

OADBY & WIGSTON BOROUGH COUNCIL HOUSING ALLOCATIONS POLICY

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This policy & procedure will remain under regular review by Oadby and Wigston Borough Council.

PART 1: Introduction

This document is the Council's Housing Allocations Policy, it explains how the Council decides who is allowed onto the Housing Register, how households in different situations are given a relative preference, how properties are allocated and how it selects households for nominations to Registered Provider vacancies where nomination arrangements exist.

PART 2: Policy

The Council is required to keep and maintain a Housing Register, which holds the details of those people and households who wish to apply for Council housing within the Borough. This policy recognizes certain applicants who are non-qualifying and whom may not appear on the Housing Register and are therefore ineligible for an allocation of accommodation (or nomination) – see part 5 sub section 4.

The Council uses a Choice Based Lettings system as the way to allocate properties. Through this system, details of vacant properties are advertised and those who have registered with the Council can 'bid' for properties for which they wish to be considered and for which they are eligible.

The Council seeks to give every eligible applicant (Home-seeker) choice in relation to accommodation by advertising vacancies and inviting expressions of interest (or bids). This Allocations Policy has been devised to ensure that those Home-seekers who are in urgent housing need are given reasonable preference within the choice-based lettings scheme.

This Allocations Scheme has taken into account all legal requirements outlined in the Housing Act 1996, Part VI and amendments made under the Homelessness Act 2002 and Localism Act 2011.

PART 3: Equal Opportunities

Oadby and Wigston Borough Council promote equal opportunities in the services it provides. Our aim is to implement and maintain services which ensure that no potential or current Home-seeker is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, colour, disability, age or sexual orientation nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law.

Help and assistance is available to ensure that all households are able to access our allocations scheme.

The Council seeks to ensure that all applicants are placed on an equal footing by ensuring that individuals who may have difficulty in participating in the scheme receive the help and assistance they require. Those who do not have a family member, friend or advocate who can do this on their behalf will be assisted by a Housing Options Advisor. If you need the

help and assistance of a Housing Options Advisor contact Oadby and Wigston Borough Council's Housing Options Team.

An Equalities Impact Assessment has been prepared as part of developing this policy – a copy is available from the Head of Community.

Oadby and Wigston Borough Council operates in accordance with its equal opportunities policy. A copy of the policy is available from the Council Offices.

PART 4: Data Protection

Home-seekers have the right to information on all decisions made about the facts of their application. This includes all information used in considering housing need priorities. Information held by Oadby and Wigston Borough Council about Home-seekers will only be used in connection with their application for housing and in accordance with the Data Protection Act 1998. In normal circumstances, this information is only to be disclosed to partner Housing Associations or other landlords who may be able to offer accommodation. This means that the information and the fact that a customer has applied for housing, will not normally be passed onto any third parties without the customer's prior written consent, *or* in exceptional circumstances where disclosure without consent is warranted. These circumstances are defined as follows:

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

PART 5: The Housing Register & Policy

Oadby and Wigston Borough Council maintain a register of Home-seekers who are interested in being housed by the Council or housing associations operating in the Borough of Oadby and Wigston. Properties that become available to let will normally only be allocated to Home-Seekers on the Housing Register.

5.1. Joining the Housing Register

Any person over the age of 18 can apply to join the Housing Register. This applies whether they are currently living within the Borough of Oadby and Wigston or outside of the Borough as long as they have a local connection with Oadby & Wigston Borough Council (See para 5.4.1 for main exceptions).

There are special provisions for 16 and 17 year olds (see below).

Every Home-seeker must supply a copy of their proof of eligibility before completing the online registration process. This might include an image of a passport, photocard drivers licence or UK birth certificate – if none of these documents are available then the Home Seeker should contact the Council for further advice. The information given on the form must be correct and must include a full 6 year address history.

The Council reserves the right to disqualify any Home-seeker from joining the register, withdraw any offer of a tenancy or recover possession of an existing tenancy if they have knowingly given false information.

Home-seekers will be asked to provide proof to support their application; for example, they may be asked to provide proof of income, benefits, access rights to children or levels of capital. The Council will make any other enquiries as it considers necessary in order to assess the application. This may involve contacting previous landlords, health or medical advisors, police, etc.

Home-seekers will be asked to provide an e-mail address to which all correspondence can be sent. The Council is mindful that an e-mail address might not always be possible due to imprisonment or because of the terms of a Sexual Offences Protection Order or similar and will on occasion consider registrations without an e-mail address.

It is the Home-seekers responsibility to keep the Council informed of any change in their housing circumstances as this may affect their housing need category. If we become aware of a change of circumstances, the Home-seeker may be overlooked for an offer until the information requested has been provided.

The Housing Register is open to transfer Home-seekers, who are defined as any existing social housing tenant in Oadby & Wigston Borough. Transfer applicants who are on Introductory Tenancies with their social housing landlord, may be permitted to register for a transfer and, if successful in bidding for a new property, complete their introductory period at that address.

