

Housing Allocation Policy

Version & Policy Number	HAP 2023 v 1.11
Guardian	Roger Ranson, Planning and Housing Policy Manager
Date Produced	30 March 2023
Next Review Date	30 March 2024

Approved by Scrutiny	Not yet considered
Approved by Cabinet	13 December 2022
Approved by Full Council	N/A



Title

Housing Allocation Policy March 2023 v1.11

Subject matter

To provide a clear structure and guidance on how the Council prioritises and nominates applicants to housing associations and other providers of affordable housing

Summary of document

Rutland County Council's Housing Allocations Policy sets out how it prioritises and nominates applicants to housing associations and other providers of affordable housing. It is the Council's statutory allocations scheme and also sets out the arrangements for existing Rutland social housing tenants who would like to transfer between properties within Rutland. The policy complies with the Housing Act 1996 Part 6 as amended (including the Homelessness Reduction Act 2017) and other relevant legislation, regulations and guidance. This includes the Armed Forces Covenant Duty introduced by the Armed Forces Act 2021.

The document aims to meet housing need, promote sustainable communities and the local economy and fulfil legal requirements.

The Council has produced a separate statutory summary of the policy for applicants, which is available on request, in accordance with section 168 of the Housing Act 1996. The full policy is below and is also available in large font on request.

Contents

	<i>Page</i>
1.0 Introduction	4
2.0 Statement on Applicants' Choice and Ability to Express a Preference	4
3.0 Operation of the Policy	5
4.0 Processing of Applications	7
5.0 Qualification for Inclusion on the Housing Register	9
6.0 Qualification on the Grounds of Residence	10
7.0 Qualification on the Grounds of Suitability to be a Tenant	12
8.0 Eligibility for Inclusion on the Housing Register	15
9.0 Reduction of priority	15
10.0 Applicants Under 18 Years	16
11.0 Armed Forces Personnel	17
12.0 Transfers	17
13.0 Homelessness	19
14.0 Property types that applicants can be considered for	20
15.0 Specially Adapted Dwellings	21
16.0 Local Lettings Schemes	21
17.0 Allocation of properties to applicants	23
18.0 Temporary Housing	24
19.0 What points are awarded for	25
20.0 Changes of Circumstance	33
21.0 Making a nomination	33
22.0 Reasonable offers	33
23.0 Review of housing applications by the Council	34
24.0 Removing Applicants from the Housing Register	35
25.0 Review of Decisions	35
26.0 Equal Opportunities	36
27.0 Information and Advice	37
28.0 Right to Information	37
29.0 Independent Housing Advice	37
30.0 Confidentiality	38
31.0 Monitoring and Evaluation	38
32.0 Policy Review	38
Appendix 1 Eligibility of Households for Different Types of Housing	39
Appendix 2 Priority Points Summary	41
Appendix 3 The 'Right to Move'	43
Appendix 4 Definition of 'Service people' and 'relevant family members'	45

1.0 INTRODUCTION

- 1.1 Rutland County Council's Housing Allocations Policy sets out the way in which it makes nominations to housing associations and other providers of affordable housing. It is the Council's statutory allocations scheme and also sets out the arrangements for existing Rutland social housing tenants who would like to transfer between properties within in Rutland. The policy complies with the Housing Act 1996 Part 6 as amended by the Homelessness Act 2002, the Housing and Regeneration Act 2008, the Localism Act 2011 and the Homelessness Reduction Act 2017. We have reviewed the statutory instruments and the statutory Code of Guidance on allocations (Allocation of accommodation: guidance for local housing authorities in England, June 2012) and the associated additional statutory guidance. We have also had due regard to the statutory guidance made under the Armed Forces Act 2006 (as amended) relating to the Armed Forces Covenant. We are satisfied that the allocation scheme meets the relevant requirements. We have had regard to the Council's Homelessness Strategy and Tenancy Strategy. We have ensured that these strategies and the allocations scheme complement each other and will work well together.
- 1.2 Whilst the main focus of this policy is on rented accommodation, it is intended that the housing register will remain as a potential source of applicants for affordable home ownership schemes.

2.0 STATEMENT ON APPLICANTS' CHOICE AND ABILITY TO EXPRESS A PREFERENCE

- 2.1 Rutland County Council is fully committed to enabling people seeking affordable housing to express their preferences for the type and location of accommodation that they are seeking within the County.
- 2.2 The Council seeks to maximise choice for its applicants, whilst ensuring that priority needs are met and that the housing stock is used efficiently. The Council will, where appropriate, adopt local lettings schemes regarding who can qualify for inclusion under the housing register.
- 2.3 All applicants are entitled to express their preferences for the areas in which they wish to live and can select as many or as few as they wish. This enables applicants to seek a location they consider suitable for access to employment, schools, relatives, support and medical facilities and other facilities important to them.

- 2.4 Preferences expressed by applicants will, wherever possible, be taken into account by the Council when making an allocation.
- 2.5 The Council will provide information and advice to applicants to enable them to make properly informed choices.

3.0 OPERATION OF THE POLICY

- 3.1 The responsible Director has authority to operate this policy given to them by the County Council under the Scheme of Delegation in the Council's Constitution. This includes the power to consider representations from housing applicants requesting special consideration for housing provision after consultation with the Ward Member and relevant Portfolio Holder. The latter power will be carefully monitored and may be used in exceptional circumstances where the policy does not provide adequate priority or qualification for the necessary service and there is a pressing, urgent and/or rare need.
- 3.2 Rutland County Council, when framing its allocation scheme, has given reasonable preference to people in need as specified by section 166A(3) of the Housing Act 1996 (as amended). In some cases, the Council has given additional preference to those with more acute or urgent housing need. The award of reasonable preference and additional preference will normally be done by giving priority points where appropriate to each application as set out in this policy document, which also sets out where quotas or exceptional discretion may additionally be used. The policy normally gives additional preference to applicants in urgent need and, under Government regulations, must do so for the following groups when they are in urgent housing need:
 - (a) former members of the Regular Armed Forces
 - (b) serving members of the Regular Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
 - (c) serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
 - (d) bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.

- 3.3 Applicants will not be awarded points under reasonable or additional preference categories (see categories at paragraph 12.3), if these are only awarded because a 'restricted person' as defined by Part 7 of the Housing Act 1996 has been taken into account.
- 3.4 Priority of applicants may be reduced by the team manager where the Council is satisfied that the applicant has knowingly made their situation worse in order to receive additional priority.
- 3.5 Rutland County Council will assess a range of factors in determining the relative priority of applicants for accommodation within the reasonable preference and additional preference categories. These are set out in the priority points scheme and, where applicable, through the use of quotas and in line with the legislation and Code of Guidance.
- 3.6 The Rutland Health and Wellbeing Board continues to recognise that housing is one of the wider determinants of health. It prioritises good quality housing and helping to address fuel poverty and homelessness, delivered through partnership working. This is furthered by the Government's reasonable preference categories for housing allocations. These include homelessness; people occupying insanitary, overcrowded or otherwise unsatisfactory housing and people who need to move on medical, disability, hardship or welfare grounds. The Housing Allocation Policy addresses these and awards points where appropriate for Category 1 Property Hazards, Homelessness, Lacking Amenities, Medical Grounds, Overcrowding, Separated Families, Social Need and Staying Contact with Children. The Council's Homelessness Strategy emphasises the promotion of wellbeing through services for people in need, such as children and young people, those at risk of being homeless and those with specific needs.
- 3.7 The Council may decide to provide a quota of properties for securing accommodation for applicants, in cases where the Council has a full homelessness duty under Part 7 of the Housing Act 1996. (This will not include any households that are intentionally homeless.) This is an operational decision which would be made by the responsible Director, in consultation with the relevant Portfolio Holder. Any quota system may apply generally, or to properties that are of particular types or in particular locations. These would still be allocated in points order, provided there were no other relevant factor in the view of the team manager. Examples of relevant factors may include the need to prevent a household entering temporary accommodation and incurring an additional move, or the need for a household to move out of temporary accommodation because its location or

nature was causing them difficulties. Any quota system put in place would be subject to regular review and would not interfere with homeless applicants receiving offers in the normal way, outside of the quota.

