

Bassetlaw District Council HomeFinder Choice Based Lettings Policy

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SECTION 1 - Introduction and Overview

1.1 Introduction

This is the Lettings Policy of Bassetlaw District Council.

This policy:

- Ensures that properties are allocated fairly
- Meets Bassetlaw District Council's legal obligations
- Allocates housing to people in need
- Gives applicants choice and control over where they wish to live

1.2 Overview

The Choice Based Lettings Policy is based on five main principles:

1.2.1 **Access**

Access to Bassetlaw District Council's housing register is available for anyone aged 18 and over. This is explained in section 2.

1.2.2 **Lettings Bands**

Applicants with similar needs for housing are grouped into 1 of 6 Lettings Bands that are used for deciding who will get a new tenancy. These are explained in section 4

1.2.3 **Advertising**

Vacant properties are advertised openly so that anyone accepted onto the Housing Register can request the tenancy. This is explained in section 5

1.2.4 **Offers**

Normally a new tenancy is offered to the applicant who is top of the list of applicants who have put their name forward for the property. This is explained in section 5.

1.2.5 **Feedback**

We will advertise the results of allocations of vacant properties on the Homefinder to allow applicants to make informed decisions and choices in the future.

1.3 Choice of Accommodation

Under Section 166A Housing Act 1996 (as amended by the Localism Act 2011) it is Bassetlaw District Council's policy to allow applicants as wide a range of choice of accommodation as possible.

Under Section 160ZA Housing Act 1996 (as amended by Localism Act 2011) Bassetlaw District Council has the power to determine what classes of person are not

qualified to be allocated housing (these requirements are in addition to the provisions on eligibility in respect of persons from abroad)

It is the intention to advertise vacant properties to enable applicants to bid for any property in which they are eligible for. This is explained in Section 3.

In exceptional circumstances an applicant may have their choice of accommodation limited where this is not in the best interests of the applicant or the local community. This is covered in section 6 (Exclusion and Suspension from the Housing Register and Other Restrictions).

SECTION 2 - Acceptance onto the Housing Register

2.1 Registration

Bassetlaw District Council operates an Open Housing Register.

Anyone aged 18 years and over can apply to go on the Housing Register. For applicants aged 16/17 please refer to section 2.7.

2.2 Qualification for Acceptance on to Housing Register

Applicants are entitled to make one application on the Housing Register.

On receipt of an application the Housing Register will be checked to identify any possible duplication of applications. If circumstances change an applicant may amend their application or register a new application. If a new application is registered the initial application will be removed from the Housing Register.

2.3 Identification and Verification

To ensure applicants are assessed correctly information is required to confirm their identity.

For children and other household members evidence is required confirming that they are a member of the household.

EEA Nationals

If you are an EEA National or subject to immigration control we may ask you for further information to determine if you are eligible to go on the Housing Register.

2.4 Proof of Identity

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:

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

2.5 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 Bassetlaw District Council.

2.6 Checks and References

On application we will make a number of checks to verify that the details and information provided to us are correct and up to date. When an offer of housing is

made these details will be rechecked to ensure circumstances have not changed, these include:

- A reference from a current landlord for Council and Housing Association tenants; for private rented sector tenants a reference may be requested
- Proof of the applicant's National Insurance number is required; in some cases further checks may be made for verification purposes
- Verification checks on previous addresses
- Previous criminal conviction 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 Checks to make sure that the applicant has not purposefully worsened their circumstances to obtain more priority on their application
- Checks that the applicant does not have a financial interest in a property
- Work related checks will be carried out under the 'Right to Move' criteria

2.7 Age

Applicants must be at least 18 years of age.

Applicants aged 16 or 17 years will also be accepted in the following circumstances:

- They have been accepted as Homeless and in Priority Need by Bassetlaw District Council and have a Support package through a recognised Support provider or
- they have another Support Package from a recognised agency.

The support package must be in place as a condition of allocation of a property and must include an appropriate guarantor for the tenancy, including rent payments. A letter, including a support plan, must be provided at the time of registration from the support provider outlining commitment from the date of allocation, up to the time application is at least 18 years old.

Applications from a couple, one of whom is under 18 years of age, will be registered as a single person application in the name of the older applicant. The application will be amended to a joint application on the 18th birthday of the second applicant on request retaining the original date of application.

2.8 Qualifying Persons

Bassetlaw District Council will fulfil its obligations under the current statutory provisions to ensure only "qualifying persons" are accepted onto the housing register.

Bassetlaw District Council cannot accept applications from persons who are not "qualifying persons" as defined under Section 160A of the Housing Act 1996. This is covered in detail in Section 6.

2.9 Local Connection

Applicants are accepted into one of the Housing Register Bands A – D if they have a local connection to the Bassetlaw District Council area. A local connection will be:

- If the applicant has currently lived in the Bassetlaw District Council area for a continuous period of 2 years as their main home
- The applicant does not currently live in the Bassetlaw District Council area or has not lived in Bassetlaw for a continuous period of 2 years but they have a close relative who lives in Bassetlaw, and has done for a continuous period of 2 years. A close relative is spouse, parent, child, sibling.
- Where the applicant is currently serving, or has served, in Her Majesty's Forces and wishes to reside in the Bassetlaw District Council area.
- The applicant is a victim of domestic violence with a need to reside in the Bassetlaw District Council area – and has been referred by Women's Aid under the terms of the move on protocol
- The applicant is a secure, introductory or assured tenant of a registered housing provider in England with a need to move to the Bassetlaw area for work under the right to move (see Band C9 criteria)
- The applicant has been continuously employed in the Bassetlaw District area for a period of one year, or has an offer employment that will last for more than one year

Bassetlaw District Council will carry out checks to ensure that applicants meet the local connection criteria, and further supporting evidence may be required.

Applicants who do not satisfy the local connection criteria will be accepted onto the register and placed in Band E. Applicants in Band E will not be able to move to a higher band unless they satisfy the local connection criteria.

2.10 Declaration of Interest

In order that that all applicants are treated fairly any applications from employees of Bassetlaw District Council, Bassetlaw District Council Elected Members and their close relatives must be disclosed via the application form.

Applications with a declaration of interest will be processed in the normal way but offers of accommodation will not proceed without the approval of a Senior Officer of Bassetlaw District Council.

The definition of a close relative will include an applicant's:-

- spouse or partner
- parent or parent in law
- step parent
- son or daughter
- son in law or daughter in law
- stepson or stepdaughter
- brother or sister
- aunt or uncle

- grandparent
- grandchild

2.11 Property Ownership

Owner-occupiers will only be allowed to register a housing application if following a financial assessment they are unable to resolve their own housing need. The financial assessment will be based on the ability to purchase an alternative suitable property using the average house price in the Bassetlaw district.

For owner occupiers who are awarded Band A or B Medical priorities please refer to Section 11.5.6

2.12 Effective Date of Application

The effective date of the application is the date when the applicant has provided all the documentation.

The date of your application may change if your application is awarded (see 2.13).

2.13 Change of circumstances

A change in an applicant's or their household's circumstances may affect the applicant's qualification for acceptance onto the Housing Register.

A change in circumstances will result in a re-assessment of their application.

If an applicant is changing their address they are required to provide up-to-date proof of the new address.

Where a change in circumstances entitles an applicant to move to a higher band the date of the application will be amended to the date of qualification to the new Band.

Where an applicant is in Band A, B or C but subsequently moves to Band D, the application date will revert to the original date of application.

It is the applicant's responsibility to inform Bassetlaw District Council directly of any change in their or their household's circumstances (see section 3.5)

SECTION 3 - Lettings Criteria

The Lettings Criteria are the rules that are used to determine the properties for which applicants may apply.

3.1 General Needs Accommodation

General Needs Accommodation includes properties designated for the use of single persons, couples and families and includes flats, maisonettes and houses.

Applicants aged under 60 assessed by Medical Panel as needing ground floor accommodation can bid for designated older person flats and bungalows.

