work in Redditch'.

The Allocations Policy will work in parallel with the Homelessness Strategy and the Worcestershire Supporting People Strategy to ensure that appropriate support is given to customers so that they may continue to live independently. The Allocations Policy aims to ensure that, as a result of new lettings, communities are sustained. This will be achieved by ensuring that unsuitable customers are not housed or re-housed and extensive monitoring will be undertaken to ensure that this is achieved.

- **Objective 6** To work with other agencies and housing providers to make the best use of affordable housing to meet current and future needs.

Registered Social Landlords (RSL's) are providers of social rented housing in Redditch and represent an increasingly important resource in meeting the

borough's housing need. They are independent non-profit making organisations. There are over 20 different RSL's working in Redditch, providing a range of housing for a variety of client groups (general and special needs) through a variety of tenures (social rented or shared ownership). The Council is committed to working in partnership with registered social landlords who own or manage property in the borough and has nomination rights to a proportion of their accommodation, which becomes available for letting. Nominations to registered social landlords are made using the priorities as determined by the bandings. When considering a nomination from the local authority, RSL's are expected to accept the Council's prioritisation of housing need and re-housing standards.

- **Objective 7** To ensure customers are given an opportunity to make an informed choice about where to live.

At the time an application for housing is made, the Council will provide full Housing Options information, which will enable the applicant to make an informed choice about the type of accommodation they are likely to be considered for and the likelihood of them obtaining accommodation within a reasonable timescale. Information regarding the allocations will be available on a weekly basis, and Information on numbers of properties, numbers of voids and allocation targets will be updated quarterly.

- **Objective 8** To create a safer & cleaner environment; reduce crime, disorder, substance misuse and anti-social behaviour, and to address the causes and fear of crime.

3. EQUALITY AND DIVERSITY

The Council has clear policies and procedures which promote equal opportunity, diversity and respect for the needs of everyone in our community. This includes:

- Equal treatment of all regardless of race, gender, age, disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.
- Working to eliminate unlawful discrimination.
- Promoting equal opportunities.
- Promoting community cohesion, including good relations between people from different ethnic groups.
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all and working to engage all sections of the community.

4. APPLICANTS FOR HOUSING

The Housing Act 1996 as amended by the Homelessness Act 2002 repeals Sections 161 to 165, which relate to housing registers. There is no longer a requirement for local housing authorities to keep a housing register. However, there is nothing to prevent a local housing authority maintaining a register, if it so wishes. It has therefore been decided that the Council will maintain a Housing Register and anyone who is over the age of sixteen, and who is eligible, may apply to go onto the register.

5. WHO IS EXCLUDED FROM JOINING THE REGISTER?

5.1 Section 166 (3) of the Housing Act 1996 as amended by the Homelessness Act 2002, states that local housing authorities need to consider all applications made in accordance with the authority's allocation scheme. However, an allocation of housing accommodation cannot be made to a person who is statutorily excluded or deemed to be ineligible as defined in Section 160A. Therefore, all persons who are eligible are entitled to join the housing register, with certain exceptions which include:

- Persons under 16 years of age;
- Persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996 unless of a class prescribed by regulation;
- Persons from abroad, prescribed by regulations, who are not subject to immigration control, whose only right to reside in the UK, Channel Islands, Isle of Man or Irish Republic (Common Travel Area) derives from the Council Directives relating to employees and self-employed persons who have ceased their occupational activity, and persons whose right to reside in the UK is conditional on them not becoming an unreasonable burden on the social assistance system;
- All other persons from abroad who are not habitually resident in the Common Travel Area unless they come within one of the four exceptions which are as follows:-
 - (i) Worker under Council Regulation 1612/68 or 1251/70;
 - (ii) Qualified Accession State Worker;
 - (iii) Persons with a right to reside under the Immigration (European Economic Area) Regulations 2000;
 - (iv) Persons who left Montserrat after 1 November 1995 because of the effect of a volcanic eruption on that territory.
- Persons from abroad cannot be treated as habitually resident if he has no right to reside in one of those CTA countries.
- Persons not deemed to be eligible for an allocation of accommodation also include the following:

- A person who is in the UK illegally, or who has overstayed his/her leave.
- A8 nationals seeking work in the UK (other than those who are exempt from the Worker Registration Scheme).
- A visitor to this country including an overseas student, who has limited leave to remain or enter, granted on the basis he/she will have no recourse to public funds.
- A person who has a valid leave to enter or remain in the UK, which includes a condition that there shall be no recourse to public funds.
- A person who has a valid leave to enter or remain in the UK and who is not habitually resident in the Common Travel Area (CTA).
- A sponsored person who has been in this country less than five years and whose sponsor is still alive.
- A person who is a national of a non-EEA country that is a signatory to the European Convention on Social and Medical Assistance (ECSMA) and/or the Europe Social Charter (ESC) but has ratified neither.
- A person who is a national of a non-EEA country that has ratified the ECSMA and/or the ESC but is not lawfully present in the UK and/or is not habitually resident in the CTA.
- EEA Nationals who are not habitually resident in the Common Travel Area (and a person cannot be treated as habitually resident if they have no right to reside in the Common Travel Area). This group includes EEA nationals seeking work in the UK (other than A8 nationals who are subject to the Worker Registration Scheme) and students.
- EEA nationals whose sole right to reside in the UK derive from Council Directive 90/364/EEC. This will apply to EEA nationals who have the right to reside in the UK but conditional on them having sufficient resources so as to avoid becoming an unreasonable burden on the social assistance system.
- EEA nationals whose sole right to reside in the UK derive from Council Directive 90/365/EEC. This will apply to EEA nationals who have retired from employment or self-employment in an EEA state other than the UK, but this right is conditional on them having an adequate pension or other benefits so as to avoid being an unreasonable burden on the social assistance system.
- If you are applying jointly with someone who falls into any of the above categories.

5.2 Any applicant identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. If an applicant wishes to appeal against the decision the Council may take independent advice to resolve the issue of eligibility.

5.3 The Head of Housing in consultation with the Council's Legal Department and Community Safety Department may determine that an applicant is to be treated as ineligible for an offer of housing accommodation and therefore will be excluded from the housing register if satisfied that:

- (a) the applicant, or a member of their household has been guilty of unacceptable behavior serious enough to make him unsuitable to be a tenant of the authority; and
- (b) in the circumstances at the time the application is considered, the applicant is unsuitable to be tenant of the authority by reason of that behavior.

- 5.4 The only behavior which may be regarded by Redditch Borough Council as unacceptable for this purpose is:
- (a) behavior of the person concerned which would (if they were a secure tenant of the authority) entitle the authority to a possession order under Section 84 of the Housing Act 1985 on any ground mentioned in Part 1 of Schedule 2 of that Act (other than ground 8); or
 - (b) behavior of a member of his household which would (if they were a person residing with a secure tenant of the authority) entitles the authority to such a possession order.

Unacceptable behaviour includes behaviour such as: -

- Non payment of rent
- Breaking or not performing an obligation of a tenancy
- Conduct likely to cause a nuisance or annoyance to others
- Domestic violence
- Using a dwelling or allowing it to be used for immoral or illegal purposes
- Committing a serious arrestable offence in or in the vicinity of a dwelling
- Deliberate damage to home
- Knowingly or recklessly giving false statements in relation to a housing application
- Harassment
- Racial Harassment
- Where a person has a record of current or previous serious offending.

- 5.5 Applicants considered to be ineligible for an allocation and excluded from the register will be notified in writing, explaining the information considered and the reasons for the decision. The letter will also advise there is a right to review the decision.

6. REASONABLE PREFERENCE CATEGORIES

Section 167(2) Housing Act 1996 requires local housing authorities to give reasonable preference to the following categories of applicant:

- People who are homeless (within the meaning of part 7 of the 1996 act); this includes people who are intentionally homeless, and those who are not in priority need;
- People who are owed a duty by any housing authority under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68 (2) of the (Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192 (3);
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds or grounds relating

to disability;

- People who need to move to a particular locality in the district of the local housing authority, where failure to meet that need would cause hardship to themselves or others.

7. APPLYING TO GO ON THE HOUSING REGISTER

7.1 Everyone who wishes to apply to go on the Housing register is required to complete an application form and may also be required to have an interview with a housing officer. This applies to new applicants seeking housing and existing tenants wishing to apply for a transfer.

7.2 The application must be accompanied by two proofs of residency, one of which must be within four weeks of the application date, and also one form of identification (see Appendix 2). The same information is required for any member of the household, over the age of 18, who is to be included on the application. The Council may ask for updated proof and identification to be provided at the point of housing allocation.