- 3.8 In the same way, where the Council believes this would support sustainable communities and broad access to housing, it may set a quota for properties to be allocated to households who are not homeless or threatened within 56 days by homelessness.
- 3.9 The Council is committed to maximising the social inclusion of people with learning disabilities, in line with the Code of Guidance and the Valuing People approach. This includes assisting people with learning disabilities with the transition into independent living and/or assisting them to maintain independence. The Council will provide appropriate priority through its points system but also recognises the importance of long term planning in promoting independent living. In some cases, relying solely on priority through the points system would mean that accommodation might be offered at very short notice before the applicant is prepared and ready. Therefore, the team manager may designate that a particular property or vacancy (for example, the next suitable one bed flat in Oakham which becomes available in six months' time) should be allocated to an applicant in this category (who may or may not be provisionally made an offer). This would not prevent people with a learning disability from receiving offers in the normal way, provided they are capable of maintaining a tenancy (with any necessary support provided) at that time. The Council works collaboratively and in partnership to help to meet the needs of people with learning disabilities, including people with autism.
- 3.10 The team manager will make decisions on applications for assistance under the Rent (Agriculture) Act 1976. They may decide to assess these in the normal way (including Social Points if necessary), or they may decide to allocate outside the points system if justified under the legislation.

4.0 PROCESSING OF APPLICATIONS

- 4.1 The Council may work in partnership with another organisation to provide this service. References to the Council in this document may also include its delivery partner, except in those cases where the legal duty cannot be delegated.
- 4.2 The routine assessment of applications and making of nominations is undertaken under this policy by front line housing options staff. They are supervised as necessary by the operational supervisor and managed by the team manager.

- 4.3 The Council maintains a Housing Register to which anyone over the age of 16 may apply. (There are special rules where the applicant is aged 16 or 17, which are stated in the 'Applicants under 18 years' section below. This also includes information on the Joint Protocol for Homeless 16 and 17 year olds.)
- 4.4 If any applicant is related to a County Councillor or to a member of staff from Rutland County Council, or to any Board or staff member of any registered provider (normally the same as a housing association) or almshouse charity operating in Rutland, they will be required to declare this on their application form.
- 4.5 All applicants will be required to provide relevant proof in order to support their application, including the documentation listed on the application form. Providing all relevant information is submitted at the point of application, the Council will aim to notify applicants of the level of priority points attached to their application, within 20 working days of the application being submitted. In accordance with statutory guidance, the Council will work with applicants from the Armed Forces Community to help them obtain proof of service or cessation of their entitlement to occupy Armed Forces Accommodation. Where necessary, the Council will assist in obtaining medical records and will be sensitive regarding mental health issues.
- 4.6 Under the Housing Act 1996, **an applicant must 'qualify' and be 'eligible'** before they can join and stay on the housing register. Applications on the housing register are assessed for priority under this policy.
- 4.7 Transfer applicants (that is, current tenants of social landlords that are registered providers and who request their own transfer) can only be included on the housing register if they have 'reasonable preference' (enough housing need) and if they 'qualify' for inclusion, as detailed in the sections below. There are special arrangements for transfer applicants in Rutland if they are entitled to 'Children Under 5 Living in Flats' or 'Under Occupation of family type housing' points, which are set out in section 12 below. Transfer applicants should also discuss their options with their current landlord.
- 4.8 Occupiers of affordable accommodation, where the provider is not a registered provider or where the occupation is by licence and not by tenancy, are not regarded as transfer applicants and are treated in the same way as other applicants.

- 4.9 Applicants in housing association temporary homelessness accommodation arranged by the Council may be assured shorthold tenants and therefore count as transfer applicants. In most cases they would have reasonable preference, but this may not always be the case depending on the outcome of the homelessness application.
- 4.10 Applications to join the Council's housing register may result in being nominated to a private registered provider (normally a housing association) for accommodation, *provided the applicant has sufficient priority relative to other applicants and a suitable property is available*. In practice, any accommodation offered will be in Rutland as the Council does not have any nomination rights outside the County. The registered provider will then assess the nomination under their own policies. The Council does not have any accommodation of its own available for allocation, as it transferred its properties to Spire Homes (now known as Longhurst) in 2009. Other registered providers also have properties in Rutland.
- 4.11 The Council will assess qualification and eligibility when any applicant seeks to join the housing register and also prior to making a nomination. It may also consider these at other times, for example where there is possible new information, or during a review of the housing register, or during a review (appeal) by the applicant regarding their application.
- 4.12 Where there is a joint application and the applicants live in different properties, the Council will assess the points on the basis of the current property that would score the most points, provided that the applicant living in that property would **'qualify'** (as defined below) in their own right.
- 4.13 When considering Overcrowding, Under Occupation, Category 1 Property Hazards and Social Need points - and property types for allocation - the Council will include unborn children in the calculations from 24 weeks of pregnancy. The Council will disregard the gender of unborn children when assessing the gender/age occupation mix of current and future properties, as this will not always be known to the parents.

5.0 QUALIFICATION FOR INCLUSION ON THE HOUSING REGISTER

- 5.1 The Secretary of State may determine some categories of people who qualify, or do not qualify, for inclusion on the housing register. Exemption from the Local Connection qualification criterion also includes households to which the Council owes the 'prevention' or

'relief' duties under the Homelessness Reduction Act 2017, subject to the approval of the Operational Supervisor. The Council will follow any regulations that are made. Subject to this, the Council is able to set its own criteria.

- 5.2 The Council's criteria are given below and applicants must meet all applicable qualification criteria in order to join the housing register. They must continue to meet all these requirements to remain on the register and to qualify for any offer that may be made.
- 5.3 In the case of an allocation to two or more persons jointly, at least one of the persons must normally be a qualifying person on the Grounds of Residence and all must normally be qualifying people on the grounds of suitability to be a tenant.

6.0 QUALIFICATION ON THE GROUNDS OF RESIDENCE

- 6.1 In order to be accepted onto the housing register - and to retain their qualification to remain on the housing register - applicants who joined the housing register after this Housing Allocation Policy was implemented are required:
- to have lived and/or to have been in paid employment in Rutland for the preceding year, or for a total of three years out of the preceding five years OR
 - to have an immediate family member who has lived in Rutland for the past three years. (Immediate family means a parent, child or sibling. Step and half relatives count as full relatives.)
- 6.2 In this section, 'paid employment' is defined as having been in paid employment (not necessarily permanent) in Rutland for the relevant period, for at least 16 hours per week on average, with a commonsense approach taken regarding brief periods of unemployment. Where there is a local lettings scheme, applicants will also have to qualify on grounds of residence where relevant.
- 6.3 The Council, having regard to all statutory guidance on allocations, its Homelessness Strategy and case law on prioritising people in 'reasonable preference groups', has decided that the qualification periods in 6.1 above are reasonable and appropriate. They help to ensure sufficient demand for all types of housing whilst maintaining a transparent and relatively simple approach to qualification.
- 6.4 The following are exempt from the Qualification on the Grounds of Residence requirement:

- households which the Council has assessed as unintentionally homeless, in priority need and with a local connection where required (that is, where the Council has a 'full' homelessness duty which has not yet been discharged) - a local connection is not required from households fleeing domestic abuse or other violence
- households to which the Council owes the 'prevention' or 'relief' duties under the Homelessness Reduction Act 2017, subject to the approval of the Operational Supervisor.
- 16 and 17 year olds who are being looked after by Rutland County Council
- households which are entitled to Social Need points at Category A (250 points) or B (150 points) for a pressing need to move to Rutland specifically, or which are entitled to Social Need points for the 'Right to Move' under Appendix 3
- households which have Medical Category A points (250 points), where they are already resident in Rutland or have immediate family residing in Rutland (immediate family means a parent, child or sibling, with step and half relatives counting as full relatives)
- in line with Government regulations
 - members of the regular and reserve Armed Forces and former members where the application is made within five years of discharge OR
 - Current and former members (when the application is made within five years of discharge) of British Overseas Territories' Armed Forces as eligible under the first paragraph of Appendix 4 OR
 - spouses and civil partners who have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their partner, where the partner has served in the regular forces and their death was attributable (wholly or partly) to that service OR
 - serving or former members of the reserve forces who are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service OR
 - 'Service people' or 'relevant family members' (see Appendix 4), when the service member is still in service or when the application is made within five years of their discharge; the 'relevant family member' must be normally resident with the service member for at least one year of the period

- Divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence following a relationship breakdown, or who have recently moved out of such accommodation for that reason and are in temporary accommodation of any type or sleeping rough
- applications for low demand dwellings, where approved by the team manager
- other cases approved on an exceptional basis by the team manager
- transfer applicants resident in Rutland.