Applicants accepting properties with a warden call system which is part of the property, and stated within the advert for the property, will be liable to pay the service charge for the warden call system.

3.2 Older Person Designated Accommodation

Applications for Older Person designated accommodation are accepted from applicants of at least 60 years of age. For joint applicants at least one of the applicants must have reached the age of 60 years.

Applicants aged 60 years and over (including couples where one applicant is aged 60 years and over) must register for either General Needs accommodation or Older Person accommodation but not both.

Where an applicant reaches the age of 60 and wishes to change their request from General Needs Accommodation to Older Person Accommodation they cannot bring forward the waiting time accrued before their 60th birthday. A pre-existing application will therefore be re-dated for allocation purposes to the date of the oldest applicant's 60th birthday.

Applicants accepting properties with a warden call system which is part of the property, and stated within the advert for the property, will be liable to pay the service charge for the warden call system.

3.3 Choice of Accommodation Criteria

The size and type of property will normally be offered you will depend on the size and type of your household as shown in the following table overleaf.

Older Person Designated Accommodation:

Older Person designated flat	Single Person	Couple
Bedsit	✓	
1 Bed	✓	✓
2 Bed	✓	✓

Bungalow	Single Person	Couple
1 Bed	✓	✓
2 Bed	✓	✓

Older Person Independent Living Centre Flat*	Single Person	Couple
1 Bed	✓	✓
2 Bed	✓	✓

* Applicants bidding for Independent Living Centre will be subject to an assessment to determine their suitability for this type of accommodation.

General needs accommodation*:

Flat or Maisonette	Single Person	Couple	Family 1 or more Child / Children	Family 3 or more Children
Bedsit	✓			
1 Bed	✓	✓		
2 Bed	✓	✓	✓	
3 Bed			✓	✓

House	Single Person	Couple	Family 1 or more Child / Children	Family 3 or more Children
1 Bed	✓	✓		
2 Bed		✓	✓	
3 Bed			✓	✓
4 Bed				✓

3.4 Re-advertising of Properties

Where a property has not been able allocated on the first advert it will be re-advertise, and allocated in the following order:

- For Older Person designated properties:

Applicants will be considered in order of their Band and then the applicant's position within that Band in the following order:

- Applicants in Band A over 60
- Applicants in Band A over 40
- Applicants in Band B over 60
- Applicants in Band B over 40

- Applicants in Band C over 60
 - Applicants in Band C over 40
 - Applicants in Band D over 60
 - Applicants in Band D over 40
 - Applicants in Band E over 60
 - Applicants in Band E over 40
- For General Needs properties:

In the absence of an applicant from Bands A – D who would normally qualify for the property (e.g. couples or families for a house) bids will be considered from applicants who would not normally qualify for that type of property. This will be looked at on an individual basis.

3.5 Definition of Eligibility

3.5.1 Minimum age for any offer of a property

We will not normally offer a property to an applicant aged under 18 years.

However applicants aged 16 or 17 years will be accepted as in line with section 2.7.

3.5.2 Older Persons

Older Persons include an applicant aged 60 years and over. In the case of couples at least one applicant must be aged 60 years and over. However, should the applicant aged 60 years or over, pass away prior to allocation, the remaining applicant will cease to receive any accrued waiting time, prior to their 60th birthday. If the remaining applicant is still under 60 they will not be classed as Older Person.

3.5.3 Single Persons

Where a person has applied for re-housing solely for him or herself they are classed as a single person.

3.5.4 Couples

Where two applicants have applied for accommodation together they are classed as a couple. Couples include applicants who are married, or have a civil partnership, or intend to live together on a permanent basis. Couples do not currently have to share the same accommodation. There is no distinction between opposite and same sex relationships.

3.5.5 Families

The definition of a family includes:

- Where a household includes a child aged under 18 years who lives with the applicant on a permanent basis

- Where a household includes a family member aged 18 years and over who currently lives with the applicant and intends to do so on a permanent basis
- Lone parent families are treated the same as two parent families
- There is no distinction between opposite and same sex relationships
- Where a single applicant has parental responsibilities with a clear legal agreement for residency arrangements.
- For the purposes of eligibility for a property, an applicant/partner/household member who is 26 weeks pregnant is classified as having a child.

3.6 Conditions for Allocations of Properties

Applicants with a local connection to the Bassetlaw District Council area may register an application immediately after the commencement of their tenancy but will not be allocated another property within the first 12 months of their current tenancy. Applicants will be suspended until this time.

Applicants holding a tenancy with a Registered Social Landlord (that is a Council, ALMO, Housing Association or other “Not For Profit” organisation) will not be considered for a property unless they have an identified housing need, for example they require

- larger accommodation
- smaller accommodation
- change in medical circumstances
- to provide / or receive care.

Applicants with no identified housing need, will have their application suspended

3.7 Amendment of a Housing Application

Where a relationship between joint applicants breaks down the application will be cancelled. Both parties may submit a new housing application which will be dated from receipt of the new form.

Where there is a dispute between former joint applicants about the custody of children, proof of legal access to the children will be required.

A single person’s housing application can be amended to a couple or family application at the request of the applicant if:

- The applicant and their partner have married or have a civil partnership; proof will be required.
- The applicant and their partner have been living together as a couple, for at least 12 months at the same address.
- The applicant now has a child that is living with them on a permanent basis proof of which will be required
- Where a single applicant has parental responsibilities with a clear legal agreement for residency arrangements.

The application will be amended to a joint housing application (if applicable), retaining the original application date and any subsequent tenancy granted as a joint tenancy.

Where a housing application has been amended it will be re-assessed on the basis of the change of circumstances and may result in a change of the applicant's Housing Register Band.

SECTION 4 - Lettings Bands and Allocation of Tenancies

4.1 Lettings Bands

Bassetlaw District Council has 4 Housing Register Needs Bands.

There is a single Housing Register and existing Bassetlaw District Council tenants will have their request for re-housing assessed on the same basis as other applicants on the Register.

4.2 Allocation of properties

Properties will be allocated to applicants who have expressed an interest in the property in band order with priority first:

- **BAND A - Applicants with SEVERE / URGENT housing needs**
- **BAND B - Applicants with HIGH housing needs**
- **BAND C - Applicants with SOME housing needs**
- **BAND D – All other Applicants with a local connection**
- **BAND E – All other Applicants without a local connection**

4.3 BAND A - Applicants with SEVERE / URGENT needs for re-housing

A1 Statutorily Homeless

An applicant is prioritised where, following assessment by Bassetlaw District Council under the Housing Act 1996 and Homelessness Act 2002, they are found to be statutorily homeless, eligible for assistance, in priority need and not intentionally homeless.

A2 Major Property Factors

Property factors priority reason applies to applicants who are living in a property which is subject to Environmental Health action such as Statutory Overcrowding or an irresolvable category 1 hazard which requires the applicant to leave their home.

A3 Urgent Social Priority

This priority applies to applicants who have been assessed as being at significant risk in their home and no other alternatives are available to alleviate the risk.

This can be for reason of harassment, racial harassment, Police Witness protection, domestic abuse, severe anti-social behaviour affecting a council tenant where it is necessary to rehouse the tenant on a permanent basis, severe violence or threat to life or other exceptional circumstances.

This priority must normally be supported by the Police, Social Services or other statutory agency.

This priority will only be granted following a report to a Senior Housing Manager.

A4 Severe Medical needs in accordance with terms of reference of the Medical Panel

An applicant will be prioritised where, following assessment by Bassetlaw District Council's Medical Panel in accordance with its terms of reference, the applicant, or a member of their family is found to have severe medical needs for re-housing.

A5 A need for a substantially adapted property

An applicant will be prioritised where, following assessment by Bassetlaw District Council's Medical Panel in accordance with its terms of reference, the applicant or a member of their family, is found to have urgent/severe medical needs for re-housing and requires a property with substantial adaptations.

