

**North East Derbyshire District Council**

**Cabinet**

**10 February 2016**

**Choice Based Lettings and Allocations Policy Review**

**Report No EAH/11/15-16/DP of Councillor Mrs E A Hill, Portfolio Holder with Responsibility for Housing Strategy and Social Inclusion**

This report is public

**Purpose of the Report**

- To seek approval of the draft revised Choice Based Lettings (CBL) and Allocations Policy.
- To seek approval to adopt the proposed pilot Flexible Fixed Term Tenancy scheme which is included as part of the Council's Choice Based Lettings and Allocations Policy and agree the Flexible Fixed Term Tenancy Policy.
- To agree that the Tenancy Strategy is to still be applicable but carry out amendments, if necessary, in line with the Choice Based Lettings and Allocations Policy, with a view to conduct a more comprehensive review in light of the impending Government amendments and legislation.

**1 Report Details**

**1.1 Choice Based Lettings and Allocations Policy**

The CBL Allocations policy states that periodic reviews will be carried out to ensure the policy is meeting the needs of the residents and that adjustments are made to facilitate the fair and efficient running of the CBL system, incorporating any legislative changes. Over the last 6 months a comprehensive review has been carried out and key amendments have been identified; a brief overview of the proposed amendments is listed below:

- Community Connection Criteria – the 12 months waiting time for the community connection to be extended to include the adjoining parishes.
- Demand and Eligibility – relax, by way of a variable policy, giving scope to lower the age criteria to some hard to let bungalows and scope to let ground floor flats to applicants aged under 60, giving priority to medical needs. This will have due regard to the makeup of the existing community.
- Adopt a Pilot Flexible Fixed Term Tenancy Scheme – See point 1.2 below
- Property Band Quotas – Remove band quotas on advertised properties, meaning all applicants will have a chance to bid on all advertised properties, however the eligibility criteria still must be met.

- Medical Assessment – instead of referrals being sent externally to the independent medical advisor, the Medical Assessments is to be carried out by Rykneld Homes Choice Move Team (liaising with the applicants GP, RN, Support Worker, etc) or Occupational Therapist.
- Priority Banding for Children at Heights – award priority Band 3 to applicants in upper floor flats/maisonettes that have a child in the household aged 5 and under.
- Priority Banding for Applicants with ‘No Fixed Abode’ and ‘Sofa Surfers’ - award priority Band 3 to applicants in these circumstances.
- Access to Extra Care Housing Schemes – applicants that only seek this type of specialist housing who have equity/savings/assets of £30,00 and above should be allowed to access the housing register to be able to express an interest in this type of accommodation only, they will not be eligible to place bids on any other type of property.

For a full overview of the proposed amendments see the Executive Summary of Key Proposed Changes in **Appendix 1** and how this will be implemented in allocating housing in the draft CBL and Allocations policy in **Appendix 2**, which incorporates all the proposed amendments.

## 1.2 Flexible Fixed Term Tenancies

The Localism Act 2011 allows Local Authorities to offer fixed term tenancies, known as Flexible Tenancies as an alternative to secure lifetime tenancies for social housing providers. The Council at that time did not choose to offer this type of tenancy, however under the Council’s current CBL and Allocations Policy, over time, it has come to light that some residents have circumstances beyond their control which creates a significant housing need but cannot access council housing.

1.3 The proposals for the pilot scheme are to grant 2 or 5 year Flexible Tenancies to a small number of applicants, which may prevent homelessness, financial hardship and/or help with their health and wellbeing at a time when they are in most need. Certain property types to help manage and make best use of the council’s housing stock is also in the proposal. Below is an overview of the proposed circumstances in which a Flexible Tenancy may be granted;

- applicants with equity/savings/assets of £30,000 or more but who are unable to access the funding to secure alternative accommodations at their current time, for example; relationship breakdown, fleeing domestic violence. This will alleviate their housing crises until such a time their circumstances change and are financially able to secure alternative accommodation, and;
- applicants who are in need of major adapted properties due to their current circumstances, but may not require the adaptations in the future, which will allow the council to make best use of its housing stock and help more applicants into suitable accommodation which meets their housing need, and their current circumstances, and;
- to use with potential long term empty properties, for example, properties that are in a regeneration programme, but are still of a lettable standard. This will allow scope to re house applicants who require temporary accommodation whilst at the same time generating revenue income stream from the rents and decrease the voids.

- 1.4 Legislation relating to Flexible Tenancies stipulates that a Flexible Tenancy can be renewed, either at their current property or at alternative suitable accommodation, so long as the tenant's circumstances remain the same and they are still deemed to be in housing need.
- 1.5 The proposed pilot scheme will be implemented in line with current legislation, stated in the Localism Act 2011 (and any subsequent amendments to the Act) and closely monitored, which will address the viability of the scheme and any discrepancies, upon which a review may be carried out at any time, although an annual review will be conducted.
- 1.6 For the full details of the scheme and its procedures for implementation see the draft Flexible Fixed Term Tenancy Policy in **Appendix 3**.

## **1.7 Tenancy Strategy**

The Localism Act 2011 placed a new duty on local housing authorities to prepare and publish a tenancy strategy; these provisions came into force on 15 January 2012. The strategy must set out the matters to which Registered Providers of social housing are to have regard in formulating their tenancy policies. These tenancy policies will explain how Registered Providers (RPs) intend to implement the range of new flexibilities introduced through the Localism Act 2011.

- 1.8 The Tenancy Strategy links to the council's Homelessness Strategy and CBL and Allocations Policy in terms of providing a framework for how social rented housing is provided in the district. The Council adopted its Tenancy Strategy in January 2013 with a renewal date of January 2016, therefore a review of this strategy is required.
- 1.9 As the strategy links with the CBL and Allocations Policy and would require changing if the pilot of the Flexible Fixed Term Tenancy Scheme was introduced, it is proposed that the Strategy is amended accordingly to incorporate these changes and a further fully comprehensive review carried out in the near future in line with the proposed amendments from government legislation. See the draft Tenancy Strategy in **Appendix 4**.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 To ensure that the Council adopts and operates a robust and transparent Allocations and Lettings Policy which enables Rykneld Homes to allocate the council's housing stock to those in most need in the most effective and transparent way. It will also allow the Council to make best use of its housing stock and optimise rent revenue.
- 2.2 The proposal to adopt a Flexible Fixed Term Tenancy scheme for this client group is to ensure that people are not excluded from social housing at their time of need and the most appropriate property is offered to applicants to reflect their current circumstances, until such a time there circumstances change and they are able to secure alternative accommodation, either council accommodation or in the private sector.

- 2.3 The Tenancy Strategy was due for review in January 2016, an agreement from Cabinet is required to conduct a full review in line with the impending amendments to government legislation, therefore extending the current Strategy and only making any necessary amendments in line with the CBL and Allocations Policy and Flexible Fixed Term Tenancy Scheme if adopted

### **3 Consultation and Equality Impact**

- 3.1 An Equality Impact Assessment for the draft Flexible Fixed Term Tenancy Policy has been completed and is included as **Appendix 5**.

The Equality Impact Assessment for the CBL and Allocations Policy has also been updated.

- 3.2 The following consultation was carried out:

- Two focus groups were held with Members
- Electronic consultation with all members
- Two focus groups were held with applicants from the waiting list, one in the north and one in the south of the district
- Focus groups with the tenant Neighbourhood Services Improvement Group
- Public consultation on Ask Derbyshire website and the Council's website and NEDI
- Consultation at the Council's Improvement Group
- Consultation with the Council's Improvement Officer
- Consultation with Legal section
- Electronic Consultation with Registered Providers and other external agencies, for example, the Law Centre, Citizens Advice Bureau

### **4 Alternative Options and Reasons for Rejection**

- 4.1 All options are outlined within this paper.

### **5 Implications**

#### **5.1 Finance and Risk Implications**

- 5.1.1 Relaxing the age criteria on hard to let bungalows may result in a challenge where a Right to Buy application is refused. However the Council's legal team are prepared to challenge this on the grounds that the property is suitable for older peoples housing needs and every effort has been made to let the bungalow through the usual criteria in the first instance, then the property's criteria was relaxed to alleviate voids and collect revenue. Also tenants on a Flexible Tenancy will have the Right to Buy under the same conditions as any secure Lifetime tenant.

#### **5.2 Legal Implications including Data Protection**

- 5.2.1 The Council's legal section has been consulted regarding the CBL and Allocation Policy proposed amendments and the draft Flexible Fixed Term Tenancy Policy, which they state that there is nothing to prevent granting Flexible Tenancies as

proposed, so long as an Equality Impact Assessment has been carried out, this has been completed and is included as an appendix.

5.2.2 The CBL and Allocations policy, Tenancy Strategy and Flexible Fixed Term Tenancy Policy are in compliance with government legislation.

### **5.3 Human Resources Implications**

5.3.1 None

## **6 Recommendations**

6.1 To approve the draft Choice Based Lettings (CBL) and Allocations Policy.

6.2 To approve the proposed pilot Flexible Fixed Term Tenancy scheme as part of the Council's Choice Based Lettings and Allocations Policy and agree the Flexible Fixed Term Tenancy Policy, and that a review can be completed on an ad hoc basis in light of government legislation and the monitoring information.

6.3 To agree that the Tenancy Strategy be amended where necessary in line with the Choice Based Lettings and Allocations Policy, and to still be applicable without further amendments at this time, with a view to conduct a more comprehensive review in light of the impending Government amendments and legislation.

## **7 Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes
<b>District Wards Affected</b>	District
<b>Links to Corporate Plan priorities or Policy Framework</b>	Make Best Use of Council Stock Providing good quality social Housing Reduce the average time to relet standard voids of Council properties Supporting vulnerable and disadvantaged people

**8 Document Information**

Appendix No	Title
Appendix 1	Executive Summary of Key Proposed Changes
Appendix 2	Draft CBL and Allocations policy
Appendix 3	Draft Flexible Fixed Term Tenancy Policy
Appendix 4	Draft Tenancy Strategy
Appendix 5	Equality Impact Assessment for the draft Flexible Fixed Term Tenancy Policy
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
Report Author	Contact Number
Diane Parker – Housing Strategy Officer	01246 217292

AGIN 8 (CAB 0210) CBL Policy/AJD

## Executive Summary of Key Proposed Changes

### 1. Community Lettings Criteria

**Revised Policy Proposal** –The community lettings priority should continue to be administered allowing the 12 months waiting time but have more flexibility by including the adjacent parishes to the applicant's community connection area.

#### **Rationale**

In some localities evidence from the waiting list shows that there is not enough demand from people with a community connection for properties advertised there.

Also many smaller communities have a limited amount of social stock, therefore possibly penalising local applicants as they will have the additional community connection priority on a lower number of properties available.

This proposal will allow greater choice for applicants, whilst still recognising the need for a community connection element. It will also help to keep void properties to a minimum.

By adopting this flexibility it will be fairer to more people in housing need and will also help to decrease their waiting time on the Housing Register.

### 2. Demand and Eligibility (Bungalow and Ground Floor Flats)

**Revised Policy Proposal** - The age restrictions to bungalows would continue to apply, however this may be relaxed by implementing a variable policy which allows the lowering of the age criteria to bungalows that are hard to let. Also scope to let ground floor flats to applicants aged 60 and under giving priority to medical needs, this will be done with due regard to the make up of the existing community.

#### **Rationale**

There is low demand for ground floor flats and some bungalows from applicants aged 60 and over which can lead to void properties. Relaxing the age criteria on hard to let bungalows and allocating based on housing need (medical) will help keep the voids to a minimum. Also relaxing the age criteria on ground floor flats will keep the voids to a minimum and give applicants under the age of 60 with a housing need more priority.

### 3. Flexible Tenancies

**Revised Policy Proposal** – To pilot the Flexible Tenancy scheme and grant Flexible Tenancies to applicants that are:

- **Owner Occupiers** - who have equity/assets/savings that cannot be released, but when their circumstances change they will be in a position to secure alternative accommodation

- **Major adapted properties** – if the adaptation is no longer needed or the disabled person no longer lives in the household alternative accommodation can be offered to free up the adapted property
- **Empty Properties** – allow tenants to be housed in accommodation that is long term void i.e. prior to regeneration/refurbishment / hard to let or for tenants who require temporary accommodation until they can find alternative accommodation

## Rationale

Proposals to introduce Flexible Tenancies will benefit applicants who fit the stated criteria listed to gain access to social housing or an adapted property for a fixed period until their circumstances change, either enabling them to find alternative accommodation, or in some circumstances more suitable social housing may be offered, for example, when the adaptation is no longer required. This will allow the Council to make better use of its housing stock and help more applicants into accommodation that reflects their current housing need. A pilot Flexible Tenancy Scheme will enable provisions to be in place when these types of tenancies become mandatory in place of lifetime tenancies, as proposed by the Government.

## 4. Property Band Quotas and Number of Bids

**Revised Policy Proposal** - Remove band quotas on advertised properties and allow applicants to place up to 6 bids per bidding cycle. This will mean that all applicants will have a chance to bid on any property that they are eligible for, and the applicant at the top of the shortlist will be initially offered, then as normal procedure cascading down the shortlist if the offer is refused.

### Rationale

Currently a Band is given to each property advertised to give applicants within that band priority. The annual quota of empty properties advertised per each band is:

Band 1	49%
Band 2	40%
Band 3	10%
Band 4	1%

In practice the actual percentage of lets to applicants in each band differs from the CBL Allocations policy quotas. The reason for this is because there are fewer applicants in band 1 and 2 to bid for the properties, therefore when the list becomes exhausted the properties will be allocated to applicants in bands 3 and 4. The actual percentage of properties let to applicants in each band during 2014/15 was:

Band 1	26.2%
Band 2	25.8%
Band 3	24.8%
Band 4	23.2%

As the percentage of properties let is evenly spread across all four Bands, the conclusion is that the quotas set in the CBL Policy do not reflect local need or demand. It is felt that the amended procedure would allow more lettings to band 1, 2 and 3 applicants, which are applicants with a priority housing need. Removing the quotas and allowing applicants to



bid on any property they are eligible for, and by extending the number of bids allowed per cycle will help the property to be let on the first bidding cycle and offer applicants more choice.

## **5. Medical Assessments**

**Revised Policy Proposal** – Medical assessments will be carried out by Rykneld Homes and not by an external medical advisor. In some circumstances Rykneld Homes may contact the applicant's GP and other external organisations for verification and also applicants may be referred to Rykneld Homes' Occupational Therapist.

### **Rationale**

Referring cases to the independent medical adviser costs approximately £2,000 per year and the current procedure can take weeks for the assessment to be concluded. In most cases the necessary information can be obtained from the applicants own GP or other support agencies. The Occupational Therapists can complete assessments on the applicants housing need with regards to type of property and any adaptations that may be required.

## **6. Priority Banding for Children at Heights**

**Revised Policy Proposal** – Awarding priority Band 3 to applicants in upper floor flats/maisonettes that have a child in the household aged 5 and under

### **Rationale**

People with small children may struggle getting upstairs to their front door, for example with a pushchair, pushchairs or shopping whilst still caring for the child.

## **7. Priority Banding for applicants with 'No Fixed Abode' and 'Sofa Surfers'**

**Revised Policy Proposal** – Awarding Priority Band 3 to applicants who have 'No Fixed Abode' and 'Sofa Surfers'.

### **Rationale**

Currently no priority is given to applicants who fit this criteria and would not have any priority under Homelessness Legislation, however it was felt that a priority should be awarded to help access settled accommodation which may promote health and wellbeing by creating a more stable environment.

## **8. Hate Crime applicants - Change Priority Banding**

**Revised Policy Proposal** – Place applicants suffering from hate crime, and re housing is appropriate into Priority Band 1 instead of Band 2.

### **Rationale**

Hate crime is defined by the Home Office as "any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a

personal characteristic. The definition covers five main strands, in particular – disability, gender-identity, race, religion or believe and sexual orientation”

Hate crime can include:

- threatening behaviour
- assault
- robbery
- damage to property
- inciting others to commit hate crimes
- harassment

Currently in the CBL Policy hate crime falls under the heading of Anti-Social Behaviour, Hate crime is normally a more serious offence which may require the victim to be rehoused urgently.

## **9. Access to Extra Care Housing Schemes**

**Revised Policy Proposal** – Applicants that only seek this type of housing who have equity, savings and/or assets will be able to join the housing register and bid as appropriate, however they will not be eligible to bid for any other types of properties if their equity, savings and/or assets exceeds the £30,000 limit.

### **Rationale**

Extra Care Housing provides varying levels of onsite care and support for tenants aged 55 and over. Vacant homes in these schemes are let via a panel made up of agencies, including Social Services, and the lettings criteria is not in line with the CBL Policy. Currently applicants that are not eligible to join the Council’s housing register will not be aware if an apartment becomes available in one of these schemes. Therefore allowing them to join the register and express an interest via the bidding process it bridges the gap becoming a fairer process and making the schemes more accessible.



**(Choice Based Lettings and  
Allocations Policy)**

(April 2016)



*We speak your language*

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Polish

*Mówimy Twoim językiem*

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French

*Nous parlons votre langue*

---

Spanish

*Hablamos su idioma*

---

Slovak

*Rozprávame Vaším jazykom*

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我们会说你的语言

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<b>Policy Details</b>	<b>Comments / Confirmation</b> <b>(To be updated as the document progresses)</b>
Policy title	Choice Based Lettings and Allocations Policy
Current status – i.e. first draft, version 2 or final version	
Policy author (post title only)	Housing Strategy
Location of policy (whilst in development) – i.e. L-drive, shared drive	Z drive
Relevant Cabinet Member (if applicable)	Cllr. E Hill
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	

Final policy approval route i.e. Cabinet/ Council	
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

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## 1. Introduction

The Council's Choice Based Lettings Allocations Policy details how its Arms Length Management Organisation (ALMO), Rykneld Homes, will allocate the Council's housing stock. The policy also covers the allocation of properties belonging to Registered Providers and Housing Associations where the Council has nomination rights or agreed lettings plans through the planning process, and some private rented accommodation as part of the Council's Landlord Accreditation Scheme, run by Decent and Safe Homes (DASH) East Midlands.

This policy applies to both new applicants and Council tenants who wish to transfer to another property and covers key areas such as:

- how people apply to join the housing register;
- the system of advertising and how 'bidding' operates;
- the priorities that will be used to determine successful applicants;
- eligibility criteria for properties.