8. OWNER OCCUPIERS

Owner Occupiers will be accepted onto the Housing Register and placed in the bronze band. Owner Occupiers will only receive additional consideration should they be deemed to have reasonable preference under section 167(2) Housing Act 1996 and they have demonstrated that they have no financial means of helping themselves. In such instances they would be placed in the appropriate band for their circumstances

See Points – Owner Occupiers Page 14

9. . REDDITCH HOME CHOICE / CHOICE BASED LETTINGS

9.1 Allocations will be made in line with the Councils 'Choice Based Lettings' policy based on housing need and time waiting.

9.2 The Council will ensure that reasonable preference is given to the following categories of people, as set out in S167 (2) of the 1996 Act:

- a) People who are homeless (within the meaning of part 7 of the 1996 act); this includes people who are intentionally homeless, and those who are not in priority need;
- b) People who are owed a duty by any housing authority under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68 (2) of the (Housing Act 1985) or
- c) who are occupying accommodation secured by any housing authority under section 192 (3);
- d) People occupying unsanitary or overcrowding housing or otherwise living in unsatisfactory housing conditions;
- e) People who need to move on medical or welfare grounds, including grounds relating to a disability; and
- f) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

9.3 In order to do this the Councils Choice Based Lettings scheme will distinguish between four broad levels of priority:

- a) People with no entitlement to reasonable preference – BRONZE BAND.
- b) People with entitlement to reasonable preference on single, non urgent basis – SILVER BAND.
- c) People entitled to additional preference (being persons with urgent housing needs) – GOLD BAND
- d) People entitled to reasonable preference on a cumulative basis – PRIORITY BAND.

9.4 The four core bandings have been decided by the categories below:

Priority Band:

Applicants will only be placed into the Priority Band following agreement by the Head of Housing. This will only be agreed in cases where individuals are entitled to reasonable preference on more than one of the grounds in Section 167(2) and the cumulative effect of their needs is such that the Head of Housing considers that they should be given preference.

This band will also be used for those cases which are particularly sensitive and warrant the Council giving reasonable preference to the applicant, in view of

their circumstances.

Priority within the Priority band will be determined by the date of the application. Allocations to the priority band will be made to applicants who have expressed an interest in a property, in date order from the time their application was registered.

If two applicants have the same registration date, the allocation will be made to the applicant who expressed an interest first.

Residency points are the only points that can be carried into the Priority band.

Gold:

This band will include all applicants who have been assessed as

a) Unintentionally homeless and in priority need

or

b) having a 'Medical priority' or 'Social priority' but are not considered to have deliberately worsened their housing circumstances by moving to unsuitable accommodation.

See 'Medical Need' and 'Social need'

Priority within the gold band will be determined by the date of the application. Allocations to the gold band will be made to applicants in date order from the time their application was registered.

If two applicants have the same registration date, the allocation will be made to the applicant considered to be most suitable for the property.

Medical cases will be agreed based on the suitability of the accommodation for each household and/or time waiting.

Residency points are the only points that can be carried into the Gold band.

Silver:

This band includes applicants with a single non urgent need (see 9.3b). It also includes applicants assessed as having an urgent Medical or Social need but who have deliberately worsened their housing circumstances to improve their chances of obtaining social housing. Allocations will be made to applicants who have expressed an interest in a property and in order of highest points, followed by the earliest application date. Should two applicants have the same number of points, and the same application date, the allocation will be made to the applicant who expressed an interest first.

Bronze:

This band will include all applicants who are deemed to be adequately housed

and as such have no entitlement to reasonable preference e.g. Owner occupiers.

- 9.3 As a starting point 60% of properties will be awarded to the Priority and Gold banding and 40% to Silver and Bronze. The Head of Housing and Community Services will at their discretion vary the percentage of properties given to each banding depending on the number of applicants in each band on the housing register.
- 9.4 The Director of Housing, Leisure and Customer Services and Head of Housing and Community Services will formerly review the percentage target on a quarterly basis to ensure that the best use is being made of the housing stock, and that government guidelines for using temporary accommodation for Homeless cases are being met.

10. THE BANDING SCHEME

- 10.1 Housing need will be used to determine the banding of each applicant.
- 10.2 Allocations within the bandings will be made to the applicant who has expressed an interest in a property and who:
- Has the highest band
 - Has the highest number of points
 - Has the earliest application date
 - Who satisfies the requirements of the Councils eligibility for housing
- 10.3 The Council determines priority for housing by a points system based on the housing need of the applicant and the time waiting:
- The housing register is made up of:
- Homeless Cases
 - Applicants
 - Transfers
- 10.4 The scheme is designed to be easy to understand, to give priority to those in most housing need and to be open and accountable.

