



# Hinckley & Bosworth Borough Council

## **Housing allocations policy April 2018**

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## **Introduction**

### **Legal background**

The Allocations and Lettings Policy has taken into account all legal requirements outlined in the Housing Act 1996, Part VI, amendments made under the Homelessness Act 2002, the Localism Act 2011, the DCLG Allocation of Accommodation: guidance for local housing authorities in England 2012 and the Homeless Reduction Act 2017. This Allocations Policy provides a framework for assessing housing need, priority and determining who will be nominated to Registered Providers (RP's) for housing. Registered providers have previously been known as Housing Associations.

### **Statement on choice**

Hinckley & Bosworth operate a choice based lettings scheme where vacant housing properties are openly advertised. This allows a home seeker to exercise greater choice over their own housing options. There may be occasions where properties have to be matched direct to an applicant.

There is a high demand for social housing in the borough and a limited number of properties become available to let each year. The council will work with applicants to discuss pathways to other tenures where appropriate.

### **Objectives of the Hinckley & Bosworth Borough Council Choice Based Lettings Scheme**

- To meet the legal requirements for the allocation of affordable housing
- To ensure appropriate levels of priority are afforded to home seekers
- To ensure priority status on the scheme for home seekers with an urgent housing need
- To let properties in a fair and transparent way
- To support and assist vulnerable home seekers so that they are able to actively participate in the Hinckley & Bosworth Borough Council Choice Based Lettings Scheme
- To provide feedback to home seekers about homes let through Hinckley & Bosworth Borough Council Choice Based Lettings Scheme
- To encourage and support sustainable communities and social inclusion

- To ensure home seekers are treated fairly, individually and in accordance with the commitment to equality and diversity
- To make best use of affordable housing, to meet the needs of the local community
- To ensure that properties are let as quickly as possible
- Provide housing advice to all who approach in order to make choices about their housing options (including applying for social housing, exchanging with another tenant, renting privately, buying a home under an assisted home ownership scheme, and remaining in their existing home with additional support/services/adaptations). Advice will include guidance on the availability of social housing
- Give a higher priority for rehousing to eligible applicants who have a local connection to Hinckley & Bosworth Borough Council, than to those with similar housing needs who have no such connection
- Offer applicants choice about the areas where they want to live, within the constraints set by the availability of social housing in the borough
- The scheme also aims to identify where applicants may be in danger of losing their home and refer to relevant support agencies. It also aims to provide tenant sustainability by promoting pre-tenancy courses and affordability checks for new tenants

## **Equal opportunities**

This policy was created in accordance with Hinckley & Bosworth Councils Equalities Policy to promote equal opportunities in the services it provides. It aims to ensure that no potential or current home seeker is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, colour, disability, age or sexual orientation nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law.

We seek to ensure that all home seekers are able to participate in the process of applying and bidding for properties. If a home seeker is having difficulties and a family member, friend or advocate is unable to assist then a housing registration assessment officer at the council will be able to help.

## **Data protection**

Home seekers have the right to information on all decisions made about the facts of their application. This includes all information used in considering housing need priorities.

Information held by Hinckley & Bosworth Borough Council about home seekers will only be used in connection with their application for housing and in accordance with the Data Protection Act 1998. In normal circumstances, this information is only to be disclosed to partner councils, registered housing providers or other agencies such as social care services and probation in connection with housing.

This means that the information and the fact that a home seeker has applied for housing, will not normally be passed onto any third parties without the home seekers prior written consent.

In exceptional circumstances information may be disclosed without consent:

- Where there are over-riding legal, social or public interest considerations, e.g. there is a risk of serious harm to the person themselves or others if the information is not disclosed
- Where information is required by the police as part of a criminal investigation
- Where information is required by an authority for the assessment or collection of any tax or duty of a similar nature
- Where, because the council is under a duty to protect the public funds it handles, it may need to use the information provided by home seekers to prevent and detect fraud. The information may also be shared for the same purposes with other organisations that handle public funds
- The information may also be used for statistical purposes, which means we may pass this information, in confidence, to the relevant government department

## **Working in partnership**

When considering housing for those who are vulnerable or have support needs, the council will endeavour to work with other agencies such as Social Care Services, Probation Service, in addition to community and voluntary agencies to enable appropriate allocations and support to be made according to the home seekers needs and disabilities to help create and maintain a successful tenancy and promote independent living.

## **Nominations**

Agreements exist between Hinckley & Bosworth Borough Council and the registered social landlords which operate within the borough. Whilst the majority of registered providers vacancies are advertised directly through the choice based lettings scheme, there will be some registered providers who advertise vacant properties through their own website. Applicants need to apply directly to the registered provider for these vacancies.

When a registered providers wants to use our choice based lettings scheme to advertise a vacancy, they will ask the council to nominate a person from the council's own housing register for consideration for these vacancies. The nominee's application will have been assessed using the same criteria as other home seekers on the housing register and the property advertised and shortlisted in the same way through the choice based lettings scheme. When a nomination is made, a registered provider may have additional criteria they wish to apply in line with their own policies.

## **Local lettings policies**

Hinckley & Bosworth Borough Council is committed to creating balanced communities. Occasionally a local lettings policy may be required to deal with particular issues in an area to create a balanced and sustainable community. A separate policy will be produced detailing the lettings criteria to be used should this be necessary. Details will also be found on individual adverts.

For some housing schemes there are planning restrictions requiring that vacancies should go in the first instance to people who have a connection with the village, parish or town. Each of the schemes has its own local policy. These will be detailed in the advert for each individual property.

## **Sensitive lets**

In certain circumstances properties and applications will be considered outside the banding framework set in this Allocation Policy. Such circumstances include:

- Where it may be inappropriate to let an individual vacant property in line with the usual letting arrangements - for example, where a property is vacant because the previous occupant was guilty of persistent anti-social behaviour
- Where there has been behaviour on the part of an applicant which affects
  - Their suitability to be a tenant in an area for which they have expressed a
  - Preference – for example where they have harassed or caused a nuisance
  - Against an individual or family living in that area
- Decisions in such cases are authorised by the Housing Options Manager (or other council officer of the same or higher grade)

### **Management discretion lets**

Management discretion lets are used to meet the exceptional needs of particular households - for example due to time or risk issues or very specific need. They are authorised by the Housing Options Manager in agreement with the Tenancy Services Manager or other manager of the same grade or above (for council lets), or the relevant Partner Housing Association's Senior Officer with responsibility for housing management.

### **Hinckley & Bosworth Borough Council service standards**

- We will register new applications within ten working days of receiving them providing all supporting information is available
- If we need more information in order to assess an application we will aim to contact the home seeker within five working days of receiving their application. The letter will set out the information required
- When an application is approved the home seeker will receive a letter confirming their bidding details, housing need category, review date and registration date
- Reviews may be necessary on an annual basis to ensure continued eligibility for inclusion on the register, to ensure the applicant still requires assistance and their circumstances are correct. Any change in circumstances will be updated subject to relevant proofs received. An application may be suspended during this time
- We will give advice and information about the choice based Lettings Scheme when requested

## **1. The housing register**

Hinckley & Bosworth Borough Council maintains a register of home seekers who are interested in being accommodated in the borough with either the council or a registered housing provider operating in our district.

### **1.1 Joining the housing register**

- 1.1.1 Applications to join the housing register, sometimes known as the waiting list will be considered from any person or persons aged 16 years or over. Any young person aged 16 or 17 who requests assistance with rehousing will be referred to Children's Services for an assessment of their needs. 16 and 17 year old applicants who are offered a tenancy are expected to have an appropriate party to act as a trustee until they reach the age of 18. When they reach the age of 18 the tenancy automatically becomes an introductory/ secure/ assured shorthold/ assured tenancy as appropriate. A trustee is not a guarantor; they are a responsible person holding a tenancy on the young person's behalf. It has to be a responsible adult – checks will need to be made.
- 1.1.2 Every home seeker must complete an online registration form in full. This includes giving the previous 5 years addresses and landlord details. The information given on the form must be correct. Hinckley & Bosworth Borough Council reserve the right to disqualify any home seeker from joining the register, withdraw any offer of a tenancy or recover possession of an existing tenancy if they have knowingly given false information or withheld relevant information. Any incomplete forms will be rejected.
- 1.1.3 Home seekers will be asked to provide proof to support their application. Every home seeker will need to complete the form in full, provide identification for all household members, proof of residence at current address, last two months bank/building society/post office/savings statements for all accounts, proof of income for all adults in the household and/or proof of benefits. Should a home seeker be unable to provide any information, they should contact the Housing Options Team to provide an explanation where assistance may be given to obtain any missing evidence; however, it is the applicants' ultimate responsibility to provide this information. Refusal to provide information will result in an application being rejected.
- 1.1.4 Hinckley & Bosworth Borough Council will make any other enquiries as they deem necessary in order to assess the application in addition to the basic requirements. This may involve contacting previous landlords, health or medical advisors, police, mortgage companies, for example.
- 1.1.5 Only when a form is received with all the necessary information will it be assessed for inclusion to the housing register. All basic proofs need to be provided within 14 days of application otherwise it will be closed.
- 1.1.6 If a home seeker requires assistance to complete an application, assistance can be given over the telephone, in person at The Hinckley Hub or by arranging a home visit.