## 2. Scope

As far as possible, this policy is designed to create a balance between:

- the Council as a landlord meeting housing need within the district by making best use of its properties in order to create balanced, sustainable communities;
- ensuring that applicants can exercise as much choice as possible within current supply and that homes are allocated in a clear, fair and transparent manner;
- the Council delivering its statutory duties under housing and related legislation.

To fulfil our legal and statutory obligations the policy also has due regard to current legislation and any subsequent amendments, for example;

- Housing Act 1985
- Housing Act 1996
- Localism Act 2011
- Homelessness (Suitability of Accommodation) (England) Order 2012
- Children Act 1989
- Welfare Reforms
- Equalities Act
- Human Rights Act



The Policy will also have due regard to Council and Rykneld Homes policies and strategies, including the;

- Corporate Plan
- Single Equality Scheme 2016-19
- Tenancy Strategy
- Housing and Economic Development Strategy
- Homelessness Strategy
- Anti-Social Behaviour Strategy
- Adaptations Policy
- Flexible Tenancy Policy
- All Rykneld Homes Policies as set out to the Board, including Risk Management, Value for money, ASB, Asset Management, 5 year estate delivery plans, equality and diversity, health and safety and tenant involvement

### 3. Principles

The policy will link to the Council's Corporate Plan aims by;

- Supporting Our Communities to be Healthier, Safer, Cleaner and Greener
- Providing Our Customers with Excellent Service

The policy will also link to the Council's Corporate Plan priorities by;

- Providing good quality social Housing
- Champion equality and Diversity
- Supporting vulnerable and disadvantaged people
- Increasing customer confidence and satisfaction with our services
- Contributing to improving health and well-being
- Ensuring financial sustainability and increasing revenue streams

The CBL and Allocations policy supports Community Lettings Plans for some homes and/or settlements and an age criteria will be taken into consideration when allocating flats in blocks to ensure communities are stable, viable and balanced.

### 4. Statement

## **4.1 Housing Register Eligibility Criteria**

### **Who Can Apply**

The Council operates a primarily open housing register, so anyone can apply, including existing North East Derbyshire District Council tenants. However, the following exceptions will normally apply:

- applicants must be 16 or over to register and must be able to satisfy Rykneld Homes, the Council and (for young people aged between 16 and 17 years) Children and Young Adults Services that they are able to live independently, sustain a tenancy and have an identified package of support available to them where necessary. The only exception to this being where the applicant is a child who is subject to Children Act 1989 provisions. All young people aged 16 or 17 will be assessed under the Derbyshire Joint Protocol on Young People aged 16/17 Presenting with Accommodation Needs. This assessment will be initiated in all cases by the Council's Housing Options Team in conjunction with Derbyshire County Council's Children's Social Care;
- applicants who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 and are not eligible under Regulation 3 of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 cannot be registered for choice based lettings. The Secretary of State may in the future prescribe other persons or classes of persons who are not qualifying persons.
- applicants who have equity/assets or savings of £30,000 or over and who can access funds to find alternative accommodation (excluding existing NEDDC tenants).
- applicants who are existing council tenants on an introductory tenancy (unless required to downsize due to Welfare Reforms or Right to Move applicants).

### **Obligation to be Truthful**

Section 171 of the Housing Act 1996 makes it an offence to withhold information that the Council reasonably requires to assess an application, or to provide false information that leads to gaining a tenancy. We will take appropriate action, including possession proceedings, against anyone who gains a tenancy through knowingly providing false information. We will check if an applicant, or anyone in the household, is already registered. Only one application at any one time is allowed.

### **Deliberate worsening of circumstances**

If there are reasons to believe that an applicant has deliberately worsened their circumstances to either gain access to the housing register or get housing priority, then their application may be suspended while further investigations are undertaken. If the investigation cannot show deliberate intent, then their application will be reinstated from their original effective date, however any applicant who has deliberately worsened their circumstances will not be awarded additional priority or may not be able to gain access to the housing register or their application may be cancelled. If a property has already been allocated and let to the applicant in these circumstances we may take court action to evict them, under Ground 5 in Schedule 2 Housing Act 1985 (as amended by section 146 of 1996 Housing Act).

## Checks and References

On application we will make a number of checks at registration to verify that the details and information provided to us are correct and up to date. Before an offer of housing is made these details will be rechecked to ensure circumstances have not changed, these include:

- A reference on application from a current landlord for Council and Housing Association tenants, for private rented sector tenants a reference will be requested on offer of accommodation
- A reference from a previous landlord to show that they conducted the tenancy, sole or jointly in a satisfactory manner
- Proof of the applicants National Insurance number is required, in some cases further checks may be made for verification purposes
- Verification checks on previous addresses
- Previous criminal convictions checks, within the provisions of the Rehabilitation of Offenders Act 1974
- Pre offer checks, which may include a visit to the place the applicant currently lives
- Appropriate checks to find out if the applicant or any person who will live with them has breached tenancy conditions in the past, including non-payment of rent and/or other charges
- Checks to make sure that the applicant has not purposefully worsened their circumstances to obtain more priority on their application
- Owner Occupiers will be required to fill in an equity proforma to assess any equity within their property or assets
- All applicants will be asked for details of savings and/or equity/assets.
- Work related checks will be carried out under the 'Right to Move' criteria

If getting a landlord's reference is likely to cause problems the applicant should contact Rykneld Homes for advice, they may ask for other information, for example, a rent book or Council Tax details.

For every applicant on the application form we must see proof of **National Insurance number** and at least **one** of the following forms of proof of identity, and proof of current address:

- full birth certificate;
- medical card;
- marriage certificate;
- driving licence;
- National Insurance card;
- passport;
- benefit entitlement letter

Proof of address can be made by providing a recent bank statement, Council tax bill, benefit letter or a recent utility bill or any documents as requested by Rykneld Homes.

Photocopies will NOT be acceptable.

On offer of a property and prior to the tenancy agreement being signed Rykneld Homes will discuss with applicants the financial implications of signing the tenancy, and at this point, a declaration will need to be signed stating that they are aware of the financial implications.

### **Ineligibility, Suspensions and Other Restrictions**

There are certain circumstances in which an application may have been made by a disqualified applicant, ineligible applicant or, more likely, an application may be suspended, all cases will be considered in their own right and special circumstances may be applicable on occasion. Rykneld Homes will not offer a property or put forward a nomination for a Registered Provider or Housing Association property, whilst an application remains ineligible or suspended or the applicant is disqualified.

Applicants may be considered to be disqualified if an applicant or a member of their household has been guilty of certain unacceptable behaviour. The following three-stage test will be applied where Rykneld Homes believe that an applicant may be responsible for unacceptable behaviour serious enough to make them unsuitable to be a tenant.

1. Rykneld Homes will consider whether it is reasonable that a possession order would be granted under s.84 Part 1, Schedule 2, Housing Act 1985, whether actually or notionally the applicant had been a secure tenant of the authority. 'Reasonable' means having regard to the interests of the parties and the interests of the public.
2. Having concluded that a possession order would be granted, Rykneld Homes will then need to be satisfied that this would not be suspended. The assessment of this will be based on the individual circumstances of each case taking into account all evidence available and current legislative/regulatory guidelines.
3. Rykneld Homes will then consider whether this behaviour was unacceptable at the time of the application. Previous unacceptable behaviour may not justify a decision to consider the applicant unsuitable where that behaviour can be shown to have improved.

### **Guidance on Unacceptable Behaviour**

The following notes are provided for guidance and apply to current and former Council tenants and residents in Registered Provider, Housing Association and private rented sector homes. Each application will be determined on its own merits and nothing within this guidance should be taken as a full and final definition of eligibility. Where Rykneld Homes is satisfied that special or exceptional circumstances exist, it may in its absolute discretion decide not to treat as ineligible a person whose behaviour falls within any of the three categories below.

#### **1. Unacceptable Behaviour - Non-payment of rent or other tenancy charges**

Where the current amount of debt meets the three stage test of unacceptable behaviour (detailed above), the applicant would normally be excluded from the register and therefore unable to bid for properties. Applicants who have maintained either an account clear of outstanding tenancy charges, or an agreement to pay off their outstanding tenancy charges, for a period of at least 6 calendar months would normally be admitted to the register, although any offer of accommodation would normally be withheld until all

outstanding tenancy charges are paid in full, however each case will be considered on its merits.

For statutorily homeless applicants where the Council has accepted a duty to accommodate, an agreement must be in place, and payments made towards their outstanding tenancy charges for a minimum period of at least 3 calendar months before they would normally be admitted to the register and an offer of accommodation made, however each case will be considered on its merits. The Housing Options Team will work with homeless applicants from the date of application to ensure that the 3 month period can commence at the earliest possible time.

Where outstanding rent or tenancy charges are due to the non-receipt of housing benefit and this is through no fault of the tenant, an application would be admitted. Help will be provided to an applicant to complete the required benefit forms, where special needs exist.

The process for current/former tenancy related charges for housing applications can include:

- Rent
- Water
- Repairs
- Outstanding recharges (current tenants included)

#### Process for current/former tenancy related charges for housing applications

APPLICANT	AMOUNT	REGISTER	ACTIONS
Current Rykneld Homes tenant	Under £500	Yes	Inform applicant to make a payment plan and all arrears need to be cleared before any offer of accommodation. Notify rents team that housing application submitted.
	Over £500	Yes/No	Have they maintained an agreement to pay off the arrears for the last 6 months?  Yes – register but all tenancy charges will need to be cleared before any offer of accommodation.  No - Inform applicant not registered due to high level arrears, deferred for 3 months then will be reviewed. Advise to contact rents team to make a repayment plan
Former Rykneld Homes tenant (under	Under £500	Yes	Inform applicant to make a payment plan and all arrears need to be cleared before any offer of accommodation. Notify rents team to

6 years)			contact debt collectors.
	Over £500	Yes/No	<p>Have they maintained an agreement to pay off the arrears for the last 6 months?</p> <p>Yes – register but all tenancy charges will need to be cleared before any offer of accommodation.</p> <p>No - Inform applicant not registered due to high level arrears and defer for 3 months. Notify rents team to contact debt collectors.</p>
Former Rykneld Homes tenant (over 6 years)	Under £500	Yes	Inform applicant to make a payment plan and all arrears need to be cleared before any offer of accommodation. Notify rents team to contact debt collectors.
	Over £500	Yes/No	<p>Has the applicant acknowledged the debt or made payments in the last 6 years?</p> <p>Yes - arrears still active therefore suspend for 3 months. Applicant to agree a payment plan for 6 months before registration.</p> <p>No - register but any offer of accommodation is subject to the arrears being cleared.</p>
Current LA/Housing Association tenant	Under £500	Yes	Inform applicant to make a payment plan and all arrears need to be cleared before any offer of accommodation.
	Over £500	No	Inform applicant not register due to high level arrears, suspended for 3 months then will be reviewed. A payment plan will need to be in place for 6 months before registration.
Former LA/Housing Association tenant	Under £500	Yes	Inform applicant to make a payment plan and all arrears need to be cleared before any offer of accommodation.
	Over £500	No	<p>Have they maintained an agreement to pay off the arrears for the last 6 months?</p> <p>Yes – register but all tenancy charges will need to be cleared before any offer of</p>

			accommodation.  No - Inform applicant not registered due to high level arrears and defer for 3 months.  <i>Note: six year rule applies as above</i>
Private Tenant	Under £1000	Yes	Policy does not specifically state any restrictions for private tenants, however each application should be taken on its own merit.  Register but advise applicant of arrears and advise that these should be cleared
	Over £1000	No	Defer for 3 months and advise applicant to make an arrangement to pay off arrears.  Once a payment plan has been in force for 6 months register.

## 2. Unacceptable Behaviour - Non payment of rent accrued due to welfare reforms affecting those households on housing benefits and under occupying a property

Transferring tenants can be accommodated outside of part 6 of the Housing Act and therefore outside of normal allocations rules regarding reasonable preference.

The Council has adopted a proactive approach for applicants wishing to transfer due to financial reasons and a shortfall in housing benefits offering those tenants the opportunity where possible of a direct let, in line with The Homelessness (Suitability of Accommodation) (England) Order 2012, into a smaller property suitable to their needs. This will be regardless of any rent arrears accrued from April 2013 due to the revised housing benefit regulations. Tenants who have accrued arrears prior to April 2013 will not be eligible for a direct offer.

If this offer is refused then the tenant will be placed in band 3 and encouraged to pursue HomeSwapper or choose to meet the shortfall in rent. If rent arrears continue to accrue they will be subject to the normal rent arrears procedures and will also be referred to the Council's Housing Options Team for advice.

Where there is a shortage of suitable properties available within the desired area, applicants will be encouraged to consider moving to an alternative area to meet their housing need.

Tenants will have the right to appeal (see 4.10 for the Review and Appeals Procedure).

### **3. Tenancy Agreement Breaches**

Having regard to the 'test of unacceptable behaviour', where an applicant has breached one or more conditions in their tenancy agreement, consideration will be given as to the nature, seriousness and circumstances of these breaches and the length of time the tenancy has been free from problems.

### **4. Anti-Social Behaviour**

Anti-social behaviour (ASB) in this context can include relevant criminal convictions (within the provisions of the Rehabilitation of Offenders Act 1974); any relevant breach of a tenancy agreement; nuisance or annoyance to neighbours or using a property for immoral or illegal purposes. Having regard to the 'test of unacceptable behaviour' above, when considering whether an applicant should be excluded, the following factors will be taken into account;

- The frequency and duration of the conduct
- The scale, severity and type of the anti-social behaviour and its effect on other people
- Any actions in progress by the landlord to address the conduct, such as possession proceedings

With due regard to the 'Rehabilitation of Offenders Act 1974' and paragraph 5.52 of the '[Allocation of Accommodation – Code of Guidance for local housing authorities](#)', where Rykneld Homes believes that the nature of an applicant's convictions might mean that they present a potential risk to the local community, that application will be assessed and if accepted considered for a Discretionary Let to enable Rykneld Homes to manage the risk.

### **Review on Suspended Applications**

Mechanisms will be in place to automatically "flag-up" suspended applicants after 12 months in suspension. At that point Rykneld Homes will attempt to contact the suspended applicant in order to update the current position and assess whether the suspension can be lifted.

### **Transfers**

Transfer applicants who submit a Right to Buy application will be removed from the register.

### **4.2 Property Eligibility Criteria**

In order to provide balance and promote sustainability across our communities properties will be allocated to people with a range of different needs, therefore empty properties may be let subject to a property criteria, for example;

- Age
- General needs
- Specialist/adapted properties for disabled people



Right to Move applicants will be given 1% of all the lets in accordance with the The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015. See Appendix 3

### **Un Let Properties**

If a property remains un let after advertisement the property criteria may be relaxed and may be advertised by other means on a first come, first served basis, however the property will still be subject to eligibility.

### **4.3 Offering Choice**

Rykneld Homes will help customers to make informed choice by providing comprehensive, easy to understand information on the:

- total number of homes owned by the Council, by type and location (and partner landlords if relevant);
- total number and locations of properties currently available, including those undergoing development work and those for discretionary lets;
- estimated waiting times for different areas and properties;
- outcomes of previous lettings;
- lettings criteria for each home (see 4.6 Property and Applicant Lettings Criteria)

In addition, all applicants will be encouraged to look at the whole range of housing options available to them, for example mutual exchange, transfer, private sector, shared ownership, low-cost home ownership schemes.

All applicants have the following choices;

- Area/s of preference for re-housing across the whole district.
- Up to 3 bids for individual homes per advertising cycle (number will be subject to regular review).
- To not bid (unless the applicant is a priority applicant with a time limit – see 4.5 Time Limiting and Banding Review)
- Option to bid on any type of home where the lettings criteria can be met (see 4.6 Property and Applicant Lettings Criteria)
- Option to bid only on homes that meet their own aspirations, for example with garden, close to public transport or particular health amenities.

### **4.4 Making an Application to be Accepted onto the Housing Register**

Every applicant must complete and return an application form which can be obtained directly from Rykneld Homes, the Council and partner agencies or downloaded from Rykneld Homes web site. The following support will be available to all applicants.

- Help to complete the application form.
- Written and verbal information to ensure customers understand how applications will be dealt with.
- Support with the review, appeal and complaints procedures.
- Assistance in accessing advertising and 'bidding' for properties.

- Liaison between CBL staff and relevant support agencies.
- Advice on affordability of properties, particularly for those households in receipt of housing benefits and assessed as under occupying a social tenancy as part of the Government's wider welfare reforms.

Rykneld Homes will use a number of ways to identify if an applicant has any support needs including information from;

- the application form;
- a referral from a support provider such as social services, probation services or the Primary Care Trust or the Council's Housing Options Team;
- a member of the family;
- our monitoring of bidding;
- the applicant themselves
- affordability of property if in receipt of housing benefit and of non working age

If support needs are identified we will make contact with the applicant for further information, to ensure we offer the most appropriate support such as:

- advice on the CBL Allocations scheme;
- availability of support agencies/networks;
- help with bidding and finding a home
- advice on budgeting and debt prevention

All information relating to this policy and accessing the system will be provided in a range of formats to meet applicant's particular circumstances. These may include audiotape, large print, symbols, Braille, different languages, interpreting services and sign language. If there are any other requirements the Council and Rykneld Homes will endeavour to meet them.

An application, whether new or due to a change of circumstances, will be registered from the date it is received fully completed and with the correct documentation attached. All applications will be subject to the same process of assessment. The information given on the application form will be stored on a computer and may be shared with other public agencies (such as the Department for Work and Pensions) and Council services (such as Housing Benefits and Council Tax) solely to detect and prevent fraud but will be in full compliance with the Data Protection Act 1998.

All applications will be reviewed annually, in line with the registration date, to ensure that the information is still up to date. At the one year anniversary each applicant will be written to and invited to confirm their application status and details. If there is no response within 21 days, the application will be cancelled and a letter sent confirming this.

### **Joint Tenants Who Want To Be Re-Housed Separately**

Joint tenants of either the Council or a Housing Association will usually only be considered for re-housing with all other applicants, unless there are extenuating reasons, such as separation, divorce, relationship breakdown or their safety is threatened.

In cases where extenuating circumstances do exist, once a joint tenant is successful in seeking alternative accommodation without the other joint tenant, the joint tenancy must

be terminated. An investigation will be carried out as to whether the remaining tenant should be granted a full tenancy for that property or moved to an alternative one. In all cases, support and assistance will be offered to help the remaining tenant be rehoused if deemed necessary.