5.2. Home-seekers under the age of 18

Home-seekers aged 16 and 17 can apply to join the Housing Register. Home-seekers under the age of 18 must provide details of a trustee. The trustee must be a responsible person such as a parent or other close family member, or a representative from a support agency.

Home-seekers aged 16 and 17 will be assessed in the same way as all other Home-seekers joining the Housing Register.

Only those with a trustee in place will be made an offer of accommodation. When an application is received from a lone parent under the age of 18 the Council will seek to carry out a joint assessment of needs and support with Social Services. The assessment will only be undertaken after the Home-seeker has given their consent.

5.3. Eligibility to appear on the Housing Register

5.3.1 Housing authorities must consider all applications made in accordance with the procedural requirements of the authority's allocation scheme (Housing Act 1996 s.166(3)). In considering applications, authorities must ascertain:

1. if an applicant is eligible for an allocation of accommodation, and
2. if he or she qualifies for an allocation of accommodation

5.3.2 An applicant may be ineligible for an allocation of accommodation under s.160ZA(2) or (4). Oadby & Wigston Borough Council (OWBC) will consider applicants' eligibility at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application.

Joint Tenancies

5.3.3 Under s.160ZA(1)(b), OWBC must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, the authority may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

Existing Tenants

5.3.4 The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a Private Registered Provider. Most transferring tenants fall outside the scope of the allocation legislation (s.159(4A)); while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions by virtue of s.160ZA(5).

Persons from abroad

5.3.5 A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act. There are two categories for the purposes of s.160ZA:

(i) *a person subject to immigration control* - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), European Economic Area nationals are nationals of any EU member state (except the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland.

(ii) *a person from abroad other than a person subject to immigration control* - regulations may provide for other descriptions of persons from abroad who, although not subject to

immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

5.3.6 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

Persons subject to immigration control

5.3.7 The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

5.3.8 The following categories of persons do not require leave to enter or remain in the UK:

(i) British citizens

(ii) certain Commonwealth citizens with a right of abode in the UK

(iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area (see paragraph 3.11 (iii) below) with the UK which allows free movement

(iv) EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive)

(v) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

5.3.9 Any person who does not fall within one of the four categories in paragraph 3.11 will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see further below).

5.3.10 If there is any uncertainty about an applicant's immigration status, OWBC will contact the UK Border Agency (UKBA). UKBA provides a service to housing authorities to confirm the immigration status of an applicant from abroad (non asylum seekers) by email at LA@UKBA.gsi.gov.uk. Where UKBA indicates the applicant may be an asylum seeker, enquiries of their status will be made by OWBC to the Immigration Enquiry Bureau helpline on 0870 606 7766.

5.3.11 Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

i) *a person granted refugee status*: granted 5 years' limited leave to remain in the UK

ii) *a person granted exceptional leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds*: granted for a limited period where there are compelling humanitarian or compassionate circumstances for allowing them to stay. However, if leave is granted on condition that the applicant and any dependants are not a charge on public funds, the applicant will not be eligible for an allocation of accommodation. Exceptional leave to remain (granted at the Secretary of State's discretion outside the Immigration Rules) now takes the form of 'discretionary leave'.

iii) *a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland* (the Common Travel Area): such a person will have indefinite leave to enter (ILE) or remain (ILR) and is regarded as having settled status. However, where ILE or ILR status

is granted as a result of an undertaking that a sponsor will be responsible for the applicant's maintenance and accommodation, the person must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later - to be eligible. Where all sponsors have died within the first five years, the applicant will be eligible for an allocation of accommodation.

iv) *a person who has humanitarian protection granted under the Immigration Rules*⁶: a form of leave granted to persons who do not qualify for refugee status but would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395))

v) a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules

vi) a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted—

(i) under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules (rules laid down as mentioned in section 3(2) of the Immigration Act 1971), and

(ii) who is not subject to a condition requiring that person to maintain and accommodate himself, and any person dependent upon him, without recourse to public funds.

vii) a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules.

Other persons from abroad who may be ineligible for an allocation

5.3.12 By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

(i) a person who is not habitually resident in the Common Travel Area (subject to certain exceptions - see paragraph 3.14 below)

(ii) a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) ('the EEA Regulations').

(iii) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations

(iv) a person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights

5.3.13 See government guidance on rights to reside in the UK derived from EU law.

5.3.14 The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

a) an EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)

b) an EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)

c) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to

(ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);”.

d) a person who is a family member of a person referred to in (a) to (c) above

e) a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations

g) a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK. This could include EEA nationals, if the person was settled in the UK and exercising EU Treaty rights prior to deportation from the third country. Where deportation occurs, most countries will signal this in the person’s passport.