A6 Armed Forces Personnel

Armed Forces Community Covenant

The applicant is:

- A current member of the Armed Forces or former service personnel with identified housing need; or
- A bereaved spouse or civil partners of a member of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner; or
- A serving or former members of the Reserve Forces who need to move because of a serious injury or medical condition or disability sustained as a result of their service.

The applicant does not have to have a local connection with the Bassetlaw area but wishes to reside in the Bassetlaw District Council area.

A7 Bassetlaw District Council Tenants wishing to downsize accommodation

An applicant will be given Band A priority status where they are an existing Bassetlaw District Council tenant and wish to move to a property with less bedrooms.

A8 Care Leavers

This band is for care leavers who are the responsibility of Nottinghamshire County Council who have been in Band B for at least two months and have

been placing bids but have not yet been rehoused. Care leavers in this band will be placed on auto bid with regular monitoring and assistance.

A9 A Bassetlaw District Council Tenant who will release a property with substantial adaptations and are no longer needed by the household

An applicant may be given Band A priority status when:

- A tenant is occupying Bassetlaw District Council property which was specifically built or substantially adapted for a person with a disability and the accommodation is no longer needed or
- A tenant has succeeded to the tenancy of Bassetlaw District Council property which was specially built or substantially adapted for a person with a disability and they do not need this accommodation

If the applicant is not re-housed within two months Bassetlaw District Council may take legal action to repossess the property.

A10 Bassetlaw District Council Tenants wishing to downsize accommodation

An applicant will be given Band B priority status where they are an existing Bassetlaw District Council tenant and by moving to a property with less bedrooms this would release at least one bedroom.

4.3.1 Direct lets and direct lets to homeless applicants

Most properties will be advertised through HomeFinder Choice Based Lettings service. However, in certain circumstances some properties will be let directly to applicants with a Urgently/Severe Housing Need. This will be authorised by a Senior Officer

4.3.2 Position within the Band

An applicant's position within Band A is determined by the date at which Band A status was granted, i.e., the date when the applicant qualified for Band A. Offers of accommodation will be made by date order of the status date.

If two or more applicants have the same Band A status date the applicant with the earliest original housing application registration date will be offered the property first.

4.3.3 Time Limit on Priority

Priority is granted to enable applicants to be re-housed as quickly as possible to resolve their severe and urgent housing needs and is not intended to allow applicants to access a restricted choice of accommodation.

Priority is given to applicants for an initial period of two months.

Applicants are expected to consider and bid for as wide a range of housing and areas as possible unless otherwise specified by Bassetlaw District Council.

Failure to bid may result in Bassetlaw District Council placing bids on suitable properties on the applicant's behalf.

If the applicant has not accepted an offer of accommodation at the end of this period the application will be reviewed by Bassetlaw District Council taking into account the properties which became available for which the applicant was expected to bid, the bids made by the applicant and whether any offers were made to the applicant. Where an applicant has been awarded a priority under category "A1 Statutorily Homeless", by Bassetlaw District Council's Housing Needs Team, the review of the priority will be taken in conjunction with the Housing Needs Team.

The following options will be considered:

4.3.4 Applicant failure to bid

This applies where:

- There has been a range of properties for which it was reasonable for the applicant to bid and they have failed to do so or
- They have restricted their bids to a limited number of properties

And as a result of this has not received an offer of a property.

In these cases Bassetlaw District Council will start to bid for a suitable property on the applicant's behalf. If a bid is successful and the applicant subsequently refuses the offer, the priority will be cancelled and the application re-assessed and moved to the relevant Band.

4.3.5 Applicant has bid unsuccessfully

This applies where:

- An applicant has bid for a wide range of properties that have been available but has been unsuccessful in these bids

In these cases the priority status will be extended for a further two months at the end of which the priority will be reviewed.

4.3.6 Lack of suitable properties

This applies where:

- The applicant requires a specific type of property or their priority has been restricted to a specific area and
- There have been no properties available that meet these requirements or the applicant has bid unsuccessfully

In these cases the priority status will be extended for a further two months at the end of which the priority will be reviewed.

4.3.7 End of priority status

Where an applicant with a priority has failed to accept an offer of a suitable property their priority status will be removed and their application will be re-assessed in line with this Policy. The factors leading to the priority status will not be taken into account in the re-assessment.

This will apply during the initial period of two months and also if the priority is extended.

4.4 BAND B - Applicants with HIGH housing needs

B1 Bassetlaw District Council successor tenant who will move to smaller accommodation

An applicant may be given Band B priority status if they have succeeded to the tenancy of a property and are willing to move to a smaller property. (Bassetlaw District Council will reserve the right to take legal action to re-possess the property in accordance with the Housing Act 1996, for example due to under occupation).

B2 An applicant without a right of succession to a Bassetlaw District Council tenancy

An applicant will be given Band B priority status if they would have qualified to succeed the tenancy of the property at that time, if there had not previously been a succession, and they would not normally qualify in accordance with the Choice of Accommodation Criteria in Section 3 of the Lettings Policy for the type of property which they currently occupy.

If the applicant is not re-housed within two months Bassetlaw District Council may take legal action to repossess the property.

Applicants with no rights of succession where this section does not apply will not be granted a Band B priority status but will qualify for Band C status in C3 Insecure Accommodation. Bassetlaw District Council has the right to take legal action to re-possess the property.

B3 A Bassetlaw District Council Tenant who will release Older Person accommodation and this is no longer required by the applicant (see also B1)

An applicant may be given Band B priority status when:

- A tenant has succeeded to the tenancy of Bassetlaw District Council property, which is designated, for use by an Older Person and they do not qualify for this accommodation in accordance with the Choice of Accommodation Criteria in Section 3 of the Lettings Policy.

If the applicant is not re-housed within 2 months then Bassetlaw District Council/Bassetlaw District Council may take legal action to repossess the property.

B4 Release identified supported accommodation in accordance with a formal protocol between Service Providers, Bassetlaw District Council

An applicant will be given Band B priority status when their re-housing would release a unit of supported accommodation provided within the Bassetlaw District Council area. This provision will apply where:

- There is a formally agreed protocol between the Service Provider, Bassetlaw District Council that define the circumstances under which priority housing is appropriate

- The supported accommodation is in the Bassetlaw District Council area
- The agreed quota for the number of cases to be re-housed in the year has not been exceeded

Applicants are expected to consider and bid for as wide a range of housing and areas as possible. Once priority is granted the applicant will be advised of the accommodation and areas that are considered suitable for their needs. Bassetlaw District Council will make this decision in consultation with the Service Provider.

B5 Multi Agency Public Protection Agreement (MAPPA) - formally identified and agreed cases

An applicant may be given Band B priority status when their re-housing has been requested by a Level 1 MAPPA referral in accordance with the formal protocol agreed by MAPPA, Bassetlaw District Council.

B6 Duties under the Children’s Act 1989

An applicant may be given Band B priority status when their re-housing has been requested by a Nottinghamshire County Council referral under the Children’s Act 1989 in accordance with the formal protocol agreed by Nottinghamshire County Council, Bassetlaw District Council.

B7 High medical need in accordance with terms of reference of the Medical Panel

An applicant will be given Band B priority status when, following assessment by Bassetlaw District Council’s Medical Panel in accordance with its terms of reference, the applicant or a member of their family is found to have a high medical need for re-housing.

This will include:

A medical problem where re-housing could substantially improve the quality of life or health of the applicant and/or;

- Mobility needs where they are unable to reach essential facilities without severe difficulty in their home and a move to a different property would solve these problems
- They are unable to get in or out of their current home without substantial difficulty or assistance of others

B8 A need for a substantially adapted property

An applicant will be prioritised where, following assessment by Bassetlaw District Council’s Medical Panel in accordance with its terms of reference, the applicant or a member of their family, is found to have High Housing Need for re-housing and require a property with substantial adaptations.