### **Confirmation of Acceptance on to the Register**

When an application is accepted it will be confirmed by letter, which will include the:

- registration date and bidding reference number;
- any priority and banding awarded;
- detailed advice on how to bid;
- most recent adverts;
- information on local areas, numbers and types of homes and previous lettings.

This information should be retained for use during bidding and when contacting housing staff.

### **Appeals and Review of Suspended Applications**

Where an application is ineligible or suspended, applicants will be informed of the decision in writing with the reasons for this. The letter will also set out other options available to them and their right to a review in the first instance, followed by appeal if the applicant is not satisfied by the review outcome (see 4.10 Review and Appeal Procedure)

### **Cancellation of Invalid Applications**

Applications are no longer valid when a;

- Council tenancy or Housing Association nomination is accepted either as a sole or joint tenant;
- joint tenancy with an existing tenant is accepted;
- tenancy is assigned to an applicant;
- new secure tenancy is granted on the death of a successor;
- purchase or part-purchase of a property in a 'build for sale' or 'shared ownership' scheme results from a Council nomination;
- submission to purchase a Council property under the Right to Buy scheme is completed
- if an applicant is assessed as having £30,000 or more savings, equity and/or assets and are able to fund alternative accommodation (excluding existing NEDDC tenants)

An application will therefore be cancelled if:

- it is no longer valid (see above)
- the applicant requests us to do so
- there is no response to a review letter or other correspondence
- the applicant moves and does not inform Rykneld Homes of the new address
- the applicant leaves the country and is subsequently prevented from being registered because of the restrictions within the Asylum and Immigration Act or any subsequent legislation
- we find that the applicant has supplied false or incomplete information connected with that application

## 4.5 Housing Need and Priority Banding Scheme

### Awarding Priority Banding

All applicants who are accepted on to the Housing Register will have their application assessed and placed into one of the four 'bands' summarised below, in line with their current housing need. There is no hierarchy of the categories within the bands.

Detailed definitions of each band's categories can be found in Appendix 1.

### **BAND ONE – Emergency/Very Urgent Need**

#### **District connection normally required**

- Statutory Homelessness
- Statutory Overcrowding as defined in the Housing Act 1985 ([www.legislation.gov.uk](http://www.legislation.gov.uk))
- Domestic abuse
- Critical and/or crisis medical needs
- Moves that release an under occupied/adapted property
- Special cases which require an urgent and immediate need for housing
- Hate crime cases where re-housing of the victim is appropriate
- Multiple band 2 needs

### **BAND TWO - Urgent Need**

#### **District connection normally required**

- General medical needs or applicants with significant care needs
- Applicants with support needs
- Applicants providing support
- Anti-Social behaviour where re housing a victim is appropriate
- People living in temporary accommodation pending enquiries (s.188 duty)
- Young people and the Children Act 1989 to include Care Leavers, vulnerable homeless young people
- Vulnerable Young people aged 16 and 17
- Families being supported by social care due to specific needs
- Lacking in basic amenities
- People whose home is a property tied to their job, who are retiring or leaving employment
- Council Tenants Affected by Development work to Council owned homes, Decanting or the Creation of Decant Pools.
- Prevention of Homelessness Measures Following Investigations
- People Leaving Temporary Supported Accommodation
- Armed Forces
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others). (Including; the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015). See Appendix 3 for further guidance
- Non Statutory Overcrowding by 2 or more bedrooms – Definition Used by North East Derbyshire District Council, see Appendix 5
- Multiple Band 3 Needs

### **BAND THREE – Moderate needs (No time limit)**

- Private sector tenants with an assured shorthold tenancy
- Applicants without any district connection but would otherwise meet the criteria of Band 1 and 2
- Shared Amenities after a 6 month period
- Special circumstances
- No Forwarding Address/Sofa Surfing
- Non Statutory Overcrowding by 1 bedroom – Definition Used by North East Derbyshire District Council, see Appendix 5
- Children aged 5 and under living in upper floor flats/maisonettes
- Applicants who are deemed not to have made best use of their priority banding after a review.

### **BAND FOUR – General Needs (No time limit)**

- No Specific Housing Needs
- Applicants with equity, savings and/or assets

### **Multiple Needs**

In order to classify as having multiple needs, the following rules apply:

#### **Multiple Band 3 Needs:**

In order to qualify as having multiple Band 3 needs, applicants must fall into the two of the following categories:

- Special circumstances, for example families with special needs children.
- Private sector tenants living in an assured shorthold tenancy
- Non statutory overcrowding by 1 bedroom – Definition used by North East Derbyshire District Council

#### **Multiple Band 2 Needs:**

To qualify as having multiple Band 2 needs, applicants must fall into at least two of the following categories:

- Medical needs (general) or significant care needs, where re-housing would improve health
- Support needs – receiving or providing
- Anti-social behaviour cases where re-housing of the victim is appropriate
- Non statutory overcrowding by 2 bedroom – Definition used by North East Derbyshire District Council

## **Time Limiting and Banding Review**

Where Priority Bands 1 and 2 are awarded, the time an applicant can stay within them will be subject to a full review, which could result in a number of outcomes including:

- “housing options” advice being provided to the applicant;
- extra support to the applicant;
- change of priority banding (up or down)

Priority Band 1 applications will be subject to a full review after 3 months with close monitoring between reviews. In the case of statutory homelessness the review will be carried out jointly by the Council’s Housing Options Team and Rykneld Homes’ Choice Based Lettings Team. After a period of 3 months and where appropriate a “proxy” bid will be made by the Council’s Housing Options Team in order to meet its statutory homelessness duty. The bid and offer must be one which is appropriate under The Homelessness (Suitability of Accommodation) (England) Order 2012.

Priority Band 2 applications will be subject to a full review after 12 months, however homelessness prevention cases will be reviewed after a 6 month period.

Applicants registered in Priority Bands 3 and 4 will be asked to update their application details annually, with any substantial changes potentially leading to re-categorisation. The information given will be stored on a computer and may be shared with other public agencies (such as the Department for Work and Pensions) and Council services (such as Housing Benefits and Council Tax) solely to detect and prevent fraud but will be in full compliance with the Data Protection Act 1998.

Where a change of banding occurs as a result of a review, applicants will be notified in writing with an explanation as to why the change has occurred.

In all of above cases, actual accrued waiting time is not limited and is a factor on which winning bids are determined within the bands.

### **Definition of ‘District Connection’**

With the exception of some homelessness and domestic violence cases, armed forces personnel (as defined in The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012) and Right to Move applicants, Priority Bands 1 and 2 require a district connection. For the purposes of this Allocations Policy, this is defined as applicants:

- living in the district for at least 6 months out of the last 12; or 3 years out of the last 5 years, unless they came to the area to attend a further education establishment;
- having a close family member (child, parent, brother or sister) who has lived in the district for at least the last 5 years;
- giving or receiving care/support from someone living in the district;
- who are children leaving care;
- moving to meet the needs for higher education/training purposes;
- moving to receive specialist medical treatment;
- moving to or from supported housing which is near family;

- who are key workers or similar;
- with other special reason for living in the district, for example:-
  - children for whom the County Council (Social Care) is acting as corporate parent and who are placed outside the district will be deemed to have a connection with the district; and
  - people who need to move to the district, where failure to meet their need would cause hardship (to themselves or other family members).

In all the above cases, supporting documentary evidence will be required.

### **Community Connection**

This is a system of preference for applicants wishing to live in the community or adjoining community where they:

- have been living for the last 12 months; or 3 out of the last 5 years
- have a close family member for example; child, parent/guardian, brother or sister, who has lived in the community for at least the last 5 years.
- give or receive care/support from someone living in the community
- receive specialist medical treatment
- need to move to or from supported housing which is near family
- have employment purposes in line with the Right to Move criteria, see Appendix 3
- education/training purposes from children in Secondary school year 10 and above
- people who need to move to the community, where failure to meet their need would cause hardship (to themselves or other family members)

In all the above cases, supporting documentary evidence would be required.

Applicants will be awarded an extra 1 year waiting time for those bids where they meet the above community connection requirements.

### **Discharge of Homelessness Duty**

Under the Localism Act 2011, Part 7 of the 1996 Housing Act the Housing Authority has the power to fulfill its main homelessness duty with an offer of private rented accommodation.

The Council may decide to end its homelessness duty with an offer from within its own housing stock or through an offer of private rented accommodation. If an offer of private rented accommodation is made then it must be assessed against the Homelessness (Suitability of Accommodation) (England) Order 2012. This Act provides guidelines as to the suitability of accommodation in relation to Health and Safety standards, standard of landlord management and suitability in terms of location, such as proximity to employment, schools, GP or other support networks.

### **Armed Forces Personnel and their families**

The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 states that Council's Allocations Policies and Choice Based Lettings schemes "must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more ..." of the following:

- is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
- formerly served in the armed forces,
- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

In relation to former armed forces personnel any application to register for Choice Move must be made within five years of discharge from the armed forces.

### **Medical Assessments**

If an applicant, support agency/carer thinks that the applicants' current home is unsuitable due to their medical or mobility needs they may ask to be assessed. If the state of repair of the home is adding to these problems, where possible the property should be repaired before re-housing can be considered. The ability to adapt a home, where appropriate, will also be taken into account.

Medical banding may be given to applicants where:

- They are being discharged from hospital and their home is totally unsuitable for their needs; or
- The design of their current home means they cannot use essential facilities within their home without significant difficulty or help; or
- The design of their current home means they cannot get into or out of their home without significant difficulty or help; and
- A move to a different type of property would resolve these difficulties or alleviate them significantly.
- There is a fully-assessed need to move on the grounds of disability or ill-health.

An applicant must apply to go on the housing register, and in the first instance their application will initially be awarded banding without the medical assessment. They will be able to bid on applicable homes whilst their medical assessment is being considered.

On application a medical assessment form will be sent to the applicant for them to complete or for their representative to complete on their behalf (family member, friend or support agency). The form will ask for authorisation from the applicant to contact their GP, if necessary, and Rykneld Homes may visit the applicant to obtain further information for verification and to clarify the applicant's circumstances.

The assessment will be carried out by Rykneld Homes', some cases may be referred to the Occupational Therapist, once the assessment has been concluded the applicant will be awarded priority banding as stated below. The applicant will be notified of the decision in writing within 14 days.



Crisis/Critical: Band 1  
General: Band 2

Details are contained within the banding definitions in Appendix 1.

Some applicants with mobility needs for a specialist or ground floor home may wish to move, although they are already suitably housed from a mobility perspective. If they are over 60 they will be advised to bid for ground floor flats and bungalows. If the applicant is under the age of 60 their registration will be amended to qualify them for these homes so they can bid on equal terms.

Priority will only be given for a housing type that will resolve the housing need as assessed in the medical assessment.

In some instances the applicant may have specific needs for a specialist home (for example, a 3 bedroom disabled persons property or adapted house) that has not become available during the time limit. In these instances, the priority may be extended.

If the applicant or a member of their household requires a property with major adaptations or needs housing designed for a disabled person, they may be offered a Flexible Tenancy till such a time their circumstances change and no longer need an adapted property and can seek more suitable alternative accommodation. (See point 4.9 of the policy)

### **Relationship Breakdowns**

In situations where a co-habitation relationship has broken down there is no automatic banding. Rykneld Homes and the Housing Options Team will consider the circumstances on an individual basis to determine priority. Evidence of circumstances may need to be provided. In all cases, it is advisable to seek housing and legal advice as early as possible as some actions may result in the applicant being awarded a lower priority.

### **Applicants with the Ability to Meet Their Own Housing Needs**

There is an increasing demand for social housing in the district and while the Council feels it is important to operate an open housing register, it recognises that priority should not be given to those who have sufficient savings, equity and/or assets to meet their own housing needs.

As part of the application process owner occupiers will be assessed and they will not be able to bid for any properties until the assessment has been completed and the applicant has been placed in the appropriate band. Should they be found to have equity, savings and/or assets of between **£16,000 and £30,000** they will normally only be given Band 4, if assessed at **£30,000 or above** they will normally be ineligible to register. However in some circumstances that their funds cannot be accessed then they may register and if a successful bid is made they may be offered a property with a Flexible Tenancy as a housing solution until they are in a position to seek alternative accommodation. (See 4.9 of the policy).

If any applicant worsens their circumstances to gain social housing, for example by disposing equity, savings and/or assets then an investigation will be carried out by Rykneld Homes to determine the reasons for the disposal. For more information on this assessment see Appendix 6.

### **Discretionary Lets**

This criterion refers to a let being allocated which is not subject to the general Allocations Policy. Such a let will be considered on the rare occasions where needs cannot be met through the normal Allocation Policy and procedure, for example:

- temporary accommodation is required following a fire or flood, or other major incident and current property is uninhabitable;
- direct offer of accommodation through the homelessness legislation;

- substantial development or repair work is being carried out and the tenant cannot safely or reasonably be expected to remain in-situ;
- succession to the tenancy of a property built or specially adapted for a person with special needs and they do not need that home;
- referral by Police Authorities as part of their Witness Support programmes;
- re-housing required as part of the Council's Emergency Plan following a local disaster;
- other situations specified in this Policy or Appendices, or unspecified emergency situations;
- re-housing required as a result of regeneration activity directly affecting Council homes;
- potential use in a "tie" situation where two applicants with the same banding and waiting time are at the top of a short-list; and
- any cases deemed as being an exception to the allocations policy

The decision to make a Discretionary Let will be authorised by a senior officer at Rykneld Homes who may refer any cases as required to the Council's Director of Housing

### **Community Lettings Plans**

We may adopt plans under this criterion for specific estates/areas. These have either been or will be agreed with local residents and other stakeholders and will have considered the problems that need addressing, supported by evidence following wide consultation with stakeholders. Further details can be found in Appendix 4.

### **4.6 Property and Applicant Lettings Criteria**

Advertised properties will have a criteria which detail any priority rules that apply to the particular property and which applicant's will have priority, which may include;

- if any community lettings criteria apply (together with the detailed rules that apply);
- minimum age of applicant for any offer of a home;
- minimum age of applicant for some flats and bungalows;
- adapted property for people with mobility priority;
- Extra Care Housing Schemes (schemes aimed at older people where they can live independently and have 24-hour care and support on site when it is needed);
- four bedroom and larger homes
- access arrangements for children under 16 (for example, if there are any steps)
- size of household (see Appendix 2). Usually expressed as "min" and/or "max" household size. A person who is over 16 will be considered as requiring a separate bedroom.

**Where homes have a minimum age limit**, every attempt will be made to offer the home to someone above the minimum age. If there is no one who meets the minimum age limit we may consider lets to younger applicants. People with mobility priority will be considered first for some ground floor flats, bungalows and adapted houses. Homes with aids and adaptations will be restricted to applicants with mobility needs in the first instance.

**Extra Care Housing Schemes for older persons** provide for tenants needing varying levels of onsite care and support. For vacant homes in these schemes, other agencies, including Social Services, will be involved in setting the lettings criteria and making the final offer decision. If an applicant **only** seeks this type of housing the equity, savings and/or assets restrictions will not apply enabling them to join the housing register and bid as appropriate, however they will not be eligible to bid for any other types of properties if their equity, savings and/or assets exceeds the £30,000 limit. Eligibility criteria will apply and will be detailed in the advert.

**Four bedroom and larger properties** are in short supply in most areas of the district. In order to make the best use of these 4 bedroom properties, households with a Band 1 priority and who need a 4 bedroom or larger home to resolve their housing need will be considered first. In addition to band priority, applicants will be shortlisted in order of the number of people in the household.

**A woman with a confirmed pregnancy** will be counted as a household with a child upon the birth of that child and receipt of the birth certificate. If an applicant already has one child, the unborn baby will be treated as if it were the same sex.

**Access arrangements** for children can only be taken into account for children under the age of 16.

**When a member of an applicant's household is in prison**, this person may be included in the household for the purposes of the letting criteria 4 weeks before their confirmed release date from prison.

### **Guidance to Property Size and Type Eligibility**

General guidance on property sizes and types that would normally be offered depending on the composition of the household can be found in Appendix 2.

Allocation to a specific property will depend upon applicants fulfilling any 'property' or 'applicant' criteria linked to that property, as outlined above.

In some areas and localities where there are shortages of particular types of housing, and where the applicant's circumstances do not fit the general guidance, discretion may be exercised by Rykneld Homes. Examples of this could be:

- Where particular types of properties are in short supply, or there is a Community Lettings Plan; the advert may state that applications can be accepted if the criteria are not met, but people who meet the criteria will be considered in the first instance.
- Single people with access arrangements to several children
- Community lettings plans will also have other rules which may apply
- To ensure community sustainability, vacant flats may be profiled to take into account the composition of current tenants when advertised.

Homes may be let to households of a size or type that don't meet the usual lettings criteria; for example if this is a need identified through a Communities Lettings Plan, or where there are no applicants who fit the criteria.

### **Overnight Access**

If an applicant has access to one or more children under the age of 16 years and they have provided documentary evidence supporting their access arrangements, their eligibility to different property types and sizes may change. In order to fall into this category, applicants must have overnight access to one or more children for two or more nights per week. Property eligibility will depend on the number of children and the age and sex of those children. 'Property' and 'applicant' criteria will also have to be met when bidding for specific properties, see the section above.

For guidance, the general rule is:

- If you are either single or a couple and have access to one or more children for less than two nights of the week your eligibility remains unchanged.
- If you are either single or a couple and have access to one or two children for two or more nights you may be made eligible for a 2 bedroom house and upper floor 2 bedroom flats and maisonettes.
- Where the applicant has 3 or more children, the applicant may be eligible for 3 bedroom properties also; discretion will be used by Rykneld Homes in determining what the applicant is eligible for.

Applicants will be advised of the affordability of a property if they are in receipt of housing benefit and the property is assessed as being larger than their household requirement under housing benefit regulations.

## 4.7 Advertising

### Advertisement of available homes

All available Council homes will be advertised on a cyclical basis as follows:

- On the ChoiceMove website [www.choicemove.org.uk](http://www.choicemove.org.uk), with free access available at numerous points around the district and a list of these locations being widely available.
- A lettings brochure produced weekly detailing all the available homes, available at various points across the District, including offices of the Council, Rykneld Homes and partner agencies.

The advertisements explain:

- how to bid for a home;
- the closing date for bids;
- the details of each property including rent/charge, number of bedrooms, special features;
- eligibility criteria for each home;
- wherever possible, an indication of the demand for similar homes that have been let recently, to give an idea to the applicant whether or not they have a realistic chance of being offered a specific home;
- feedback from previous lettings cycles

The right is reserved to use other property online search portals to advertise un let properties and also withdraw properties at short notice, in some cases even after advertising. Withdrawal of properties will be kept to an absolute minimum.