## **1.2 Change of circumstances**

- 1.2.1 It is the home seekers responsibility to keep us informed of any changes in their housing circumstances as this may affect their housing need category. If we become aware of a change in circumstances, the home seeker may be overlooked for an offer and their application suspended until the information requested is provided.

## **1.3 Annual renewals**

- 1.3.1 Hinckley & Bosworth Borough Council will undertake an annual review of the housing register. Home seekers will be contacted and asked to confirm whether they want to remain on the register and whether their circumstances have changed.
- 1.3.2 Up to date documentation such as details of rent account/arrears, child access arrangements and income will be required at this time.
- 1.3.3 If the home seeker does not respond to this contact within seven days, a reminder will be sent giving a further seven days. This can be by email or by post. If no response is received, it will be assumed that the home seeker no longer wants to be on the housing register and the application will be cancelled. Should a home seeker respond with some but not all proofs, the same process will apply. Applicants who are having difficulties gaining their information should keep their case worker informed.
- 1.3.4 Home seekers can ask for their application to be reinstated if they believe that it has been cancelled incorrectly or unreasonably. A request to reinstate an application should be made to the Senior Housing Registration Assessment Officer and the Housing Registration Assessment Officer. If the home seeker does not agree with this outcome, they have the right to request a review of this decision (see section 3).

## **1.4 Moving between housing need categories**

- 1.4.1 If a home seekers circumstances change then it is possible that their housing application will move to a different housing need category (banding) as a result.
- 1.4.2 When a home seeker moves up to a higher housing need category the effective date will change to the date they moved into the higher category. If the home seekers higher banding is removed due to refusal of offer or non-bidding or change in circumstances, it will return to the original effective date and original banding if that is still appropriate, subject to re-assessment.
- 1.4.3 Homeless households moving to the critical category because the council has a full homelessness duty to them will have their effective date changed to the date they **presented** as homeless; this is the day a homeless declaration was taken. Due to the Homelessness Reduction Act, home seekers will move between bandings as detailed in Section 7.3. Those home seekers who have moved into new categories through the prevention and relief duties will have their effective dates changed accordingly.

## **2. Eligibility rules**

- 2.1 In considering applications to join the housing register we will ascertain whether:
  - An applicant is eligible for an allocation of accommodation, and
  - If he or she qualifies for an allocation of accommodation

We will do this by assessing in accordance with the regulations whether an applicant is eligible to join the housing register or, may not be allocated accommodation under Part 6 of the Housing Act 1996 S.160ZA because they are persons from abroad who are subject to immigration control or they are a



person from abroad, who although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation.

- 2.2 Reference will be made to the regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation of accommodation and are contained in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI2006 No. 1294) and amendment regulations in respect of regulations 4 and 6. This also includes further revisions as made by the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014.
- 2.3 The following categories of persons do not require leave to enter or remain in the UK:
- (i) British citizens
  - (ii) Certain Commonwealth citizens with a right of abode in the UK
  - (iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the common travel area with the UK which allows free movement
  - (iv) EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status
  - (v) Persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel
- 2.4 The Eligibility Amendment Regulations also make provision for persons who have equivalent rights of residence in the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area).
- 2.5 Ineligible households
- 2.6 The Eligibility Amendment Regulations amend regulations 4 and 6 of the eligibility regulations and provide that the following persons are ineligible for an allocation of housing accommodation or homelessness assistance:
- Persons who have rights of residence in the UK as a result of regulation 15A(1) and (4A) of the Immigration (European Economic Area) (Amendment) (No 2) Regulations 2012 (the EEA Amendment Regulations)
  - Persons who have a right derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where rights of residence arise because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen
- 2.7 The following are also examples, but not an exhaustive list, of home seekers who would be ineligible to be included on the register, either at the point of application or at any time during their time on the housing register, when a change of circumstances occurs and triggers ineligibility:
- Behaviour that is likely to result in the granting of an outright possession order on any ground for example anti-social behaviour such as causing nuisance and annoyance to neighbours

- Behaviour of a member of the home seekers household which would entitle the landlord to gain an outright possession order
- Owing a housing related debt greater than £300 owed to a council, registered landlord or private landlord and there is no evidence of willingness to reduce/repay the debt – such debts could include rent arrears and court costs, temporary accommodation charges, sundry debts such as clearance, damage, or repayment of rent deposit (this is not an exhaustive list)
- Committing certain criminal offences in or near the home and posing a threat to neighbours, the community, staff from the council, the council's contractors or registered provider or their contractors; drugs, physical violence and sex offences, harassment and threats
- Has been convicted of violence towards a partner or members of the family
- Obtaining a tenancy by deception, for example giving false information or omitting to give information that would have an effect on your application, this includes with holding a change of circumstances
- Where the home seeker is considered not suitable to become a tenant for example, the home seeker is not considered to have the mental capacity to enter into a tenancy agreement and the obligations and conditions attached to that tenancy. Where substantial support needs have been identified a care needs assessment, detailing the care required and the responsible agency or individual will be required to ensure sustainability
- Home seekers who have no connection within the borough of Hinckley and Bosworth, except in exceptional circumstances. An applicant will be required to provide relevant proofs to support their exceptional circumstances. This will be assessed by the Senior Housing Registration Assessment Officer
- Home seekers with the financial means to meet their own housing needs, except for applicants who demonstrate they have a support need for sheltered housing or extra care which they cannot purchase/rent on the open market
- Transfer home seekers who are on probationary/Introductory/starter tenancies with their social landlord unless exceptional circumstances exist, this will be decided by the Housing Options Manager and the Anti-Social Behaviour and Tenancy Manager

- 2.8 When making this decision Hinckley & Bosworth Borough Council will consider whether it is reasonable to exclude the home seeker. We will take into account all relevant factors such as health, dependants or other factors. In some cases, applicants may be admitted to the housing register but suspended to allow for a change in behaviour. This will be reviewed in three monthly intervals.
- 2.9 Home seekers will be informed in writing of the reason why their application has been rejected. They will have the opportunity to appeal against this decision if they feel it is incorrect. (See section 3)
- 2.10 If a home seeker who has been refused entry onto the housing register because of unacceptable behaviour considers that their unacceptable behaviour should no longer be held against them, they should complete a new registration form. The home seeker will need to show that there has been a sufficient lapse of time, in the opinion of Hinckley & Bosworth Council, since the previous application was submitted or that his/her circumstances or behaviour have changed. It is expected exclusion will be for a period of 12 months but there

must be a minimum of three months before any review if there are exceptional circumstances.

- 2.11 If at any time Hinckley & Bosworth Borough Council obtains evidence that a home seeker already accepted onto the housing register is ineligible, then the home seeker will be advised that their application will be cancelled. Home seekers will have the opportunity to use the appeals procedure if they are able to show this decision is incorrect. (See section 3)
- 2.12 Suspensions
- 2.13 There may be occasions where an applicant is eligible to be registered but due to circumstances or behaviour they may be suspended for a period of time to allow the situation to be rectified. There is no right to appeal.
- 2.14 Where applicants have set up a payment plan for housing related debt, they will be registered and placed in the low banding but will be suspended until relevant proof has been provided of 12 weeks consecutive payment or a reduction in their debt by 50%. Home seekers should keep to their repayment pattern until the debt is cleared. A break in payment means the period will commence again.
- 2.15 Hinckley and Bosworth Borough Council does not tolerate abuse on staff. Where it has been necessary to write to an applicant through the Potentially Violent Person Policy or Persistent and Unreasonable Complainant Policy they may be suspended for a minimum three month period. This will be reviewed and the suspension lifted if there have been no further incidents.
- 2.16 Where an issue has been identified that can affect how a tenancy is conducted, such as a previous failed tenancy, anti social behaviour or repeated rent arrears, or where there is a first time home seeker, the home seekers may be suspended from bidding until they have completed a workshop relating to the said issue to provide information on tenancy sustainment.