5.3.15 A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain ‘worker’ status between jobs until they have accrued 12 months continuous authorised employment. ‘Family member’ does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations

5.3.16 The term ‘habitual residence’ is intended to convey a degree of permanence in the person’s residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

5.3.17 Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years’ continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident.

5.4. Qualifying & Non-qualifying Persons

5.4.1 OWBC may only allocate accommodation to people who are defined as ‘qualifying persons’ (s.160ZA(6)(a)). Subject to the requirement not to allocate to persons from abroad who are ineligible and the exception for members of the Armed and Reserve Forces and existing social tenants under the ‘Right to Move’ in paragraphs 5.4.9 & 5.4.11 below, a housing authority may decide the classes of people who are, or are not, qualifying persons.

There are 4 categories of applicant who are treated as non-qualifying:

5.4.1.1 Those without a local connection – see 5.4.2

5.4.1.2 Those whose behaviour makes them unsuitable to be a tenant – see 5.4.3

5.4.1.3 Those with the financial means to meet their own housing needs – see 5.4.4

5.4.1.4 Those applicants with a housing related debt of more than £300 – see 5.4.5

5.4.2 OWBC has decided to treat only those people with a local connection to the borough as ‘qualifying persons’, a local connection is defined as;

1. Having lived in the borough for the past 2 years
2. Having lived in the borough for a total of 3 or more years out of the past 5 years
3. Currently working in the borough either on a permanent or temporary contract running for a minimum of 12 months. Usually those working less than 16 hours a week will be treated as non-qualifying.
4. Having parents, brothers, sisters or adult children (those aged 18 yrs or older) who are living in the borough now and have done so for at least the past 5 years and

where a meaningful relationship exists. Those applicants not providing significant support to the qualifying relative or receiving significant support from the qualifying relative will be treated as non-qualifying; or

5. Other special circumstances (these will be exceptional).

Home-seekers without a local connection will be treated as non-qualifying.

5.4.3 Home-seekers will be treated as non-qualifying if they, or a member of their household, are:

Guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant.

When making this decision we will consider:

5.4.3.1 What action a landlord, would have taken against the perpetrator of the unacceptable behaviour. The behaviour must be serious enough that a registered provider would have been entitled to a possession order under schedule 2 of the Housing Act 1985 or schedule 2 of the Housing Act 1988.

As an example, cases relating to noise problems, domestic violence, racial harassment, intimidation and drug dealing would probably lead to a possession order. Rent arrears often only lead to a suspended possession order.

5.4.3.2 Whether the behaviour is serious enough to make the Home-seeker unsuitable as a tenant.

As an example, accrual of rent arrears which have resulted from factors outside of the Home-seekers control, e.g. delays in housing benefit payments or liability for a partner's debts are not serious enough to make the Home-seeker unsuitable as a tenant.

5.4.3.3 When the unacceptable behaviour took place. Consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances.

The Council will exclude a Home-seeker from the register if all 3 conditions (5.4.3.1 – 5.4.3.3) are satisfied. When making this decision the Council will consider whether it is reasonable to exclude the Home-seeker. We will take into account all relevant factors such as health, dependants or other factors.

5.4.4 Homeseekers who have the financial means to meet their own housing needs will be treated as non-qualifying. This is determined by assessing whether the joint homeseekers' income, joint savings or equity exceed the thresholds outlined below.

	Threshold
Income limit – gross*	£43 246
Equity limit	£31 643
Savings limit	£16 876

The exception to this would be those who demonstrate a support need for supported, sheltered or extra-care housing which they cannot purchase or rent on the open market.

The threshold amounts will be updated by the Consumer Prices Index 12 month rate change published by the Office for National Statistics in April each year (no increase was applied in 2015, 0.3% increase in 2016, 2.7% increase in 2017 and 2.4% increase in 2018).

*gross income includes all income including all DWP benefits, child maintenance payments, pensions and wages before any taxation or other statutory deductions are made – this includes income that is regularly disregarded for certain local taxation, universal credit, housing benefit and other purposes.

5.4.5 Where the home seeker owes more than £300 as a housing related debt to any Council or landlord (social or private) and there is no satisfactory arrangement to repay the debt or where regular payments have not been maintained in accordance with an agreed payment plan for at least twelve consecutive weeks at the time of application and at the time of any offer being made. These applicants will also be treated as non-qualifying for the purposes of the housing register.

Housing related debts include rent arrears on a current or former property and sundry debts such as court costs, rechargeable repairs, repayments required on rent deposit schemes or other homelessness prevention measures. Outstanding debts with private sector landlords are also included, unless there is a reasonable held belief that the debt is inflated. Where the home seeker is able to demonstrate that they have maintained a payment plan for more than 12 consecutive weeks, they can contact the Council to request that their application is treated as qualified (re-assessed).

Whilst the aforementioned regulates access to the Housing Register it must be noted that social landlords may decide not to accept a bid or nomination in the event there is any outstanding debt whether above or below £300 and regardless of repayment plans. For example Oadby & Wigston Borough Council would expect all debt owed to the Council to be paid in full before granting an Introductory or Secure tenancy.