B9 Hospital discharge where no suitable temporary or permanent accommodation

An applicant may be given Band B priority status when the Doncaster and Bassetlaw Hospitals NHS Foundation Trust and Nottinghamshire County Council have requested their re-housing and they have no alternative accommodation available.

B10 Care Leavers

This band is for care leavers age 16 – 25, who are the responsibility of Nottinghamshire County Council, and have identified housing need. The request for Band B10 will be supported by a letter from Nottinghamshire County Council confirming the applicant is a care leaver, and is the responsibility of Nottinghamshire County Council

4.4.1 Direct lets and direct lets to homeless applicants

Most properties will be advertised through HomeFinder Choice Based Lettings service. However in certain circumstances some properties may be let directly to applicants with a High Housing Need. This will be authorised by a Senior Officer

4.4.2 Position within the Band

An applicant's position within Band B is determined by the date at which Band B status was granted, i.e. the date when the applicant qualified for Band B.

Offers of accommodation will be made by date order of the status date.

If 2 or more applicants have the same Band B status date the applicant with the earliest original housing application registration date will be offered the property first.

4.4.3 Time Limit on Band B Status

Band B status is granted to enable applicants to be re-housed as quickly as possible to resolve their high housing needs and is not intended to allow applicants to access a restricted choice of accommodation.

Band B status is given to applicants for an initial period of two months.

Once the applicant has been granted a Band B status Bassetlaw District Council will provide advice and assistance on how to bid for properties and the review process if they have not been re-housed within two months.

Applicants are expected to consider and bid for as wide a range of housing and areas as possible. Once priority is granted the applicant will be advised of the accommodation and areas that are considered suitable for their needs and for which they are expected to bid.

After two months the application will be reviewed by Bassetlaw District Council taking into account the properties which became available for which the applicant was expected to bid and the bids made by the applicant.

The following options will be considered:

4.4.3.1 Applicant Failure to bid

This applies where

- There has been a range of properties for which it was reasonable for the applicant to bid and they have failed to do so or
- They have restricted their bids to a limited number of properties

The Band B status will be cancelled and the application re-assessed and moved to the relevant Band.

4.4.3.2 Applicant has bid unsuccessfully

This applies where:

- An applicant has bid for a wide range of properties that have been available but has been unsuccessful in these bids

In these cases the Band B status will be extended for a further two months at the end of which the Band B status will be reviewed.

4.4.3.3 Lack of suitable properties

This will apply where:

- The applicant requires a specific type of property or their priority has been restricted to a specific area and/or
- There have been no properties available that meet these requirements or the applicant has bid unsuccessfully

In these cases the Band B status will be extended for a further two months at the end of which the Band B status will be reviewed.

4.4.3.4 End of priority status

Where an applicant with a priority has failed to accept an offer of a suitable property their priority status will be removed and their application will be re-assessed and placed in the appropriate Lettings Band. The factors leading to the priority status will not be taken into account in the re-assessment. This will apply during the initial period of two months and also if the priority is extended.

B11 - Applicants owed a Relief Duty under Section 189B of the Housing Act 1996

Applicants to whom Bassetlaw District Council owes a duty to relieve their homelessness under S189B of the Housing Act 1996 (as amended).

This priority reason applies to applicants who have been accepted to be in priority need and not intentionally homeless who are eligible for assistance and threatened with homelessness, and who have a priority need for accommodation. The applicant must not have unreasonably refused an offer of accommodation, have become homeless intentionally or deliberately refused to co-operate with a Housing Needs team.

An offer of accommodation would be in any area of the district that the Council has assessed as suitable and safe for the applicant to live in.

This award may be withdrawn if the homelessness duty changes.

4.5 BAND C - Applicants with **SOME housing needs**

An applicant will qualify for Band C if any of the following conditions apply:

C1 Families with children aged 10 years or under in a 2nd floor flat or above

The applicant has a dependent child aged 10 years or under who live in a flat or maisonette where the main access to the property is at 2nd floor level or above.

Applicants who are pregnant or who have a child aged 10 years or under will not normally be allocated a flat at 2nd floor level or above.

Where an applicant's youngest child becomes 11 years old the applicant will cease to receive this qualification.

Where applicants bid for a property above 1st Floor they will cease to receive this qualification.

C2 Older Persons aged 60 and over in a 2nd floor flat and above

The applicant or their partner is aged 60 years and over and live in a flat or maisonette where the main access to the property is at 2nd floor level or above.

Where applicants bid for a property above 1st floor they will cease to receive this qualification.

C3 Insecure or shared accommodation

This applies where an applicant currently occupies a property suitable for their needs but is unable to do so on a long term basis or they do not currently have separate accommodation for the entire household for their sole use. Examples will include but not be restricted to:

- Occupiers of tied accommodation where the applicant has received legal written notice to leave (proof must be provided)
- Shorthold tenancies, which are coming to an end and a Section 21 Notice (to end the tenancy) has been issued – an exception may apply where the applicant has broken their Conditions of Tenancy. Applicants who are subject to an order of possession or notice from their Landlord will be assessed on an individual basis by the Voids and Allocations Manager, and may or may not be eligible for this band depending on circumstances.
- Applicants occupying a property without rights of succession to the tenancy
- Homeless applicants not owed a full duty under the Housing Act 1996 and Homelessness Act 2002
- Applicants sharing accommodation and facilities with others who are not part of their household e.g. living in lodgings, House in Multiple Occupation (unless applicant is named on the tenancy agreement by agreement of all parties), with friends. This could also include applicants with no forwarding address, or applicants who have had to return to the family home. Applicants who have always lived at home

(family) will not qualify for C3 unless they have had an addition to their household.

- Relationship breakdown where the former partners are sharing the same accommodation but living as separate households, unless both partners are on the tenancy and therefore only eligible for Band D
- Split households. Applicants who are living apart requiring accommodation together with the exception of where one or both of the applicants has their own tenancy, unless the accommodation is not suitable e.g., bedsit
- Applicants currently in Her Majesty's Prison who have not been formally excluded from the Housing Register or meet the Local Connection criteria in Section 2.8. These applicants will be suspended from the Waiting List until released from prison, and an updated Change of Circumstances Form received (see section 2.11 and 3.7)

C4 Poor condition of property

Where, following assessment by Bassetlaw District Council, the applicant's property is considered to be prejudicial to health as defined by multiple Category 2 hazards under the Housing Health and Safety Rating System of the Housing Act 2004.

Once these hazards have been removed the applicant will cease to receive this qualification.

C5 Cramped but not statutory overcrowding

Applicants who qualify for C5 banding can choose whether to be in Band C and bid only for larger properties or to be in Band D and bid for any size property.

Where an applicant (not necessarily the tenancy holder) has inadequate bedroom space but is not assessed as statutorily overcrowded according to the following criteria. A claim of cramped living conditions will generally only be considered where it is the result of natural growth i.e. children from the relationship including long term foster children and adopted children. The statutorily overcrowded criteria are:

- A child aged under 1 year of age does not need their own bedroom and can share a bedroom with their parents.
- A child under the age of 16 can share a bedroom if they are the same sex
- A Child under the age of 10 can share a bedroom regardless of sex.

The following table shows examples of where this qualification does or does not apply.

Examples of Qualification for Band C (C5)	Qualification Applies	Qualification Does Not Apply
Family in a 1 bedroomed flat with a child aged 6 months		✓
Family in a 1 bedroomed flat with 2 children aged 6 months and 3 years	✓	
Family in a 2 bedroomed property with a boy aged 4 years and a girl aged 9 years		✓
Family in a 2 bedroomed property with a boy aged 4 years and a girl aged 10 years	✓	
Family in a 2 bedroomed property with 2 girls aged 7 years and 15 years		✓
Family in a 2 bedroomed property with 2 boys aged 12 years and 16 years	✓	
Family in a 3 bedroomed property with a boy aged 7 years and a girl aged 12 years		✓
Family in a 3 bedroomed property with a boy aged 7 years and a girl aged 12 years and a girl aged 15 years		✓

C6 Applicants with a need to give or receive support

This applies to applicants who have a substantial need to move accommodation to give or receive support from a relative, friend or carer.