### Mutual Exchanges

A Mutual Exchange is a swap of accommodation between two or more tenants, where each party moves permanently into their exchange partner's home. A tenant cannot exchange into an empty property. Council and Housing Association tenants can apply to exchange their accommodation, subject to certain conditions, with the consent of their landlords being required before moving. Within some of the advertising media will be a section detailing homes and tenants who wish to move under mutual exchange procedures.

Rykneld Homes is signed up to [HomeSwapper](http://HomeSwapper) which is a mutual exchange matching website for use by secure tenants.

## 4.8 Bidding for Homes, Offers and Feedback

### Bidding for Homes

“Bidding” refers to the way applicants let Rykneld Homes know they are interested in a home. It doesn't involve any money; it is an expression of interest only. Acknowledgements will be provided on request.

Bids can be made:

- in person or by post
- by telephone;
- by SMS (text);
- on the website;

- on an applicant's behalf by Rykneld Homes by prior mutual agreement (they will inform you if this is to be done on your behalf e.g. for priority applicants and in some circumstances vulnerable applicants);
- on an applicant's behalf by a support agency/worker (by agreement).

With the exception of discretionary/direct lets applicants will normally be able to make up to 6 bids in each cycle of adverts.

Before making a bid an applicant should seriously consider if the property:

- is in an area they would like to live in, information on areas is provided with the advert and application forms;
- is the type they would be happy with, the property details are on each advert; and
- has letting criteria they are eligible for.

If applicants consider the above points, waiting times can be kept lower as that reduces the chances of making offers that people don't want.

### **Bidding for Applicants in Priority Bands 1 and 2**

Applicants in Priority Bands 1 or 2 will need to search and bid for homes following the usual procedure, however, they will also need to be aware:

- That priority will only be given for homes that meet the applicant's need. For example, if an applicant has mobility needs for level access, they will not be given priority to move from a house with stairs to another similar house.
- Applicants will be expected to bid on all types of homes for which they meet the letting criteria, for example 2 bedroom flats as well as houses, and may need to compromise on their ideal choice in order to move quickly.
- With valid reason we can make a bid on an applicants' behalf or review or cancel a priority at any time.

### **Band 1 Relating to Statutory Homeless Duty**

Statutory homelessness duty awards will be eligible for a direct one off offer under their priority band award to accommodation that meets their housing need and enables their support need to be sustained.

A monthly review of bids placed by statutory duty homelessness applicants will be undertaken. If during the first four weeks of an applicant's Band 1 award no bids have been placed the applicant will be interviewed to determine the reasons why. Should it be considered that there are no valid reasons for this, the applicant may then be placed on auto bid.

Housing Association nominations will also be undertaken by ensuring that all nominations received from Housing Associations will first be considered against Band 1 statutory homelessness duty awards, thereby ensuring that all social housing providers are meeting statutory housing needs in the district.

Following legislative changes private rented accommodation can be utilised to discharge the homelessness duty and will be considered as suitable and appropriate accommodation where it meets the needs of individuals and households. In all cases, vacancies belonging to accredited private sector landlords will be advertised through Choice Based Lettings. Any offer of private rented accommodation will be in accordance with The Homelessness (Suitability of Accommodation)(England) Order 2012.

### **Sorting Bids**

All bids received by the closing date for a property are placed in descending band order, giving Priority to Band 1, in line with any property and applicant criteria stated. Where two or more

applicants are in the same priority band, **and** meet any additional eligibility criteria, then order will be determined by the longest application waiting time.

Where a property has adaptations, applicants who fulfil the eligibility criteria and who have been medically assessed to require those adaptations will be prioritised above applicants without those needs. Where two or more applicants require the adaptations the following sorting methodology will apply. If no applicants have been assessed to need the adaptations present in the property, the remaining eligible applicants will be shortlisted as below.

The procedure for sorting bids is as follows;

1. Applicants in Band 1 are considered first, where there are no suitable applicants within this priority Band, then the home will be cascaded through the other Bands, in priority order, highest priority being first.
2. Where there is more than one applicant, the longest waiting time is first. This date may be different from the original registration date as priority may have been awarded due to a later change in circumstances.
3. Where there are two or more applicants with the same waiting time, then the earliest registration date will be first (see note 2 above).
4. For homes with a minimum age limit we will make every attempt to offer the property to someone above the minimum age. However, if there are no suitable applicants we will consider offering it to other applicants who have bid but do not meet the minimum age limit.
5. Where there are no suitable applicants at all, homes may be re-advertised with a relaxation of any lettings criteria being considered.
6. Dependant on demand homes may be re advertised on other online property search portals.

### **General – short-listed applicants who are “tied” at the top of a band**

In the unusual circumstances of a “tie”; (that is, where two (or more) applicants are at the top of the same band and have exactly the same amount of waiting time and the same registration date) then the successful applicant will be determined by a panel of two senior officers, including the appropriate Rykneld Homes service manager. It may be appropriate, in such circumstances to offer the ‘unsuccessful’ applicant a ‘*discretionary let*’, if appropriate stock is available, although this will not always be possible or practical in every circumstance.

### **Homes Available in Community Lettings Plan Areas**

Homes in areas with these plans will be subject to additional lettings criteria which have been agreed and operate in specific localities.

### **Successful Bids and Offers**

Eligible applicants are normally notified that they have been shortlisted within five working days of the bidding cycle closing. The top shortlisted applicant/s will then be invited to attend a viewing, however if the applicant/s cannot be contacted within 24 hours the next eligible person will be offered a viewing.

Following the viewing, the applicant will have up to 24 hours to make a decision as to whether to accept the property. Where this offer is refused, the next applicant on the list will be invited to view the property. All offers will be made once all checks and verifications are complete. This may be at the property and if the offer is accepted confirmed in writing the same day.

Each successful applicant will receive one offer only per cycle. If an applicant has bid on a number of homes and is successful for more than one, then their preferred property will be the only one offered to them in that cycle and Rykneld Homes will proceed down the list to find the next suitable applicant for the other homes.

Applicants are advised wherever possible to consider the location of the property and the property type prior to making a bid.

If Rykneld Homes find that information has not been provided and that a successful applicant does not in fact meet the lettings criteria then the offer can be withdrawn.

### **Feedback**

At the end of each cycle, a list of all properties that have been let, including discretionary lets, will be available to provide transparency and information, so that unsuccessful applicants can see the banding and waiting time of the successful applicant, and also get an indication of how long they may have to wait for a particular locality/dwelling type to help them to make more informed bids in the future.

This will be included within the advertising for the next round of available homes. Feedback will show the address of the property (not house/flat number), the band and waiting time of the applicant who was offered the property following the closing date. No personal information about the successful applicant will be shown.

### **Refusing Offers**

Offers can be refused, however reasons must be given for refusal and if the applicant's reasons are not considered reasonable, applications may be suspended for a period of three months. When an applicant has been offered and refused **3** homes their application will be re assessed and housing advice given including considering the property location and property type. If the applicant's reasons for refusal are not considered reasonable, applications may be suspended for a period of three months.

### **Non bidders**

If applicants on the Housing Register do not express an interest in any property over an extended period of time Rykneld Homes will contact them to see if they need any help using this system or if their circumstances have changed.

If an applicant has Band 1 priority and has not made a bid within 4 weeks the Council (via the Housing Options Team for statutory homeless cases) will contact them to find out why and to offer any support, help or advice. The applicant will be reviewed every 3 months and non bidders may result in their banding being amended.

If applicants have a Band 2 urgent priority the Council will make contact after 6 weeks if they have not made a bid, again so that we can find out why and offer any help and advice required. The applicant will be reviewed every 3 months, a letter will be sent to the applicant by Rykneld Homes asking them to make contact to discuss their housing application and to determine whether or not their circumstances have changed. If after a 4 week period the applicant has not responded then a further letter will be sent advising them that their application will be cancelled.

## 4.9 Tenancy Types Offered

Council Homes will be offered on an Introductory tenancy in the first instance, followed by either a secure Lifetime Tenancy or fixed term Flexible Tenancy.

Flexible tenancies **do not** affect existing social housing tenants who wish to transfer and who currently have a lifetime tenancy.

Flexible tenancies may be offered to applicants who fit the criteria stated below where access to social housing would be for a fixed period until their circumstances change or they are able to find alternative accommodation, or in some circumstances more suitable social housing may be offered by Rykneld Homes;

- Owner Occupiers/applicants who have too much equity/savings/assets which they **cannot** access to secure alternative accommodation due to their current circumstances, for example; relationship breakdown, fleeing domestic violence
- Empty/Void properties can be used as a housing solution for applicants for a fixed term until the property can be developed/refurbished/regenerated, case by case assessments will be completed to determine which properties are offered under this criteria
- Properties with major adaptations or housing designed for a disabled person

***See the Councils Flexible Tenancy policy for further information.***

## 4.10 Review and Appeal Procedure

If applicants are unhappy with any decisions that Rykneld Homes make, they can request a review in the first instance. Examples of where this may happen include:

- decisions relating to applications to join the Council's Housing Register including where applicants have been suspended or excluded unfairly in their view;
- Dissatisfaction with offers on properties made;
- if an applicant believes that they are in the wrong band, or that their band has been changed unfairly in their view after a time-based review;
- if an applicant believes that a property has not been allocated according to this Allocation Policy. For instance, if they expressed an interest for a home, and were in the same priority band and had longer waiting time than the successful applicant.

An identified officer, who is independent of the original decision making process, will carry out these reviews. This will normally be the appropriate Rykneld Homes service manager.

### Stage 1 - Review

- A request for a review must be made within 21 days from:
  - the date on which you were notified of Rykneld Homes' decision and the reasons for it, or
  - the date of publication of feedback of properties let, where an applicant believes that a property has not been allocated according to this Allocation Policy

You can make this request in writing, in person, by telephone or by email. Your request will be acknowledged in writing within 3 working days of receipt.



- The reviewing officer will have up to 28 working days from the date of receipt to carry out the review. This may be extended by mutual agreement. The reviewing officer will take into account the relevant contents of the Council's Allocations Policy together with any legislative requirements, statutory instruments and any current Code of Guidance. They may seek information from any agency that supports the applicant. Applicants may be asked to provide a written explanation to describe the grounds of their review request.
- If the reviewing officer finds that applicants have given additional relevant information, which had not been taken into account when the original decision was made, the case will be referred back to the officer who originally dealt with the case. This officer will reconsider their original decision in view of the new information provided.
- When the review is complete, the reviewing officer will write to applicants within 3 working days to advise them whether the original decision is upheld or rejected, and their reasons for this outcome. Applicants will also be advised of their right of appeal at stage 2.

### **Stage 2 - Appeal**

Where applicants are not satisfied with the decision of the reviewing officer, they can appeal to Rykneld Homes within 21 days of the review decision.

A senior Rykneld Homes officer, who has not been involved in the first stage of the decision, will consider the request for an appeal. The decision on the appeal will be based on the facts known to Rykneld Homes at the date of the review. The Solution and Support Manager may need to ask the applicant for more information to assist in making a decision.

The applicant may attend the appeal for themselves or a friend or representative to present the case.

This review and appeal process is over and above customers' general rights to complain about any Council service, either to the Council directly or via the Housing Ombudsman Service, [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk).

### **Discretion**

Where a review or appeal made by an applicant, on the grounds that a property has not been allocated according to this Allocation Policy, is upheld, and the applicant has missed out on the offer of a property as a result of this, then consideration will be given to offering the applicant another property as a 'discretionary let'. This will be at the discretion of Rykneld Homes, depending on which stage of the procedure is being followed.

## **4.11 Policy Review and Monitoring**

### **Review**

A desk top review of this policy will take place on an annual basis through monitoring of the effectiveness of the policy. Reviews will take account of the following:

- outcomes of who is housed, the banding system and time limits
- lettings criteria and the categories within them
- advertising methods and media
- bidding methods, procedures, timescales and other criteria attached to the bidding process

- housing register information
- demand information

Performance will be assessed through the following framework, with detailed measures being developed for inclusion in future versions of the Policy appendices:

- National and local performance indicators
- Benchmarking exercises and peer review
- Service Standards: joining the housing register, advice and assistance, bidding, viewing and accepting a property
- Learning from customers, including customer satisfaction with the service, and with opportunities for involvement with developing and improving the service
- Cost and value for money information

This Policy will be subject to periodic review and amendment, based upon customer feedback, the ad-hoc trialling of different methods and relevant changes in government legislation. Following review it may be necessary to make adjustments to the Policy to facilitate the fair and efficient running of the CBL system. Where adjustments are made these will be communicated widely through the available CBL advertising methods.

### **Monitoring**

Through the Choice Based Lettings & Allocations and Welfare Reforms monitoring form the policy will be monitored on a quarterly basis and through the Governments Local Authority Housing Statistic annually. Examples of data to be collected for monitoring include:

- The number of applications, lettings and offer refusals
- Number of applicants in each band
- Applicants connected to armed forces
- 'Right to Move' applicants
- Owner occupiers and exclusions
- Bedroom requirements
- Lets per age band
- Lets per priority band
- Under occupation applicants
- Discretionary lets

## **5. Responsibility for Implementation**

Through the Housing Strategy Team, the council owns the Choice Based Lettings and Allocations Policy. However, the implementation and delivery of the strategy is the function of Rykneld Homes, primarily through its Choice Move Team, but also through the Neighbourhood Teams.

The council's Housing Options Team also uses the policy within its role to support homeless applications. In these cases it works closely with Rykneld Homes' Choice Move Team.

Through supporting applicants, other agencies have an indirect role in the delivery of the policy's content, such as DCC, Children's Services, Learning Disabilities Services, probation services, the law centre, P3 and SAFE.

Registered Providers and Private Rented Sector Landlords will also use this policy through properties being advertised via CBL and nominations from the Council's Housing Register list of bidders.

## 6. Glossary of terms (if applicable)

**Arms Length Management Organisation (ALMO):** Rykneld Homes, the organisation that is responsible for managing and maintaining the council's housing stock.

**Auto Bid:** This means bids will automatically be placed on properties that are advertised matching the applicant's criteria.

**Choice Based Lettings (CBL):** CBL allows applicants for social housing (and existing tenants seeking a move) to apply for available vacancies which are advertised widely (e.g. in the local newspaper or on a website).

**Housing Association and Registered Provider:** Independent, not-for-profit organisations which own or manage affordable homes, both social rented and intermediate.

**Ineligible application:** An ineligible application is one which may result in the applicant being restricted from participating in the CBL scheme as a result of the applicant being guilty of unacceptable behaviour.

**Decanting:** Is the process that takes place when works are required to a Council property and it is decided that it is not safe for the tenant to remain in the property whilst the work is being carried out, therefore the tenant will be moved to an alternative property on a temporary basis.

**Nomination rights:** This is where the Council has an agreement which allows Rykneld Homes to nominate applicants from its own housing register for properties managed by a partner registered provider or housing association.

**Notice to Quit:** This is a legal term which refers to the written notification given to the tenant of a property requiring the tenant to vacate the property and hand over possession to the landlord. In the case of this policy, Rykneld Homes will take possession of the property as they manage the Council's properties.

**Possession proceedings:** This is a legal term which refers to the process which can take place due to a dispute over the possession of a property. For example, where a tenant has failed to pay their rent or have accrued rent arrears and Rykneld Homes wishes to claim for possession of the property off of the tenant, possession proceedings will be undertaken.

**Possession order:** This is an order from the County Court that requires a tenant to vacate a property by a certain date and time. This order is obtained following possession proceedings being issued.

**Suspended application:** A suspended application is one that is registered but restricted from bidding.

**Transfer applicants:** A transfer applicant describes an applicant participating in the scheme who is a current tenant of North East Derbyshire District Council and who will be vacating their current property in order to occupy another property.

## 7. Appendices

### Appendix 1

#### **Detailed Definitions of Bandings**

Referrals for priority can be made directly by the applicant, an advocate, support worker, carer, other officer or anyone working in a professional or advisory capacity with the applicant.

#### **BAND ONE – Emergency/Very Urgent Need (Review of priority is required after a 3 month time limit). District connection normally required**

##### **1. Statutory Homelessness**

Where an applicant has been found to be homeless, eligible for assistance, in priority need and not intentionally homeless; and the Council has a legal duty to secure accommodation for them under s.184 of the Housing Act 1996, they will be awarded Band 1 priority.

Homeless households will be assessed by the Council under relevant legislation and the district connection requirement will usually, but not necessarily apply in some cases.

If the applicant has come through this route and has not been offered a home before the end of the 3 month time limit, the priority will be reviewed and a final offer will be made as soon as possible – in practice by a proxy bid made by council officers. If the applicant refuses this offer (which must be reasonable) the priority will be cancelled and the Council's statutory duty discharged. However, the applicant has the right to request a review of the suitability of the property offered. This must be made either verbally or in writing, giving the reasons why they feel the property is unsuitable, within 21 days of the offer being made (even if the applicant has moved into the property). If the offer made through a proxy bid is found to be unreasonable, then priority will remain and a second proxy bid will be placed on the applicant's behalf.

##### **3. Statutory Overcrowding** as defined in the Housing Act 1985 ([www.legislation.gov.uk](http://www.legislation.gov.uk))

Where a household is deemed to be living in Category 1 Hazards (Bands A-C) of the HHSRS and the Council has a duty to take action, the household will be placed into Band 1 as statutorily overcrowded.

##### **4. Domestic abuse**

An applicant can be assessed for priority if it is essential that they move because:

- they have been treated violently or threatened with violence or have been subjected to psychological, verbal or financial abuse by their partner or someone else who lives with them; or
- they have been treated violently or threatened with violence or have been subjected to psychological, verbal or financial abuse at or near the property by a former partner or an associated person, and who does not live with them in the property.

The policy applies equally to men and women and to people in same-sex as well as heterosexual relationships. It also applies to applicants who are abused by household members other than spouses or partners. It applies equally to applicants in all tenures.

If the applicant is a Council tenant and the perpetrator is not a tenant (or eligible to be joint tenant) then the applicant must quit the home when they are re-housed. Anyone who remains in the home will be treated as an unauthorised occupier.

Where an applicant has been given priority banding due to being assessed as being at risk from domestic abuse, the applicant is restricted to applying for properties a reasonable distance from their existing home. Reasonable distance will be assessed in terms of the risk to the applicant of

living in a certain location, along with the location of support networks, local services, availability of suitable alternative properties and access to transport.