5.4.6 Home-seekers treated as non-qualifying will be informed in writing of the reason why their application has been rejected. They will have the opportunity to appeal against this decision if they feel it is incorrect (see below for details) If a Home-seeker who has been refused entry onto the Housing Register because of one of the above believes their circumstances have changed and that they should now be considered as qualifying persons they should complete a new registration form.

The Home-seeker will need to show that since their previous application was submitted or that his/her circumstances or behaviour have changed.

If at any time the Council obtains evidence that a Home-seeker already accepted onto the Housing Register is ineligible then the Home-seeker will be advised that their application will be cancelled. Home-seekers will have the opportunity to use the appeals procedure if they are able to show this decision is incorrect. (see below).

5.4.7 In framing the qualification criteria, OWBC has given regard to its duty under the equalities legislation, as well as the requirement in s.166A(3) to give overall priority for an allocation to people in the reasonable preference categories.

5.4.8 As with eligibility, OWBC will consider whether an applicant qualifies for an allocation at the time of the initial application and when considering making an allocation, particularly where a long time has elapsed since the original application.

Members of the Armed Forces and the Reserve Forces

5.4.9 Usually the following classes of applicant will be treated as qualifying persons. These classes of people with connection to the armed forces remain subject to eligibility criteria:

(a) members of the Armed Forces and former Service personnel, where the application is made within five years of discharge

(b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner

(c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

5.4.10 These provisions recognise the special position of members of the Armed Forces (and their families) whose employment requires them to be mobile and who are likely therefore to be particularly disadvantaged by local connection requirements; as well as those injured reservists who may need to move to another local authority district to access treatment, care or support.

Right to Move

5.4.11 Social tenants seeking to transfer from another local authority district in England who:

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

will be treated as qualifying persons

The factors that the Council will take into account in determining whether a tenant needs to move to be closer to work or to take up a job offer include:

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

Work which is short-term or marginal in nature, or is ancillary to work in another district and voluntary work are excluded.

In determining whether work is short-term, the Council considers that the following are relevant considerations:

•• *whether work is regular or intermittent*

This is likely to be particularly relevant in the case of the self-employed.

•• *the period of employment and whether or not work was intended to be short-term or long-term at the outset*

In the Council's view a contract of employment that was intended to last for less than 12 months could be considered to be short-term.

The following considerations would be relevant in determining whether work is marginal:

•• *the number of hours worked*

In the Council's view employment of less than 16 hours a week could be considered to be marginal in nature. This is the threshold below which a person may be able to claim Income Support and the threshold for a single person's entitlement to Working Tax Credit.

•• *the level of earnings*

The Council will take into account all the relevant factors when reaching a decision. The fact that a tenant only works 15 hours a week, for example, may not be

determinative if they are able to demonstrate that the work is regular and the remuneration is substantial.

Work must not be ancillary to work in another local authority's district. This means that, if the person works occasionally in the Council's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded from the ambit of this scheme.

A further relevant consideration would be whether the tenant is expected eventually to return to work in the original local authority district. If the Council has reason to believe this is the case, we will usually seek verification from the tenant's employer.

A person who seeks to move into Oadby & Wigston Borough to be closer to work in a neighbouring authority – for example, where the transport links are better here – is also excluded from these scheme.

This scheme excludes voluntary work. Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred.

Joint tenants

5.4.12 In the case of an allocation to two or more persons jointly, at least one of the persons must be a qualifying person (s.160ZA(6)(b)) and all of them must be eligible.

Fresh applications

5.4.13 Applicants who have previously been deemed not to qualify may make a fresh application if they consider they should now be treated as qualifying, but it will be for the applicant to show that his or her circumstances have changed (s.160ZA(11)).

5.5 Review of the Housing Register

The Council will undertake reviews of the Housing Register. Home-seekers will be contacted and asked to confirm whether they want to remain on the register and whether their circumstances have changed. Home-seekers will be expected to respond to the review within 14 days. Failure to respond will result in a letter being sent advising the Home-seeker that their registration will be cancelled within 14 days unless there is a response.

Home-seekers can ask for their application to be reinstated if they believe that it has been cancelled incorrectly or unreasonably. An example of where an application could be reinstated is where a Home-seeker has been in hospital for the duration of the review and does not have a mailing contact who could have responded on their behalf. A request to reinstate an application should be made in writing to a Housing Options Advisor. If the Home-seeker does not agree with the decision of the Housing Options Advisor they have the right to request a review of this decision.

5.6 Appeals (Review) Process

If a Home-seeker does not agree with a decision made by the Council in respect of their application or in respect of any decision that affects their housing application they have the right to appeal.