An applicant's qualification under this category will be determined by the Voids and Allocations Manager of Bassetlaw District Council following a written request from the applicant outlining the need to give or receive support and the reasons why it cannot be provided at their current accommodation.

C7 Some medical needs for re-housing

In accordance with the Terms of Reference of the Medical Panel.

C8 Need to move because of Employment in the Bassetlaw Area or to take up work in the Bassetlaw area

The applicant is either a secure, introductory or assured tenant of a private registered provider of housing in England with a need to move to the Bassetlaw area: -

- Because they are working in the Bassetlaw area
- Have been offered work in the Bassetlaw area

An assessment will take place to ensure that the applicant needs to move for work, and if they were unable to do so it would cause hardship, in line with the Housing Act 1996 regulation 5 (1).

4.5.1 Position within Band C

An applicant's position within Band C is determined by the date at which they qualified for Band C Status. Offers of accommodation will be made by date order of the Band C status date.

C9 Homeless Prevention and Relief (no priority need)

Applicants who are owed a prevention or relief duty by one of the Home-Options local authority partners, but who are not assessed to be in priority need.

4.6 BAND D – All Other Applicants with a local connection to the Bassetlaw area

D1 All Other Applicants with a local connection to the Bassetlaw area

Applicants who do not qualify for any Housing Need Bands A, B or C because they have no immediate need for re-housing but have a local connection to the Bassetlaw area

4.6.1 Position within Band D

An applicant's position within Band D is determined by the original date of an application for re-housing. Offers of accommodation will be made by date order of the housing application.

If Band D applicants are moving to another band, A – C, the position within the Band is determined by the date at which they qualified for that band

4.7 Band E – All Other Applicants without a local connection to the Bassetlaw area

E1 All Other Applicants without a local connection to the Bassetlaw area

Band E1 is for applicants who have not lived in the Bassetlaw District Council area for 2 years or do not meet the local connection criteria.

If an applicant does not meet the local connection criteria they will be allocated Band E1 irrespective of their housing need.

4.7.1 Position within Band E

An applicant's position within Band E is determined by the original date of an application for re-housing. Offers of accommodation will be made by date order of the housing application.

If Band E applicants are moving to another band the position within the Band is determined by the date at which they qualified for that band

4.8 First Come First Served

Where a property has been advertised twice and there have either been no bids for the property and/or the property has not been allocated the property will be made available on a 'First Come First Served' basis.

First Come First Served properties will not be allocated according to waiting time or priority. They will be offered to the applicant who is the first to 'bid' for the property following the advertising cycle commencing.

Any applicant who 'bids' for a property on the First Come First Served basis must still meet the same eligibility criteria for properties, which is stated within the Bassetlaw District Council's Choice Based Lettings Policy.

SECTION 5 - Advertising and Bidding

Vacant properties will be advertised publicly to ensure all applicants have a reasonable chance to bid for the property. Properties may be excluded from the bidding process where it is necessary to make direct allocations to applicants in extreme and urgent circumstances where an applicant's need for re-housing cannot be dealt with through the bidding process. This could include the need to deal with a major natural disaster such as extreme flooding.

5.1 Advertising

The advertising of the properties available for allocation:

- Will be done on the Homefinder website and in the Property Shops
- Available properties will normally be advertised weekly with five calendar days given to place a bid ("Advertising Period")

5.2 Bidding

- Bids will only be registered if the applicant is on the Housing Register with an active application
- Applicants will not be contacted individually if their bid is unsuccessful.
- Applicants can express an interest in up to a maximum of 3 properties in any Advertising Period (see section 5.1)
- When the applicant wishes to bid for more than one property they should bid in their order of preference of the properties - that is bidding firstly for the property they would most like to live in
- Bids will be accepted from nominated representatives of the applicant. To make a bid on behalf of an applicant the representative will be required to give the Housing Application Reference Number and date of birth for the first applicant
- Bids received after the advertised closing date and time will not be accepted under any circumstances
- At the end of each lettings cycle the bids will be sorted in order of:
 - Meeting the lettings criteria as stated in the property advert.
 - Application effective date for the Band
 - Application registration date
- Where an applicant has bid for more than one property and is top of the short list for more than one property they will be offered the property for which they have bid first

5.3 Applicant refusal of a suitable property in Bands C, D, E & F

Applicants in non-priority bands C, D, E & F who have refused 3 offers of suitable accommodation, having 'bid' for the property and refused the property without good reason will have their application suspended. The suspension period will be for 6 months and during this time applicants, will not be allowed to place any 'bids' for advertised properties (see 6.3.7)

5.4 Offers to All Bands

Applicants will be considered for an offer for any property for which they have bid successfully

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

The successful bidder will normally be contacted within 48 hours of the close of bids. Applicants should ensure that at the time of bid Bassetlaw District Council has up to date contact details for the applicant, or their nominated representative, who has bid on their behalf. If Bassetlaw District Council is unable to contact the successful bidder within 48 hours this could result in the bid being withdrawn and the property being offered to the next suitable bidder.

Applicants may be invited to a viewing of the property, if they do not attend the viewing they are deemed to have refused an offer of accommodation

Applicants are expected to decide whether to accept or refuse the offer at the time of viewing the property.

SECTION 6 - Exclusion and Suspension from the Housing Register and Other Restrictions

6.1 In making an assessment to exclude or suspend an applicant from the Housing Register, Bassetlaw District Council will fully consider all factors of the case.

6.2 Exclusion from the Housing Register

Applicants can be excluded from the Housing Register under the Housing Act 1996 and the Localism Act 2011. An exclusion from the Housing Register is where Bassetlaw District Council decides that it should not re-house the applicant. In this case the applicant is removed from the Housing Register and will not be considered for re-housing.

6.2.1 Qualifying Persons

Bassetlaw District Council will meet the obligations under the current statutory provisions to ensure only “qualifying persons” are accepted onto the housing register. Applications cannot be accepted from persons who are not “qualifying persons” as defined under Section 160ZA of the Housing Act 1996.

People who are subject to immigration control within the meaning of the Immigration and Asylum Act 1996 are not a qualifying person and cannot be registered.

6.2.2 Housing Act 1996 Section 160ZA

Bassetlaw District Council reserve the right to refuse to register a housing application, cancel an application or re-house an applicant under the Housing Act 1996 Section 160ZA.

This can include but will not be restricted to:

- Bassetlaw District Council or other tenants evicted for a breach of their conditions of tenancy (whether by them or a member of their household)
- Applicants or a member of their household convicted of a serious criminal offence that would be in substantial breach of Bassetlaw District Council’s tenancy conditions if they were a Council tenant

Examples of unacceptable behaviour will include but will not be restricted to:

- Malicious damage to or neglect of a property
- Using or allowing the use of a property for illegal or immoral purposes
- Violence or aggression towards staff or agents of Bassetlaw District Council

6.2.3 Anti-Social behaviour

Any applicant, or a member of his/her household, will be excluded from the Housing Register, if they have:-

- Received an anti-social behaviour warning or an acceptable behaviour contract; and/or
- Have been made subject to an anti-social behaviour order, criminal behaviour order and an anti-social behaviour injunction or civil injunction relating to anti-social behaviour: and/or
- Where possession proceedings have been commenced and a possession order whether outright, suspended or demoted has been made.
- have a Police record for public order Incidents or anti-social behaviour

An applicant's right to a review is set out in section 9.

6.3 Suspension from the Housing Register

6.3.1 Suspension from the Housing Register

A suspension from the Housing Register is where an applicant retains their presence on the register but is not offered re-housing.

6.3.2 Satisfactory Conduct of a Current Tenancy

Applicants who are tenants of Bassetlaw District Council, another Local Authority, an ALMO or a Registered Social Landlord or other Not For Profit Organisation are expected to conduct their tenancy satisfactorily in accordance with their Tenancy Conditions.