6.5 Any time spent in prison in Rutland does not count towards residence.

7.0 QUALIFICATION ON THE GROUNDS OF SUITABILITY TO BE A TENANT

- 7.1 An applicant must be suitable to be a tenant in order to qualify. An applicant is suitable, unless they fall within one or more of the definitions of being unsuitable given below and a decision to exclude them from the register is justified and proportionate. The reason for unsuitability must still be relevant. If the type of situation referred to in paragraphs 7.5, 7.6 and 7.7 happened a long time ago, the Council may decide that it would be unreasonable to take it into account. The Council has to balance the seriousness of the situation(s)/incident(s) against how long ago they happened. Similarly, if something was done by a member of the applicant's household, but that person is no longer a member of the household, this might not prevent the person qualifying for inclusion on the housing register. Any exceptional housing need can be taken into account, but this would not always outweigh factors that may make the tenant unsuitable.
- 7.2 An applicant is normally unsuitable to be a tenant if they are the sole owner of a property anywhere in the world which is suitable and appropriate for them to live in (or could be realistically adapted, repaired or improved to be so) and is available for their occupancy, or can reasonably be made available within one year.
- 7.3 'Sole owner' includes properties which have secured loans, provided that it is not a true affordable shared ownership arrangement. It also includes joint ownership when the applicant wishes to move with a family member who is the other owner. 'Sole owner' includes sole ownership of a lease in a block of flats that is not affordable shared ownership (this also includes commonhold arrangements). Properties are not, for the purpose

of qualification, regarded as 'available for occupation' if the applicant is entitled to Insecure/Temporary Accommodation points with regard to that property, nor if the applicant is homeless or threatened with homelessness within the meaning of the homelessness legislation.

7.4 Although the Council transferred its properties to Spire Homes (now known as Longhurst) in 2009, this policy normally still uses the test of whether an action would have been expected to lead to a Court granting an Outright Possession Order against the applicant, had the person been a Council tenant. This test is still used because it is relatively well understood in Rutland following use for many years and because it sets a relatively high threshold which protects the applicant.

7.5 An applicant is unsuitable to be a tenant if:

- the applicant, or a member of their household who is to be rehoused with them, has been guilty of unacceptable behaviour serious enough to make the applicant unsuitable to be a tenant of the Council, and
- in the circumstances at the time that the application is considered, the person is unsuitable to be a tenant by reason of that behaviour.

7.6 Unacceptable behaviour is normally:

- behaviour that would (if the applicant were a secure tenant of the Council) entitle the Council to an outright possession order under the Housing Act 1985 s.84 on any ground in Part I of Schedule II of the Act (except Ground 8), or
- behaviour of a member of the applicant's household, which would (if the person were residing with a secure tenant of the Council) entitle the Council to such a Possession Order.

7.7 This may include, but is not limited to:

- conviction for an arrestable offence
- causing an annoyance or nuisance
- harassment
- damage to a property
- social housing rent arrears or other social housing-related debt currently totalling over £1,201 at 1 April 2022 prices (to be inflated annually by the Consumer Price Index or any other appropriate successor inflation factor)
- threatening behaviour or violence.

- 7.8 Where an applicant or a member of their household is guilty of unacceptable behaviour, the Council will decide whether the applicant will be:
- refused access to the housing list
 - accepted onto the housing list with reduced points
 - accepted onto the housing list with normal points.
- 7.9 The starting point for deciding the appropriate option for an applicant will be that s/he should be refused access onto the housing list. However, the following factors should be taken into account and may result in the applicant being accepted onto the list, either with reduced points, or with normal points:
- length of time since the unacceptable behaviour
 - repeat occurrence of unacceptable behaviour
 - whether it is in the public interest for the applicant to be refused access onto the housing list, or to have their priority reduced
 - if it may not be fair or reasonable to apply the social housing-related debt criterion in the applicant's specific circumstances (for instance, in some cases where a move would improve the long term affordability of their accommodation).
- 7.10 It should be noted that behaviour that would not be sufficient to give the Council outright possession would normally be ignored for the purposes of qualifying for the housing register or making a nomination. Thus, a social housing-related debt under £1,201 at 1 April 2022 (subject to inflation) would not be taken into account in deciding qualification, unless there are exceptional circumstances.
- 7.11 Where an applicant has been refused access onto the housing list, the applicant may make a fresh application at any time. It will be for the applicant to demonstrate that there has been a material change in circumstances (this includes a significant and relevant change of behaviour by the household) and that their application should now be re-assessed.
- 7.12 Where an applicant is unsuitable to be a tenant, the Council may refuse the applicant access onto the housing list, or
- accept the applicant onto the housing list with reduced priority, or
 - accept the applicant onto the housing list with normal priority.

8.0 ELIGIBILITY FOR INCLUSION ON THE HOUSING REGISTER

- 8.1 Some people are not allowed ('eligible') to apply for social housing by law, if they are from abroad or returning from abroad. The rules on when this applies are complex. Further information is available in the Government's Code of Guidance on allocations or from Council staff.
- 8.2 The Council is not allowed to nominate two or more people to a joint tenancy if any of them is not eligible, but can still nominate any of them that are eligible and take account of the whole household when assessing whether a property is suitable.

9.0 REDUCTION OF PRIORITY

- 9.1 Where an applicant or a member of their household is unsuitable to be a tenant as described above, but the Council's view is that they should not be excluded from the housing register, the Council has to make a similar but separate decision regarding whether it would be appropriate to reduce their priority. The Council must still provide them with 'reasonable preference' priority if their application falls into one of these categories, but it can alter the priority they receive compared with other people with a reasonable preference. The relevant provisions of the Housing Act 1996 (as amended) is s.166A(5)(a) regarding property ownership and s.166A(5)(b) regarding unacceptable behaviour by the tenant or a member of their household.
- 9.2 Where priority is reduced in this way, the applicant can only receive points under the following categories and the maximum number of points for their application cannot exceed 50.
- Category 1 Property Hazards
 - Homelessness
 - Insecure / Temporary Accommodation
 - Lacking Amenities
 - Medical Grounds
 - Overcrowding
 - Separated Families
 - Social Need Points
 - Staying Contact with Children.
- 9.3 Applicants whose application is reduced in priority in this way will be advised of this in writing, and given the reason for the decision. The letter will include information on their right to appeal.

- 9.4 In addition to the appeal process, the applicant may reapply at any time but the onus will be on them to show that their circumstances (including their own behaviour, where relevant) have changed. In addition, if the application has had its priority reduced for more than one year and the Council is approached by the applicant, the Council will proactively consider whether the reduction in priority is still justified regardless of whether or not the applicant has demonstrated that their circumstances (including their own behaviour, where relevant) have changed.
- 9.5 There is a separate procedure for dealing with situations where reasonable offers have been refused. This is under 'Reasonable offers' below.

10.0 APPLICANTS UNDER 18 YEARS

- 10.1 Applicants under the age of 18 years will be given points if one or more of the following apply:
- They have been accepted as legally homeless and in priority need.
 - Are over the age of 16 (where a referral for assistance has been made by Social Services under the Children Act 1989).
 - Have been assessed jointly under the Rutland Council Children's Services and Housing Joint Protocol for Homeless 16 and 17 year olds (or, in relevant cases, by the Inclusion Team within the 'Learning' Service as):
 - able to meet the responsibilities of a tenancy, and
 - having a suitable support package agreed with the Council in its role of Social Services Authority, and
 - have an agreed person who will stand, as guarantor to the tenancy until the applicant is 18 years.
- 10.2 Applicants who do not meet the requirements in paragraph 10.1 above will be placed on the Housing Register but will not be awarded any points and will therefore not be considered for an offer of accommodation until they reached the age of 18 years. They will still accumulate time and residency points in the normal way from the point of registration, except that the points will be applied retrospectively once the applicant reaches 18.

11.0 ARMED FORCES PERSONNEL

- 11.1 Members of HM Armed Forces may apply for housing with the Council. Applicants should note that, in the event of them being allocated a property, they would be expected to use the property as their main home. Applicants may therefore decide to suspend offers of accommodation until near to their discharge date.
- 11.2 The regulations relating to additional preference for former members of the regular Armed Forces (and in some cases, injured serving members and bereaved spouses and civil partners) in urgent housing need are outlined in section 3 above. The Council already gives additional preference to qualifying households in urgent housing need under this allocation scheme, regardless of whether or not they are members of the Armed Forces. The 'Former Members of the Armed Forces etc. in urgent housing need' points category ensures that additional preference is given in appropriate cases, if it has not already been provided under a different points category.
- 11.3 The Government has also made regulations and statutory guidance waiving residency restrictions in some circumstances for people with an Armed Forces background and also regarding the Armed Forces Covenant. Further information is given above in section 6.