Circumstances in which an appeal is likely to be submitted include:

- Where a Home-seeker has been treated as a non-qualifying person.
- Where a Home-seeker believes that their application has been assessed incorrectly and placed in the wrong housing need category.
- Where a Home-seekers application has been cancelled and their request to have the application reinstated has been refused.
- Home-seekers who want to be considered for a property type that they are not eligible for.

If a Home-seeker has successfully matched for a property but has been refused the offer of accommodation by one of the Registered Provider partners they should ask the Registered Provider to review their decision. Each partner operates its own appeals process.

Home-seekers wanting to request a review of the decision will need to submit a written request. The appeal will normally need to be submitted within 21 days of the original decision letter, the appeal should be addressed to the Housing Services Manager at Oadby and Wigston Borough Council. The officer considering the appeal will usually be more senior to the officer making the original decision and will not have been directly involved in that original decision.

5.7 Properties reserved for certain transfer applicants

The council will advertise certain properties with preference given to existing Oadby & Wigston Borough Council tenants. This will not exceed 25% of anticipated annual vacancies.

A Housing Association may also use the system to advertise properties to their existing tenants as long as the empty property does not come from the vacancies assigned to the Council under the agreed nomination arrangement.

5.8 Sheltered and supported accommodation

Oadby & Wigston Borough Council sheltered and supported accommodation has the following eligibility criteria:

Applicants must be aged 50 years of age or older AND has a support need as assessed by Oadby & Wigston Borough Council with supporting medical information.

Other landlords advertising properties will apply their own policy which may be different.

5.9 Property eligibility criteria

5.9.1 The following rules will be used to determine the size of accommodation needed by a household.

A separate bedroom is needed for each of the following:

- Every adult couple or single parent
- Any other adult aged 16 years or over
- Any two children aged under 10 years regardless of sex
- Any two children aged under 16 years of the same sex
- Any other child

- 5.9.2 In assessing any bedroom shortage in a household's existing accommodation, the best fit according to these rules will be taken, if that is different to the pattern of occupation of the existing accommodation.
- 5.9.3 Rooms that are in use for other purposes but could be used as bedrooms will also be included in the calculation.
- 5.9.4 The minimum size for a room to qualify as a bedroom is 6.5m².
- 5.9.5 A single parent household is entitled to the same size accommodation as a two parent household with the same number of children.
- 5.9.6 Households that include a pregnant woman are assessed as if the baby has already been born (i.e. the baby is counted as a child), where the expected date of delivery is within three months. The onus is upon the applicant to notify the Council at the requisite time. Where this results in an additional bedroom being awarded then this will only happen after an affordability assessment or the child actually being born, which ever happens first. This is because landlords including the Council may legitimately refuse households who are subject to the bedroom tax.
- 5.9.7 Where there is evidence of a need for a member of the household to have a separate bedroom (for example, for medical reasons, or because of behavioural issues), then an additional bedroom need can be allowed following an affordability assessment. This is because landlords including the Council may legitimately refuse households who are subject to the bedroom tax.
- 5.9.8 A child must spend a minimum 4 nights per week with the home seeker in order for them to be classed as a permanent resident. Exceptions will be considered, for example in circumstances where the child resides away from the home seeker on a temporary basis but their permanent home is with the home seeker.
- 5.9.9 Where a parent has access to their children but does not provide the main family home, an additional bedroom need may be awarded to allow the children to sleep over following an affordability assessment. This is because landlords including the Council may legitimately refuse households who are subject to the bedroom tax. In order to qualify the parent would need to be providing at least two nights of secondary care on a regular basis and be able to afford the larger accommodation. Only a maximum of one additional bedroom would be granted regardless of the number of children involved.
- 5.9.10 Where an applicant has care or support needs that require overnight assistance on a permanent basis, then the need for an additional bedroom can be awarded to permit this following an affordability assessment. This is because landlords including the Council may legitimately refuse households who are subjected to the bedroom tax. This can include prospective foster carers, on evidence that a foster care allowance has been granted.
- 5.9.11 Home seekers awarded priority on the basis of having a bedroom shortage may be overlooked if they bid successfully on a like-for-like property. Transfer applicants awarded preference for a downsizing requirement because of the bedroom tax etc may be overlooked if they successfully bid on a property of the same size as their existing property.

5.9.12 Large families (ie. those with five or more children) may be given additional priority over smaller households for properties with four or more bedrooms.

5.9.13 Home seekers will generally be allowed to bid for the size and type of property as shown in Appendix 1. In some circumstances the opportunity may be given to bid for larger properties where they are in low demand.

Other factors

5.9.14 The definition of an elderly couple is where at least one of the partners does not meet the age criteria. In general there will be no lower age limit on any partner, except when this is specified in the property advert.

5.9.15 A family with a disability is defined as a household where at least one of the members has a mobility need and they have been assessed as requiring a property with adaptations matching the A/B key category

5.9.16 Property adverts may be restricted to receiving bids from certain types of applicant, where this is in line with the landlord’s lettings policies.