Bassetlaw District Council will check this once an application form for the Housing Register has been received. Checks will be repeated before allocation of a property.

Applicants who have recently left a tenancy with Bassetlaw District Council, another Local Authority, an ALMO or a Registered Social Landlord or other Not for Profit Organisation will also have the conduct of their tenancy checked.

6.3.3 Debts and arrears

Debts and arrears owed to Bassetlaw District Council, another Local Authority, an ALMO or a Registered Social Landlord or other Not for Profit Organisation, or to a private landlord who is a registered member of East Midlands Landlord Accreditation scheme in respect of a housing tenancy must normally be cleared before an offer can be made.

Bassetlaw District Council expects current or former tenants to have a clear payment record in respect of their rent account and any other housing related debts. This will include but not be restricted to:

- Current tenant rent accounts for dwellings or other properties
- Former tenant rent accounts for dwellings or other properties
- Outstanding debts for Court Costs
- Outstanding debts for rechargeable repairs

It will be the applicant's responsibility to provide any proof of a clear account requested by Bassetlaw District Council in respect of their application for re-housing.

Bassetlaw District Council will take into account the payment history of the applicant(s) on the Housing Application. Where the application is in a sole name, account will also be taken of the applicant's spouse or partner's payment history. An application cannot be registered in a sole name to avoid the spouse or partner taking responsibility for their current or former debts or arrears.

Applicants who owe debts will have their application suspended from the Housing Register.

Applicants who feel they have special and unusual circumstances that Bassetlaw District Council should take into account can make a special debt application.

Applicants will have to explain

- What their special circumstances are
- What is unusual about their case
- What efforts they have made to pay the debt
- How they intend to clear the debt and ensure their rent is paid in future.

A special debt application is unlikely to be approved unless the applicant has already made a repayment arrangement and have started to comply with it.

Following receipt of a special debt application the Voids and Allocation Manager of Bassetlaw District Council will consider this. The applicant will be informed in writing of the decision and this will include:

- If the special debt application is rejected what the applicant needs to do in the future to lift the suspension
- If the special debt application is agreed what the applicant needs to do for them to be considered for re-housing. Where an agreement to lift the suspension is in place Bassetlaw District Council will check that this has been adhered to before any allocation takes place. If an applicant has failed to meet the Terms of the Agreement then the application will again be suspended.

6.3.4 Anti-Social Behaviour

Any applicant, or member of their household, against whom legal or other enforcement action is currently being taken for anti-social behaviour will have their application suspended and will not be eligible for an offer of accommodation.

Legal or other enforcement action will include but not be restricted to:

- Damage to a property which has been provided by Bassetlaw District Council, another Local Authority, an ALMO or a Registered Social Landlord or other Not For Profit Organisation
- Action taken under the Terms of a Tenancy agreement at Notice of Seeking Possession, Notice of Possession Proceedings or Notice To Quit or equivalent and above
- An Anti-Social Behaviour Order, Criminal Behaviour Order, Injunction or other legal proceedings
- Conviction for an indictable offence affecting the well-being of their current neighbourhood

Where an application has been suspended Bassetlaw District Council may subsequently consider whether to exclude the applicant from the Housing Register.

6.3.5 Keeping a Bassetlaw District Council Property in Satisfactory Condition

An existing Bassetlaw District Council tenant must keep their current property in a satisfactory condition before Bassetlaw District Council will offer the tenant another property.

The application may be suspended where the property is in an unsatisfactory condition.

6.3.6 Right To Buy Applications

Where an applicant who is a current tenant of Bassetlaw District Council applies to purchase their property under the Right to Buy Scheme (“RTB”) their Housing Register application will be immediately suspended. The application will continue to build up time on the waiting list but will not be considered for allocation whilst ever the RTB is still current.

Where an applicant cancels their RTB the Housing Register application will be returned to the active Housing Register.

If the applicant purchases their property all existing Housing Register applications will be cancelled.

Applicants may subsequently re-apply to go on the Housing Register following the purchase of their property. Applicants will be re-assessed in accordance with this Choice Based Lettings Policy and their current housing circumstances.

Where an applicant has been suspended they will be informed in writing and advised of the conditions that must apply for the suspension to be lifted.

An applicant’s right to a review is set out in section 9.

6.3.7 Refusal of a Suitable Property

Applicants in bands C & D who have refused 3 offers of suitable accommodation, having ‘bid’ for the property and refused the property without good reason will have their application suspended for 6 months.

During this time applicants will not be allowed to place any 'bids' for advertised properties (see section 5.3)

6.4 Restrictions

A restriction is where a decision is made that it is inappropriate to offer a particular type of property or area, for example if there is concern that this may expose other people or the applicant to unacceptable risk or a property is determined is not affordable to the applicant.

6.4.1 Inappropriate re-housing

Bassetlaw District Council reserves the right not to offer a particular area, type of property or a specific property requested by the applicant where this is considered not to be in the interest of the applicant, the local community or Bassetlaw District Council.

Examples of circumstances where this will apply will include, but not be restricted to, if the applicant:

- Requests an area where they may be unable to sustain a tenancy from lack of support
- Requests a property that is too small for their family circumstances and this would lead to an unacceptable overcrowding or cramped living conditions of the property including non-statutory overcrowding
- Has specific needs for disability adaptations and the property does not meet these requirements
- Has previously been involved in a breach of tenancy conditions in an area
- Has been involved in anti-social or criminal behaviour in an area
- Has been involved in actions that, if they were a Council tenant, would have been a breach of Bassetlaw District Council's conditions of tenancy
- The applicant is unable to afford the property following a financial assessment

This list is not exhaustive and all cases will be assessed on an individual basis

Bassetlaw District Council may also decide that it is in the best interests of the applicant that they only be offered a particular area, type of property or a specific property. Where this applies the applicant will be advised in writing of the reasons for this decision.

An applicant's right to a review of this decision is set out in section 9

SECTION 7 - Removal of an Application from the Housing Register

An application for re-housing will be removed from the Housing Register in the following circumstances. This will end the right of an applicant to be offered re-housing on this application.

Cancellation of an application will happen when the applicant:

- Is not a "qualifying person" as defined under Section 160A of the Housing Act 1996
- Is excluded from the Housing Register
- Has requested that their application is cancelled
- Has accepted the tenancy of a Bassetlaw District Council property
- Has become a joint tenant with an existing Bassetlaw District Council tenant
- Has accepted the tenancy of another Local Authority, an ALMO or a Registered Social Landlord or other Not For Profit organisation*
- Succeeds to the tenancy of a Bassetlaw District Council property
- Has purchased a social housing property under the RTB
- Has purchased a property under a Shared Ownership scheme
- Has completed a Mutual Exchange of tenancies
- Has failed to respond to a review of the Housing Register
- Has failed to respond to other correspondence relating to their housing application
- Is an existing applicant and has requested and received major adaptations to their current property. (The applicant will be advised of the implications for their request for re-housing as part of the adaptations process. Minor adaptations up to the limit specified in the Adaptations Policy will not affect the Housing Application)
- Is an existing Bassetlaw District Council tenant and has terminated their tenancy
- Has moved out of the Bassetlaw area.

Applicants are entitled to submit a fresh housing application after an application has been removed from the Housing Register and this will be assessed in accordance with their current housing circumstances.

SECTION 8 - Discretion in Application of the Policy

Bassetlaw District Council has delegated the operation of the lettings policy to the Director of Regeneration. Discretion can be used to deviate from the Policy on the grounds of fairness and good housing management.