### **3 Appeals process**

- 3.1 If a home seeker does not agree with a decision made by Hinckley & Bosworth Borough Council in respect of their application or in respect of any decision that affects their housing application except for suspension, they have the right to appeal within 14 days. Circumstances in which an appeal is likely to be submitted include:
- Where a home seeker is ineligible for inclusion on the housing register
  - Where a home seeker believes that their application has been assessed incorrectly and placed in the wrong housing need banding
  - Where a home seeker's application has been cancelled and their request to have the application reinstated has been refused
  - Home seekers who want to be considered for a property type that they are not eligible for
- 3.2 Home seekers wanting to request a review of the decision will need to submit a request to the Senior Housing Registration Assessment Officer.

- 3.3 The appeal will normally need to be submitted within 14 days of the original decision letter. The officer involved in the appeal will not have been involved in the original decision.
- 3.4 If the home seeker is again not satisfied with this outcome they can request a review through the Councils corporate complaints procedure.
- 3.5 If a home seeker has been successfully matched for a property but has been refused the offer of accommodation by one of the registered provider (RP) partners, they can ask the RP to review their decision. Each partner operates their own appeals process and acceptance criteria. Most registered providers will do their own affordability checks and will ask for rent in advance as stated in their advert.

## **4 Home seeker types**

### **4.1 New home seekers**

- 4.1.1 Subject to the exclusions set out in section two, anyone may apply to join the housing register. New home seekers are defined as anyone with a connection to the borough who does NOT currently hold a council or registered provider tenancy who does not hold a tenancy within the HBBC area.
- 4.1.2 Any social landlord tenant in temporary accommodation, assured shorthold tenancies and licensees will be treated as `New` home seekers (with the exception of those covered in 4.2.2)

### **4.2 Transfer home seekers**

- 4.2.1 These are defined as existing social housing tenants living within the borough of Hinckley and Bosworth with an assured, fixed term or secure tenancy, seeking to move to another social housing tenancy within the borough.
- 4.2.2 Transfer home seekers who are on probationary/introductory/starter tenancies with their social landlord will not be eligible to join the register unless exceptional circumstances exist. These cases will need to be supported and evidenced by other agencies and approved by both the Anti-Social Behaviour and Tenancy Manager and Housing Options Manager. In order to reflect the exceptional circumstances, clients will be direct matched to a property and will receive one offer only. Full circumstances and discussion with the applicant will take place in order to make a suitable offer.
- 4.2.3 Any transfer home seeker subject to a notice may be moved to the low housing need band or have their application temporarily suspended. This decision will be made with both the Anti-Social Behaviour and Tenancy Manager and the Housing Options Manager.
- 4.2.4 All household members must normally be leaving the current property for an application to be considered as a transfer. The Anti-Social Behaviour Manager and the Housing Options Manager may be consulted before approval of any transfer request. Transfer applicants may be subject to a home visit to ensure the property is in good order and no repairs subject to a recharge are required. This visit may be carried out within one month of the application being fully registered in order to give the applicant time to address any issues.

- 4.2.5 Tenants who are only eligible for the same size and type of property that they currently reside in (see eligibility matrix Appendix A) would not normally be given any preference. Only those who have a proven and evidenced welfare, medical or other exceptional need to move will be considered for preference. (For more details on eligibility, see Appendix A).
- 4.2.6 Tenants seeking either larger/smaller or different type of accommodation will normally be given preference. However where there is evidence that the tenant or a member of their household is in serious breach of their tenancy conditions then an application to transfer may be accepted but given no preference. A serious breach of tenancy conditions could include rent arrears or anti social behaviour (see section two).

## 5 Home seekers with a disability or a mobility need

- 5.1 If a home seeker indicates on their registration form they require ground floor accommodation, accommodation that has been specially adapted or they have a mobility problem, then they will be asked to complete a separate mobility assessment form.
- 5.2 **The mobility assessment form** asks a series of questions about the home seeker's mobility needs and asks them to self assess their needs by ticking one of the following descriptions:

Category	Home seeker's mobility needs
A	I use a wheelchair permanently both when inside as well as outside the property.
B	I use a wheelchair outside the property but am able to walk a short distance. I cannot climb steps or stairs.
C	I do not use a wheelchair but walk with difficulty. I cannot climb steps or stairs.
D	I do not use a wheelchair; I walk with difficulty, but can manage one or two steps.
E	I need a downstairs toilet.
F	I have a disability or a medical problem, where a step in or level access shower would ease or resolve my difficulties

- 5.3 The self-assessment will be verified by a housing registration assessment officer and if necessary, by a suitably qualified medical advisor, for example occupational therapist, independent medical adviser, GP or consultant. A home visit may also be made.
- 5.4 Hinckley & Bosworth Borough Council will advertise vacancies as they become available; this includes those properties that are suitable for the needs of

disabled home seekers. Information on the type of adaptations and/or accessibility features will be given in the advertisement. Initially, a direct match will be made for someone who needs this property.

- 5.5 **Adapted properties** will be graded according to the level of access or adaptation. The categories that are used are shown below, and will be clearly identified within the adverts:

Category	Level of access or adaptation
A	A property that is fully suitable for a wheelchair to be used inside and the property benefits from a floor draining shower for example
B	A wheelchair accessible property e.g. ramped access/ sufficiently wide entrance door
C	Ground floor property with level access into the property – no steps at entrance
D	A property with no stairs, i.e. ground floor only, but with 1 or 2 steps
E	Houses with a ground floor toilet but which have stairs and steps.
F	A standard property suitable for home seekers who need a level access/ step in shower

- 5.6 For those properties labelled with either an 'A' or 'B' category, normally only home seekers who have been awarded an 'A' or 'B' status can apply.
- 5.7 For the remaining categories, 'C' to 'F', they will serve as an indication to the home seeker of the level of suitability, preference may be given to applicants matching the mobility category of the property but the properties may be allocated on a best fit basis. This will allow home seekers to match their level of disability with the type of property on offer.
- 5.8 Home seekers who apply for either 'A' or 'B' properties will be selected on the basis of the suitability of the property and adaptations to meet the home seekers needs, irrespective of their date of registration.
- 5.9 For properties labelled 'C' to 'F', selection will be carried out on the suitability of the property, registration date and on a best fit basis.
- 5.10 Priority is only issued in certain circumstances and these will take priority over the other selection criteria for 'C' to 'F' type properties.
- 5.11 In circumstances where more than one Home seeker with a 'C' to 'F' category has applied, the deciding factor will normally be their date of registration onto the Hinckley & Bosworth Borough Council's housing register.
- 5.12 Any home seeker must consider carefully the property that they apply for, especially if additional work is required, as to how suitable the property is for such work. There may be a wait for adaptations to be done.

- 5.13 An occupational therapist may need to visit the property prior to a formal offer to ensure a property is suitable for an individual. Where it is not suitable, the applicant will not receive a formal offer.

## **6 Household eligibility**

- 6.1 Once accepted onto the housing register, every home seeker will be provided with information about the size and type of properties they are eligible for. They will also be advised if they are eligible for medical/piper alarm support housing if their circumstances warrant the need for this type of accommodation. You will be informed of why you are in a particular banding.
- 6.2 Information on eligibility will be individual to each home seeker. Eligibility criteria can vary for each of the RP's. Eligibility will be clearly labelled on the adverts.
- 6.3 A matrix of eligibility for all household types is attached in Appendix A for properties where Hinckley & Bosworth Borough Council is the landlord. registered providers have their own criteria for properties. For both types of landlord, the details will be clearly shown on the advert and should be studied carefully before bidding.

### **6.4 Sheltered housing**

- 6.4.1 Home seekers will need to be assessed as eligible to apply for sheltered housing before they are able to bid. They need to be 60 years or above, and/or be assessed as having a support need that can be met within sheltered housing. Those applicants over 55 with a support need can also be considered. Elderly or disabled home seekers with assessed care and support needs will be required to provide details of their care package and will be assessed to ensure they are suitable for independent living.