For example property adverts may be restricted by:

- by current landlord (OWBC properties for existing OWBC tenants)
- by support needs (ie. Sheltered, Extra-care and Supported)
- by banding
- by home seeker age
- by household type and size (see the eligibility table in appendix 1).
- By the need for a particular adaptation i.e. Level Access Shower

5.9.17 Preference will be given to certain accommodation in order 1,2,... etc as outlined in the table below for those assessed as eligible for the type and size of accommodation:

Property type/ size	Preference given to:
Houses	<ol style="list-style-type: none"> 1. Households with at least one full time resident and dependent child age under 16 years 2. Other households assessed as eligible
2 bedroom supported accommodation for those aged 50 years or older	<ol style="list-style-type: none"> 1. Any household assessed with both a support need and need for a 2nd bedroom 2. Any household comprising a couple where at least one member has an assessed support need 3. Any single person household with an assessed support need
2 bedroom sheltered accommodation for those aged 50 years or older	<ol style="list-style-type: none"> 1. Any household assessed with both a support need and need for a 2nd bedroom 2. Any household comprising a couple where at least one member has an assessed support need 3. Any single person household with an assessed support need

Properties which have been adapted for the disabled including those with Level Access Showers, extensions providing ground floor sleeping accommodation, through floor platform lifts	<ol style="list-style-type: none"> 1. Households requiring the specific adaptations 2. Other eligible households
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5.10 The Right to Move

Oadby & Wigston Borough Council expects 1% of lettings to go to social tenants exercising their 'Right to Move'. 1% has been chosen for the following reasons:

The Borough is a compact geographical area of 9 square miles and is well served by transport including a train station, buses and a network of cycle-ways from the main residential areas both in and outside the Borough. As such claims to exercise the Right to Move on distance and travel grounds are anticipated to be lower than would be the case in more extensive and rural areas. In addition whilst there are specialist employers in the Borough much of the employment opportunities are of a type and nature which are abundantly available elsewhere such as the neighbouring City of Leicester which may also mitigate the number of successful claims under the Right to Move.

(please see para 5.4.11 above for details of the qualification for 'Right to Move')

Accepted 'Right to Move' cases will normally be awarded the 'medium band'

5.11. The Banding Scheme

5.11.1 This scheme is how the Council meets it's statutory obligations and locally agreed preferences

The housing needs of each household will be considered and assessed. All home seekers who are eligible to join the housing register will be placed in one of four priority bands. The four bands are as follows:

Low Housing Need	band 4
Medium Housing Need	band 3
High Housing Need	band 2
Priority Housing Need	band 1

Band 4: LOW HOUSING NEED

Applications will be accepted but placed in the lowest band in the following circumstances:

- The home seeker is the owner or joint owner of a residential property with no significant welfare or medical need. This may include home seekers with statutory property rights under the Family Law Act 1996.
- The home seeker is a transfer applicant who is only eligible for a move to the same size of property and who does not have a significant welfare, medical or other exceptional need to move. This is termed a 'like for like' transfer ,

- The home seeker is a joint tenant of a Housing Association property where the other party does not wish to move.
- The home seeker only wishes to be considered for low cost home ownership schemes.
- Private tenants and tied tenants who are adequately housed with no significant medical/welfare or exceptional need to move.

Home seekers who have deliberately worsened their circumstances to gain an unfair advantage over other Home Seekers on the housing register will normally remain in the Low Housing Need Band for a period of 12 months. The application will then be reassessed. If there is a relevant change in the household's circumstances during the twelve month period the applicant can contact Housing Options to request that their housing need is re-assessed.

Band 3: MEDIUM HOUSING NEED

Preference will be given to home seekers who fall into one of the following categories: -

1. Homeless households

This could include:

- Homeless households who are deemed eligible for assistance but do not qualify for a full housing duty because they do not have a priority need, or they made themselves intentionally homeless.
- A home seeker who has been assessed as being threatened with homelessness in less than 56 days, is considered to be in priority need and has been through homeless prevention options with the Council and all other options have been exhausted.

2. Poor housing conditions – households living in insanitary or otherwise unsatisfactory housing conditions.

This could include:

1. Households lacking adequate toilet, bathing or cooking facilities.
2. A property that although not unfit for habitation is in a serious state of disrepair and poses a high health and safety risk to the applicant. This could include properties where there is inadequate lighting, heating and ventilation or where there is ineffective drainage for waste and surface water. This will be assessed in partnership with an Environmental Health Officer (EHO). The EHO will consider using the powers available to secure that the property is made fit.
3. In exceptional circumstances other poor housing conditions will be considered. These will be considered where there is evidence that the housing conditions are having a detrimental effect upon the welfare or health of the household.

3. Medical Need to move

Households with a medical, disability or mobility problem.