12.0 TRANSFERS

- 12.1 Under the Housing Act 1996 (as amended), any assured or assured shorthold tenant of a private registered provider of social housing (which is usually the same as a housing association) or a secure or introductory tenant of a housing authority (which usually means a council tenant) can only be accepted onto the housing register if:
- the allocation involves a transfer
 - the transfer is made at the tenant's request, and
 - the housing authority is satisfied that the tenant has reasonable preference for an allocation.
- 12.2 The Council will determine whether the applicant has 'reasonable preference' (that is, housing need which meets the criteria for reasonable preference given above) by assessing the application through the points scheme to see if the applicant can be accepted onto the housing register.

12.3 Transfer applicants who have been awarded points in any of the categories below will be admitted to the housing register, but will have to leave the housing register if they cease to be entitled to the relevant points:

- Category 1 Property Hazards
- Homelessness
- Lacking Amenities
- Medical Grounds
- Overcrowding
- Separated Families
- Social Need points
- Staying Contact with Children.

12.4 Where a household resident in Rutland wishes to transfer is **not** entitled to any of the above points and cannot join the housing register, but **is** entitled to 'Children Under 5 Living in Flats' or 'Under Occupation of family type housing' points, their application will be pointed and considered alongside other applicants according to their points. They will still need to **qualify** for inclusion and allocation (for example, suitability to be a tenant) in the same way as other applicants. Technically, they will not be part of the statutory housing register but they can be considered alongside housing register applicants. This is in line with paragraph 1.8 of the Code of Guidance which states that councils can continue with a single allocation scheme covering both transfer applicants with no reasonable preference and other applicants.

12.5 Transfer applicants from outside Rutland without reasonable preference will not be accepted onto the list, unless there are exceptional circumstances approved by the team manager (for example, the need to let properties that are in low demand). Transfer applicants from outside Rutland who have Social Need points under the 'Right to Move' as described in Appendix 3 do have 'reasonable preference'.

12.6 Where a transfer applicant is not entitled to join the housing register under paragraph 12.3, nor to be considered alongside transfer applicants under the special arrangements in paragraphs 12.4 and 12.5, they will not normally be able to join the Council's list. Instead, they should see if they can swap with another tenant or arrange a transfer through their housing association.

12.7 In situations where an applicant is currently a joint social housing tenant, but wishes to move without the other tenant, they should seek housing advice from the Council.

13.0 HOMELESSNESS

- 13.1 Every new application received will be checked to see if the applicant appears to be homeless or threatened within 56 days with homelessness. If this is the case and the applicant wishes it, then their application will also be dealt with under homelessness legislation. Appropriate investigations into their circumstances will be undertaken and they will be advised of the Council's decision in writing, ideally within 33 days.
- 13.2 If an applicant is accepted for housing as a homeless person under the Housing Act 1996 Part 7 s.193 (as amended), then any suitable offer of housing to the applicant will discharge the Council's duty towards them as a homeless person. If such a homeless applicant refuses a reasonable offer of housing, the Council is likely to have no further duty to provide assistance under the Housing Act 1996 Part 7 (as amended), and any temporary accommodation provided to the applicant is likely to be withdrawn.
- 13.3 Applicants have a right to request a review of any negative decision on their application and on the suitability of any offer of accommodation. Section 23 sets out the arrangements for seeking such a review.
- 13.4 Homeless applicants will be admitted to the housing register and their application will be assessed in the same way as other applicants which will reflect their priority through the points system, unless it is necessary to adopt the quota process at paragraph 3.6 or 3.7.
- 13.5 Within this policy those who are accepted as homeless to whom the Council owes a duty to secure accommodation will be given a high level of priority points. Lesser levels of priority points will be given to other homeless persons including those who are intentionally homeless and those not in priority need. Intentionally homeless households will be offered advice and assistance to enable them to take action to retain or obtain accommodation.
- 13.6 The Council may also offer assistance by finding accommodation for an applicant with a private landlord.

14.0 PROPERTY TYPES THAT APPLICANTS CAN BE CONSIDERED FOR

- 14.1 Due to the limited amount of accommodation that becomes available, it is necessary to make the best use of social housing properties in the County. The properties are offered that are of a suitable size and type in relation to applicants' needs. The information in Appendix 1 shows what type of property the County Council will normally consider nominating an applicant to. In addition, the private registered providers (usually housing associations) to whom the Council nominates may have similar rules. In some cases, the Council or registered providers may take into account the extra downstairs room in 'parlour type' properties where this has the potential to be used as sleeping accommodation. Since four bedroom properties are in very short supply, the Council needs to use these 'parlour type' properties in order to provide suitable accommodation for the many larger families on the housing register.
- 14.2 A more flexible approach may be possible regarding shared ownership or similar properties. This may also be possible where a rented property is in low demand and a wider range of applicants need to be considered to make best use of the property, or conversely where the ideal size of rented dwelling is in short supply.
- 14.3 The Council recognises that households come in all shapes and sizes and with varying needs and Appendix 1 cannot cover every eventuality. The over-riding consideration is that the property size and type be suitable for the applicant taking account of any special circumstances, whilst ensuring that the best use is made of properties. Principles regarding flexibility can be set by the team manager, with day to day application to specific cases delegated to the operational supervisor. For instance, the Council has agreed with Longhurst that in certain cases "general needs" accommodation may be let to people over 60.
- 14.4 Appendix 1 follows government guidance on allocations, which is to take account of the welfare reform restrictions on property size for benefit recipients, but not necessarily to follow them in every case. The Council has to balance this against its statutory obligations to address need and to promote equalities, which in some cases means that there may be other over-riding considerations. The Council has to take account of the local stock mix and flexibility may be needed to meet homelessness obligations, or regarding rural sites with local letting policies. The government contributes funding to the Council for discretionary housing payments.

- 14.5 Where there is a likely mismatch between benefit levels and the accommodation offered, the Council will discuss this with the applicant in line with the Code of Guidance on allocations. The Council will also work closely with the association we are nominating to.
- 14.6 As a general rule if an applicant is aged over 50 they can be considered for housing for older people or people with disabilities. However, if an applicant or member of their family is below that age they may still be eligible if they are disabled, or if the housing association has flexible age criteria. In some cases, the relevant age may be greater than 50. This depends on each of the schemes' requirements, and the applicant would need to contact Rutland County Council or the housing association for more information.
- 14.7 If an applicant who requires one bedroom accommodation has Medical Need Priority A or Social Need Priority A, or if they need another bedroom for a carer, or are statutorily homeless, then they may in exceptional cases be considered for two bedroom accommodation.
- 14.8 Where there is no one registered for a specific type of property the Council will offer it to the next suitable applicant in need on the Housing Register (excluding supported housing). For example, applicants with staying contact with children who do not normally reside with them will not normally be offered a house but could instead be offered a flat or maisonette.

15.0 SPECIALLY ADAPTED DWELLINGS

- 15.1 Properties designed or adapted to wheelchair standard or with special facilities will only be offered to applicants where a member of the household needs these facilities. However, where there is no such applicant on the Housing Register, the Council reserve the right to allocate it to an applicant without any special need. The Council may also take into consideration whether a property, although not currently adapted, may be particularly suitable for adaptation and allocation for someone with special needs.

16.0 LOCAL LETTINGS SCHEMES

- 16.1 Local lettings schemes may be adopted:
- in order to support and sustain communities through the allocation process in accordance with agreements made

between the Council, landowners, developers and housing associations;

- to address identified problems arising in specific areas; or
- to ensure that the aims and objectives of Rutland County Council's housing and planning policies are met.

16.2 Where such a scheme is adopted as a result of an agreement between the Council, landowners, developers and housing association, applicants will be housed in an agreed priority order as specified in that agreement. Most existing agreements in villages are similar in principle to the new example below, but the existing agreements tend to have a larger number of stages to be taken in turn and to varying timescales.

16.3 The new example below reflects experience which has shown that a simplified approach would reduce delays and assist applicants, shared owners and landlords. Some existing planning agreements are worded so that changes to the Council's Housing Allocation Policy can override the original wording in the section 106 agreement. Where this is the situation and the new wording is more appropriate, the team manager will write to the landlord accordingly regarding the details in the agreement that appear to have been superseded (there are no rural exception sites where this is the case).