Scheme Summary

• Cases with Exceptional Circumstances	Priority Band
• Agreed Homeless Cases	Gold Band
• Social Priority-Discretionary	Gold Band
• Medical Priority-Discretionary	Gold Band
• Residency (12 months) or parents	30 Points
• Bedroom deficiency/per room	50 Points
• Children in flat points	15 Points
• Studio Flats	5 Points
• Property is Under Occupied / Per room	50 Points
• Leaving Special needs property	250 Points

11. POINTS EXPLANATION

Homeless Priority

All applicants which the Council has accepted a duty to house under homelessness legislation will be placed in the gold band and allocations will be made based on the earliest application date.

Social Priority

This will be assessed by the Housing Services Manager and the Housing Options Manager. Social priority will only be granted in exceptional circumstances. For example:

- To provide support to a family member where no alternative support is available. Supporting documentation must be provided.

Medical Priority

Medical priority will only be granted where the current property has a direct adverse affect on the health of the applicant or a member of their family, and when it is unreasonable or uneconomical to adapt the current property.

Medical priority will be assessed by the Housing Services Manager and the

Housing Options Manager in conjunction with the Councils medical advisors and Occupational Therapist. Examples are:

- Severe mobility problems requiring ground floor accommodation
- Health problems which need specialist equipment.

Residency Points

Applicants who have lived in Redditch for the past 12 months or who have parents currently living in Redditch. Residency points will be awarded to applicants leaving the armed forces who would have qualified for them prior to commencing their service. These are the only points that are applicable to the Priority or Gold Band.

Bedroom Deficiency

50 points will be awarded to each member of the household, requiring their own room. These points will be awarded to children regardless of age or sex; however they do not reflect the size of the property to be offered. These points are not applicable to individuals in the Gold or Priority Band and are not awarded to households that are considered to have deliberately worsened their circumstances by moving into smaller or unsuitable accommodation

Children in Flats

These are awarded if there are any children under the age of 10 living in a flat. These points are not applicable to applicants in the Gold or Priority Band.

Leaving Special Needs Property

Points will be awarded to applicants living in properties with the following:

- a) A vertical lift moving between Floors
 - b) Properties where building adaptations have been made totalling over £1,000
- and
- c) The property would be suitable for occupation by another individual or family with a Special Need

These points are not applicable to applicants in the Gold or Priority Band.

Studio Flats

Applicants who have lived in a studio flat for at least twelve months will receive 5 points to help facilitate them moving on if applying for a transfer.

Under Occupancy Points:

Under Occupancy Points will be awarded to all applicants regardless of tenure provided that it can be demonstrated that prioritising the applicant for smaller housing would free up housing stock which is both suitable and accessible for

other applicants solely on the Redditch Borough Council Waiting List.

Points awarded for under occupancy of rooms would be awarded in line with the existing Landlords occupancy policy. In cases where no occupancy policy exists, points will be awarded in line with the Redditch Borough Council occupancy policy.

In cases where an under-occupied property is required for a family in Urgent Housing Need then the Head of Housing and Community Services or the Director of Housing, Leisure and Customer Services has the authority to place the household that are under-occupied into the gold band to allow the property to be freed up for the family in Urgent Housing Need as quickly as possible.

Property Size

The size of the property that an applicant may express an interest in is in line with the property size matrix (Appendix 1). The Council will only allocate accommodation to households where they have demonstrated that it is affordable to them (based on their income either through employment or benefit entitlement).

Applicants with one child under the age of 2 will only be considered for one bedroom accommodation.

Property Type

All accessible properties (i.e. housing which has been designed or adapted to meet the needs of disabled people) will be advertised through the Redditch Home Choice scheme. Priority for accessible accommodation will be given to those people those who have appropriate levels of need and this will be clearly stated in the adverts.

12. CHANGE OF CIRCUMSTANCES

- 12.1 Under Section 171 of the Housing Act 1996, it is a criminal offence for applicants to knowingly give false information or to withhold information relevant to their application. A fine of up to £5,000 may be imposed by the courts if the applicant is found guilty. An offence may be committed if an applicant knowingly gives false information, or knowingly withholds information which Housing Services has reasonably requested on the housing application form. An offence is also committed if the applicant allows a third party to provide false information on their behalf or at their instigation.
- 12.2 Changes of circumstances should be notified to the Housing Options Team as soon as possible, using the Change of Circumstances Form. The form should be fully completed and be used for the following:

- Any confirmed pregnancy
- Any member of the family or any other person on the application who has left the accommodation
- Any changes of name
- Any additions to the family-(Proof of residence and ID will be required)
- Any change in income or savings
- Changes in status of accommodation (e.g. Notice to Quit)

12.3 If an applicant has changed address a new application form should be completed. Providing that there is no break in the timescale, the date of application will be taken from the first application that was accepted by the Council; however, the housing need points may be adjusted accordingly.