This could include:

1. Verified high medical need where a move will improve or prevent the deterioration of a condition. This will apply when a home seeker's condition is currently directly affected by their accommodation and a move is needed to have a positive effect on their condition, or whereas as a result of their condition their current accommodation is not suitable to their needs. An investigation will be carried out.
2. Level access accommodation is required and there is no prospect of adaptations to the home seeker's current property within 12 months. Suitable proof will be required, i.e. confirmation from a local occupational therapist and landlord. The home seeker may be referred to local agencies for assistance with adaptations.

4. Welfare need to move

This could include:

1. Home seekers suffering from harassment or neighbour nuisance, such as verbal abuse or damage to the property. The problems will have been reported to the landlord and/or the Police for action but a satisfactory conclusion not found. The harassment is not at a level whereby the home seeker has an emergency need to move.
2. The need to be near relatives to give or receive support. This would only apply where NOT moving would cause emotional, physical or financial hardship to either party.
3. The need to move closer to specialist educational, other organisation, agency, institution or permanent employment within Leicestershire (Oadby & Wigston Borough specifically for the 'Right to Move'). This would only apply where NOT moving would cause significant emotional, physical or financial hardship.
4. Has found permanent employment in the district and needs to move closer to work, or will otherwise lose their employment. An investigation will be undertaken; this will involve contacting the applicant's new employer.

The 'Right to Move' (referenced to the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) and in para 5.4.11 of the Housing Allocations Policy *not this appendix*) will generally be considered under paras 3 or 4 immediately above.

5. Short term accommodation.

This would include:

1. Living with family, relatives or friends.

2. Households accommodated for a limited period on non-secure tenancies or on license agreements in hostels or other supported accommodation.
3. Owner of residential property where a member of the household has a medical, social or economic reason to move. This would include applicants unable to maintain their current property but with insufficient equity to purchase or rent suitable accommodation, elderly people living in isolation and/or requiring an element of care.
4. Transfer home seekers seeking different size accommodation.
5. Transfer home seekers seeking a like for like transfer who have a medical, mobility or social need to move.

Band 2: HIGH HOUSING NEED

A home seeker who has been assessed as having two or more needs from the following sections of Medium Housing Need Band. No more than one factor to be taken from each of the main banding categories.

1. Homeless households
2. Poor Housing Conditions
3. Medical Need to Move
4. Welfare Need to Move

Please note that Short Term Accommodation category (5) cannot be combined in this way.

A home seeker will not be placed in the High Housing Need Band if the 2 or more needs are from the same section.

The following circumstances will also qualify a home seeker to be placed in the High Housing Need band:

1. Home seekers where there is overcrowding by two or more bedrooms short of the assessed need. An investigation will be carried out to ensure the overcrowding has happened as a result of natural growth of a family or through other reasonable circumstance.
2. A home seeker who is living in supported accommodation and the Council has a formal move on agreement with the housing provider or their key worker has agreed that independent accommodation would now be appropriate.
3. Transfer home seekers who are under-occupying a home which is in high demand from other home seekers and where there may be assistance available from a local tenants incentive scheme.
4. Transfer home seekers affected by the bedroom tax and needing to downsize.

Home seekers in a High Housing Need band category can remain in this category for up to 16 weeks. If no suitable properties come available during the period, or the home seeker has not been successful in their search for accommodation their

application will be reviewed. In exceptional circumstances applicants can be granted an extension to the 16 weeks. The length of the extension will be determined by the Housing Needs Manager.

Home seekers in the High Need category retain the right to respond to properties of their choice. Applicants will be expected to consider all suitable properties. Failure to respond to suitable properties or refusal of an offer of suitable accommodation will be taken into account if the application is reviewed at the end of the 16 week period.

Band 1: PRIORITY HOUSING NEED

Home seekers who have been assessed as having an emergency need to move will be placed in the Priority Housing Need band. Home seekers can remain in this band for a period of up to 8 weeks. If no suitable properties have become available during the 8 week period, or the home seeker has not been successful in their search for accommodation, their application will be reviewed. In exceptional circumstances applicants can be granted a further 8 weeks in the priority need category.

Home seekers in a priority need category retain the right to respond to properties of their choice. Applicants will be expected to consider all suitable properties. Failure to respond to suitable properties or refusal of an offer of suitable accommodation may result in priority not being renewed at the end of the 8 week period.

The relevant date for short-listing home seekers placed in the priority band will not be the date they joined the housing register, it will be as follows

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

Priority need to move will be recognised in the case of:-

Homeless Households

Households to whom the Council has a statutory duty to secure accommodation under S193 as described by Part VII Housing Act 1996 and amended by the Homelessness Act 2002.

Emergency welfare need

Circumstances could include (this is not an exhaustive list):

1. Home seekers who are subject to severe harassment, threats of violence or actual violence or threats of physical, emotional or sexual abuse.
2. Home seekers living in a property where the conditions are classified as unsafe or risk of imminent harm which cannot be remedied within a reasonable time (not resulting from damage caused by the applicant).
3. Home seekers living in a property that is statutorily overcrowded

4. Care leavers and other vulnerable home seekers whose social or economic circumstances are such that they have difficulty in securing settled accommodation. The home seeker will be through their housing options with the Council and all other options will have been exhausted.