16.4 New or revised agreements are likely to be similar to the following example, which shows a descending order of priority from (a) to (c) used to make nominations to a housing association. (Where a section 106 planning obligation does not require a village connection, the process may start at stage (c) and slightly different criteria may be used to best meet need.)

(a) With equal level of priority, anyone who:

- has been living in the Parish for at least 9 of the previous 12 months OR
- has been employed in the Parish for at least 9 of the previous 12 months OR
- has moved or wishes to move to the Parish for the purpose of caring for elderly or infirm members of the family who live in the Parish OR
- has moved or wishes to move to the Parish in order to receive care and support from members of the family who live in the Parish OR

- has been resident in the Parish for three out of the last five years or has an immediate family member resident in the Parish for the past three years. (Immediate family means a parent, child or sibling. Step and half relatives count as full relatives.)
- (b) In the event that there are no individuals who qualify as suitable applicants pursuant to (a) above priority shall be given to suitable applicants from the neighbouring parishes.
- (c) In the event that there are no individuals who qualify as suitable applicants pursuant to (b) above priority shall be given to suitable applicants from other parishes within the County of Rutland.

In the case of rented properties, steps (a), (b) and (c) can follow directly on from each other without delay. In the case of shared ownership properties, 3 weeks is needed between steps (a), (b) and (c) provided they are fairly marketed. For shared ownership properties that are being resold, no local connection will apply after four months of marketing.

- 16.5 In other circumstances where a local lettings scheme is adopted, the details of these will be agreed and published by the responsible Director following consultation with the relevant Portfolio Holder, the local ward member(s) and the Parish Council. In agreeing any such schemes the Council will ensure that, overall, reasonable preference for allocations is given to applicants in the categories listed in section 3.2 and that the policy does not discriminate, directly or indirectly, on racial or other equality grounds.
- 16.6 Local lettings policies adopted prior to the revised Housing Allocation Policy will remain in force unless they are specifically superseded (which may include updating as described in 16.3).

17.0 ALLOCATION OF PROPERTIES TO APPLICANTS

- 17.1 The Council will operate its housing register utilising a system, which awards points according to housing need. Each application is assessed against the points schedule as shown at Appendix 2 and an award is made accordingly. This gives applicants a relative priority on the housing register and will enable them to be short-listed for accommodation when it becomes vacant.
- 17.2 Allocations are routinely made to the applicant who has the highest number of points in a shortlist of applicants who have a

need for and have expressed a preference for that type of property in the specific area.

- 17.3 If there are two or more applications with the same number of points, the following criteria will be considered by the operational supervisor (in the priority order given below) when making a nomination:
- i. the applicant who has worked in Rutland the longest and also lives in Rutland (this criterion will not be applied to accommodation for older people or people with special needs)
 - ii. the applicant who resides in Rutland and who has been registered in need the longest.
- 17.4 The Council will seek to use its housing register and the available housing association stock to the best of its ability. In some instances therefore, it may be prudent to ensure an allocation is made to a transfer applicant who has a lower level of priority points, so that the resulting vacancy is made available to a general applicant with a more acute housing need or where there are other management considerations in a particular case. These management allocations will be supported by a detailed report from the operational supervisor as to why they are necessary and be approved by the team manager.

18.0 TEMPORARY HOUSING

- 18.1 The Housing Allocations Policy deals with lettings of social housing intended for long term occupancy. This includes assured tenancies with private registered providers (normally housing associations). It also is intended to cover assured shorthold tenancies with private registered providers where these are for more than one year, or are intended to lead to a longer tenancy in the same property following a starter, probationary or introductory period. It is also used to identify applicants for affordable home ownership and for private sector rented affordable housing.
- 18.2 In addition temporary housing may be granted in the following circumstances:
- (a) Grant or Loan Aided Works

If an applicant lives in a property within the County and they have been approved to receive a private sector housing grant or loan.
 - (b) Major Works by a registered provider within the County.

Where the applicant lives in a registered provider (normally, a housing association) property within the County and major repair, redevelopment and refurbishment works are to be carried to the accommodation.

- 18.3 In these circumstances it may be possible to arrange temporary housing if they cannot stay in the property while the works are being carried out.
- 18.4 In all such cases a decision to offer temporary accommodation would be based on judgement about the extent of the work to be carried out and whether or not the applicant suffers from any ill health which would be aggravated by the nature of the works.
- 18.5 The Council may also use properties as temporary accommodation for homeless households using its powers under the Housing Act 1996 Part 7 (as amended), outside of this allocation policy.

19.0 WHAT POINTS ARE AWARDED FOR

Category 1 Property Hazards - Band A vulnerable

150 Points

Where a Housing Health and Safety Rating System (HHSRS) inspection of the property identifies at least one Category 1 hazard in Band A (excluding overcrowding).

Category 1 Property Hazards - Band B or C, or Band A non-vulnerable

50 Points

Where an HHSRS inspection identifies at least one Category 1 hazard in the property (excluding overcrowding) in Band B or C but none in Band A, or where a hazard is in Band A but where no members of the household seeking rehousing are in a vulnerable group for that hazard.

Category 1 Property Hazards points in any band will not be awarded if the issue might be easily rectified by the property owner, nor will they be awarded if no members of the household seeking rehousing are in a vulnerable group for that hazard.

HHSRS inspections are normally requested by the applicant and if needed are carried out by the Council's Environmental Protection team. HHSRS assessments by other councils, where the applicant is outside Rutland but qualifies for the Rutland housing register, will also be accepted where evidenced and undertaken by survey of the applicant's individual property.

	<p>If an applicant would be eligible for both Category 1 Property Hazard points and Lacking Amenities points, they will only receive the points from the highest scoring points category, to avoid double-counting.</p>
<p>Children Under 5 Living in Flats</p> <p>Points</p> <p>1st Floor (or basement) – 20 Points</p> <p>2nd Floor – 30 Points</p>	<p>If an applicant has one or more dependent children aged under 5 living with them (not just staying access) in a flat or maisonette, they will be awarded these points. These points will be awarded once, regardless of the number of children and will not be awarded for ground floor flats. Where the ‘floor’ to be used for pointing is not obvious, the flat’s floor with living accommodation closest to ground level should be used.</p>
<p>Employment in Rutland</p> <p>20 Points (for cases which do not qualify for 40 Points)</p> <p>40 Points if currently living outside Rutland <u>and</u> the normal place of work is within Rutland <u>and</u> on a permanent contract (includes situations where the employee initially worked on a temporary basis, but was later taken on as permanent by the same employer.)</p>	<p>Employment in Rutland means paid work in Rutland by an applicant or joint applicant for at least 16 hours per week on average for the preceding six months, with a commonsense approach taken regarding brief periods of unemployment. This pay must be for at least the national minimum wage, except in cases of genuine self-employment or sheltered employment. Points are not awarded where the gross salary (including regular overtime) or income from the job, or jobs, for the relevant individual is more than £37,535 per year (1 April 2022 costs, subject to inflation). Armed Forces personnel are treated in the same way as other workers with their home base treated as their place of work. These points can only be awarded once per application.</p> <p>These points are not awarded if the household has been awarded Social Need points for the ‘Right to Move’ (see Appendix 3), to avoid double-counting.</p>
<p>Family Connection with Rutland</p> <p>10 Points</p>	<p>Where an applicant does not live in Rutland but has immediate family who live in Rutland.</p> <p>Immediate family means a parent, child or sibling. Step and half relatives count as full relatives. These points can only be awarded once per application.</p>

Homelessness

500 Points

Persons where the Council owes a duty to secure accommodation under s.193 of the Housing Act 1996 (as amended) (that is, where the Council has a full homelessness duty). This does not include any households that are intentionally homeless.

100 Points/
150 Points

Other homeless households to which the Council has to provide reasonable preference under s.166A(3) of the Housing Act 1996 (as amended). This includes households for whom the 'prevention' or 'relief' duties have been activated. (These households owed the 'prevention' and 'relief' duties must still meet the relevant housing register qualification criteria.) 100 Points are awarded, unless the applicant does not receive 150 or more points under any other single category and the specific additional criteria below for 150 Points are met. These are:

- where it appears to the Council that the household would be in 'priority need' as defined by Part 7 of the Housing Act 1996 (as amended), regardless of their homelessness status OR
- former Members of the Regular Armed Forces OR
- serving members of the Regular Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service OR
- serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.