12.4 In cases where there is a change in an applicant's medical situation, the Council should be notified.

12.5 Where a register entry is amended following receipt of a completed change of circumstances form, the Council will notify the person concerned in writing. Before removing a person from the register, the Council will give him/her notice of this action. Where an applicant is removed from the housing register other than at his/her request, the Council will inform them in writing of its decision, the reason for it and the right to request a review.

12.6 If evidence is obtained that an applicant has gained a tenancy through providing false information or withholding relevant information, the Council will take possession proceedings against the tenant.

13. REMOVAL/AMENDMENT TO ENTRY ON REGISTER

13.1 Redditch Borough Council reserves the right to remove an applicant from the Housing Register if there is evidence that the applicant or a person acting on the applicant's request, has given false information or withheld information relevant to their application. The Council will remove a person's application if he/she requests it (provided they are not owed a duty as homeless) or is no longer deemed to be eligible. The Council may also remove a person from its register in other appropriate circumstances as it sees fit. This will include:

- Failure to renew application when requested by Redditch Borough Council.
- Any applicant seeking to obtain accommodation by making false or misleading statements, or by withholding information that has been reasonably requested, or by failing to inform the Council of any material change of circumstances, is liable to have their application cancelled. It is also an offence under section 171 of the Housing Act 1996 to take any such

action. A person guilty of an offence under this section is liable on summary conviction to a fine.

14. HARASSMENT

- 14.1 Redditch Borough Council defines harassment/Anti-Social behaviour as: 'Any behaviour by an individual or a group which makes another person or group feel harassed, alarmed, threatened or distressed. It includes a variety of behaviour that can blight the quality of community life and is based on individual perception. Anti-social behaviour may constitute a nuisance and annoyance, harassment or criminal activity'.
- 14.2 The Council will follow its Anti-Social Behaviour procedure in responding to requests for assistance if experiencing threats of, or actual violence, intimidation, nuisance, harassment, racial harassment or other forms of antisocial behavior.
- 14.3 Wherever possible appropriate remedies will be taken to resolve the situation. Redditch Borough Council will always attempt to deal with the perpetrator, rather than move the victim. Staff in Housing Services will liaise with appropriate agencies and advise applicants, to achieve this. Officers must be satisfied that the applicant has not caused or contributed to the situation where a dispute has escalated. Evidence will usually be required from the applicant and/or independent agencies to support allegations of antisocial behavior. If an applicant reports repeated experiences of threats, intimidation, nuisance, harassment or other forms of antisocial behavior during their housing history, Officers must consider whether the applicant has provoked this behavior, or whether they are unusually sensitive to or liable to misinterpret others' behavior. In these circumstances a move is unlikely to resolve the issues. Housing Officers will liaise with the Community Safety Officer, Police, Probation, victim support and other agencies to ensure that housing policies and procedures support community safety. Redditch Borough Council prefers to resolve problems relating to threats, harassment, antisocial behavior and other forms of nuisance by co-operative and partnership working.

15. HOMELESSNESS

- 15.1 Once it has been established that all options to prevent your homelessness have been exhausted and the Council has accepted a full duty to you as homeless under the terms of the Housing Act 1996 (as amended) your application will be placed on the Housing register, ***in the gold band.***

16. YOUNG PERSONS AND RE-HOUSING

- 16.1 The term “young person” refers to a person who is aged between 16 to 18 years old.
- 16.2 Applicants under 18 years of age but over 16 years and single will be registered onto the Housing Register. The application will be deferred until the applicant reaches 18 years of age. The application will attract ‘time waiting points’ only. If the circumstances change and the applicant becomes homeless, Redditch Borough Council will assess the applicant under homelessness legislation to consider whether the authority has a duty to secure accommodation for the applicant. If the Council accepts it has a duty towards the applicant it will consider them for housing in line with the Council’s ‘Homelessness Protocol for Young 16 and 17 years olds’.
- 16.3 If the applicant is under 16 years old the Council will liaise with Worcestershire County Council Social Services, on your behalf for help and assistance.