Discretionary decisions can be taken by an authorised Bassetlaw District Council Senior Officer on the following grounds:

- To make an offer to an applicant other than the one whose bid is first
- To withdraw a property from the Homefinder Choice Based Lettings Scheme for direct allocation to an applicant
- To make decisions in order to make best use of the housing stock
- To make a direct allocation of a property in an Extra Care Scheme following referral from Adult Social Care and Health Team of Nottinghamshire County Council
- To withdraw a property from the Homefinder Choice Based Lettings Scheme
- To waive the Lettings Policy in exceptional circumstances
- To make decisions where the Lettings Policy does not cover adequately an applicant's special circumstances
- To suspend an applicant from the Housing Register
- To exclude an applicant from the Housing Register
- To agree terms for the lifting of the suspension of a housing application
- To not make an offer to an applicant in special circumstances
- To suspend the offer of accommodation pending further investigation
- To withdraw an offer to an applicant in special circumstances
- To apply restrictions to an applicant's right to be considered for a particular area or property type where this is not in the best interests of the applicant, a member of their household or the community
- To accept an applicant who is assessed as in Band E into another band where failure to do so would cause hardship to the applicant or their family
- To extend the period of time in which an applicant can apply to have a decision reviewed (see section 9)
- To directly allocate properties which have been fully adapted for a disabled person to use.

An applicant's right to a review of a decision affecting their application under this section is set out in section 9.

SECTION 9 - Administration of the Policy

9.1 Right to Information and Appeal/Review of an Application

Applicants have a right to request information about their application including how their application is being treated and how long it is likely to be before they are offered accommodation.

Applicants will have the right to a review of the operation of the Choice Based Lettings Policy on their application for re-housing.

Bassetlaw District Council will follow the requirements of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011

Applicants have a right to be:

Informed in writing if Bassetlaw District Council:

- reduces their preference for re-housing; or
- suspends an applicant from the Housing Register
- determines that an applicant is ineligible for an allocation of accommodation
- determines that an applicant is not a “qualifying person” for entry on to the Housing Register
- refuses to re-house the applicant because of unsuitable behaviour

The applicant will have the right to:

- be informed in writing of the decision and of the reasons for this decision
- request a review of a decision
- submit information in support of their appeal against the decision
- be informed in writing of the decision of the review and the grounds for it

The request for a review must be made within 21 days of notification of the original decision of Bassetlaw District Council. The request for a review should be made in writing. The request can be made by a representative on the applicant’s behalf

A Senior Officer (who did not make the original decision) will review the decision. The applicant will be notified in writing of the decision of the Senior Officer within 28 working days of receipt of the request for a review. The Senior Officer will consider the review on the basis of the Choices Based Lettings Policy, any legal requirements and other relevant information (this includes information provided by the applicant relating to relevant developments since the original decision was made). The applicant will be notified of the outcome of the review and the reasons for the decision, in writing.

If the applicant remains dissatisfied with the decision of the Senior Officer they can apply for an appeal of that decision. The application for appeal must be made within 21 days of the date of the notification of the review. A more Senior Officer will conduct the appeal. The applicant will be notified in writing of the decision within 14 working days of receipt of the request for an appeal.

The decision of the appeal will be final and applicants will not be able to re-appeal.

Applicants may not request another review unless there is a substantial and significant change in their circumstances from when the original review was requested.

9.2 False Statements and Withholding Information

This scheme falls within the provisions of Part VI of the Housing Act 1996. Section 171 of the Act states:

(1) a person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part –

- (a) he knowingly or recklessly makes a statement, which is false in material particular,*
- (b) he knowingly withholds information which the authority have reasonably required him to give in connection with the exercise of those functions*

The penalty for the offence contrary to Part VI Housing Act 1996 is a fine up to level 5 (£5000)

In more serious cases action can also be brought under the Fraud Act 2006 for either:-

Section 2 – Fraud by False Representation

(1) A person is in breach of this section if he—

- (a) Dishonestly makes a false representation, and*
- (b) Intends, by making the representation—*
 - (i) To make a gain for himself or another, or*
 - (ii) To cause loss to another or to expose another to a risk of loss.*

Or

Section 3 – Fraud by Failing to Disclose Information

A person is in breach of this section if he—

- (a) dishonestly fails to disclose to another person information which he is under a legal duty to disclose, and*
- (b) intends, by failing to disclose the information—*
 - (i) to make a gain for himself or another, or*
 - (ii) to cause loss to another or to expose another to a risk of loss.*

The maximum penalty for offences contrary to the Fraud Act 2006 is 10 years imprisonment.

Where false information is found to have been given, the applicant may also be excluded from the Housing Register or removed from the Housing Register.

Where false information has resulted in the applicant obtaining accommodation, Bassetlaw District Council may bring possession proceedings for recovery of the property.

9.3 Data Protection

All applications will be dealt with sensitively and in line with the Data Protection Act 1998.

SECTION 10 – Other provisions

10.1 Assignments and Successions of a Tenancy

Bassetlaw District Council will consider all requests for assignments and successions of tenancies in accordance with the current statutory position.

Requests for assignments of tenancies and successions of tenancies will be granted in accordance with the Housing Act 1985 as amended.

10.2 Mutual Exchanges

Bassetlaw District Council will allow mutual exchanges in accordance with the Housing Act 1985 as amended.

10.3 Reviews of the Housing Register

Bassetlaw District Council will carry out reviews of the Housing Register. Failure to respond to the review will result in the application being cancelled.

Applicants who have not responded to the review within 21 days will have their application cancelled and their name removed from the Housing Register. If applicants make contact within 1 month of the cancellation, and a renewal form returned, their application will be reinstated.

10.4 Review of the operation of the Lettings Policy

Bassetlaw District Council will undertake periodic reviews of the Choice Based Lettings Policy.

SECTION 11 - Assessment of Medical Need for Re-housing

An assessment of an applicant's needs for re-housing on medical grounds will be delegated to Bassetlaw District Council's Medical Panel.

The composition and operation of the Medical Panel will be in accordance with the Terms of Reference that are agreed by Bassetlaw District Council.

11.1 Terms of Reference of the Medical Panel

Assessment of medical needs for re-housing is delegated to Bassetlaw District Council's Medical Panel.

The Medical Panel will consist of a Senior Officer of Bassetlaw District Council and a suitably qualified medical advisor for example a General Practitioner, Registered Nurse or Occupational Therapist.

11.2 Referral to the Medical Panel

The applicant or someone acting on their behalf can make requests for consideration by the Medical Panel. Bassetlaw District Council will supply a Self-Assessment Form that must be completed in full to allow the Medical Panel to assess the applicant's needs for re-housing.

The information provided will be assessed to check that there are sufficient medical grounds for the request to be progressed to Medical Panel.

Medical Panel applications from applicants living outside of the Bassetlaw area will not be considered (See section 2.9 for information on local connection)

11.3 Assessment of Medical Need for Re-housing

The Medical Panel may make an assessment of the applicant at the meeting or may defer the assessment for further reports or information that it sees fit.

The Medical Panel may also defer a decision for re-assessment after a period of time where this is appropriate to the applicant's medical condition.

Where an applicant has deliberately or recklessly worsened their housing condition and consequently now qualifies a priority that would not previously have been given they will not be entitled to additional priority.

Where an applicant with a pre-existing medical condition has taken an Bassetlaw District Council tenancy or another Local Authority, ALMO, Registered Social Landlord or other Not For Profit Organisation property, or moved into unsuitable accommodation, they will not be entitled to any enhancement for re-housing or priority re-housing on the basis of this medical need. Where there is a subsequent significant change in medical circumstances the applicant may apply for a re-assessment by the Medical Panel.

Where the applicant has been assessed by the Medical Panel a re-assessment of the applicant will not take place unless there has been a significant change in the applicant's circumstances.

A re-assessment will not be carried out where an applicant has previously been awarded a Band A or B status but has failed to bid or accept a suitable property and has been removed from the Band (see section 4 of the Lettings Policy).

The applicant will be informed in writing of the decision of the Medical Panel and its reasons.

Where an applicant has been awarded a Band A priority for re-housing the Medical Panel will identify the minimum standard of basic facilities required for the applicant's re-housing needs. An Occupational Therapy assessment of a particular property may be requested to determine the suitability of a property prior to an offer being made. Where an applicant bids successfully for a property these standards will be taken into account in determining whether the property is suitable for the applicant.