### **6.5 Properties with a piper support alarm**

- 6.5.1 Any home seeker who has been assessed as having a medical condition and/or assessed with a medical/piper alarm support need will be eligible to bid for properties that include an emergency piper alarm system, though additional eligibility criteria may also apply for individual properties. Please check the advert for details of the charge for the piper support alarm.

### **6.6 Household definitions - guidance**

- 6.6.1 The matrix takes account of single person households who have access to children but with whom the children do not reside on a permanent basis. Households falling into this category must be able to show that they have overnight access to children for a minimum of two nights per week. Proof of these access arrangements will be required for example, letters from both parents/guardians, court orders where appropriate, social worker or solicitors letter or similar documents from other relevant bodies. Variations will be considered on an individual basis.
- 6.6.2 Single person households with access to children can not normally be considered for properties larger than a two bedroom flat irrespective of the number of children they have access to.

- 6.6.3 Hinckley & Bosworth defines an older person as someone who is 60 years of age or over though several of the registered providers have an age threshold of 55 or over. The minimum age requirement for a particular property will be published on the advert.
- 6.6.4 For an elderly couple, only one of the partners has to be above the age threshold limit. There is no minimum age for the partner.
- 6.6.5 Family with a disability refers to a household where at least one of the members has a medical or mobility need and they require an adapted property to help meet these needs.
- 6.6.6 Households that include a pregnant woman are normally assessed as if the baby has already been born (that is the baby is counted as a person) where the expected date of delivery is within three months although exceptions may apply.
- 6.6.7 A child must spend a minimum four nights per week with the home seeker in order for them to be classed as a permanent resident. Exceptions will be considered, for example in circumstances where the child resides away from the home seeker on a temporary basis but their permanent home is with the home seeker. Where there is shared custody, it is usually taken the parent receiving child benefit is the main carer.
- 6.6.8 A home seeker may add a joint home seeker or household member to their application. Checks will be made to ensure that those added are eligible to join and the same level of proofs will be required. The home seeker's application will be reassessed and they will be notified of any changes, for example a change in their housing need category, eligibility for inclusion onto the register or property type.
- 6.6.9 A joint home seeker may wish to leave a joint application and have an application in their sole name. In such circumstances the home seekers new application will be backdated to the date they joined the original joint application. In those cases where we are unable to contact the joint applicant, the application will be split and the uncontactable party suspended for 12 months or until their annual renewal date.
- 6.6.10 In exceptional circumstances, home seekers may be considered for a property where normally they would not be eligible. In making this decision Hinckley & Bosworth Borough Council will consider the needs of each household and the needs of each landlord to make best use of their housing stock.

## **7 Assessing housing need**

- 7.1 Hinckley & Bosworth Borough Council, whilst offering choice, must take into consideration the housing needs of each home seeker or a member of their household (who reside with them on a permanent basis), to allow those home seekers in greatest need to be given precedence.
- 7.2 When an application is received, the home seekers housing need will be assessed and any necessary enquiries made.



7.3 Home seekers who are eligible to join the housing register will be placed in one of five housing need categories:

1. **Critical** Housing need category
2. **Priority** Housing need category
3. **High** Housing need category
4. **Medium** Housing need category
5. **Low** Housing need category

<b>Category</b>	
1. Critical	<p><b>Home seekers in this category will have been assessed as being at risk of immediate harm or in critical housing need and will be direct matched to the next suitable available property and receive one offer only when in this category:</b></p> <p><b>Severe welfare need</b></p> <ol style="list-style-type: none"> <li>1. Home seekers who are subject to severe ongoing harassment, threats of violence or actual violence or threats of physical, emotional or sexual abuse</li> <li>2. Home seekers living in a property where the Private Sector Housing team have had to prohibit the home seekers' accommodation owing to a risk of serious harm to their health or safety (not resulting from damage caused by the home seeker)</li> </ol> <p><b>Emergency medical need</b></p> <ol style="list-style-type: none"> <li>1. The inability to be discharged from hospital for an ongoing condition to their current accommodation</li> <li>2. A medical need where there is immediate risk to life or severely impacts the quality of life such as not being able to access basic facilities.</li> </ol> <p><b>Homeless households</b></p> <ol style="list-style-type: none"> <li>1. Homeless households to whom the council has a statutory duty to secure accommodation as described by S193 of Part VII Housing Act 1996 and amended by the Homeless Act 2002. Home seekers approved with a full homeless duty will have been through the prevention and relief duties as laid out in the Homelessness Reduction Act 2017 and will have been given reasonable preference in these categories also</li> <li>2. Offers of accommodation to discharge the councils homeless duty can also be made in the private sector</li> </ol> <p><b>Critical management need to move:</b></p> <ol style="list-style-type: none"> <li>1. When a tenant of the council or registered provider needs to be decanted from their property because it requires major refurbishment or repair</li> <li>2. Where a property has been compulsory purchased and there is a legal requirement to offer the household a specific property</li> <li>3. Home seekers who could pose a risk to individuals or other members of the community and the risk has to be managed by multiple agencies</li> <li>4. Where the council or registered provider partner has decided that this is the best use of stock. This would only take place in exceptional circumstances, following discussion with Hinckley &amp; Bosworth Borough Council and approved by the Housing Options Manager</li> </ol>

<p><b>2. Priority</b></p>	<p><b>Home seekers placed in the priority category will have eight weeks to place bids on available properties, this will be reviewed to ensure active bidding. If bids have not been placed the home seeker will be direct matched to a suitable property or returned to their original category. Home seekers will be subject to one suitable offer in this category.</b></p> <p><b>Households with an URGENT need to move on the following grounds;</b></p> <ol style="list-style-type: none"> <li>1. Households where there is a relief duty owed through the Homelessness Reduction Act 2017 and there is a priority need through Part VII of the Housing Act 1996 as amended 2002</li> <li>2. Statutorily overcrowded</li> <li>3. Separated family</li> <li>4. Young people leaving care and other vulnerable households whose social or economic circumstances are such that they have difficulty in securing settled accommodation. The home seeker will have been through their housing options with the council and all other options will have been exhausted</li> </ol> <p><b>URGENT medical need</b> Circumstances could include (this is not an exhaustive list):</p> <ol style="list-style-type: none"> <li>1. A progressive or chronic medical condition combined with other difficulties such as the need for adapted accommodation.</li> </ol> <p><b>Complex housing needs</b> This would include a number of high need factors which taken together create an urgent need to move. This could, for example, be a combination of severe physical and learning disabilities combined with stress caused by harassment. It is likely a number of agencies will be supporting a case of this kind.</p> <p><b>Management need</b> Circumstances could include (this is not an exhaustive list):</p> <ol style="list-style-type: none"> <li>1. Home seekers succeeding to a tenancy where the property is not suitable to their needs and who is registered as having lived in the property for at least the last twelve months</li> <li>2. Home seekers who have no right in law to remain in their current council or registered provider accommodation, that is, they have no right of succession but the home seeker has lived in the property for at least the last 12 months and is registered as living at that property</li> <li>3. Tenants occupying a wheelchair adapted property they no longer need but which could be used by somebody else. These are exempt from the eight week period</li> </ol>
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	<ol style="list-style-type: none"><li data-bbox="454 107 1412 179">4. Displaced agricultural workers who qualify for assistance under the Rent (Agriculture) Act 1976</li><li data-bbox="454 219 1412 398">5. Transfer home seekers who are currently under-occupying their council or registered provider property which is in high demand and/or where there may be assistance available from a tenant's incentive scheme. These are exempt from the eight weeks period.</li></ol>
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<p><b>3. High</b></p>	<p><b>Home seekers placed in the high category will have eight weeks to place bids on available properties, this will be reviewed to ensure active bidding and in the case of paragraph four below, that the Category one hazards are still present. If bids have not been placed the home seeker will return to their original category. Home seekers will be subject to one suitable offer in this category (ref 5.2.2):</b></p> <ol style="list-style-type: none"> <li>1. A home seeker living in supported accommodation for the homeless and the council has a formal move on agreement with the housing provider or their key worker has agreed that independent accommodation would now be appropriate.</li> <li>2. Severe anti-social behaviour (ASB) - This is where there is an ongoing case where there is evidenced targeted, severe and regular harassment causing continued alarm and distress. This will be supported by the ASB team. Home seekers suffering from harassment or neighbour nuisance, such as verbal abuse, social media intimidation, or damage to the property. The problems will have been reported to the landlord and/or the police for action but a satisfactory conclusion not found. It will not be a one off event.</li> <li>3. A home seeker who is assessed as having two or more needs from sections <b>one to four</b> of the medium category below. The needs must be from different sections.</li> <li>4. Significant disrepair affecting the health and safety of home seekers where an Improvement Notice has been served by the Private Sector Housing Team to remedy category one or category one and two hazards.</li> <li>5. Home seekers where there is a prevention duty owed through the Homelessness Reduction Act. Home seekers where there is a relief duty owed through the Homelessness Reduction Act 2017 and do not have a priority need through Part Vii of the Housing Act 1996 as amended 2002 will remain in the High banding for a further eight weeks period. After this period non priority home seekers will return to their assessed banding need once the relief duty has ended if they are not successful.</li> <li>6. Where there are rent arrears/housing related debt but the home seekers has paid at least 50% of the original debt, the arrears are under £300 or a 12 week repayment plan has been adhered continuously to will placed in this category. Payments plans have to be continued until point of offer.</li> </ol>
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#### 4. Medium

##### 1. Poor housing conditions

This would include households living in hazardous housing conditions which results in the Private Sector Housing team taking or being minded to take formal enforcement action in the form of a Hazard Awareness Notice or other formal enforcement action aside from that stated in 'critical' and 'high' banding.