### **5. Critical and/or crisis medical needs**

Priority may be given if applicants suffer ill-health which is aggravated by their housing conditions and which would be helped by a move elsewhere. Further information is included in section 4.5 Housing Need and Priority Banding Scheme of the policy

Circumstances will be assessed against the following criteria:

- Physical Health:
  - Crisis or volatile situation, requiring re-housing in the very near future in order to avoid serious repercussions on health.
  - Serious physical dysfunction or deterioration.
- Mental illness/learning disability:
  - High risk or actual breakdown.
  - To live in ordinary housing is essential to avoid loss of life.
  - Serious mental dysfunction or deterioration.
- Environment:
  - Life threatening situation developing if not re-housed away from existing home/neighbourhood.
  - Dangerous or unsafe physical environment

### **6. Moves that release under occupied/adapted property**

Moves that release under occupied homes for re-letting, including adapted property and applications via the “Tenants Incentive Scheme and Adaptation Transfer” route (more information can be found on the Rykneld Homes website at [www.rykneldhomes.org.uk](http://www.rykneldhomes.org.uk))

### **7. Special cases**

An applicant may be considered for special case priority if they have:

- a. an urgent and immediate need for housing, the circumstances of which are exceptional and are not covered by the allocations policy; or
- b. cumulative or multiple Band 2 needs; where the applicant (or a member of their household) has a number of needs which when assessed in isolation would not indicate a very urgent need; or
- c. the applicant’s current home poses a significant risk to life or health and immediate re-housing is essential. Such a special case, will in practice, be deemed a “discretionary let”.

### **8. Cases of hate crime where re housing a victim is appropriate**

Hate crime is defined by the Home Office as “any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic. The definition covers five main strands, in particular – disability, gender-identity, race, religion or belief and sexual orientation”. (<https://www.gov.uk/report-hate-crime>)

Hate crime can include;

- threatening behaviour
- assault
- robbery
- damage to property
- inciting others to commit hate crimes
- harassment

A Police crime number will be required as confirmation of the hate crime.

**BAND TWO - Urgent Need**  
**(Review of priority is required after a 12 month time limit).**  
**District connection required**

**1. General medical needs or applicants with significant care needs**

Priority may be given if applicants suffer ill-health which is aggravated by their housing conditions and which would be helped by a move elsewhere.

Circumstances will be assessed against the following criteria:

- Some actual risk, or concern about potential risk, to physical safety and functional ability. Unable to be improved unless by alternative property design/ layout
- Increased level of stress/distress to applicant, where the current accommodation contributes to severe social isolation and restricts independence; and where re-housing is required to prevent deterioration. This will only be awarded if the inability to cope is solely and directly related to housing.
- Clear evidence of significant health improvement if re-housed, particularly where poor surroundings may affect or worsen the illness and re-housing would be the only way to improve the situation of the applicant.
- Potentially unsafe physical environment.

Applicants with significant care needs may include people with chaotic lifestyles, mental health needs, learning disability, long-term health problems, community care or related health problems and people leaving supportive housing schemes; where re-housing would improve health or promote independent living.

Applicants may be assessed for priority if they are ready to leave hospital or other institutional care and they have:

- spent a long time in hospital or institutional care; or
- spent significant time in temporary or 'move on' accommodation; or
- had repeated stays in hospital or institutional care; **and**
- have no permanent accommodation to return to.

Where the applicant is leaving temporary or 'move on' accommodation, referrals will be considered using the Derbyshire Move On Protocol.

Applicants may also be assessed for priority if:

- They have been discharged into the care of their family but this accommodation is unsuitable for their needs; or
- They have been discharged into temporary accommodation other than a supportive hostel; or
- They have not been in hospital long term, but require a full needs assessment and care package to enable them to live independently in permanent accommodation; or
- They have significant mental health or other health problems that are being caused or exacerbated by their housing situation and this can be resolved by urgent re-housing.

In all such cases, priority will only be awarded if:

- Rykneld Homes is satisfied the applicant is capable of living independently; **and**
- any necessary support needed for the applicant to live independently will be provided

## **2. Applicants with support needs – receiving or providing**

Applicants may be assessed for priority if they need to move to be nearer to family or friends in order to give or receive a high level of essential support. Priority may only be given where a high level of support is both needed and will be given. Priority will only be given if:

- there is evidence that a high level of support is needed and, without that support, the applicant would have serious problems in their daily life; **and**
- the person giving the support confirms that they are already giving a high level of support or will give it if one of the parties moves nearer; **and**
- a move will greatly cut or ease the travelling time needed to give or get support.

Priority will not usually be given where a primary carer already lives with or near to the applicant. However, this can be considered where a move is essential in order to support a primary carer who has other people for whom they are responsible. For example, where one partner needs a high level of care and the spouse provides this but there are also young children in the household. In this case, priority will only be awarded to enable one secondary carer's household to move. Priority cannot be awarded to more than one household.

If an applicant with a high level of support needs lives with others who provide that support, they can ask to be assessed for priority so they can live independently but remain within reach of supportive family and friends or of alternative agency support. This policy covers people who are not tenants (or eligible to be joint tenants) or owner-occupiers.

If the support is provided by an agency, the agency must confirm that the applicant needs a high level of support and will be given that support if they move. It must also be shown that the applicant cannot get this support where they live now.

An applicant cannot be awarded priority just so they can be near particular services or facilities.

Priority will only be given for an area that will resolve the housing need.

## **3. Anti-Social behaviour where re housing a victim is appropriate**

Anti social behaviour is any behaviour that unreasonably and adversely affects the quality of life of other members of society. More information on anti-social behaviour is available on the Rykneld Homes website [www.rykneldhomes.org.uk](http://www.rykneldhomes.org.uk).

For the purposes of this policy, this will include members of their household for whom they are responsible.

We will always tackle the perpetrator, and wherever possible support the victim in remaining in their home. However, re-housing priority may be given to the victim.

## **4. People living in temporary accommodation pending enquiries (s.188 duty)**

Where applicants are living in bed and breakfast, Council owned homeless units, accommodation within Council stock, women's refuge and supported accommodation as a result of a homeless application, which has triggered the Council's s.188 duty to accommodate, the Housing Options Team will support the applicant to submit an application form to the Choice Move Team and will request a change to banding.

## **5. Young people and the Children Act 1989**

Care Leavers:

Young people under the age of 21 who have been or are in the care of the Local Authority (generally Children's Services) for the relevant period of time will only be given priority where children services or another appropriate body are trustees and provide a rent guarantee which lasts until they are 18.

Vulnerable Homeless Young People:

16 and 17 year olds, who have been assessed by or on behalf of Social Services as in need under the Children Act 1989, may be given priority on the same basis as care leavers (see above). All applicants aged 16/17 will be assessed directly by the Council's Housing Options Team in conjunction with Derbyshire County Council's Children's Social Care Team in line with the Derbyshire Joint protocol on Young People aged 16/17 Presenting with Accommodation Needs.

Priority will only be given for a home located in an area that will enable the necessary support to be provided.

#### **6. Vulnerable Young people aged 16 and 17**

Any person over the age of 16 can apply to be on the housing register; however housing will not normally be allocated to anyone under the age of 18. 16 and 17 year olds will normally be re housed via a Children Act referral from social services under the terms of the agreed protocol or via a homeless application.

If a 16 or 17 year old is vulnerable and requires housing before their 18<sup>th</sup> birthday, an assessment will be made of the person's circumstances and an allocation may be made. However, adequate referral and support arrangements should be in place and all 16 and 17 year olds will require a guarantor both to accept responsibility for the tenancy and rent.

#### **7. Families being supported by social care due to specific needs**

Where a family is being supported by social care or other support agencies and evidence of this has been provided, they can apply for priority. In all cases evidence will be required and this would normally be in the form of a support plan. Situations where this may be applicable include families with children who have a disability and families being supported by adult services.

#### **8. Lacking in basic amenities**

Applicants in self-contained accommodation which lacks the basic amenities of:

- Bath or shower
- Internal toilet
- Kitchen
- Hot water

#### **9. People whose home is a property tied to their job, who are retiring or leaving employment.**

*Council and Rykneld Homes' Employees:*

These tenants are treated as being on the housing register from the date they began that job. If they were already on the housing register before becoming an employee, they will keep that registration.

Priority is given if a move is needed to release the home:

- for a new jobholder because the employee retires, resigns, or is redeployed; or because they have died and their partner must move; or
- for redevelopment, demolition or sale where the site is being disposed of.  
If employment ends, and the home is not needed for a new employee, the former occupant may be allowed to stay in their home if they wish to do so, provided:
- the home would form part of the general housing stock; and
- they meet the letting criteria for the property, returned to the general housing stock.

If the applicant has not been offered a home at the end of the time limit the priority will be reviewed and a final offer will be made by proxy bid by Rykneld Homes' officers. If the applicant refuses this offer, the priority will be cancelled.



*People NOT Employed by the Council or Rykneld Homes, but with a Tied Tenancy:*

These tenants are treated as being on the housing register from the date that their application was approved.

Priority is given if a move is needed to release the home:

- for a new jobholder because the employee retires, resigns, or is redeployed; or because they have died and their partner must move; or
- for redevelopment, demolition or sale where the site is being disposed of.

If the applicant has not been offered a home at the end of the time limit the priority will be reviewed and a final offer will be made by proxy bid by Rykneld Homes' officers. If the applicant refuses this offer, the priority will be cancelled.

#### **10. Council Tenants Affected by Development work to Council owned homes, Decanting or the Creation of Decant Pools.**

If a Council tenant's home is having major improvements, repair work or the property is included in the Council's Long Term Regeneration Programme, they may be moved temporarily into a decant property. The appropriately authorised Senior officer will withdraw from the letting pool, one or more properties. These will be dealt with as "Discretionary Lettings".

Temporary homes will be offered on the same estate or as near as possible to the tenant's home. These temporary moves may be arranged if:

- a. a member of the household is a shift worker;
- b. there are strong medical reasons why the household cannot cope with the building works;
- c. a member of the household is under one year of age;
- d. the gas, electricity or water has to be disconnected for a long period;
- e. the size of the household and age of the people in it would make it difficult for them to live in the home during the work; or
- f. the home is in a block of flats, and the household will be unreasonably disturbed by work in other flats.
- g. if the property is being demolished to allow for redevelopment and the property is being re built

Once the work is finished, the tenant would normally be expected to return to their permanent home.

#### **11. Prevention of Homelessness Measures Following Investigations**

In situations where the Housing Options Team is investigating a case of potential homelessness, they may refer the case to the Choice Based Lettings Team to be considered for a banding review. This will be considered where it is deemed to help prevent a person/household becoming homeless. Circumstances where this may be appropriate include house repossessions and situations where private sector tenants have been served a Notice to Quit. However, the individual circumstances of each case will be considered by the Housing Options Team before any referral is made. This will include the reasons for the pending loss of accommodation, such as anti social behaviour, rent arrears and reason for mortgage arrears and consideration of other housing options available. Where a referral is made to the Choice Based Lettings Team, the Housing Options Team will do this in writing and provide written evidence as to why the referral is being made.

#### **12. People Leaving Temporary Supported Accommodation**

Residents of supported housing projects who have gained an acceptable level of independent living skills may be nominated by the Supported Housing Provider for priority housing status. This will enable service users to secure accommodation through the choice based lettings system as a priority in appropriate circumstances.

People leaving temporary supported accommodation is defined within the Derbyshire Move On Plans Protocol (MOPP), more information on the MOPP can be found on Derbyshire County Council website at [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk).

### **13. Armed Forces**

The Housing Act 1996 (Additional Preference for Armed Forces) ( England) Regulations 2012 states that Council's Allocations Policies and Choice Based Lettings schemes " must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more ..." of the following:

- is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
- formerly served in the armed forces,
- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

In relation to former armed forces personnel any application to register for Choice Move must be made within five years of discharge from the armed forces.

### **14. People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others). (Including; the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015).**

Applicants who are suffering prolonged hardship (physical, emotional, financial) which is worsened by their current housing situation and where a move could alleviate their hardship.

Right to Move applicants must be an existing Social Housing tenant (in England) and have;

- a 'need' to move and;
- reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works in the district, or need to move to take up an offer of work (including apprenticeships and training) See Appendix 3 for further guidance

### **15. Non Statutory Overcrowding – Definition Used by North East Derbyshire District Council**

Applicants that are overcrowding their current property by 2 or more bedrooms, as assessed by Rykneld Homes using the Councils overcrowding definition and guidance in Appendix 5.

### **16. Cumulative Band 3 Needs**

Where the applicant (or a member of their household) suffers from a number of needs, which when assessed in isolation would normally result in an applicant being placed in Band 3, they may be considered for Band 2.

### **BAND THREE – Moderate needs (No time limit)**

#### **1. Private sector tenants with an assured shorthold tenancy**

Private sector tenants with an assured shorthold tenancy, evidence of tenancy agreement and/or status required.

#### **2. Applicants without any district connection but would otherwise meet the criteria of Band 1 and 2**

Applicants without any local connection who otherwise meet the criteria of Band 1 or 2, includes applicants wishing to be re-housed across local authority boundaries, for example for employment reasons or to give or receive support.

Direct applicants from outside the district will be assessed using the criteria and definitions under Band 1 and Band 2 and if they would have otherwise have fitted either of these categories, then they will be awarded Band 3.

### **3. Shared Amenities after a 6 month period**

Only people who have lived in the property as their permanent full time residence for at least 6 months and fit the following criteria;

- applicant must be a non family member and;
- they do not have the exclusive use of a bedroom/one room, and;
- they share facilities. The council considers that shared facilities include;
  - kitchens, and;
  - bathrooms.

**(If households within households are sharing a property then the overcrowding criteria may apply).**

### **4. Non Statutory Overcrowding – Definition Used by North East Derbyshire District Council**

Applicants that are assessed by Rykneld Homes, using the Councils overcrowding definitions and guidance in Appendix 5, as being overcrowded in their current property by 1 bedroom.

### **5. Special circumstances**

For example, families with children with special needs who may need to be near a particular educational school, or foster parents who need a larger home to enable them to continue as fosterers and other circumstances which may be determined by assessment.

### **6. Children aged 5 and under living in upper floor flats**

Cases where children aged 5 and under are living in upper floor flats will be given priority band 3.

### **7. No Forwarding Address/Sofa Surfing**

If Rykneld Homes is satisfied that an applicant has no permanent home and is staying at various locations (sofa surfing), then priority Band 3 can be awarded. A referral will also be made to the Councils Housing Options team for housing advice on securing alternative accommodation. The Housing Options Team may also make a recommendation to award Band 3.

### **8. Applicants from band 1 and 2 who are deemed not to have made best use of their priority**

After an applicant has had a review, if it is deemed that the applicant has not made best use of their priority banding, for example, have refused suitable offers or are not bidding on advertised properties, then their application will be placed in band 3.

## **BAND FOUR – General Needs (No time limit)**

### **1. No Specific Housing Needs**

This band will include applicants with none of the specific housing needs included in Bands 1, 2 and 3, but who wish to be re-housed.

### **2. Applicants with equity, savings and/or Assets**

Applicants with equity, savings and/or assets of £16,000 or above as set by the Council (see Appendix 6 (NB equity, savings and/or assets at £30,000 or above will make them ineligible to register, unless the applicant is already a council tenant wishing to transfer or only require Extra Care housing).

## Appendix 2

### Framework to Property Sizes and Types and Qualifying Household Size.

Where the Table refers to children, it should be noted that a child under the age of one is considered able to share with a parent/guardian.

	Studio flat/Bed-sit	1 Bed Ground Floor Flat/Maisonette	2 bed Ground Floor Flat/Maisonette	1 Bed Upper Floor Flat/Maisonette	2 Bed Upper Floor Flat/Maisonette	1 Bed Bungalow	2 Bed Bungalow	3 Bed Bungalow	2 Bed House	3 Bed Flat/Maisonette	3 Bed House	4 Bed House
Single person aged under 60	✓	✓	✓	✓	✓							
Single person aged 60 or over	✓	✓	✓	✓	✓	✓	✓					
Single person or couple + overnight access to 1 or 2 children		✓	✓	✓	✓				✓	✓	✓	
Single Person or couple + overnight access to 3 or more children		✓	✓	✓	✓				✓	✓	✓	
Couple with one applicant aged 60 or over		✓	✓	✓	✓	✓	✓		✓			
Couple with both applicants aged under 60		✓	✓	✓	✓				✓			
2 adults (not couple) where both applicants are aged under 60			✓		✓				✓			
2 adults (not couple) where one of the applicants is aged 60			✓		✓		✓		✓			
Household with 1 child			✓						✓		✓	

(aged under 5)												
Household with 1 child (Aged 5 and over)			✓		✓				✓	✓	✓	
Household or single person expecting a baby		✓	✓	✓	✓				✓			
Household with 2 children (same sex) under 5 - 16 or (different sex) aged under 5 - 10			✓		✓				✓	✓	✓	
Household with 2 children criteria as above but at least 1 is aged 5 or under			✓						✓		✓	
Household with 2 children (same sex) over 16 or (different sex) aged over 10										✓	✓	
Household with 3 or more children										✓	✓	
Household with 3 or more children and at least 1 is aged 5 or under											✓	
3 (individual) Adults aged under 60										✓	✓	
3 (individual) Adults aged 60 or over								✓		✓	✓	

Household with 4 or more children or household of at least 6 people in total											✓	✓	✓
Household with 4 or more children and at least 1 is aged 5 or under or household of at least 6 people in total												✓	✓
Household with 5 or more children or household of at least 8 people in total											✓	✓	✓
Household with 5 or more children and at least 1 is aged 5 or under or household of at least 8 people in total												✓	✓
Household with 2 or more children with evidenced medical problems									✓				

## Appendix 3

### **Right to Move Procedure Guidance**

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 states that local authorities cannot decide that a person does not qualify for an allocation of accommodation on the grounds that the applicant does not have a local connection with the area if the applicant is a tenant of social housing and who needs to move to take up a job or live closer to employment or training (including apprenticeships).

A local connection requirement is not needed for existing social tenants seeking to transfer from another local authority district in England who:

- have reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works in the district, or
- need to move to take up an offer of work

Applicants will be treated as if they have a local connection in terms of waiting time and will be placed in priority band 2.