Lacking Amenities

20 Points per amenity
lacking

Points will be awarded if an applicant lives in a location that lacks the following facilities:

- Inside WC
- Bathroom/Bathing Facilities
- Kitchen
- Living Room
- Any Means of Heating
- Hot Water Supply.

These points will not be awarded if the issue might be easily rectified by the property owner (perhaps through repairing a broken facility).

If an applicant would be eligible for both Category 1 Property Hazard points and Lacking Amenities points, they will only receive the points from the highest scoring category, to avoid double-counting.

Lodging with Family or Friends

30 Points

This is where the applicant has been lodging with family or friends and wants to live independently, but is allowed to stay there for at least 56 days. It does not apply where the accommodation has been largely self-contained, or where there are Homelessness, Overcrowding or Social Need points. Lodging with family or friends points can be awarded where the applicant has always lived with parent(s), but not in cases where the applicant has been staying with their partner or ex partner and wants to move out as these should be assessed under other categories, nor for house shares between friends or arranged with a private landlord.

Medical Grounds

Where an applicant has a medical need for rehousing. The Council may work with a Medical Advisor. Assessment will be based upon:

- How the medical condition affects the applicant's ability to cope in their home
- The suitability of their current home in terms of its type and location
- How the applicant's health would benefit from being rehoused
- Whether there is accommodation better suited to the applicant's needs (if the Council cannot nominate to more suitable housing, the applicant should not be awarded medical points)
- The kind of accommodation the applicant is seeking (an applicant seeking a move from a first floor flat to a house because of stairs would be unlikely to receive points).

An applicant's case will **not** be referred for assessment where the applicant states on their medical form that:

- Their medical condition is **not** affected by their current accommodation, **and**
- Their ability to live in their housing is **not** affected by their medical condition.

Category A - 250 Points

- Category A - where the applicant has a high medical need to move, and should be moved within six months

Category B – 150 Points

- Category B - where the applicant has a medium medical need to move, and should be moved within one year

Category C – 50 Points

- Category C - where the applicant has a low medical need to move, but it would be reasonable for them to wait at least a year.

Overcrowding

100 Points for each bedroom lacking

Points will be awarded if a separate bedroom is required for:

- ◆ Each couple living together
- ◆ A parent in a single parent family
- ◆ Each child aged 9 years or over who would otherwise have to share with someone of the opposite sex
- ◆ No more than 2 persons per room
- ◆ A single adult over the age of 16

If a member of the household has a bedroom but does not have access to it because of medical problems or property condition, this should be addressed through Medical points or Property Hazard points, not Overcrowding points.

A bedsit counts as one bedroom. Overcrowding points will not be awarded for extra bedrooms beyond the property the applicant is being considered for. For instance, a household may count as short of 2 bedrooms by the overcrowding criteria, but because of benefit restrictions or available properties can only be nominated to a property with one additional bedroom. They would therefore only receive 100 overcrowding points.

Where a person is sleeping in a car, an unconverted shed or sleeping rough, they lack a bedroom. Households in this situation, however, should not be awarded more than 100 overcrowding points. This is to avoid anomalies through double-counting where people are staying in groups and/or already receive points under other categories.

Residence in Rutland

10 Points for each full year's residence (up to a maximum of 50 points)

Points will be awarded to applicants who live within the County based on the period they were normally resident within it. This does not include any time spent in prison in Rutland. This includes time 'Service people' or 'relevant family members' (see Appendix 4) have been resident in Rutland.

Separated Families

100 Points

For households who could normally be expected to live together but are unable to do so because they have no suitable accommodation and where the accommodation applied for would address this problem. This factor looks at how the household could use their accommodation, not at how they choose to use it. (Where the applicant has staying contact with children who do not normally reside with them, these points will not be awarded.)

Social Need

Category A – 250 Points
(where the applicant can reasonably remain in their current home for up to 3 months). Can be awarded by the team manager.

Category B – 150 Points
(where the applicant can reasonably remain in their current homes for at least 6 months). Can be awarded by the team manager.

Category C – 50 Points
(where the applicant can reasonably remain in their current home for up to a year). Can be awarded by the team manager or the operational supervisor.

Points may be awarded in special social or economic circumstances that do not fit into the other categories for which points are awarded. These may include situations where:

- there is proven violence or abuse and where safety or recovery would be helped by a move
- a move is to give or to receive substantial support or care from relatives
- there is a need to move to a particular place for access to special educational facilities or a place of employment
- multiple problems create an exceptional need
- the applicant has special welfare needs and would benefit from living in a more independent environment (for example, this may include care leavers).

Where there are circumstances that result in someone being unintentionally unable to occupy accommodation Homelessness Points should be considered rather than Social Need.

In cases of homelessness **prevention** where the Council is facilitating a move to an identified property, Category C Social Need points may (where appropriate) be awarded in addition to Homelessness points, if it appears that the household would have been in priority need, unintentionally homeless and have a local connection.

People with learning disabilities on the Learning Disability Register (administered by the University of Leicester) or broadly equivalent will normally be allocated Category B points, where they need rehousing and this is supported by Rutland County Council's 'Inclusion' Team within the 'Learning' Service.

The 'Right to Move' for social housing tenants moving to Rutland for work is covered in Appendix 3.

Staying Contact with Children

60 Points

Points will be awarded where an applicant has staying access to one or more children. Staying contact means that the child stays overnight at least one night per fortnight (this can be averaged out through the year), and this must be confirmed by Court Order or the child's main carer. This is only awarded if current housing is preventing overnight access and/or there are specific welfare concerns AND if the accommodation being applied for would address these issues to an acceptable extent.

Time on the register

5 Points per year (to a maximum of 50 Points)

For every year an applicant is on the Housing Register, their points will increase. Where an application is from 'Service people' or relevant family members (see Appendix 4), periods of registration on housing registers in other parts of the UK can also be included where these have had breaks of less than six months and can be evidenced.

If an application is cancelled and then reinstated less than a year later, points will be awarded from the date of the initial application. However, where an application is removed because of applicant was rehoused through a nomination, any new application will be dated from when the new application was received. If the applicant is on a wholly separate transfer list and joins the housing register later, the date used will be the date the applicant joins the housing register.

Under Occupation of family type housing

130 Points for each bedroom not needed (compared with the property size which they wish to move into - assessed in the same way as overcrowding).

These points are awarded to an applicant to enable them to move from family type housing (for example, a 2 or 3 bedroom house or maisonette) to rented affordable housing in Rutland with fewer bedrooms. Applicants who are applying for a move to properties of different sizes will be awarded points on the basis of the larger size. For example, a tenant in a 3 bedroom property who wants to move to a property with 1 or 2 bedrooms will be awarded 130 points.

These points are only awarded where the applicant is a Council or housing association tenant living in Rutland.

20.0 CHANGES OF CIRCUMSTANCE

- 20.1 If the applicant has a change of circumstances or address they must inform the Council as soon as possible. This will enable the Council to re-assess their application in order to ensure that they are awarded points appropriate to their housing need.
- 20.2 Allocations made on the basis of out-of-date or otherwise incorrect information may be withdrawn. Where a tenancy has begun, possession action by the landlord may occur.
- 20.3 It is an offence under section 171 of the Housing Act 1996 to knowingly or recklessly give false information or knowingly withhold information which the Council has reasonably required the applicant to give.

21.0 MAKING A NOMINATION

- 21.1 When a vacancy arises in the rented stock of a housing association within the County and the property has been made available for allocation through the housing register, an allocation will normally be made to the applicant with the highest number of points (provided the property has not been designated under paragraphs 3.6, 3.7 or 3.8 above).
- 21.2 An allocation is a nomination to a private registered provider (normally a housing association) for which the Council has nomination rights. Where a nomination is made, the housing association concerned will consider if the applicant is acceptable under their own lettings policy.
- 21.3 When an applicant does not wish to be nominated for a property or an offer is refused, they will be expected to provide the reasons why they did so. This information is necessary to identify why the property was not acceptable and to ensure that the Council understands better what the applicant is looking for.

22.0 REASONABLE OFFERS

- 22.1 Applicants will normally be made two offers of suitable accommodation before their application is deferred for 6 months. Applicants will not be penalised if the reasons for refusal are felt by the Council to be reasonable. Deferral will begin on the date

that the second offer is refused. Deferral means that an applicant will remain on the housing register and will not leave any reasonable preference group, but that no offer will be made during the deferral period unless there are special circumstances (for example, a substantial and unexpected increase in the applicant's housing need).