##### 2. Bedroom shortage

This means a household that is one bedroom short of the assessed need for that household but is not statutory overcrowded. In exceptional circumstances, poor housing conditions will be considered. This will be where there is evidence that the housing conditions are having a detrimental effect upon the welfare or health of the household. This is different to Statutory overcrowding. Living rooms will be taken into account as a bedroom space unless unsafe to do so or there are exceptional reasons why it can't be used.

##### 3. Medical needs

This would include households with a medical disability or mobility problem. This could include:

- a) Verified medical need where a home seeker's condition is currently directly affected by their accommodation and a move to alternative accommodation would resolve or ease their medical condition. Please remember that the property must be directly affecting the medical condition.
- b) Level access accommodation is required and there is no prospect of adaptations to the home seeker's current property within 12 months. Suitable proof will be required, that is, confirmation from an occupational therapist and landlord. The home seeker may be referred to local agencies for assistance with adaptations.

##### 4. Welfare need to move

This would include:

- a) The need to be near relatives to give or receive assessed care/support. This would only apply where NOT moving would cause emotional, physical or financial hardship to either party. Restrictions may be placed on where a home seeker can bid if a need to move has been awarded because of the need to be in a particular area. Evidential proof will be required to show the type of support such as carers allowance paid.
- b) An evidenced need to move closer to specialist educational organisation or other institution. This would only apply where NOT moving would cause emotional, physical or financial hardship to either party. It is not unusual for children to move schools when the family move house. There needs to be an exceptional reason why children need to attend certain schools for this to be taken into account.

	<p><b>c)</b> Has found permanent employment within the borough of Hinckley and Bosworth and needs to move closer to work, to prevent financial hardship. An assessment will be undertaken; this will involve contacting the home seeker's new employer. (Applicants who are assessed in higher housing need band for these reasons may be restricted to bidding only in areas they have demonstrated a need to move to.)</p> <p><b>d)</b> Home seekers who are suffering financial hardship and having difficulty in meeting their costs, examples could include adverse impact from welfare reforms, benefit cap or redundancy. Where arrears have arisen SOLELY for this reason, an affordability check and budget plan will be carried out and the shortfall in rent resulting in arrears rent will be disregarded. Other options such as DHP whilst bidding for an affordable property would also need to be considered first.</p> <p><b>5. Homeless households</b></p> <p>a) Intentionally homeless households - Home seekers who have made themselves intentionally homeless (unless the reason for the intentionally homeless decision was due to unacceptable behaviour) subject to the home seeker paying at least 50% of the original debt, the arrears are under £300 or a 12 week payment plan has been adhered to continuously will be placed in this category. Payments have to be maintained without exception until point of offer.</p> <p>b) Homeless households who are deemed eligible for assistance but do not qualify for a full housing duty because they do not have a priority need. They will have exhausted the prevention and relief options and remain without secure accommodation.</p>
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**5. Low**

**1. Insecure accommodation**

**The Home seeker is living in a home where they can reasonable be expected to reside and are not subject to any notice such as:**

- Living with family, relatives or friends
- Home seekers accommodated as a licensee/ lodger

**2.** The home seeker is an applicant with security of tenure and no welfare or medical need. This may include, private tenants, tied tenants, social tenants (in assured and secure tenancies) or home owners with statutory property rights under the Family Law Act 1996

**3.** The home seeker has been guilty of behaviour which affects their suitability to be a tenant in the last 12 months or have been abusive to staff. The behaviour is serious enough that enforcement action would normally have been taken but does not warrant exclusion from the housing register. This relates not only to the home seeker but also other members of their household. They will remain in Low Band for a period of 12 months. If there is a relevant change in the households' circumstances during the 12 month period the applicant can contact the Council and request that their priority is reassessed. This could also warrant a suspension on the housing register.

**4.** The home seeker owes more than £300 to any landlord, for a housing related debt, and has been maintaining a satisfactory arrangement to repay the debt for the 12 weeks immediately prior to the assessment of the application. Continuous payments should then be made without a break otherwise the home seeker will be subject to starting the 12 week period afresh. If an applicant has a break in income, they need to advise of this immediately and missed payments can be backdated in these circumstances. It is the home seekers responsibility to provide up to date proof of their payment plans including at point of offer. Home seekers will be advised they must always obtain receipts or pay through bank transfer:

- Housing related debts include rent arrears on a current or former property, temporary accommodation and sundry debts such as court costs, rechargeable repairs, repayments required on rent deposit schemes or other homelessness prevention measures
- It is the home seekers responsibility to demonstrate that they have maintained a payment plan for more than 12 consecutive weeks; they should inform their case worker in the Housing Options Team for their band to be re-assessed

**5.** Home seekers who have deliberately worsened their circumstances to gain an unfair advantage over other home seekers on the housing register will normally remain in the Low Band for a period of 12 months. The application will then be reassessed. If there is a relevant change in the household



	<p>circumstances during the 12 month period the home seeker can contact the council and request their application be reassessed.</p> <p><b>6.</b> The home seeker only wishes to be considered for low cost home ownership schemes such as Home buy or Shared Ownership.</p> <p><b>7.</b> Is a joint tenant of a council or registered provider property where the other party does not wish to move.</p>
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- 7.4 If a home seeker feels that their application has been placed in an incorrect housing need category they have a right to request a review of the decision (see section 3).
- 7.5 **Critical housing need category**  
If the home seeker has been given this housing need band, they will be direct matched to the next available and suitable property taking their identified needs into account. They will receive one offer only.
- 7.6 Refusal of a suitable property will mean the home seeker will return to their previous banding and effective date. If an offer has been made of a property through the homelessness legislation, acceptance or refusal of an offer will bring this duty to an end. There is a right of appeal that will be explained in the cease of duty letter.
- 7.7 **Priority housing need category**
- 7.8 Home seekers who have been assessed as having an urgent need to move will be placed in the priority need category. Home seekers can remain in this category **for a period of up to eight weeks**. If no suitable properties have become available during the eight week period, or the home seeker has not been successful in their search for accommodation, their application will be reviewed. In exceptional circumstances home seekers can be granted a further eight weeks in the priority need category, the length of the extension will be determined by the Housing Options Manager. This will work in line with the 56 day relief duty period and the home seeker will receive one suitable offer after this time if being assessed under homelessness legislation. After the eight week period the applicant will be direct matched to the next available, suitable property. Refusal of this property will result in any formal duties ending and/or being placed back in their original category.
- 7.9 Home seekers in the priority need category retain the right to respond to properties of their choice, however if they fail to bid in any cycle within the priority period, the council reserves the right to place bids for the home seeker on suitable properties to meet their housing need. Home seekers will be expected to consider all suitable offers of accommodation/properties. Failure to respond to suitable properties or refusal of an offer of suitable accommodation will result in priority being removed at the end of the eight week period.
- 7.10 The registration date of home seekers placed in the priority category will not be the date they joined Hinckley & Bosworth Borough Council Housing Register, it will be as follows:

- Homeless households – the date will be the date they presented as homeless.
- All other priority households – the date will be the date a decision on priority was made.

7.11 In exceptional circumstances, households may be restricted from bidding for properties in certain areas for example, where there are threats of violence or be limited to bid in certain areas due to support needs, employment reasons or specialised educational reasons.