17. SHARED-OWNERSHIP, HOMEBUY AND INTERIM-OWNERSHIP SCHEMES

- 17.1 Qualification for shared-ownership, ‘Homebuy’ and Interim-Ownership Schemes and any other affordable housing scheme will be in accordance with the guidelines of the Homes and Communities Agency.

To qualify:

- 1 Applicants must be ‘first-time’ buyers
- 2 Must have a Social Housing need, i.e.: would not be able to purchase a property without financial assistance
- 3 Be registered on the Councils housing register
 - Be eligible under the Allocations Policy of the RSL involved

18. HOUSING ASSOCIATION PROPERTIES

- 18.1 There are various Housing Associations with properties within the Redditch area. A full list is on the Redditch Home Choice website:

<http://www.redditchhomechoice.org.uk/Data/ASPPages/1/31.aspx>
Housing

Allocations for Housing Association properties may be made from the Councils Housing Register.

Applicants must indicate their willingness to accept Housing Association Homes on their application form. Housing Association properties will be allocated through the Choice Based Letting scheme; however, applicants may also need to satisfy the requirements of the policy of the individual Housing Association.

- 18.2 Applicants must indicate that they wish to be considered for a Housing Association property on their application form.

19. CO-OPERATIVES HOMES SCHEME

- 19.1 Co-Operative Housing is a form of housing that requires the involvement of the tenants in the management of their own homes. You must first register on the Council's Housing Register in respect of your housing need and must also satisfy the Co-operative Homes requirement on their suitability for living in a co-operative environment.

Consideration will be given to any one in housing need, on a low income and capable of living independently in his or her own home or with support if required.

20 TOLERATED TRESPASS

The term "tolerated trespasser" is applied to a person who was a tenant but whose tenancy has come to an end following a Court Order for possession but who remains in occupation in circumstances tolerated by the former landlord.

The allocations policy will be operated in line with best practice and in accordance with any decision on Council policy in respect of Tolerated Trespassers.

21. MUTUAL EXCHANGE

- 20.1 A mutual exchange is where two or more Council or Social Registered Landlord tenants swap their homes. It does not involve any property becoming empty. As the housing register becomes longer a mutual exchange is often the quickest way of moving.
- 20.2 Secure tenants of Redditch Borough Council have the right to exchange their property with other secure tenants of any other Council or Housing Association.
- 20.3 Mutual Exchange is now administrated via the Homeswapper website at: <http://www.homeswapper.co.uk/>.
- 20.4 The Council agrees to mutual exchanges in line with the Councils Allocation Policy.
- The tenant must receive written consent from the landlord before any exchange takes place.
 - Any exchanges carried out without written permission may be made to move back.
- 20.5 The Council may withhold consent on the following grounds
1. There is a valid possession order with a date for the tenant to leave the property.
 2. Notice of seeking possession has been issued and is still in force or repossession proceedings have been started.
 3. The property is not of a suitable size (one extra bedroom is allowed).
 4. The property has been adapted or is specifically built for people with special needs.
 5. The property is within a sheltered scheme and the incoming tenant does not require the facilities.
- 20.6 Rent arrears or other breach of tenancy conditions are not grounds for refusal, but any breach must be rectified in advance of any exchange.

22. JOINT TENANCIES

- 21.1 Redditch Borough Council will consider offering existing tenants a joint tenancy to adult members of the household who have been living in the same home for a minimum of twelve months, prior to the application for a joint tenancy being made. Proof of residency and ID will be required (Appendix 2).
- 21.2. Redditch Borough Council will offer a joint tenancy to new tenants who have made a joint application unless:
- One prospective joint tenant is excluded from or is ineligible to join the Housing Register.
- 21.4 Where one of the joint tenants terminates the tenancy, the Housing Services Manager or Housing Options Manager may at their discretion, grant the remaining tenant a tenancy in their sole name. In making this decision, consideration will be given to property size and making the best use of the Council's housing stock.

23. DECANTS

- 22.1 Decants relate to tenants requiring a temporary move to allow major refurbishment to their current property.
- 22.2 Tenants will be offered temporary moves, at the discretion of the Housing Services or Housing Options Manager.
- 22.3 Properties identified as being suitable for decants will be offered outside of the Choice Based Lettings scheme but where possible Officers will make use of vacant Temporary Accommodation.