- 22.2 However, some applicants are either homeless, or threatened with homelessness, and refusal of an offer of housing will have greater consequences for these applicants.
- 22.3 Where the Council owes a duty to secure housing for an applicant under the Housing Act 1996 Part 7 s.190 or s.193 and intends to meet this duty through an offer from the housing register, the applicant will be advised that the Council does not have to provide a second reasonable offer of housing. If the applicant rejects this reasonable offer, the Council will consider that its duty is discharged and the applicant will have to find their own housing. However, if the applicant considers that the accommodation offered is unsuitable, they have the right to appeal on this point. Where an applicant who is owed the 'prevention' duty or the 'relief' duty refuses a suitable offer of accommodation which would reasonably have been available for at least 6 months or a reasonable offer of accommodation from the housing register, the respective duty will end and the Council will have to consider whether or not any further duties are owed. This includes applicants who have been accepted under the 'relief' duty of the Homelessness Reduction Act 2017. The Council will have to consider whether any other duty is owed to applicants who were owed the 'prevention' duty. There is a right to appeal if the applicant disagrees with a decision by the Council to end the 'Relief' and 'Prevent' duties.
- 22.4 On occasion, the Council makes an offer of housing to an applicant who is known to be either homeless, or threatened with homelessness (but where no s. 190 or s.193 duty has yet been established). Where this applicant intends to reject the offer of housing, they will be advised of the possible consequences.

23.0 REVIEW OF HOUSING APPLICATIONS BY THE COUNCIL

- 23.1 Applications are normally reviewed annually on the date they were registered. This will be in writing and will be followed up, again in writing, if the applicant does not respond. This is to make sure that the applicant still requires housing and that their details and circumstances are the same. Applicants are required to respond to the Council within 28 days of the date of the first letter.

- 23.2 If there has been no contact, the application will be withdrawn and the applicant will be advised in writing of this. Should the applicant contact the authority within the following 12 months their previous application will be reinstated, including any elapsed time on register points.

24.0 REMOVING APPLICANTS FROM THE HOUSING REGISTER

- 24.1 Applicants will only be removed from the Housing Register if they:
- a) are ineligible for housing on grounds of immigration and nationality status or habitual residence status, as detailed in Section 8, or
 - b) do not qualify under Sections 5, 6 or 7, or
 - c) request their removal in writing, or
 - d) fail to renew their application at the annual review, or
 - e) fail to respond to written correspondence from the Council within 14 working days, and the letter advised the applicant that failure to respond would result in their removal from the Housing Register. In this situation, a reminder letter will always be sent prior to the applicant being removed from the register, or
 - f) are a transfer applicant who is not entitled to be on the statutory housing register and, under the provisions of Sections 4 and 12 of this policy, is also not in a group entitled to be considered alongside housing register applicants.

25.0 REVIEW OF DECISIONS

- 25.1 If an applicant has
- been denied access to the register, or
 - believes that their application has been incorrectly assessed, or
 - had their level of priority points restricted, or
 - considers that an offer of housing was not reasonable, or
 - received any negative decision in relation to a homelessness application, or
 - believes that accommodation offered to them as a homeless person was not suitable

they will be informed of this decision by letter, which will inform them of their right to a review. The letter must include information on exactly why they have been rejected and must have sufficient detail to allow the applicant to challenge the decision. The applicant must formally request in writing a review of the decision within 21 working days of the date of the decision, or event, about which they are seeking a review. This letter should be sent to:

Director for Adults and Health
Rutland County Council
Catmose
Oakham
Rutland LE15 6HP

- 25.2 The review will be carried out by an officer nominated by the responsible Director who has not been involved in the original decision and who is senior to the officer who took made it.
- 25.3 The Council will make a decision within 21 days of receipt of the written review request and if any further information is required, the period may be extended by agreement between the Council and the applicant.
- 25.4 When conducting the review, the council will consider any written representations made by the applicant or on their behalf and will carry out the review on the basis of the facts known at that time. Where the officer conducting the review believes that it would be beneficial to reaching a decision they may request that, or agree to a request that, the applicant attend a meeting at which they may make oral representations or at which they may be made on the applicant's behalf by a person of their choice.
- 25.5 The decision on the review and the reasons for it will be notified to the applicant in writing.
- 25.6 Where an applicant is a transfer applicant without reasonable preference and if the review request is outside the scope of the statutory requirements, the request will generally be addressed through the Council's published complaints procedure instead.

26.0 EQUAL OPPORTUNITIES

- 26.1 Councils are subject to the general public sector equality duty in the Equality Act 2010. As well as the duty to eliminate unlawful discrimination, they are subject to a duty to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and to foster good relations between persons who share a relevant protected characteristic and those who do not. The protected characteristics are age, race, disability, sex, pregnancy and maternity, sexual orientation,

religion or belief, and gender reassignment.

- 26.2 Rutland County Council is committed to dealing with applications for accommodation fairly and honestly and to offer equality of opportunity to all applicants who are in housing need and want social housing. The Council has carried out an equality impact assessment on this policy.
- 26.3 In order to monitor performance, the Council will collect appropriate information from the application forms. All applicants will be required to provide necessary details at the point of application.
- 26.4 The information collected will be used to keep the policy under review and will be kept in the strictest of confidence and in line with the General Data Protection Regulations.

27.0 INFORMATION AND ADVICE

- 27.1 The Council provides advice and information in a variety of ways to ensure that any interested party is aware of how to make an application for inclusion on the Housing Register, the contents of the allocations policy and the likely housing options available to them.
- 27.2 The Council will ensure that assistance is available for anyone who may have difficulty in making an application.
- 27.3 The Council will publish a summary of its allocation scheme, which will be available free of charge to any member of the public who requests it. This full version of the allocation policy is available upon request.

28.0 RIGHT TO INFORMATION

- 28.1 All applicants have the right to request information about their application, how it is likely to be treated under the allocation policy and if and when accommodation is likely to be made available to them. Applicants also have the right, upon request, to be informed of any facts about their case, which have been, or are likely to be, taken into account in considering whether to make an allocation, except in the case of confidential information supplied by a third party on the basis that it would not be disclosed.

29.0 INDEPENDENT HOUSING ADVICE

- 29.1 Independent housing advice in Rutland is contracted to Citizens Advice Rutland. The services that they offer include:

- advice and assistance with all aspects of housing law, including eviction, rent arrears, homelessness and rehousing, and disrepair
- assistance relating to allocations and homelessness
- advocacy/representation
- debt and benefit advice.

30.0 CONFIDENTIALITY

- 30.1 Any information provided as part of the application process will be treated in the strictest confidence wherever possible and in accordance with current data protection legislation.
- 30.2 As a consequence of Data Protection legislation every applicant will be required to give consent for the council to make enquiries and exchange information relating to them with other agencies. In order to achieve this there is an appropriate disclaimer included within the council's application form for applicants to sign.

31.0 MONITORING AND EVALUATION

- 31.1 Lettings will be monitored and the allocations policy will normally be monitored and evaluated annually to gauge its effectiveness in meeting the aims and objectives outlined in sections 1 – 3. The outcomes of this evaluation process will form the basis of any subsequent recommendations for policy review.
- 31.2 The number of people rehoused through Social Points under the 'Right to Move' (see Appendix 3) will be monitored and compared with the Government's suggested target of 1% of moves. The Council has decided not to set a formal quota, as this would in Rutland amount to 1 or 2 lettings a year and demand and lettings are bound to fluctuate when the numbers involved are so low.

32.0 POLICY REVIEW

- 32.1 Elected Members are responsible for determining allocation policy and for approving any changes recommended as part of a policy review which would be made following consultation with tenants, private registered providers, relevant voluntary organisations and other stakeholders.

APPENDIX 1 – ELIGIBILITY OF HOUSEHOLDS FOR DIFFERENT TYPES OF HOUSING

Applicants generally under 60 years (at least one applicant for joint applications). 'X' means eligible. See also second table for applicants with some special needs and section 14 for further background including flexibilities. Single people and couples aged 50-59 and parent(s) over 50 with child / children (not just staying contact) can usually be considered for suitable housing under both this and the following table. Under an agreement with Longhurst, some lettings to 'General Needs' properties can be made to over 60s.