7.12 New home seekers in the priority category who are allocated a property through Hinckley & Bosworth Borough Council will normally be issued with an introductory or secure tenancy. Other landlords may offer fixed term tenancies. Adverts should be checked for tenancy type.

7.13 Where there are rent arrears/housing related debt but the home seekers has paid at least 50% of the original debt, the arrears are under £300 or a 12 week repayment plan has been adhered continuously will placed in this category. Payments plans have to be continued until point of offer.

7.14 High housing need category

7.15 A home seeker will not be placed in the high category if the two or more needs are from the same section.

7.16 Home seekers in the high housing need category can remain in this category for up to eight weeks. If no suitable properties become available during this period, or the home seeker has not been successful in their search for accommodation their application will be reviewed. In exceptional circumstances home seekers can be granted an extension. The length of the extension will be determined by the Housing Options Case Worker.

7.17 Home seekers in the high housing need category retain the right to respond to properties of their choice. Home seekers will be expected to consider all suitable properties. Failure to respond to suitable properties or refusal of an offer of suitable accommodation will result in the high banding being removed at the end of the eight week period.

7.18 Medium housing need category

7.19 If the home seeker has been given medium housing need category due to a welfare need to move closer to a particular institution or on social factors to move to a particular area, then restrictions may be placed on their bidding to limit them to their choice of areas. Home seekers will be required to provide evidential proof of the support given or received.

7.20 Exceptional circumstances  
Additional priority may be awarded in exceptional circumstances with the agreement of the Housing Options Manager and the Senior Housing Registration Assessment Officer.

## **8 Local connections**

## 8.1 Borough connection

8.2 For properties advertised to home seekers on the Hinckley & Bosworth Council register preference is given to home seekers with a connection to this borough.

8.3 Home seekers will need to prove one or more of the following to establish a connection:

- They have normally resided in settled accommodation within the Hinckley & Bosworth Borough for the previous two years or for at least three out of the last five years
- They, or a member of their household is employed on a permanent basis or a temporary contract running for a minimum of 12 months, within the district (confirmation would be required from the employer)
- They have parents (including guardians), grandparents, brothers, sisters, or adult children/grandchildren (those over 18 years) who have been living within the borough for at least five years. Other family members may be considered where there is a need to give or receive support that can be evidenced or there is another overriding need that can be proven. Step equivalents will be allowed. An exception may be made for connection to children under the age of 18 years where there is evidence of regular contact with the home seeker as set out in 6.6.1. Evidence of support will be required
- They have no local connection but are fleeing violence or threats of violence and have declared themselves homeless and the council has accepted a relief duty or full statutory duty to assist with re-housing or they have been referred by another district authority under s.198 of the Housing Act 1996 (as amended) and that authority has accepted a duty to assist with re-housing
- They have no local connection but are current members of the Armed Forces or former service personnel where the application is made within five years of discharge, or bereaved spouse and civil partners of members of the Armed Forces leaving services accommodation following the death of their spouse or partner, serving or former members of the reserved forces who need to move because of serious injury medical condition or disability sustained as a result of their service
- Care leavers who are owed a leaving care duty by Leicestershire County Council will be awarded a special connection to the borough if they have been placed in the Borough during their period of care, are placed in education or have an evidenced support need. Usual family connections as stated previously stated will also apply

Where a home seeker is found not to have a connection anywhere a home seeker may be awarded a special connection to the borough.

- Other special circumstances may exist, and all applications will be considered on their individual circumstances. This will be awarded with the agreement of the Housing Options Manager and the Senior Housing Registration Assessment Officer.

- Where there is a relief duty owed, a home seeker may be referred to a different local authority where there is a connection under the homeless legislation.

8.4 The following exceptions to the rule of establishing local connection will normally apply:

- Time spent in any prison or secure unit
- Time spent in hospital
- Time spent in any specialist accommodation such as refuge, hostel or rehabilitation

8.5 Parish/village/town connection

There are some housing schemes where there are planning restrictions requiring that available properties must be let in the first instance to home seekers who have a connection with the village, parish or town. These apply to the home seeker and the joint home seeker only and no other member of the household. You must have a qualifying Local connection before a village/parish or town connection can be awarded.

The following factors normally determine a village/parish or town connection where the applicant has one or more of the following:

- Lived in the village for the last five years
- Worked permanently in the village (at least 15 hours a week)
- Was born in the village or previously lived in the village for 10 years or more
- Has close relatives who have lived in the village for at least five years (Close relatives are parents, siblings, grandparents or grandchildren)
- Need to move to the village/parish/town to be close to a relative or other person in order to provide or receive significant amounts of care and support.

Local variations on these criteria may exist, so home seekers should refer to the property advert. Supporting evidence will be required to demonstrate local connection.

## **9 Affordability calculations**

9.1 Home seekers will be ineligible for inclusion on the housing register if they are assessed as having sufficient means to be able to meet their own housing needs by buying or renting in the private housing market. All income and benefits will be taken into account for all household member age 18 and over.

9.2 The following exceptions apply:

- If the household has specialist needs that cannot be met within the local market then the rules will not be applied. For example, if the need is for wheelchair standard housing or the home seeker needs housing with support services, which are not available on the market
- If a household has support needs, the assessment will also take account of this in assessing the cost of meeting the households need in the local

market. For example, if the home seeker needs sheltered housing, which is available but the level of the service charge is prohibitive

9.3 In setting the affordability thresholds for each borough the following criteria were used;

9.4 Income limit

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

9.5 Equity limit

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

9.6 Savings limit

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

9.7 The following thresholds will be used to assess whether a household has sufficient means to meet their needs in the private housing sector.

	<b>Income limit £</b>	<b>Equity limit £</b>	<b>Savings limit £</b>
<b>Hinckley &amp; Bosworth</b>	52,000 gross	41,000	24,500

9.8 Figures are based on evidence from the Office of National Statistics and will be reviewed annually. Last reviewed: 21<sup>st</sup> March 2022.

## 10 Defining bedroom requirements

10.1 The following rules will be normally used to determine the minimum size of accommodation needed by a household:

One bedroom is needed for each of the following:

- An adult couple or single parent
- Any other person aged 16 years or over
- Two children aged under 10 years (regardless of sex)
- Two children of the same sex aged 0 to 15 years

10.2 In assessing any bedroom shortage in a household's existing accommodation, the best fit according to these rules will be taken, even if that is different to the pattern of occupation of the existing accommodation. You can be assessed as

having a need for an additional bedroom but may not be given additional priority unless you are identified as statutory overcrowded.

- 10.3 Rooms that are in use for other purposes but could be used as bedrooms will also be included in the calculation for example, living rooms and dining rooms.
- 10.4 Households that include a pregnant woman are assessed as if the baby has already been born (that is, the baby is counted as a child), where the expected date of delivery is within three months (exceptions may apply).
- 10.5 Where there is evidence of a need for a member of the household to have a separate bedroom (for example, for medical reasons, or because of behavioural issues), then an additional bedroom need can be allowed.
- 10.6 A child must spend a minimum four nights per week with the home seeker in order for them to be classed as a permanent resident. Exceptions will be considered, for example in circumstances where the child resides away from the home seeker on a temporary basis but their permanent home is with the home seeker.
- 10.7 Where a parent has access to their children, but has no other children living with them in their household and does not provide the main family home, an additional bedroom need may be awarded to allow the children to sleep over. In order to qualify the parent would need to be providing at least two nights of secondary care on a regular basis and have evidence of this. Refer to Section 6.6.2.
- 10.8 Where a home seeker has care or support needs that require overnight assistance on a permanent basis, then the need for an additional bedroom can be awarded to permit this. This can include prospective foster carers or adoptive parents, on evidence that child services will approve the home seeker as a foster carer/adoptive parent subject to availability of suitably sized accommodation. Evidence will be required.
- 10.9 Home seekers awarded priority on the basis of having a bedroom shortage may be overlooked if they bid successfully for a like-for-like property.
- 10.10 Large families (that is, those with five or more children) may be given additional priority over smaller households for properties with four or more bedrooms.
- 10.11 Home seekers will be allowed to bid for the size and type of property as shown in Appendix A.

## **11 Advertising properties**

- 11.1 Vacant properties will be advertised by Hinckley & Bosworth Borough Council. An advert will be generated for each property. The advert will contain basic information about the property and the eligibility criteria that home seekers must meet. Particular attention needs to be paid by the applicant to the details of the advert including tenure type, pets allowed, adaptations, rent in advance and household size, for example.
- 11.2 Properties are advertised for one week. In certain circumstances, we may need to advertise for more than one week to meet demand or legal requirements.