23. SOCIAL HOUSING TENANTS WISHING TO MOVE TO ALTERNATIVE AREAS

Homeswapper is a scheme which allows social housing tenants to move to alternative areas for example if:

- You are taking up employment which is too far away to commute.
- You need to live closer to relatives to receive or give support.
- There are other special reasons

The Council pays each year for a subscription to all its tenants to register at no cost to them. The scheme can be accessed via the internet at the following address:

<http://www.homeswapper.co.uk/>

If you are unable to access the internet or require assistance due to disability please contact your Tenancy Officer or the Housing Options Team for help.

24. SHELTERED ACCOMMODATION

- 24.1 Sheltered schemes with community wardens visiting on a daily basis are suitable for mature people over the age of 60, (in the case of couples one partner needs to be 60 years or over), with no children living at home. Certain schemes will accept applicants over the age of 50; however, priority will be given to applicants over 60. Applicants requesting this type of housing will have an appointment arranged for the applicant to visit one of the Sheltered Schemes. This will give the Community Warden an opportunity to explain the support provided and gives customers an opportunity to experience the scheme before moving in.
- 24.2 When a ground floor flat becomes vacant priority will be given to those tenants already living in the scheme on the first floor or above who require ground floor accommodation.
- 24.3 Council tenants wishing to move into sheltered accommodation will be offered assistance to help them with their move.

25. VERY SHELTERED SCHEMES

- 25.1 The Council has access to two very sheltered schemes, St David's House, Batchley and Terry Spring Court, Smallwood.
- 25.2 The allocation of these properties will be made in accordance with the Very Sheltered Scheme allocations policy. To be eligible for this type of accommodation applicants will need to satisfy the following conditions:
- Be eligible for inclusion on the Housing Register.
 - Be aged 60. (a younger person may in exceptional circumstances be accepted by the Extra Care Operational Director, Social Services and the Council).
 - Need help with personal care, such as washing dressing or getting in and out of bed, either now or in the future.
 - Have housing needs because your home is unsuitable. This may be because there is lack of basic amenities, or you may find it difficult to move around your home, or your home makes your medical condition worse. There may be other reasons that your current home may be unsuitable for you.

26. SPECIAL NEEDS ACCOMMODATION

- 26.1 There are a number of properties which have adaptations and are suitable for applicants with special needs. All accessible properties (i.e. housing which has been designed or adapted to meet the needs of disabled people) will be advertised through the Choice Based Lettings scheme. Priority for accessible accommodation will be given to those people those who have appropriate levels of need and this will be clearly stated in the adverts. Consideration of the suitability of the property will be agreed by the Housing Options Manager Housing Services Manager.
- 26.2 Applicants currently living in homes which are adapted, and no longer need specialist accommodation will be placed in the Silver banding and receive 250 points, to facilitate a move to free up the accommodation.

27. LOCAL LETTINGS PLAN

- 27.1 The Council believes that some locations and/or property types are more suited to particular residents. Temporary local lettings plans will be agreed by the Head of Housing in consultation with local ward members to resolve Housing Management issues or to allow for the allocation of difficult to let properties. Any properties subject to a local lettings plan will be clearly explained in the Choice Based Letting advert.

28. FORCES

- 28.1 Applications from serving members of Her Majesties Forces will be considered on an individual basis by the Head of Housing or the Housing Options Manager. Priority will be given to those considered to be in urgent housing need or with severe medical conditions. Applicants that would have qualified for residency points prior to joining the armed forces will be given these points to ensure that they are not disadvantaged by leaving the area whilst undertaking their professional duties.

29. STAFF/ELECTED MEMBER APPLICATIONS

- 29.1 Staff members, Elected Members, or relatives of either, will have their application approved by the Housing Services Manager or the Head of Housing and Community Services, in accordance with the Councils equal opportunity policy.
- 29.2 Any offers of accommodation to members of staff or Elected Members will be agreed by the Director of Housing, Leisure and Customer Services prior to the offer being made.

30. TIED OR SERVICE TENANTS

- 30.1 Tied or service tenants refer to local authority employees (a local schools employee) who occupy their home in order to do their job.
- 30.2 The applicant must be resident in their service tenancy in Redditch for at least six months.
- 30.3 On receiving notification of retirement the applicant will be given priority by placing into the gold banding.
- 30.4 Applicants not retiring but required to leave their service or tied tenancy will be placed onto the waiting list without priority and may approach the Council under homeless legislation.

31. FOSTER CHILDREN

- 31.1 Foster children are not automatically accepted on an application for housing as fostering is often a short-term arrangement. Social Services can provide advice where they believe the family requires larger accommodation and if evidence shows that a family will be fostering a child on a long-term basis consideration will be given to the housing need of that young person and they may be allowed on the application.