Rykneld Homes must be satisfied that the tenant needs, rather than wishes, to move which may include:

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

The above is not an exhaustive list and other local circumstances may be taken into consideration.

### **Work Qualification Definitions**

The qualification regulations 2015 only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

The Secretary of State considers that the following are relevant considerations for exclusion and where possible Rykneld Homes will adhere to the following set definitions:

#### ***Short-term Definition***

- whether work is regular or intermittent

- period of employment and whether or not work was intended to be short-term or long-term at the outset
- A contract of employment that was intended to last for less than 12 months could be considered to be short-term

### ***Marginal Definition***

- the number of hours worked (employment of less than 16 hours a week could be considered to be marginal in nature)
- the level of earnings

However Rykneld Homes may take into account that if;

- a tenant only works 15 hours a week, for example, it may not be determinative if they are able to demonstrate that the work is regular and the remuneration is substantial

### ***Ancillary Definition***

- If a person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded from the regulations
- If the tenant is expected to return to work in the original local authority district. If a local authority has reason to believe this is the case, they should seek verification from the tenant's employer
- A person who seeks to move into a local authority to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local authority's area – is also excluded from these regulations. However, there is nothing to prevent local authorities looking sympathetically on tenants seeking to move into their authority's district for this reason, if they choose to do so

### ***Voluntary Work Definition***

- Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred

### ***Apprenticeship***

- The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service)

### ***Verification and evidence***

Rykneld Homes will require proof that the work or job-offer is genuine and should seek appropriate documentary evidence, which could include:

- a contract of employment
- wage/salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)
- tax and benefits information – e.g. proof that the applicant is in receipt of working tax credit (if eligible)



- a formal offer letter
- additionally, the employer may be contacted to verify the position

**Rykneld Homes may consider whether an applicant qualifies both at the time of the initial application and when considering making an allocation.**

A set quota which the Council and Rykneld Homes feels appropriate for the proportion of properties that it expects to allocate each year to transferring tenants who need to move into their district for work related reasons is 1%. However this will be reviewed and revised as appropriate based upon supply and demand through monitoring channels.

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## Appendix 4

### Community Lettings Plans

A Community Lettings Plan is an agreement between the Council, Rykneld Homes and local tenants and residents that restricts lettings in the area to certain households. This is done to tackle a specific issue or problem that has been identified locally, at block, street, estate or neighbourhood level.

Community Lettings Plans allow the Council and Rykneld Homes to:

- Identify and explore the barriers to accessing housing.
- Deliver better outcomes and improve life chances for current tenants and future residents.

The plans may consider:

- The proportion of people with formerly chaotic lifestyles
- Existing child density
- Adapted homes
- The need to create balanced and sustainable communities
- A maximum or minimum age limit for certain homes
- A requirement for a community connection
- The proportion of customers who do not rely solely on benefits for the payment of their rent
- Specific housing management reasons. For example, age designation of certain homes where particular problems have arisen.

Four key elements will be considered when developing a new Community Lettings Plan:

- Selective lettings. There may be some restrictions as to who can apply for certain properties or areas. For example this may involve age restrictions or a requirement to have a community connection.
- Making the best use of housing stock.
- Developing a balanced and sustainable community to promote community cohesion and balance the needs of existing and new tenants in order to create more inclusive neighbourhoods where people want to live. This may be in areas where there is a high turnover of homes either within an estate or amongst certain property types.
- Attract potential tenants - for example certain homes may be offered with a furnished or part-furnished package attached.

### Key stages of development

- Developing a stock and demand profile of the area  
This may include a breakdown of and information on:

- Property types and numbers
- Household type
- Voids and lettings within the last financial year
- The numbers of, and reasons for, refusals
- Reasons why tenants are leaving, and applying for the area
- The number of transfer requests to leave an area

- The level of demand for properties in the area
  - How long tenancies are lasting
  - How quickly vacancies are filled
  - The layout of the area and services available
  - Any specific social issues within the area, including any multi-agency involvement, such as neighbourhood management approaches.
  - An estimate of vacancies expected
  - Local targets for performance
- **Involving and consulting customers**  
Rykneld Homes will consult with residents and existing tenants, and involve them in the development of any proposals for Community Lettings Plans. Partner landlords who have stock within the area will be consulted regarding the need or otherwise for a local plan.
- **Evaluating the information**  
Rykneld Homes and the Council will evaluate the information in the stock and demand profile and will take account of customer views when identifying recommendations to develop Community Lettings Plans. Diversity and equal opportunity issues of local communities will also be considered when formulating Community Lettings Plans, and an equality and diversity impact assessment will be carried out.
- **Making recommendations**  
Recommendations may include some of the following criteria:
    - Setting a maximum or minimum age limit for certain properties.
    - Preference to applicants with a community connection or who already live or work in that area.
    - Preference to applicants who are giving or receiving support to or from family, voluntary agency, day care, play groups or other locally based organisations.
    - Preference to people who are economically active
    - Preference to other household types who would not normally be eligible under the Council's Allocations Policy - e.g. this could be couples without children, where there is a high density already in the area of families with children.
    - Preference to specific groups of people for specific types of home or in specific localities where this would benefit the community.
    - Meeting the needs of certain groups of people to ensure most appropriate use of stock.
- **Impact of Community Lettings Plans on the Allocations Policy**  
In considering adoption of a Community Lettings Plan, Rykneld Homes and the Council will take into account the impact of overall lettings in the district. Any home subject to a community lettings plan will be clearly labelled within the advertisements.
- **Review of Community Lettings Plans**  
Rykneld Homes will ensure that Community Lettings Plans are publicised, monitored, and reviewed annually or bi-annually with the involvement of local tenants and residents.

## Appendix 5

### Non Statutory Overcrowding Assessment – Definition Used by North East Derbyshire District Council

For allocation purposes, Local Authorities can use their own definitions when assessing overcrowding for awarding priority housing, as stated in the *CLG's Allocations of Accommodation: Guidance for Local Authorities in England*. The definition which has been adopted is more lenient than the previous Statutory Overcrowding legislation, and has been brought in line with the welfare reforms bedroom criteria.

- **1 bedroom will be allowed for:**

- each single adult
- each couple
- all children of the same gender under 16
- all children under 10 (regardless of gender)
- each disabled tenant (proven medical need)
- each partner needing an external overnight carer
- all foster children (also applies when no foster children live there as long as the room isn't empty for more than 52 weeks)
- each foster child that can't share a bedroom because of a disability or medical condition (with medical evidence)
- each adult child in the Armed Forces or each reservist
- all external carers who provide overnight care for tenant or your partner
- Children who are unable to share because of their severe disabilities (following medical assessment)

Overcrowding assessments will be carried out by Rykneld Homes using the following detailed guidance;

#### a) General

- If a member of the applicant's household applies for housing in his/her own right, they will no longer be considered as part of the applicant's household for rehousing
- Only people who have lived in the property as their permanent full time residence for at least 6 months, and babies born into the household, can be considered within the overcrowding assessment. Additionally, if any member of the household has given up suitable housing, they will not be included when an assessment of overcrowding is made
- Applicants who are overcrowded, but who's overcrowding can be resolved by one household within a larger household moving to another property to resolve their housing need will be excluded from the assessment

#### b) Children

- No more than 2 children should share a room
- A child up to the age of 10 can share a bedroom with 1 other child of either sex
- A child from the age of 10, and up to the age of 15, can share a bedroom with 1 other child of the same sex
- A child aged 16 years or more should have their own bedroom
- Adult children over the age of 18 should only be regarded as part of the household if they have always lived with the applicant, otherwise the non-dependant criteria may apply
- Children are not considered as part of the household of the applicant if the children are resident elsewhere or if the children are living with the applicant for less than 2 nights per

week. (On offer of a property and prior to the tenancy agreement being signed the Financial Inclusion Officer will meet with applicants to discuss the financial implications of signing the tenancy and any under occupation charges which will occur if housing Benefit was to be claimed).

- Adopted children are treated in the same way as other children
- If the applicant acts as a foster parent enquires will be made with Social Services regarding the length of the fostering arrangements (the room cannot have been empty for more than 52 weeks)
- Children who are unable to share because of their severe disabilities (following medical assessment) can have their own bedroom

### **c) Couples**

- The Council will treat families headed by a single parent in the same way as a family headed by a couple
- Married or co-habiting couples should have their own bedrooms and not share with children
- Couples can be treated as needing two bedrooms only if there is a medical need and a medical assessment agrees with this need

### **d) Non-dependents**

- Children over the age of 18 should only be regarded as part of the household if they have always lived with the applicant. If they have moved away and then moved back with the applicant, for example after a relationship breakdown they will be treated as a non-dependent (excluding members of the Armed Forces who continue to live with their parents but are away on operational duty and Students who are away on a temporary basis i.e. at university or college).
- Non-dependents will only be considered as a member of the household if they have been living with the applicant as their permanent full time residence for a period of over 6 months.
- Non-dependents who are a couple, regardless of marital status and sexual orientation, are able to share a bedroom.
- Commercial lodgers are never considered as non-dependents. (In this context Commercial Lodgers are non-family members who are receiving board and/or lodgings in return for payment, or payment in kind)
- Other non-dependents who have lived with the applicants for less than 6 months will be disregarded
- Carers who provide frequent overnight care for the applicant or their partner will be eligible to have their own bedroom

### **e) Pregnant Women**

- A woman with a confirmed pregnancy will be counted as a household with a child upon the birth of that child and receipt of the birth certificate
- Pregnant women will be required to provide proof of pregnancy for example a certificate of confinement or a letter from a GP
- In some circumstances, where the birth of the children would cause serious overcrowding (especially for multiple births) discretion may be used to decide to grant priority equal to that after the child(ren) is born. The priority will be removed if the pregnancy does not run its full term

**Note: For this purpose a room is either a bedroom or it is not, there is no such thing as a half-bedroom, or a bedroom deemed suitable for occupancy by one person but not two.**

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## Appendix 6

### Owner Occupier Assessment

As part of the application process owner occupiers will be assessed as to whether they meet the eligibility criteria. To enable this assessment to take place, all applicants must complete an equity and savings form in addition to their housing application form. Copies of all property transactions including solicitor's completion forms/valuations surveys and bank/building society/lending organisations statements dating when and if the property was/is to be sold must also be enclosed. Failure to provide all necessary documentation within 14 days will result in the application being returned to the applicant as an incomplete form.

The assessment will include an investigation as to whether the applicant has sufficient funds to secure alternative suitable and appropriate housing to meet their housing need and may include:

- Ownership of any interest in a property, whether in the United Kingdom or outside the United Kingdom;
- Details of property currently owned or formerly owned within the last five years;
- Level of personal assets, savings, equity within existing or former home;
- Potential for securing grants including disabled facilities grants to enable adaptations to be undertaken to their existing home, use of existing income or capital from the owner occupied home, selling of existing accommodation to repurchase alternative accommodation to meet housing need;
- Any mobile homes/static caravans/motor caravans.

As part of the registration process if the applicant(s) are unable to meet their housing need through the release of financial resources and wider assets (as set out in the eligibility criteria), the applicant will be banded accordingly.

The applicant's level of savings, equity and/or assets will be assessed against any debt owed, if this is assessed as being:

- less than £16,000 the applicant will be registered, placed in the relevant band and able to bid for properties
- between £16,000 and £30,000 the applicant will be placed in Band 4 (unless they have been assessed with medical priority award, see summary table) and eligible to bid for properties
- £30,000 or over, applicants will not be able to join the housing register unless in some circumstances where the applicant cannot access funds to secure alternative accommodation

Applicants can appeal the decision within 21 days of notification and should do so by contacting the Choice Move Team and the normal appeals procedure outlined in Section 4.10 will apply.

Depending on individual circumstances, applicants may be required to provide information in addition to that set out above. These instances are outlined in the following sections.

### **Owner Occupiers - Negative Equity**

Within the Equity Form, owner occupier's financial circumstances will be assessed to identify negative equity of assets. This will be assessed by the amount by which the market value of a property falls below the amount of the mortgage secured upon it.

### **Owner Occupiers - Mortgage Repossession/Financial Hardship**

A referral will be made to the Council's Housing Options Team for homelessness duty investigations under the Housing Act 2002. This will be considered where it is deemed to help prevent homelessness or a homelessness application being made

### **Applicants who are fifty years of age or over**

In cases where the equity of a property or savings is assessed as being £16,000 or over the applicant will be referred to the Derbyshire Older Person's Housing Options Service for advice regarding their housing options.

### **Owner Occupiers - Matrimonial Breakdown**

Owner Occupiers seeking re-housing due to matrimonial breakdown are required to provide information which demonstrates that they have no alternative but to seek access to social housing. This includes confirmation from a Solicitor that:

- the applicant cannot relinquish their share of the matrimonial home due to court decision
- that the applicant has no recourse to the family home as the mortgage or deeds are in the name of the former partner
- that due to safety and well being of the household that they are unable to pursue access to the family or matrimonial home
- that the individual is unable to support or maintain the costs associated with the family/matrimonial home

Following assessment confirmation that the applicant is unable to pursue retention of the family/matrimonial home, the application will be placed in Band 3 and the applicant will become eligible to place bids through the CBL system. Confirmation of the assessment decision will be provided in writing to the applicant within five days.

### **Fleeing Domestic Violence/Harassment**

Owner occupiers seeking re-housing due to fleeing domestic violence/harassment are required to provide information to support their circumstances. Confirmation from a Solicitor or Support Agency will be required as follows:

- background information relating to the incidence of violence and harassment
- level and nature of support being received and from whom



If there is a dispute regarding the ownership or sale of a jointly owned property or it would be unreasonable for the applicant to return to the property a referral will be made to the Council's Housing Options Team for advice and assistance on other housing options available including private rented.

If however, other housing options are not viable then confirmation that the applicant is unable to pursue other options will be required, and a decision will be made in conjunction with the Council's Housing Options Team and the applicant before allowing access to the housing register and being banded accordingly.

### **Owner Occupiers - Medical Priority Applications**

Owner occupiers which include a person (or persons) with an illness or disability which has been worsened by their current home and which is impacting on their health and well being are required to provide evidence that they have explored all housing options to address their housing need. This will include:

- Evidence that they have pursued a Disabled Facilities Grant to assist with the cost of any adaptations to enable them to live within their current home.
- Evidence that they do not have the personal funds to pay for any adaptations themselves
- Evidence that their current home is not suitable to adapt due to layout, size or structure.

In cases where a Disabled Facilities Grant is not available, the applicant does not have personal funds to pay for the adaptations or the applicant's home cannot be adapted to meet their housing need confirmation of this will be required from statutory agencies. In addition to this applicants will be required to provide:

- Potential for securing grants including Disabled Facilities Grant to enable adaptations to be undertaken to their existing home, use of existing income or capital from the owner occupied home, selling of existing accommodation to repurchase alternative accommodation to meet housing need,
- Completion of a medical assessment form

An assessment of the information provided will be undertaken by the Housing Assessment Panel. Following this assessment the medical assessment form will be forwarded to Rykneld Homes' Occupational Therapist for consideration on the type of property requirements and potential award.

In cases where it has been assessed that a move to alternative accommodation would be beneficial to the health and well being of the applicant(s), the applicant will be placed in one of two bands. Where a general medical award is granted by the Occupational Therapist then a **Band 2 award** will be given and the application date amended from the assessment date. In cases where critical medical priority is awarded by the Occupational Therapist a **Band 1 award** will be given. Confirmation of the outcome of the assessment will be provided in writing to the applicant(s). Applicants will be able to place bids from the effective date on property types only as identified by the Occupational Therapist. A review of the applicant's bidding patterns will be undertaken every three months for Band 1 applicants and twelve months for the other three bands. Where no bids

have been placed contact will be made with the applicant and consideration given to the removal of the band award.

### **Property, Equity, Savings and Assets disposals**

If an applicant has worsened their circumstances or have transferred their property or equity, savings and/or assets to another person within the last 5 years will be required to provide additional information as to why the transfer was undertaken. Cross-checks with other agencies such as Department for Work and Pensions and HM Revenue & Customs may be carried out as to why assets were transferred.

Where it is determined that the applicant(s) deliberately worsened their circumstances in order to gain access to social housing the application will be awarded Band 4 status, however Rykneld Homes also reserve the right to cancel their application.

### **General Conditions**

Where an owner occupier has been re-housed in accordance with their housing application the applicant must undertake to place their property on the open market immediately and provide information that demonstrates how active they are in pursuing its sale, they may not rent the property or make any financial gain while waiting to sell. Reviews will be carried out accordingly and if Rykneld Homes believes false information has been provided then appropriate action will be taken, including possession proceedings.

As a general rule the following will apply. However, in each case the individual's circumstances will be assessed in line with the Allocations and Lettings Policy criteria.

### **Applicants with Equity, Savings and/or Assets Procedures**

Applicants that have equity, savings and/or assets will be assessed using the Procedures and Referrals table as guidance to determine eligibility and the relevant banding, (existing NEDDC tenants are excluded and assessed and banded as per the policy following the usual procedure).

# Flexible Fixed Term Tenancy Policy

April 2016



*We speak your language*

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Polish

*Mówimy Twoim językiem*

---

French

*Nous parlons votre langue*

---

Spanish

*Hablamos su idioma*

---

Slovak

*Rozprávame Vaším jazykom*

---

Chinese

我们会说你的语言

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## CONTROL SHEET FOR FLEXIBLE TENANCY

<b>Policy Details</b>	<b>Comments / Confirmation</b>  <b>(To be updated as the document progresses)</b>
Policy title	Flexible Fixed Term Tenancy
Current status – i.e. first draft, version 2 or final version	Draft
Policy author (post title only)	Housing Strategy
Location of policy (whilst in development) – i.e. L-drive, shared drive	Z drive
Relevant Cabinet Member (if applicable)	Portfolio Member for Housing Strategy and Social Inclusion, Councillor Elizabeth Hill
Equality Impact Assessment approval date	14 January 2016
Partnership involvement (if applicable)	Rykneild Homes

Final policy approval route i.e. Cabinet/ Council	Cabinet
Date policy approved	
Date policy due for review (maximum three years)	April 2017
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

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## 1. Introduction

The Localism Act 2011 introduced a number of new powers to social landlords, which includes the option to offer fixed term tenancies, known as flexible tenancies, rather than the existing secure lifetime tenancies to new tenants. The provisions creating flexible tenancies came into force on 1st April 2012, however at this time the Council did not choose to grant flexible tenancies keeping lifetime tenancies the preferred option.