After the advertising period closes, shortlists are produced. These are ordered as follows; local connection, housing need category and registration date or date that a higher banding was awarded, exceptions being larger families (see section 10.10).

- 11.3 Non standard dwellings will be let on a “best fit basis” irrespective of home seeker type. The advert will clearly state when a property is being allocated on a best fit basis. This usually means adapted properties.
- 11.4 Properties will normally be advertised in accordance with the home seeker eligibility matrix (see Appendix A). For example, a one bedroom flat will normally be advertised to single people and couples. In exceptional circumstances a property may be advertised in accordance with a local lettings policy. A local lettings policy will normally be used when there are issues of sustainability and there is a need to create a balanced community. Properties advertised under a local lettings policy will be allocated in accordance with normal procedure, that is, on the basis of housing need category and registration date
- 11.5 Properties will be advertised on the council’s website. Home seekers who do not have access to the internet can arrange to register an auto bid service. Bids can be automatically placed on property types you have been assessed for and in the areas where you have expressed a preference.
- 11.6 The website may also include details of other affordable housing options in the district such as private rented properties, low cost home ownership, Home buy options and mutual exchange site links.

## **12 Responding to vacant properties**

- 12.1 Home seekers are responsible for responding to properties that are advertised. If a home seeker is unable to search and respond to properties they will be assisted by a member of the Hinckley & Bosworth Borough Council housing options team or their Tenancy Management Officer.
- 12.2 Home seekers are responsible for ensuring that they respond to property adverts before the stated closing date. Responses received after the closing date will not be considered.
- 12.3 Home seekers can respond to property adverts in a number of ways. Details of how to respond will accompany the property adverts.
- 12.4 Home seeker can place up to two bids per advertising cycle. Home seekers are not penalised if they fail to bid for properties advertised but this will be taken into account when considering a further extension of their band. Home seekers can move or cancel their bids at any time during the advertising cycle. Home seekers who are being assisted under the homelessness legislation may have bids placed for them.
- 12.5 Hinckley & Bosworth Borough Council reserves the right to change the frequency of advert publication.

## **13 Management allocations**

- 13.1 Hinckley & Bosworth Borough Council aims to give all home seekers choice in where they live. In exceptional circumstances the applicant will be placed in the critical banding and will be made a direct offer of accommodation. You will only receive one such offer in in this banding.
- 13.2 A management allocation may be made in one of the following circumstances (this list is not exhaustive):
- When a tenant of the council or Registered provider (housing association) needs to be decanted from their property because it requires major refurbishment or repair
  - Where a property has been compulsory purchased and there is a legal requirement to offer the household a specific property
  - Home seekers who could pose a risk to individuals or other members of the community.
  - Where the council or registered provider (housing association) partner has decided that this is the best use of stock. This would only take place in exceptional circumstances, following discussion with Hinckley & Bosworth Borough Council.

## **14 Difficult to let procedure**

We will monitor where properties are not receiving bids and will consider options around eligibility, if necessary, to balance best use of housing stock with wider neighbourhood considerations.

## **15 Matching process**

- 15.1 Home seekers who have expressed an interest and meet the criteria for that property will be matched in the following order; local connection, housing need band, qualification and date (of registration or change in priority). Where the property is advertised on a 'best fit basis' or has other restrictions, these will also be included in the shortlisting criteria.
- 15.2 Home seekers in the critical housing need category  
Home seekers in the critical banding will be direct matched for a property after prior discussion regarding their housing needs. This will be an offer suitable for the home seekers needs taking into account affordability, adaptations, suitability, and safety. Please refer to the property matrix A for the eligible property types.
- 15.3 Home seekers in the priority housing need category  
If more than one home seeker in the Priority housing need category responds for a property they will be matched in the following order:
- i) Armed forces
  - ii) Homeless households
  - iii) Home seekers with medical, welfare or multiplicity of needs
  - iv) Displaced agricultural workers
  - v) Management moves



If more than one priority home seeker from each group responds to a property the home seeker who has been in the priority category for the longest period of time will be matched first. If both joined the priority category on the same date the home seeker who has been on the housing register the longest will be matched first.

15.4 Home seekers in the high housing need category

If more than one home seeker in the high housing need category it follows the same process as above see 15.3.

15.5 Home seekers in the medium housing need category

If more than one home seeker in the medium housing need category responds to a property the home seeker with the longest registration date will be matched first.

15.6 Home seekers in the Low housing need category

If more than one home seeker from the low housing need category responds to a property the home seeker with the longest registration date will be matched first.

15.7 In the event of two home seekers with the same registration date applying for the same property, Hinckley & Bosworth Borough Council will make a decision between both cases, taking into consideration the housing circumstances of each case.

15.8 This will generally mean home seekers who receive no preference (low category) are less likely to receive an offer of accommodation.

15.9 Non standard properties, for example those that are wheelchair accessible, will be advertised on a 'best fit' basis. Home seekers who respond and have been assessed as having a need for wheelchair accessible accommodation will be invited to view the property after an independent occupational therapist has assessed each of the properties to establish best fit and suitability.

15.10 Where a disabled home seeker applies for accommodation which does not meet his or her access needs, Hinckley & Bosworth Borough Council will take into account whether it is reasonable and practicable to adapt the property when assessing their bid. If Hinckley & Bosworth Borough Council takes the view that it is reasonable and practicable to adapt the property, the disabled home seeker will be considered for the vacancy on the same basis as other home seekers who have submitted a bid.

15.11 Where there is a shortage of accessible properties, and a failure to adapt a property would lead to unreasonable delays in housing for a disabled person then Hinckley & Bosworth Borough Council will take steps to identify properties which are suitable to be adapted, and consider giving priority to disabled persons who bid for such properties.

## **16 Offering a property**

16.1 The matching results for each property will be considered by the Allocations Officer in accordance with the Allocations Policy. They will be responsible for

contacting home seekers who have matched for the property and for allocating the property in accordance with the Allocations Policy.

- 16.1.1 Nominations will be made to the registered providers (housing associations) in accordance with the Allocations Policy. The details of home seekers who have been placed in the top seven will be sent for consideration. Please note further information may be required or checks may be required. Home seekers will be contacted directly by the register provider if successful.
- 16.1.2 There may be occasions where home seekers are not considered if they do not meet the specified advert criteria.
- 16.2 Home seekers who are contacted regarding the offer of a property with Hinckley and Bosworth Borough Council will be asked to provide proof to confirm the circumstances detailed on their registration form. If these circumstances are not up to date, the offer may be withdrawn and the application suspended pending the supply of relevant proofs. It is the home seekers duty to keep their application up to date.
- 16.3 Home seekers who owe a housing related debt may be advised that any offer of accommodation is subject to the remainder of the debt being paid in full. Home seekers may be asked to provide evidence to prove the debt has been paid. Home Seekers in the critical, priority and high banding subject to the Homeless, Prevention and Relief Duties will need to have a payment plan in place for a minimum eight week period and/or have paid 50% of their debt(s). Any break in a payment plan will result in this having to begin again for all home seekers.
- 16.4 If the home seeker is unable to provide proof of their circumstances or if their circumstances have changed to an extent that they are no longer eligible for the property then an offer of a tenancy will not be made.
- 16.5 Home seekers should be given sufficient time to consider an offer of a tenancy. The home seeker should normally be allowed three days from when a provisional offer is made to make a decision.
- 16.6 Home seekers who are identified as vulnerable can be given longer to consider the offer of a tenancy. Examples of this will include home seekers who are currently in hospital or in some form of temporary accommodation, such as a hostel or refuge. A decision will be made according to the circumstances of the home seeker.
- 16.7 Where an offer of accommodation is accepted and a tenancy agreement is signed, this is a formal contract between the landlord and home seeker, and sets out the details of the property, rental charged, the full names, and the start date of the tenancy.
- 16.8 Home seekers will not be penalised if they refuse the offer of a tenancy. However, if a home seeker refuses or fails to respond to two suitable offers, or fails to attend two pre-arranged viewings, they will have their application suspended for up to six months and any responses to adverts will be considered invalid during this time.
- 16.9 Home seekers in the critical/priority/high housing need category may jeopardise their priority status if they refuse a reasonable offer of a tenancy. In the case of

priority households, at the end of the eight week priority period, if they fail to respond to properties that could be considered as suitable for their needs, or if they refuse a reasonable offer of accommodation their priority status will not be renewed. If a homelessness duty is owed, the duty will be discharged by making them one reasonable offer of accommodation within the critical banding.