Applicant Type	Studio	1 bed house or flat	2 bed flat or maisonette	2 bed house	3 bed flat / maisonette	3 bed house	4 bed house (or suitable 3 bed 'parlour type')	5/6 bed house
Single Person	X	X						
Couple		X	X					
Single person or couple with access to child / children		X	X (if Staying Contact points)					
Parent(s) with 1 child			X	X				
Parent(s) with 2 children (same sex)			X (if both under 16)	X (if both under 16)	X (if one over 16)	X (if one over 16)		
Parent(s) with 2 children (different sexes or one over 16)			X (if eldest under 9)	X (if eldest under 9)	X (if eldest over 8)	X (if eldest over 8)		
Parent(s) with 3 children					X	X	X (if needed for over 16s to have own room)	
Parent(s) with 4+ children						X	X	X (very large families in exceptional cases)

Applicants generally over 50 years

Single people and couples aged 50-59 can usually be considered for suitable housing under both the table below and the table above. Parent(s) over 50 with child / children (not just staying contact) can usually be considered for suitable housing under both this and the first table.

Single Person	1 bedroom bungalow, ground floor or first floor flat or studio flat (either supported, or older people / specialist without support)
Couple	1 or 2 bedroom bungalow / 1 st floor & ground floor flat (either supported, or older people / specialist without support)
Two or more persons (for example single person or couple and carer, or parent(s) with a child over 50, or parent(s) with access to child / children and Staying Contact points)	2 bedroom bungalow / ground floor flat (either supported, or older people / specialist without support)

Notes:

Paragraphs 14.6 and 14.7 set out circumstances where these properties may sometimes be let to people who are younger or have disabilities.

In the case of a joint application, only one party need be over 50. In the case of sole applications, the applicant must be aged 50 plus.

APPENDIX 2 – PRIORITY POINTS SUMMARY

Circumstances	Points Awarded (new scheme)
Category 1 Property Hazards (Band A and vulnerable group)	150
Category 1 Property Hazards – other	50
Children aged under 5 living in flats, excluding ground floor:	
1 st Floor	20
2 nd Floor	30
Employment in Rutland (not awarded with Social Need points for the “Right to Move”).	20 (if working in Rutland)
	40 (if working permanently in Rutland but living outside)
Family connection with Rutland	10
Homelessness	
Unintentionally homeless and where the Council owes a full homelessness duty under the Housing Act 1996	500 (and provision to ring-fence properties if necessary)
Homeless – not full duty but ‘additional preference’	150 (but will need to pass qualification to join the register)
Homeless not full duty but ‘reasonable preference’ criteria	100 (but will need to pass qualification to join the register)
Other homeless persons receiving advice and assistance or in accommodation secured for them, or where the Council can refer to other areas	100 (but will need to pass qualification to join the register)
Lacking Amenities	20 per facility (where also eligible under Category 1 Property Hazards, points will only be awarded for the highest scoring category)
Lodging with Family or Friends	30

Circumstances	Points Awarded (new scheme)
Medical Grounds Category A	250
Medical Grounds Category B	150
Medical Grounds Category C	50
Overcrowding	100 per bedroom lacking
Residence in Rutland	10 per year (up to a maximum of 50 points) and a residency qualification to join the register
Separated Families	100
Social Need Category A	250
Social Need Category B (including "Right to Move" Category B)	150
Social Need Category C (including "Right to Move" Category C)	50
Staying Contact with Children	60 (if meet criteria)
Time on the register	5 per year (up to a maximum of 50 points)
Under Occupation of family type housing	130 per bedroom surplus to need

APPENDIX 3 – THE ‘RIGHT TO MOVE’

A3. Introduction

A3.1. ‘Right to Move’ priority where applicable is given through the award of ‘Social Need’ points. Under the national ‘Right to Move’ initiative, transfer applicants from outside Rutland who meet the criteria can join the housing register and receive a certain degree of priority through the award of Social Need points, if:

- they need to move to Rutland to take up an offer of employment based here or to keep an existing job here, to avoid ‘hardship’ for themselves or another family member
- the work must not be ‘marginal’ and the applicant must intend to take up the offer or to continue working here. Normally this would mean it should be for at least 16 hours per week, for at least the national minimum wage or be an apprenticeship, and be expected to last for at least one year.

A3.2 ‘Transfer applicants’ are current tenants of social landlords that are registered providers and who request their own transfer.

A3.3 In determining hardship, the Council will take into account:

- distance and/or time taken to travel between work and home
- the availability and affordability of transport, taking into consideration level of applicants earnings
- the nature of work and whether similar opportunities are available closer to home
- other personal factors e.g. medical care, child care which would be affected if applicant could not move
- the length of the work contract
- whether failure to move would result in the loss of opportunity to improve their employment prospects etc.

A3.4 The Council then needs to consider whether the above or similar relevant factors cause a risk of short-term crisis/substantial inconvenience and/or medium-/long-term risks to welfare and prospects.

A3.5 The onus is on the applicant to provide the information needed to evidence the ‘Right to Move’, but the applicant should be asked to supply it if it appears from their application that the Right to Move might apply.

- A3.6 A moderate or medium level of hardship would lead to the award of Social Points at Category C (50 points) and a substantial level of hardship the award of points at Category B (150 points). (A 'slight' level of hardship would be a contradiction of terms in this context.)
- A3.7 Applications can only receive one set of Social Need points at a time.
- A3.8 Employment in Rutland points are not awarded if the household is receiving Social Need points for the 'Right to Move', to avoid double-counting.
- A3.9 The arrangements for monitoring the operation of the 'Right to Move' are in paragraph 31.2 of the Housing Allocation Policy.

APPENDIX 4– DEFINITION OF ‘SERVICE PEOPLE’ AND ‘RELEVANT FAMILY MEMBERS’.

The people who benefit from the Armed Forces Covenant Duty are defined collectively as ‘Service people’ in section 343B(1) of the Armed Forces Act 2006 (as amended), comprising: currently serving members of the UK regular and reserve forces; currently serving members of British Overseas Territories’ Armed Forces who are subject to UK Service law; former members of the UK regular and reserve forces and British Overseas Territory Armed Forces, who are ordinarily resident in the UK; and the ‘relevant family members’ of people in these groups.

- (1) A person is a relevant family member where, in relation to a service member or veteran, the person is any of the following—
 - (a) their spouse or civil partner;
 - (b) their, or their spouse’s or civil partner’s, child (under 18);
 - (c) their relative, or their spouse’s or civil partner’s relative where the relative is one of the following—
 - (i) a member of their household;
 - (ii) wholly or mainly financially dependent on them or their spouse or civil partner; or
 - (iii) someone for whom them or their spouse or civil partner has assumed regular and substantial caring responsibilities;
 - (d) where the service member or veteran is deceased, anyone who was their relevant family member under sub-paragraphs (a) to (c) above immediately before their death.
- (2) “Relative” in relation to the service member or veteran or their spouse or civil partner, means—
 - (a) a parent, step-parent, son, daughter, stepson, stepdaughter, grandparent, step-grandparent, great-grandparent, step-great-grandparent, grandchild, step-grandchild, great-grandchild or step-great-grandchild;
 - (b) a brother, sister, uncle, great-uncle, aunt, great-aunt, niece, great-niece, nephew, great-nephew or first cousin (whether of the full blood or of the half blood or by marriage or civil partnership); or
 - (c) any person who (no longer being a child under 18) was the responsibility of them or their spouse or civil partner when they were a child.

- (3) For the purposes of this appendix, references to the service member's or veteran's spouse or civil partner includes—
 - (a) a person whose relationship with them is akin to a relationship between spouses or civil partners;
 - (b) a former spouse or civil partner or a person whose relationship with them was formerly akin to a relationship between spouses or civil partners.
- (4) For the purposes of this regulation, a person is a child (under 18) of someone if they are the parent or have responsibility for the child
- (5) For the purposes of paragraph (1)(c), references to a person being a member of a service member's household includes people who would be living in the same household but for the fact that the service member is temporarily living at another address for service reasons.
- (6) For the purposes of paragraphs (2)(c) and (4), a child (under 18) is the responsibility of the service member's or veteran's spouse or civil partner where—
 - (a) they have parental responsibility for the child within the meaning of section 3 of the Children Act 1989(2); or
 - (b) the child is someone who otherwise meets the criteria in paragraphs (1)(c)(ii) and (iii).

**A large print version of this document is
available on request**



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