A flexible tenancy is a form of secure tenancy for a fixed period not less than 2 years, with the common practice being for 5 years. Generally tenants with a flexible tenancy have most of the same rights as other secure tenants (as set out in the Housing Act 1985). See appendix 1.

Flexible tenancies are being introduced to new tenants who fit the stated criteria listed below in 4.1 of this policy. Access to social housing would be for a fixed period until their circumstances change enabling them to find alternative accommodation, or in some circumstances more suitable social housing may be offered by Rykneld Homes in line with the Choice Based Lettings and Allocations Policy.

Flexible tenancies **do not** affect existing social housing tenants who currently have a lifetime tenancy.

Due to this introduction amendments have been made to the Council's Choice Based Lettings (CBL) and Allocations Policy, which details how it's Arms Length Management Organisation (ALMO), Rykneld Homes, will allocate the Council's housing stock and the Tenancy Strategy.

## 2. Scope

The policy has had due regard to the Council's Tenancy Strategy and CBL Allocations Policy and is in line with legislation (Localism Act 2011, Housing Act 1985 and Housing Act 1996).

The policy sets out the terms for offering and implementing a flexible tenancy.

The policy will be a working document for operational purposes for Rykneld Homes and will be made available on both NEDDC's and Rykneld Homes websites.

The Council has developed the policy in consultation with Elected Members, Rykneld Homes, SAMT and the Council's legal advisors.

## 3. Principles

The purpose of the policy is to ensure that the most appropriate tenancy and property is offered to applicants to reflect their current circumstances. When there is no longer a need for the council property, tenants may be asked to seek alternative accommodation to enable the council to make best use of its stock.



The Policy will link to the Council's Tenancy Strategy and CBL and Allocations Policy and will give guidance and clarity to ensure that the process for offering flexible tenancies, as detailed in this policy, meets the requirements of current legislation and will be subject to review and revised to take account of any legislative changes.

#### 4. Statement

The Localism Act 2011 states that the fixed term is not to be less than 2 years, therefore it is at the discretion of the Council to implement longer terms if they wish, however the recommended length of a fixed term tenancy is 5 (or more) years which can be implemented following an introductory tenancy.

#### 4.1 Issuing a Flexible Tenancy

Flexible tenancies will be granted to the applicants stated below for a fixed term following an introductory tenancy period of 12 months;

##### 2 year fixed term tenancy

- Owner Occupiers/applicants who have too much equity/savings/assets which they **cannot** access to secure alternative accommodation due to their current circumstances, for example; relationship breakdown, fleeing domestic violence
- Empty/Void properties to use as a housing solution for applicants for a fixed term until the property can be developed/refurbished/regenerated

##### 5 year fixed term tenancy

- Properties with major adaptations or housing designed for a disabled person

Benefit of a flexible tenancy for these applicants/property types will be;

- housing solution for applicants until funds are accessible, therefore preventing homelessness
- will be secure for 2/5 years, which;
- will give them time to seek alternative accommodation to suit their needs when funding becomes available before the tenancy terminates
- will free up a council property when there is no longer a need for social housing/adapted properties when their circumstances change
- will help Rykneld Homes make better use of housing stock
- will bring empty properties back into use until such a time they can be re developed/refurbished/regenerated

Prior to the start of a flexible tenancy, Rykneld Homes will make it clear to an applicant that on the expiry of the introductory period the tenancy will become a flexible fixed term tenancy and the length of the tenancy they are being offered, which will be in the form of a signed tenancy agreement.

*An applicant can request a review of their offer of accommodation on a flexible (secure) tenancy within 21 days of receiving the offer under [Section 107B\(2\) of the Localism Act 2011](#). The review may only be requested on the basis that the length of the term does not accord with the policy. The detailed procedure is set out in [Statutory Instrument 2012/695](#).*

## 4.2 Exemptions from Flexible Tenancies

Existing tenants, or existing tenants who choose to move to another social rented home can retain their secure tenancy which normally lasts a lifetime.

The Council recognises that there may be circumstances in which it would be unreasonable to grant a flexible tenancy instead of a lifetime tenancy, for example;

- Vulnerable people in need of settled or stable accommodation, where their situation is **unlikely to change**

An assessment by Rykneld Homes Occupational Therapist will be carried out liaising with external sources as necessary, for example, GP, Support worker to determine if a flexible tenancy would be appropriate for the applicant.

## 4.3 Flexible Tenants Rights

During a flexible tenancy period tenants have most of the same rights as a secure lifetime tenant including:

- Right to repair
- Right to exchange
- Right to consultation
- Right of succession to spouse, partner or cohabitee for the remainder of the tenancy term
- Right to buy

For more details regarding the similarities and differences between tenancies see Appendix 1.

## 4.4 Ending a Flexible Tenancy

Each tenancy will be reviewed no less than 8 months before the expiry date to enable a decision to be made about whether the tenancy should be renewed or terminated. The review will be carried out by Rykneld Homes and each tenant's circumstances will be assessed including a financial assessment.

Following the review, the options that are available are:

- to offer a further flexible tenancy at the current property
- to offer a further flexible tenancy at another property
- to allow the tenancy to become a secure tenancy
- to serve notice of the intention not to renew the tenancy and issue proceedings to terminate the flexible tenancy

When a flexible tenancy is coming to an end, and is not being renewed, it is essential that the tenant is given no less than 6 months notice so that they can seek alternative accommodation and are given advice regarding their options; in these cases a referral will be made to the Council's Housing Options Team.

The Localism Act 2011 states that the first notice to terminate the tenancy should be served no less than 6 months before the tenancy end date with the reason for the termination. The tenant has a right to disagree with the decision to terminate and initially should contact Rykneld Homes, however if the decision is upheld and the tenant would like to take further action they can;

- request a formal review within 21 days from receiving the first notice;
- if the decision at the formal review is upheld the tenant has recourse to the county court;
- should the county court uphold the decision then the tenant should leave the property;
- if the tenant refuses to leave then normal eviction procedures will take place.

A second notice, giving no less than 2 months, will be issued in writing to the tenant stating that the Council is seeking possession; this may be given before or on the day on which the tenancy comes to an end. A request for a review of this decision must be made before the end of the period of 21 days beginning with the day on which the notice is served.

At the end of the tenancy a court must make a possession order if a review has been carried out according to the statutory provisions and it is satisfied that:

- the flexible tenancy has come to an end
- that the landlord has given not less than 6 months notice of the proposal not to grant another flexible tenancy on expiry, giving the reasons and informing the tenant of their right to review
- that the landlord has given the tenant not less than 2 months notice in writing stating that the landlord requires possession of the dwelling house

#### **4.5. Circumstances for Terminating a Flexible Tenancy**

In some circumstances, upon review the flexible tenancy will not normally be renewed/extended if;

- the tenant's financial circumstances have changed, for example the tenant is assessed as having sufficient funding (as per the CBL and Allocations Policy) to be able to secure alternative accommodation
- the tenancy has been breached, for example; rent arrears, anti-social behaviour
- possession proceedings have commenced
- the property is no longer suitable for the tenant's needs, for example; if the property has an adaptation that is no longer required

The Council recognises that there may be circumstances in which it would be unreasonable to expect someone to move even if the above criteria applies, and may allow a tenancy to continue, this will be assessed and determined by Rykneld Homes on a case by case basis.

#### **4.6 Tenant Ending a Flexible Tenancy**

The tenant is given a statutory right to terminate the flexible tenancy, the tenant must;

1. serve a written notice stating that the tenancy will be terminated on the date specified in the notice, and;
2. the date must be after the end of the period of four weeks beginning with the date on which the notice is served, however;
3. Rykneld Homes may agree with the tenant to dispense with the requirements stated in point 1 and 2 (the dispensation will be in writing to prevent, for example, a subsequent suggestion of illegal eviction), then;
4. the tenancy is terminated either on the date specified in the notice or determined in accordance with the arrangements made with the tenant, only if:
  - no arrears of rent are payable under the tenancy, and
  - the tenant is not otherwise materially in breach of a term of the tenancy

## **5. Responsibility for Implementation**

The policy is owned by the Council and is to be implemented by the Council's Arms Length Management Organisation, Rykneld Homes.

## **6. Glossary of Terms**

Flexible Tenancy – is a secure tenancy for a fixed period, for example 2 or 5 years

Choice Based Lettings Scheme - allows applicants from the housing waiting list to bid (express an interest) for council properties advertised for allocation.

Localism Act 2011 - is an Act of Parliament that changes the powers of local government in England.

Welfare Reforms - Governments changes to the country's benefits system including Housing Benefit.

Possession Order - is a Court Order that entitles a landlord to legally evict a tenant and regain possession of the property

Tenancy Strategy - sets out how Registered Providers should consider issues when producing tenancy policies

## 7. Appendices

### Appendix 1

#### Similarities and Differences Between Tenancies

Description	Secure Lifetime Tenancy	Flexible Fixed Term Tenancy
Term	For life of tenant	Minimum of 2 years but could be longer at discretion of landlord
Mutual exchange	Statutory right to exchange their property with another tenant which can only be refused by the landlord on certain grounds	Same rights
Lodgers or part sub-let the property	Rights to take in lodgers or sub-let part of the property provided the tenant continues to use the property as their only or principle home. Subletting part of the property require permission from the housing provider and failure to obtain this would be a breach of tenancy	Same rights
Repairs by Landlord	Tenants have the right to ensure the landlord carries out repairs within a reasonable timescale with a right to compensation in some circumstances	Same rights
Home improvements	The tenant can carry out home improvements some may require permission from the landlord and compensation may be paid upon leaving the property	No home improvements can be made or compensation paid unless the tenancy agreement specifically states that they can

Consultation/information	Tenants have the right to be consulted about matters affecting their rights and tenancy conditions and information about their tenancy	Same rights
Right to Buy	Tenants are able to buy their home after they have been a social housing tenant for 5 years	Same rights
Statutory succession	There can only be one statutory succession to a surviving spouse (this includes civil partners) or a member of the deceased tenant's family. Where a tenancy was originally a joint tenancy and one of the joint tenants dies, or surrenders their interest, this counts as a succession; no further statutory successions can be claimed.	Only a spouse or partner living at the property at the time of the tenants death may succeed till the end of the tenancy period
Termination of tenancy by the landlord	Tenancy termination will not be given unless there has been a sufficient breach of tenancy for example: non payment of rent, anti social behaviour	6 months notice for termination of the tenancy and a further 2 months notice for possession

# Tenancy Strategy

(North East Derbyshire District  
Council's Tenancy Policy)

January 2016

## CONTROL SHEET FOR TENANCY STRATEGY

Policy Details	Comments / Confirmation  (To be updated as the document progresses)
Policy title	Tenancy Strategy
Current status - i.e. first draft, version 2 or final version	Draft Version
Policy author	Rebecca Slack
Location of policy - i.e. L-drive, shared drive	z-drive
Member route for approval	
Cabinet Member (if applicable)	Cllr E Hill
Equality Impact Assessment approval date	7 <sup>th</sup> January 2013
Partnership involvement (if applicable)	Bolsover DC and Chesterfield BC



Final policy approval route i.e. Executive/ Council /Planning Committee	Cabinet/Full Council
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## **1. Introduction**

The Localism Act 2011 placed a new duty on local housing authorities to prepare and publish a tenancy strategy; these provisions came into force on 15 January 2012.

The strategy must set out the matters to which Registered Providers of social housing are to have regard in formulating their tenancy policies. These tenancy policies will explain how Registered Providers (RPs) intend to implement the range of new flexibilities introduced through the Localism Act 2011.

## **2. Scope**

Registered Providers of social housing should have due regard to the framework provided by this strategy when formulating their own tenancy policies so that we can work in partnership to provide the best housing options and outcomes for our residents.

## **3. Principles**

The production of a tenancy strategy is a legal requirement for local authorities under the Localism Act 2011. It will link to the council's Homelessness Strategy and Allocations Policy in terms of providing a framework for how social rented housing is provided in the district.

The Allocations Policy is being reviewed separately to take account of the freedoms for local authorities to decide their own priorities, which are set out in the Localism Act 2011 and the Code of Guidance on the Allocation of Accommodation published in July 2012.

This strategy has been developed through consultation with Elected Members, Registered Providers and partner local authorities. This has included a scoping questionnaire to all Registered Providers, face to face consultation at the sub-regional Registered Provider Forum, and through circulation of the strategy for comment.

## **4. Statement**

### **4.1 Objective**

The overall objective of this tenancy strategy is to ensure that our Registered Provider partners work with us to deliver neighbourhoods that are sustainable and provide our residents with settled and stable homes.

## 4.2 Local Context

### Housing Stock within the district

	Number
Total households Source : Census 2011	43,100
Local Authority Social Housing Stock as at 31 March 2012 Source: ELASH 2012	8,138
Register Provider social housing stock in NEDDC Source: NEDDC	757

There are currently 8,138 homes within the social housing stock of North East Derbyshire, and 757 rented homes owned by Registered Providers. This equates to 20.6% of the total number of households in the district.

### Housing Register and Allocations

	Number
Number of applicants on the Housing Register as at 31 March 2012	2,203
Number of lettings 2011/12	650
Number of nominations to Registered Providers	67

Source: NEDDC records

A snapshot of the Housing Register on 31 March 2012 showed that there were 2,203 applicants registered. 650 lettings were made during the year 2010/11, together with 67 nominations to Registered Providers (all Housing Associations).

A Housing Needs, Market and Affordability Study was carried out for the council by GL Hearn and jgconsulting in 2011. The study concluded that, in order to meet all housing need in the district, 494 new affordable homes should be provided each year. Over the past 5 years the average new build rate of affordable housing has been 35 units per year. It is unrealistic to expect that 494 new affordable homes can be provided, particularly in a period of reduced funding, but it does show the scale of the housing need in the district.

Average house prices were found to be almost 6 x average household income, with a similar ratio when this was narrowed down to lower quartile income and lower quartile house prices. Normally a figure of 3.5 times single earner household income or 2.9 times for a dual- income household is used to assess affordability; this highlights the difficulty in purchasing a property for many people in the district. Added to this is the difficulty in accessing mortgage finance for first time buyers, and the high deposits required, which compounds the problem. The study estimates that 23.5% of households in the district cannot afford market housing without subsidy.

## Monthly Rental Prices in the District

No. of bedrooms	Average social rent 2010/11	Affordable Rent Levels (based on 80% of entry level private rents)	Average Entry Level Private Rents	Average Private Rents Sept. 2012 Source: NEDDC Records	Average Local Housing Allowance Rate
1	£236	£274	£371	£367	£373
2	£264	£333	£416	£455	£450
3	£261	£406	£508	£612	£513

Source: 2011 Housing Needs, Market and Affordability Study

The table above shows the difference in rental costs between the different forms of tenure for different sizes of property. The difference between social rents and Affordable and private rents increases with the size of the property so that a 3 bedroom house let at an Affordable Rent is on average 55% more than one let at a social rent.

### 4.3 Social Housing Reforms and Guidance to Registered Providers

The Government has introduced a number of reforms to allocations and social housing tenure that offer new flexibilities to social landlords. The following sections provide guidance to Registered Providers and set out the Council's position in relation to the reforms.

#### Affordable Rent

Affordable Rent was introduced as the model for financing new social homes in the Homes and Community Agency's Affordable Homes Programme 2011-2015. Affordable Rents can be set at up to 80% of market rates and are included in the revised Planning Policy Statement 3 definition of affordable housing. All new grant-funded homes should be let at an Affordable Rent, and Registered Providers are also able to convert a proportion of their existing stock from social to Affordable Rent when they are re-let. The additional income generated by Affordable Rents is to be used for reinvestment in new affordable housing. Since April 2012 local authorities and Registered Providers have been able to let properties on an Affordable Rent basis if they wish to do so.

Affordability must be considered when setting Affordable Rents that are based on private rental prices. 80% of market rent in the more expensive parts of the district, such as some rural villages, could make Affordable Rents too expensive for those on a low income. The table at 4.2 shows that

the larger the property, the wider the gap between social and private rents. As Affordable Rents are based on up to 80% of market rents there is a concern that 3 and 4 bedroom properties will become unaffordable for those households on a low income.

Conversions of social rented properties to Affordable Rent by Registered Providers should be carried out with care, taking into account the above points and also the tenure mix within the area concerned. We would like to be notified in advance of any proposed conversions to Affordable Rent.

### **Fixed Term Tenancies**

Since the revised Tenancy Standard April 2011, Registered Providers have had the option of offering tenancies for a fixed period of time instead of the traditional lifetime tenancies. Registered Providers can determine the length of tenancy that they offer to new tenants, although the Government has specified that the minimum period of a fixed term tenancy should be at least five years, except in exceptional circumstances. Details of a Registered Provider's position in relation to fixed term tenancies must be set out in their tenancy policy.

Through the Localism Act 2011, since April 2012 local authorities and all Registered Providers can also use flexible tenancies for new tenants if they wish to do so. Existing tenants will not be affected by this change.

The aim of the reform is to ensure that those in most need are able to access social housing and that if a tenant's circumstances change to enable them to access private housing, they can move on and free up a social rented property for others.

The Council is to pilot a scheme and grant 2 or 5 year Flexible Tenancies to a small number of applicants, which may prevent homelessness, financial hardship and/or help with their health and wellbeing at a time when they are in most need. Certain property types to help manage and make best use of the councils housing stock is also in the proposal. Below is an overview of the proposed circumstances in which the Council may grant a Flexible Tenancy;

- applicants with equity/savings/assets of £30,000 or more but who are unable to access their funding to secure alternative accommodations at their current time, for example; relationship breakdown, fleeing domestic violence. This will alleviate their housing crises until such a time there circumstances change and are financially able to secure alternative accommodation, and;
- applicants who are in need of major adapted properties due to their current circumstances, but may not require the adaptations in the future, which will allow the council to make best use of its housing stock and help more applicants into suitable accommodation which meets their housing need, and their current circumstances, and;
- to use with potential long term empty properties, for example, properties that are in a regeneration programme, but are still of a lettable standard. This will allow scope to re house applicants who require temporary accommodation

whilst at the same time generating revenue income stream from the rents and decrease the voids.

See the Flexible Fixed Term Tenancy Policy for further information and the Councils Choice Based Allocations Policy.

The Council reserves the right to review this decision at any time.