- 16.10 The council reserve the right to withdraw any offer of accommodation. Offers will only be withdrawn when there is just cause. The council will explain why the offer has been withdrawn. The home seeker will have a right to appeal against the decision (see section 3)
- 16.11 In cases where applicants have accepted and signed for a tenancy but then decide not to move, they will be suspended from the housing register for a minimum 6 month period subject to review. Should they incur any arrears during this time, they will have to be paid before the suspension will be lifted.
- 16.12 Once a home seeker has accepted an offer of a property, their application will be suspended. Once they have signed for a tenancy, the application will be closed.

## **17 Joint tenants**

- 17.1 Home seekers seeking a joint tenancy should have a joint Hinckley & Bosworth Borough Council housing application.
- 17.2 If one home seeker of a household is ineligible to join the register (i.e. would be excluded as per section 2.5), then a joint tenancy cannot be granted.
- 17.3 The council will consider offering a joint tenancy to household members who can prove they have long term commitments to their current home. This should be a minimum of 12 months.
- 17.4 When a joint tenant serves notice to quit the partner landlords can, at their discretion, grant the remaining joint tenant a tenancy in their sole name. In exercising their discretion the landlords will consider whether this is making best use of their stock taking into account under or over occupation and local demand.

## **18 Feedback information**

- 18.1 Hinckley & Bosworth Borough Council seeks to provide every home seeker with feedback information on previous allocations.
- 18.2 Every property that is allocated through Hinckley & Bosworth Borough Council will be included in the feedback information. This information will be published monthly on the first Friday of the following month on <https://www.hinckley-bosworth.gov.uk/findingahome>
- 18.3 The feedback information will include details of the number of home seekers who correctly responded for the property, the housing need category and the date of registration or the effective date of the successful home seeker.

- 18.4 Hinckley & Bosworth Borough Council will provide home seekers with personalised feedback on responses on request.
- 18.5 Hinckley & Bosworth Borough Council will seek to contact home seekers who have not placed bids for properties in the last 12 months to ensure they understand how Hinckley & Bosworth Borough Council works and discuss their housing needs.

## **19 Agricultural workers and the Rent (Agriculture) Act 1976**

- 19.1 Under the Rent (Agriculture) Act 1976 Hinckley & Bosworth Borough Council has a duty towards agricultural workers who are required to leave their tied accommodation.
- 19.2 When considering an application from a displaced agricultural worker Hinckley & Bosworth Borough Council will need to be satisfied that:
- The property from which the worker is displaced is needed to accommodate another agricultural worker
  - The farmer cannot provide suitable alternative accommodation for the displaced worker
  - To rehouse the vacating worker would be in the interests of efficient agriculture

All three conditions need to be satisfied.

- 19.3 If Hinckley & Bosworth Borough Council is satisfied that the case is substantiated the home seekers application will be placed in the priority housing need category.
- 19.4 If the case has not been substantiated then Hinckley & Bosworth Borough Council will assess the application in the standard way. See section 7 for further information.

## **20 Mutual exchange**

- 20.1 Secure council tenants and assured registered provider tenants have the right to exchange their property with secure tenants of any other council or assured tenants of any registered provider (housing association).
- 20.2 Hinckley & Bosworth Borough Council is a member of 'Homeswapper', an organisation which facilitates exchanges nationwide between tenants. Assistance can be offered by the council staff, or home seekers can apply directly by going to the Homeswappers website. The service is free for Hinckley and Bosworth Borough council tenants.
- 20.3 The partner landlords will normally consent to a mutual exchange in line with the lettings matrix set out at Appendix A. The tenant must receive written consent from their landlord before any exchange takes place. The landlord may withhold consent on the following grounds:
- There is a valid possession order with a date for the tenant to leave the property

- Notice of seeking possession has been issued and is still in force or repossession proceedings have been started
  - There is a demotion order in place
  - The tenancy is an introductory or a starter tenancy
  - The property is much larger than the new occupier would normally be eligible for. The council will use the eligibility matrix when determining the number of bedrooms and property type a home seeker is entitled to
  - The property has been adapted or is specifically built for people with disabilities
  - A home seeker who requires adaptations wishes to move to a new property that is not suitable for their needs and adaptations are unable to be completed
  - The property is within a sheltered complex or extra care scheme and the incoming tenant does not require the facilities
- 20.4 Rent arrears or other breach of tenancy conditions, such as damage caused to property, are not grounds for refusal but permission will be given subject to any breach being rectified in advance of any exchange. There needs to be a clear rent account on the day of exchange or the exchange will be delayed.
- 20.5 Properties are accepted in the condition they are in at the time of the exchange; in most cases the council has no liability to undertake repairs to tenant's fixtures and fittings.

## **Appendix A: Household eligibility criteria**

Type of accommodation	Single Person	Single person or couple with access to children	Sharing Couple e.g. friends, adult siblings, parent adult child/Carer	Couple	Home seekers + 1 Dependant and non-dependants	Home seekers + 2 Dependant and non-dependants	Home seekers + 3 Dependant and non-dependants	Home seekers + 4 or more Dependant and non-dependants
Bed sit bungalow *	Yes	No	No	No	No	No	No	No
1 bed ground floor flat **	Yes	Yes	No	Yes	No	No	No	No
1 bed upper floor flat	Yes	Yes	No	Yes	No	No	No	No
1 bedroom bungalow *	Yes	Yes	No	Yes	No	No	No	No
1 bedroom house	Yes	Yes	No	Yes	No	No	No	No
2 bed ground floor flat **	Yes ▲	Yes ▲	Yes	Yes	Yes	Yes ◇	No	No
2 bed upper floor flat	Yes ▲	Yes ▲	Yes	Yes	Yes	Yes ◇	No	No
2 bed house	No	No	No	No	Yes ●	Yes ◇	No	No
2 bedroom bungalow *	Yes ▲	Yes ▲	Yes	Yes	Yes	Yes ◇	No	No
3 bed bungalow **	No	No	No	No	No	Yes ■	Yes	No
3 bed house	No	No	No	No	No	Yes ■	Yes	No
3 bed large house (min 2 double bedrooms)	No	No	No	No	No	No	Yes	Yes (4 children maximum)
3 bed parlour *** (2 reception rooms)	No	No	No	No	No	No	No	Yes (Minimum 4 children)
4 bed house ***	No	No	No	No	No	No	No	Yes (Minimum 4 children)
5 bed house ***	No	No	No	No	No	No	No	Yes (Minimum 4 children)

\* Only households with a medical/piper alarm support need over the age of 40 will be considered for this property type. Anyone over the age of 60 will automatically be assessed as having a medical/piper alarm support need.

\*\* Preference will be given to those with a medical/piper alarm support need.

\*\*\* Preference will be given to those with the largest household composition in the case that more than two households bid on a property where they have the same housing need band, registration date and effective date.

▲ Single person households will be eligible for this property type; however any offer of accommodation would be subject to a satisfactory affordability check.

◇ Households containing children will need to have no more than two children of the same sex under the age of 16, or two children of opposite sex under the age of 10.

- This household must contain a child under the age of 16

- Households with two children of the same sex under the age of 16, or two children of opposite sex under the age of ten will be eligible for this property type; however any offer of accommodation would be subject to a satisfactory affordability check.

## **Appendix B: Sheltered schemes**

Occasionally, a number of two bedroom properties will be allocated to single people

Home seekers over 55 years will also be considered for Sheltered Housing if they have a medical/ support need. A separate needs assessment will be completed in order to qualify

Type of accommodation	Single Person	Single person or couple with access to children	Sharing Couple e.g. friends, adult siblings, parent adult child/Carer	Couple – living together as partners	Home seekers + 1 Dependant and non-dependants	Home seekers + 2 Dependant and non-dependants	Home seekers + 3 Dependant and non-dependants	Home seekers + 4 or more Dependants and non-dependants
Studio Flat ground floor	Yes	No	No	No	No	No	No	No
One bedroom flat ground floor	Yes	No	No	Yes	No	No	No	No
One bedroom bungalow	Yes	No	No	Yes	No	No	No	No
Two bedroom flat	Yes ▲	No	Yes	Yes	No	No	No	No
Two bedroom bungalow (Preference given to those with a 2 bed need)	Yes ▲	No	Yes	Yes	No	No	No	No