32. DEBT TO THE COUNCIL OR HOUSING ASSOCIATIONS

- 32.1 Applicants can apply to go on the housing register if they owe monies to the Council or any Housing Association, however:
- 32.2 No offer of accommodation will be made until the total debt is clear. Debt can include:
- Rent arrears / Former Tenancy Arrears
 - Over-allowed Housing Benefit
 - Council Tax
 - Court Costs
 - Repair re-charge
 -
- 32.3 In exceptional circumstances the Head of Housing may agree to an allocation being made.

33. PROVIDING INFORMATION TO APPLICANTS

- 33.1 Section 166 of the Housing Act 1996, as amended by the Homelessness Act 2002, requires a housing authority to ensure advice and information is available free to everyone in its district about the right to apply for housing accommodation. Section 166 requires housing authorities to inform an applicant he has the right to certain general information, such as:
- Information that will enable him to assess how his application is likely to be treated under the scheme, and in particular, whether he is likely to fall within the reasonable preference categories; and
 - Information about whether accommodation appropriate to his needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available.
- 33.2 At the time an application for housing is made, the Council will provide full Housing Option information, which will enable the applicant to make an informed choice about the type of accommodation they are likely to be considered for and the likelihood of them being made an offer within a reasonable timescale.
- 33.3 Information regarding the allocations will be available on a weekly basis, and Information on numbers of properties, numbers of voids and allocation targets will be updated quarterly.
- 33.4 Assistance will be provided by the Housing Options Team or One Stop Shops to help with the completion of housing register application.

33.5 A guide to Applying for Housing will be completed and reviewed annually for those who request it.

34. THE RIGHT TO INFORMATION ABOUT DECISIONS AND THE RIGHT TO REVIEW A DECISION

34.1 Applicants will be notified in writing of decisions taken on their application.

34.2 The notification will give clear grounds for the decision, which are based firmly on the relevant facts of the case. The applicant also has the right, on request, to be informed of any decision about the facts of the applicant's case which has been, or is likely to be, taken into account in considering whether to make an allocation to him. Under section 167 of the 1996 Act, an applicant has the right to request a review on certain decisions. This right will be made clear in such decision letters.

34.3 A request for a review must be made within 21 days of the applicant being informed in writing of the Council's decision. The review will be carried out by a senior officer who was not involved in the original decision.

34.4 The applicant will be invited to submit any new information they would like the reviewing officer to consider.

34.5 The following decisions have a right to request a review:

- To treat an applicant as ineligible due to immigration status or persons from abroad who have failed the habitual residence test;
- Not to accept an applicant on to housing register or give an applicant any preference because of unacceptable behavior serious enough to make him unsuitable to be a tenant;
- Not to give an applicant any preference because of the financial resources available to him;
- Not to make an allocation to an applicant, when it has been considered he would not be capable of independent living;
- As to the suitability of accommodation offered to an applicant in discharge of the Council's duty under the provisions of Part VII of the Housing Act 1996 (Housing the Homeless);
- The outcome of a request for social or medical priority.

34.6 A person will be notified in writing of the outcome of a review, with details of the reasons for the decision.

34.7 The applicant may request a second stage appeal held by elected members. This request is to be put in writing to the Head of Housing and Community Services within 21 days of the review decision being made.

35. Monitoring

Allocations will usually be made in accordance to the following targets:

60% of properties will be awarded to Priority and Gold banding and 40% to Silver and Bronze Banding.

The Head of Housing may vary the percentage of properties given to each banding depending on the number of applicants in each band.

These targets will be formally reviewed by the Housing Options Manager and reported to the Head of Housing quarterly to ensure that the best use is being made of the housing stock and that government guidelines for using temporary accommodation for Homeless cases are being met.

36. Equalities Statement

This policy is intended to operate within the Council's commitment to equalities and diversity including:

- Equal treatment regardless of race, gender, age disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.
- Working to eliminate *unlawful* discrimination
- ***Promoting equal opportunities.***
- Promoting community cohesion, ***including good relations between people from different racial groups.***
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all and working to engage all sections of the community.

This policy will be assessed as part of a rolling programme of reviews to ensure that it does not have a detrimental or disproportionate effect on any group.

Any concerns that the policy is operating in a way that could be construed as discriminatory should be passed to the responsible Manager and will be dealt with as part of the official Complaints Procedure, in line with the Council's Equality Schemes.