If Registered Providers decide to use fixed term tenancies they should have regard to the following:

- Tenancies of five years should be the minimum length of a fixed term. Shorter tenancies must be restricted to exceptional circumstances only
- Vulnerable people in need of settled or stable accommodation, where their situation is unlikely to change, should be granted permanent tenancies. This would include, as a minimum, households containing someone over 60 years of age, or people with a long- term medical or welfare need for secure accommodation
- Households with dependent children - it is expected that fixed term tenancies will be granted for longer than the minimum 5 year period in order to provide a settled and stable home for families
- Fixed term tenancies should not generally be used to control rent arrears or anti-social behaviour; the normal possession grounds should be used to tackle these issues

### **Review and Renewal of Fixed Term Tenancies**

Where Registered Providers decide to introduce fixed term tenancies they are asked to have regard to the following:

- When carrying out a tenancy review there should be a presumption of renewal of the tenancy on terms at least equivalent to that which is currently held, unless the specified reasons for not granting another tenancy are met. Registered Providers should show good reason for not renewing the fixed term tenancy, and these reasons should be clearly explained to the tenant
- At least six months notice must be given to the tenant before the tenancy is due to end. The tenant should be advised of their right to request a review of the proposal and of the time within which this request needs to be made
- Where a new tenancy is not being offered, advice and assistance should be given to the tenant at the earliest opportunity to help them to find suitable alternative accommodation. The local authority should be notified as soon as possible if homelessness could potentially arise, but it is expected that the Registered Provider will take all steps necessary to avoid this outcome

## **Discharge of homelessness duty by offer in the private rented sector**

The Localism Act 2011 allows a local authority to discharge its homelessness duty by making an offer of accommodation in the private rented sector; the household must accept this if it is a reasonable offer. Previously a household could refuse to accept a tenancy in the private rented sector and the local authority would still have a duty to rehouse into their own stock.

The government expects local authorities to ensure that minimum requirements are adhered to in respect of health and safety, support networks for schools or employment as laid out in the Homelessness (Suitability of Accommodation) (England) Order 2012. The tenancy should be for a minimum of 12 months.

The Council will consider the use of the private rented sector for some statutorily homeless households in line with the Homelessness (Suitability of Accommodation) (England) Order 2012.

One of the strategic priorities in our Homelessness Strategy is to prevent homelessness by maximising available accommodation across all sectors. We will continue to work with landlords in the private rented sector to provide accommodation for applicants who are homeless, but will ensure that landlords are fit and proper, properties are of a satisfactory standard and meet health and safety standards, properties are in the right location to meet the needs of the household, and that rent payments can be covered.

## **Housing Register and Allocations**

The Localism Act 2011 introduced new freedoms for local authorities to determine how they allocate social housing. Local authorities can now set their own priorities for allocations taking into account local needs and objectives, whilst continuing to give priority to those in the 'reasonable preference' categories.

North East Derbyshire District Council has reviewed its Allocations Policy to take account of the recent changes. Registered Providers with stock in the district have been consulted on the revised policy.

## **Succession**

Changes have been made to succession rights on new tenancies so that only the spouse or civil partner who occupies the property as their only or principal home at the time of the tenant's death can automatically succeed to the tenancy, and the tenancy can only be passed on once. Local authorities and Registered Providers are able to include additional contractual succession rights within their tenancy terms if they wish to do so.

The Council will be flexible in its approach to succession rights, and the needs of any remaining family relation, usually sons and daughters, living in



the property will be considered. This will normally be where any remaining family relation has lived in the property for at least 12 months.

Successions to a fixed term tenancy will only be for the remainder of the life of that tenancy, and will be subject to review as with any fixed term tenancy as outlined above.

#### **4.4 Monitoring and Reviewing the Tenancy Strategy**

We will consider the content of the Tenancy Strategy and the effect on tenants in the district by monitoring:

- the number of fixed term tenancies issued, their duration and type of household
- the number of Affordable Rent properties in the district, and the level of rent charged
- homelessness offers into the private rented sector
- housing market changes and affordability
- rent levels across different tenures
- the impact of welfare reforms

The Tenancy Strategy will be reviewed at least every five years in line with the requirements of the Localism Act 2011. The Tenancy Strategy may be reviewed more frequently than this as a result of monitoring and further consultation.

#### **4.5 Registered Provider Tenancy Policies**

The tenancy policies produced by Registered Providers will be found on their website, or on application.

Please contact the Strategic Housing Team at North East Derbyshire District Council, telephone 01246 231111, for contact details of Registered Providers with stock in the district.

### **5. Responsibility for Implementation**

Lead Officer – Housing Strategy and Enabling Manager, Strategic Housing



## Equality Impact Assessment

### Responsibility and Ownership

Name of policy, practice, service or function: Flexible Fixed Term Tenancy Policy

Responsible department: Strategic Housing.

Service area: Growth Directorate.

Lead Officer: Diane Parker, Housing Strategy Officer

### Other members of assessment team

Name	Position	Area of expertise
Kevin Shillito	Council Solicitor	Legal/legislation
Amar Bashir	Improvement Officer	EIA Expert
Carl Griffiths	Housing Options and Private Rented Sector Manager	CBL and Allocations Steering Group
Heather Summers	Head of Neighbourhoods	CBL and Allocations Steering Group
Dan Peck	Allocations and Assessments Manager	CBL and Allocations Steering Group

## Scope of the assessment

1	<p><b>What are the main aims/objectives or purpose of the policy, strategy, practice, service or function?</b></p>	<p>Government have announced that Flexible Fixed term tenancies will be granted as normal practice and only lifetime tenancies will be granted in extreme circumstances. Therefore it was agreed that a pilot scheme would be operated in line with the Council's Choice Based Lettings and Allocations Policy. Applicants may be granted a flexible tenancy in the following circumstances;</p> <ul style="list-style-type: none"> <li>• Owner Occupiers/applicants who have too much equity/savings/assets which they <b>cannot</b> access to secure alternative accommodation due to their current circumstances, for example; relationship breakdown, fleeing domestic violence</li> <li>• Empty/Void properties to use as a housing solution for applicants for a fixed term until the property can be developed/refurbished/regenerated (<i>need to check with legal if we can use them this way</i>)</li> <li>• Properties with major adaptations or housing designed for a disabled person</li> </ul>
2	<p><b>Are there any external factors we need to consider like changes in legislation?</b></p>	<p>The policy is in line with the Localism Act 2011 and will be amended accordingly if any changes to the act occur. Also the following must be adhered to;</p> <ul style="list-style-type: none"> <li>• The Homelessness (Suitability of Accommodation) (England) Order 2012.</li> <li>• The Housing Act 1996 and subsequent amendments 2004</li> </ul>
3	<p><b>Who implements the policy, strategy, practice, service or function?</b></p>	<p>The Policy is developed by The Housing Strategy &amp; Enabling Team and agreed by the Council. The implementation and delivery of the Policy is through Rykneld Homes Choice Move Team.</p> <p>The Council's Housing Options Team will also use the policy within its role to support homeless applications. In these</p>

		cases it will work closely with Rykneld Homes' Choice Move Team.
4	<b>Who is affected by the policy, strategy, practice, service or function?</b>	Owner Occupier housing applicants who have £30,000 equity/savings or above and who would be excluded from the Choice Move waiting list, in accordance with the CBL Allocations Policy, but cannot access the equity at the current time. Applicants who need a major adapted property but in the future may no longer need the adaptations.
5	<b>What outcomes do we want to achieve, why &amp; for whom?</b>	<p>Owner occupiers who do not have access to their funding and are in need of social housing:</p> <ul style="list-style-type: none"> <li>➤ will benefit from a short term housing solution until funds are accessible therefore preventing homelessness</li> <li>➤ will be secure for a fixed period, which;</li> <li>➤ will give them time to seek alternative accommodation to suit their needs when funding becomes available</li> </ul> <p>Applicants who no longer need adapted properties can be transferred to alternative suitable accommodation therefore freeing up a major adapted property for another applicant who needs the adaptations thus making better use of the council's housing stock.</p>
6	<b>What existing evidence do you have on the impact of the policy, strategy, practice, service or function?</b>	<p>This is a pilot scheme therefore the impact cannot yet be monitored.</p> <p>Monitoring of Owner Occupiers applying for housing shows that 35 owner occupiers were excluded from the Choice Move Scheme due to having equity of £30,000 or more. It is not known how many of these were unable to access that equity at the current time.</p>
7	<b>How is information about the policy, practice, service or function publicised?</b>	Through Choice Move at Rykneld Homes, the Council's Housing Options Team and the policy will be published within the CBL Allocations policy and will be available on the Council and Rykneld Homes website or a paper copy can be obtained upon request.

## Identifying Potential Equality Issues

Consider any impacts / barriers on each of the protected characteristics set out below and consider any that might cross over e.g.: between race / disability, gender / religion and belief, sexuality / age etc. Indicate where the policy, practice, service or function could have a positive or negative impact for different groups and your reasons. Specify which data sources have informed your assessment.

### Race

8	<b>Identify any adverse impacts/barriers of the policy or procedure on people who may be disadvantaged because of their race</b>		
	White	English / Welsh / Scottish / Northern Irish / British	No applicant will be treated less favourably than another on the grounds of their race, if any owner occupier requires council accommodation and meets the flexible tenancy criteria then a flexible tenancy may be awarded.
		Irish	
		Gypsy or Irish Traveller	
		Any other White background	
	Asian / Asian British	Indian	Flexible tenancies may help people who have over £30,000 equity and need to move due to experiencing hate crime, including that which is race related. This will allow them onto the housing register and be given a flexible tenancy which will help to alleviate their current housing situation for a fixed period until they are in a position to find alternative accommodation.
		Pakistani	
		Bangladeshi	
		Chinese	
		Any other Asian background	
	Black / African / Caribbean / Black British	African	
		Caribbean	
		Any other Black / African / Caribbean / Black British	

<b>8</b>	<b>Identify any adverse impacts/barriers of the policy or procedure on people who may be disadvantaged because of their race</b>	
		background
	Any other ethnicity	Arab
		Any other ethnic group

**Sex / gender**

<b>9</b>	<b>Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their gender</b>	
	Female	No applicant will be treated less favourably than another on the grounds of their sex/gender. If any applicant requires council accommodation and meets the flexible tenancy criteria then this may be granted.  Flexible tenancies may help applicants who have £30,000 equity/savings/assets and need to move due to them experiencing Domestic Violence but cannot access their funds to seek alternative accommodation.
	Male	
	Transgender	Flexible tenancies may help people who have over £30,000 equity and need to move due to experiencing hate crime or harassment, including that which is related to an applicant who is Transgender, as this will allow them onto the housing register and be given a flexible tenancy which will help to alleviate their current housing situation until such a time they can secure alternative accommodation

**Age**

<b>10</b>	<b>Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their age</b>	
	0-9 years	The policy could potentially benefit a family with children by giving them a secure home for a fixed period until their parents/guardians can release funding to find suitable alternative accommodation.
	10-15 years	The policy could potentially benefit a family with children by giving them a secure home for a fixed period until their parents/guardians can release funding to find suitable alternative accommodation.
	16-18 years	Flexible tenancies may be given if the criteria is met, however the CBL Allocation Policy states that young people aged 16/17 must be able to satisfy Rykneld Homes, the Council and Children and Young Adults Services, that they can sustain a tenancy and have an identified package of support available to them and where necessary the relevant assessments have taken place under the Derbyshire Joint Protocol on Young People. However it is unlikely that a person of this age would have equity/savings/assets of £30,000 and above.
	19-24 years	No applicant aged 18 or over will be treated less favourably than another on the grounds of their age, if any person requires council accommodation and meets the flexible tenancy criteria then a flexible tenancy may be granted to help alleviate their current housing need, unless this type of tenancy will have a negative impact on their health and well being.
	25-34 years	
	35-44 years	
	45-54 years	
	55-59 years	
	60-64 years	
	65 years and over	

**Disability**

11	<b>Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their disability or long term ill health</b>	
	Physical or mobility impairments	Applicants with physical or mobility impairments who need an adapted property may be granted a flexible tenancy, the length of the tenancy may be extended until such a time their circumstances change and the adaptations are no longer required. However if their circumstances are unlikely to change then they may be granted a secure lifetime tenancy.
	Sensory (hearing, visual, speech)	<p>No applicant will be treated less favourably than another on the grounds of their sensory impairment, if any applicant requires council accommodation and meets the flexible tenancy criteria then a flexible tenancy may be awarded.</p> <p>The policy can be obtained from the council on request in Braille and other formats, also the council's website has the browse aloud function for those applicants that are visually impaired.</p>
	Mental health	Applicants with Mental Health problems, Learning disabilities and non-visible conditions may be offered a flexible tenancy and will not be treated less favourably than another applicant, but an assessment may need to take place to determine if this type of tenancy is suitable to meet their needs and will not have a negative impact on their health and wellbeing.
	Learning disabilities	
	Non-visible conditions such as epilepsy or diabetes	



## Religion or belief

<b>12</b>	<b>Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their religion or belief, including non belief</b>	
	No religion	<p>No applicant will be treated less favourably than another on the grounds of their religion or belief, if any person requires council accommodation and meets the flexible tenancy criteria then a flexible tenancy may be granted.</p> <p>Flexible tenancies may help people who have over £30,000 equity/savings/assets and need to move due to experiencing hate crime, including that which is related to religion, as this will allow them onto the housing register and be given a flexible tenancy which will help to alleviate their current housing situation for a fixed period until they are in a position to secure alternative accommodation.</p>
	Christian	
	Buddhist	
	Hindu	
	Jewish	
	Muslim	
	Sikh	
	Any other religion	
	Any other philosophical belief	

## Sexual orientation

<b>13</b>	<b>Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their sexual orientation</b>	
	Heterosexual	<p>No applicant will be treated less favourably than another on the grounds of their sexual orientation, if a person requires council accommodation and meets the flexible tenancy criteria then a flexible tenancy may be awarded.</p>
	Lesbian	
	Gay	

<b>13</b>	<b>Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their sexual orientation</b>	
	Bisexual	Flexible tenancies may help people who have over £30,000 equity/savings/assets and need to move due to experiencing hate crime or harassment, including that which is related to an applicant's sexual orientation, as this will allow them onto the housing register and be given a flexible tenancy which will help to alleviate their current housing situation for a fixed period until they can secure alternative accommodation.
	Prefer not to say	

#### Other categories

<b>14</b>	<b>Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of other factors</b>	
	Rural / urban	If any applicant requires council accommodation and meets the flexible tenancy criteria then a flexible tenancy may be offered.
	Carers	No negative impact on carers
	Child poverty	Flexible tenancies may help parents/guardians to alleviate child poverty if they are struggling financially in the property they own by having secure/cheaper accommodation for a fixed period until such a time funding is released to secure alternative accommodation, which will also prevent homelessness.
	Social value	Flexible tenancies will only be given for a fixed period therefore this will mean the tenants must move again to alternative accommodation once their circumstances change which may have an impact on the tenant's social well being, for example, friendships, community social inclusion. However the flexible tenancy will only be given with the agreement of the applicant and all the conditions will be explained before the agreement is signed.
	Any other	

### Analysing the information and setting equality objectives and targets

Service or function	Policy or practice	Findings	Which groups are affected and how	Whose needs are not being met and how?

### Document the evidence of analysis

Data or information	When and how was it collected?	Where is it from?	What does it tell you?	Gaps in information
Customer feedback and complaints				
Consultation and community involvement	Member Focus Groups	2 member focus groups were held on the use of flexible tenancies	Members were concerned that some owner occupiers may still be in housing need if excluded from the register due to their inability to access their equity at that point in time for reasons such as	

Data or information	When and how was it collected?	Where is it from?	What does it tell you?	Gaps in information
	<p>Data re owner occupiers applying for Choice Move</p> <p>Legal Consultation</p>	<p>Rykneld Homes</p>	<p>fleeing the matrimonial home due to domestic abuse</p> <p>Concerns were raised over tenants living in adapted properties with no need for the adaptations</p> <p>Number of owner occupiers excluded from Choice Move due to equity levels.</p> <p>Parameters in terms of legislation</p>	<p>Whether or not equity accessible</p>

Data or information	When and how was it collected?	Where is it from?	What does it tell you?	Gaps in information
	Housing Register Applicants Focus Groups	Consulted with legal with regards to the legal implications and legislation  2 Applicants Focus Groups were held on the use of flexible tenancies		
Performance information including Best Value	Quarterly Stats	Welfare Reforms Monitoring	How many owner occupier applicants have been excluded from the housing waiting list, and the reasons why	None
Take up and usage data				
Comparative information or data where no local information available				
Census, regional or national statistics	Via internet	2011 Census	How many owner occupiers are in the district of NE Derbyshire	
Access audits or other disability assessments				

Data or information	When and how was it collected?	Where is it from?	What does it tell you?	Gaps in information
Workforce profile				
Where service delivered under procurement arrangements – workforce profile				
Monitoring and scrutiny arrangements				

## Recommendations and Decisions

### Take immediate action by:

Amending the policy, strategy, practice, service or function	
Use an alternative policy, strategy, practice, service or function	
Develop equality objectives and targets for inclusion in the service plan	
Initiate further research	New monitoring process
Any other method (please state)	

**All actions must be listed in the following Equality Impact Assessment Improvement Plan Summary**

**Equality Impact Assessment Improvement Plan Summary**

**Name of policy, practice, strategy, service or function** Flexible Tenancy Policy

**Department** Housing Strategy

**Date of assessment**

Please list all actions, recommendations and/or decisions you plan to take as a result of the equality impact assessment.

Recommendation/Decision	Action Required	Responsible Officer	Target Date	Resources	Progress	Actual Outcome
If policy adopted request more detailed information from Rykneld Homes regarding applicants circumstances and whether or not equity/savings/assets is accessible	Include monitoring data in the CBL and Welfare reforms quarterly stats.	Diane Parker/Rykneld Homes	April 2016			
Put procedures in place for the pilot scheme to ensure this complies with legislation and is open and transparent	Procedures to be put in place to implement policy	Rykneld Homes	April 2016			

Please state where the departmental electronic assessment will be kept:

...Housing Policy and Tenancy Z drive.....

Date of assessment		
Sub group approval	Yes	
Subject to minor amendments	No	
Date published on corporate website		

Copies of all EIAs are stored on PERFORM.

The Council publishes its Equality Impact Assessments as evidence of the analysis that it undertook to establish whether its policies, strategies, practices, services and functions would further or would have furthered the 3 aims of the general equality duty, details of the information that it considered and details of engagement undertaken when doing the analysis.

The general duty requires the council to:

- Eliminate discrimination, harassment & victimisation
- Advance equality
- Foster good relations between different groups