11.4 Criteria for Assessment for Re-housing on Medical Grounds

The assessment will take into account:

- the applicant's medical needs
- the suitability of their current accommodation for these needs
- Any alternative arrangements or adaptations that can be made to the current property to make that property suitable for the applicant's needs.

Persons with similar medical needs, but currently occupying different types of accommodation, may therefore be assessed as having a different need for medical re-housing.

11.5 Definitions and Examples

11.5.1 No medical housing need

If the applicant or a dependant has a medical condition but their current housing has no significant effect on it and re-housing would not lead to any significant improvement in their health.

For example:

- the current property meets the applicant's needs and can be occupied safely and with no significant effect on the medical condition of the applicant
- the main reason for the move is social and does not relate to the suitability of the property
- the current accommodation could easily be adapted to meet the applicant's medical needs

11.5.2 Band C Qualification

If the applicant or a dependant:

- has a medical condition that is made worse by the current housing conditions and re-housing would lead to an improvement in the medical condition or

- is capable of living in their current accommodation but they have a medical condition that could be improved by alternative accommodation or
- Could have their living conditions made more tolerable and the quality of life enhanced.

For example:

- the property is only partly suitable for the applicant's needs and they have difficulty with access to the basic facilities of the property
- there is some difficulty with access to the property but it is suitable inside

11.5.3 Band B Qualification

If the applicant or a dependant:

- Has a medical condition that makes it difficult to gain access to and use safely the basic facilities of the property including the WC and bathing facilities and there is no separate sleeping accommodation that the applicant can use.

For example:

- the property is generally unsuitable for the applicants and they have difficulty with access to most or all of the basic facilities
- the applicants have sleeping and living arrangements which are on different levels and they experience significant problems in using the property

11.5.4 Band A Qualification

If the applicant or a dependent:

- has a medical condition that makes it impossible to gain access to and use safely the basic facilities of the property including the WC and bathing facilities and there is no separate sleeping accommodation that the applicant can use

For example:

- the current accommodation is totally unsuitable for the applicant's needs and they would find it impossible to live in the property
- sleeping and living arrangements are on different levels and the applicant cannot safely move between these levels
- there is a significant Health & Safety Risk to the person in their current property.

11.5.5 Assessment of basic facilities of the property

Examples of the factors used to assess the medical need for re-housing include:

- ability of the applicants to manage stairs including use of any disability adaptations
- location of bedrooms and ability to access them safely including use of any disability adaptations
- location of bathroom(s) and ability of applicants to access these including use of any disability adaptations
- ability to use existing bathing facilities safely including use of any disability adaptations
- location of WC(s) in the property
- ability to use the WC(s) including use of any disability adaptations
- ability to manage access to and from the building including use of any disability adaptations
- suitability of the heating of the dwelling

The above is a non-exhaustive list.

11.5.6 Allocation of Accommodation

Properties which have been adapted for the use of tenants with disabilities will in the first instance be offered to applicants with medical priority needs, Bands A5 or B8 Severe/Urgent or High Medical Need, with a requirement for a substantially adapted property.

In the absence of applicants with Band A5 Severe/Urgent or Band B8 High medical needs, the property will be allocated in priority band order

Bassetlaw District Council will assess the adapted property for its suitability for the needs of Band A5 or B8 applicants. The assessment will be undertaken by Bassetlaw District Council with the assistance of a qualified GP, the Occupational Therapy Section of Nottinghamshire County Council and/or other agencies as appropriate.

Applicants may bid for any property that they consider suitable for their needs. Where an applicant applies for accommodation which does not meet their access needs the property may be adapted where it is reasonable and practicable to do so in accordance with the Disability Discrimination Act 1995 and the Housing Grants, Construction and Regeneration Act 1996.

Where there is a shortage of suitable properties which could lead to an unreasonable delay in rehousing, properties will be identified that may be suitable for adaptation for applicants with medical priority needs Bands A5 & B8.

11.5.7 Appeals

Applicants may make a written appeal against the decision of the Medical Panel. Once such an appeal has been made the Medical Panel will review its original decision in light of the information submitted in the appeal and any other supporting evidence provided with the appeal.

If the Medical Appeal Panel's review confirms the original decision the appellant will be informed in writing of the decision and the reasons for this.

There is no further right of appeal.

The applicant will retain their rights of review under section 9

SECTION 12 – Local Lettings Policies

12.1 Local Letting Policies

Section 166A(6) of the Housing Act 1996 (as amended by the Localism Act 2011) enables local authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, to achieve a particular policy objective, provided that overall the authority is able to demonstrate compliance with the requirements of S166A.

Bassetlaw District Council will use local lettings policy with the objective to create a sustainable community in order to minimise anti-social behaviour, reduce turnover and void time and create long term homes for people in housing need.

Local Lettings Policies may be used to:

- Deal with concentrations of deprivation to create more mixed communities
- Deal sensitively with lettings in rural areas
- Deal with areas where anti-social behaviour is prevalent
- Improve the sustainability of an area/scheme
- Reduce a high turnover of empty properties

A recommendation for the implementation of a Local Lettings Policy can be made by the Neighbourhood Housing Officer, The Police, local residents, local councillors or other interested parties.

Where a Local Lettings Policy is recommended, this will be published separately and clearly identify:-

- The number of properties that the Local Lettings Policy will cover
- Type of properties the Local Lettings Policy will cover

Where a recommendation is made for Local Lettings Policy statistical evidence must be provided to support the request for a Local Lettings Policy to the Service Manager (Housing) This could include but not limited to:-

- Number of anti-social behaviour cases
- Type of anti-social behaviour
- Number of vacancies within a period
- Void costs
- Repair costs
- Household types within an area/scheme
- Details and type of criminal activity within an area/scheme
- Failed tenancies and the reason for the failure

The request for a Local Lettings Policy will provide details of the proposals to address the issues identified. These could include but not be limited to:-

- A proportion or all of applicants in employment
- Applicants who can provide satisfactory references
- Applicants with no criminal history or record of anti-social behaviour
- Applicants with a local connection to an area

- Applicants without dependent children
- Applicants which are not from preference bands
- Applicants over a certain age band

The request for a Local Lettings Policy will state what period of time the proposed Local Lettings Policy will be in operation

Where the Service Manager (Housing) agrees the request for a Local Lettings Policy, Bassetlaw District Council will send a consultation letter detailing the proposals and giving a date of response to:-

- Residents in the proposed local lettings area
- The local Police
- Local Councillors
- Any local agencies operating in the area

Bassetlaw District Council will take account any comments/objections made to the Local Lettings Policy

If Bassetlaw District Council feels that in the light of comments/objections received, a meeting should be arranged to discuss proposed changes to obtain a finalised Local Lettings Policy.

If changes are made to the proposed Local Lettings Policy, following consultation, this will be re-submitted to the Service Manager (Housing), detailing the consultation which has taken place.

The final Local Lettings Policy will be publicised.

12.1.1 Advertisements of Properties

Advertisements for properties within the scope of the Local Lettings Policy will clearly state the allocations criteria

12.1.2 Review of the Local Lettings Policy

The timescale of a Local Lettings policy will normally be for a 12 month period, after which a review must be undertaken. The Review will detail, (since implementation of the policy)

- Number of anti-social behaviour cases
- Type of anti-social behaviour
- Number of vacancies within a period
- Void costs
- Repair costs
- Household types within an area/scheme
- Details and type of criminal activity within an area/scheme
- Failed tenancies and the reason for the failure

The review will detail progress made against original objectives and submitted to the Service Manager (Housing) with a recommendation that it continues or that it has achieved its objectives and is no longer required.

If a decision is taken to terminate the Local Lettings Policy, Bassetlaw District Council will write to inform:-

- Residents in the proposed local lettings area
- The local Police
- Local Councillors
- Any local agencies operating in the area