Emergency medical need

Circumstances could include:

A home seeker with a progressive or chronic medical condition combined with other difficulties such as the need for adapted accommodation or the inability to be discharged from hospital to their current accommodation.

Complex housing needs

Would include a number of high need factors which taken together create an urgent need to move. This could, for example, be a combination of severe physical and learning disabilities combined with stress caused by harassment.

Management need

Circumstances could include (this is not an exhaustive list):

1. Tenants needing an emergency transfer because their current property is in need of urgent repair (includes demolition)
2. Home seekers succeeding to a tenancy that is not suitable to their needs who have lived in the property for at least the last twelve months
3. Home seekers who have no right in law to remain in their current RSL or council accommodation, i.e. they have no right of succession.
4. Tenants occupying a wheelchair adapted property they no longer need but which could be used by somebody else.

Displaced agricultural workers who qualify for assistance under the Rent (Ag) Act 1976

Moving between housing need bands

5.11.2 A home seeker's housing need band will change if their level of need changes

5.11.3 When a home seeker moves up to a higher housing need band their effective date will change to the date they moved in to the higher category. Home seekers moving to the priority housing need band because the Council has a full homelessness duty to them will have their effective date changed to the date they presented as homeless.

5.11.4 Home seekers who move to a lower band will retain their current effective date or the date they were previously in that category.

5.11.5 Oadby & Wigston Borough Council reserve the right from the eighth week of a homeless household owed the main homeless duty having being in the priority band

to place bids on properties which are both suitable and reasonable for the household to accept. Were the bid to result in an offer refusal of such a final offer would bring the council's main homeless duty to an end. In such circumstances the applicant would have the right to request a review of the decision under part 7 of the Housing Act 1996 within 21 days of being notified – being a different review process to that described elsewhere in this document.

5.12 Bidding process

5.12.1 Property advertisements

The Council takes no responsibility for the accuracy or content of the property advertisements placed by the landlords participating in the scheme. The property advertisement will generally list the main features of the property. Complaints about adverts should be made to the Council which reserves the right to remove the advert.

5.12.2 Bidding

Home-seekers will be allowed two bids per advertising cycle. Home-seekers can cancel bids and place them on other advertised properties at any time during the bidding period. Home seekers should indicate a 1st preference and 2nd preference which will be used in the event the homeseeker ends up in 1st place on 2 properties. Home-seekers will be informed of their position in the short-list at the time of bidding.

5.12.3 Short-listing

Home seekers bidding for properties will be short-listed in the following order:

1. By Band
2. By effective date (= date of registration or more recent date of change of banding)

5.12.4 Refusals

Applicants who make three refusals will have their application suspended pending an interview to review their application.

5.13 Mobility Needs & Medical Issues

There is a separate assessment process for people with some form of mobility need or medical issue. For example, a member of the household:

- is no longer able to climb stairs or get into a bath
- Has visual impairment
- had an accident or illness that has affected their mobility
- has a child whose mobility is restricted.
- Has some other medical condition which they have notified the Council of

5.13.1 Needs Assessment

This is done through a questionnaire, generally as part of the application process, though it can be completed later. It may require further investigation and usually involves considering documentary evidence supplied by the home-seeker. There may be occasions when the

Housing Options Team have to request information from health practitioners and seek an opinion from the Council's own medical advisor. By completing the medical questionnaire the home-seeker is assumed to give consent for the Council to make additional enquiries and to seek alternative medical opinions as to do this is an integral part of the Council's obligation under the Housing Act to process applications and make decisions.

There are three housing mobility categories for properties:

1. General – no specific adaptations or may have minor or low level adaptations (i.e. grab rail)
2. Level Access Shower – these properties have a 'level access shower' but fall short of being fully wheelchair accessible
3. Fully wheelchair accessible – please note that these properties might not meet the requirements of all wheelchair users

If the home seeker is a wheelchair user or needs a wheelchair accessible property an assessment from a suitably qualified person such as an Occupational Therapist may be required.

The general principle is that the Council can only allocate or nominate a household to a property that is suitable for their needs i.e. allocating a home with a Level Access Shower to a household requiring a Level Access Shower.

The Council cannot allocate or nominate to a home that does not meet the household's needs currently unless the level of adaptation is relatively minor i.e. a grab rail is needed adjacent the front door.

Appendix 1 GENERAL PROPERTY ELIGIBILITY CRITERIA

The following table is a guide only, actual eligibility is determined using the rules set out in the policy

	Single Person	Single person or couple with access to children ¹	Couple	Couple/lone parent plus one child	Couple/lone parent plus two children	Couple/lone parent plus three children	Couple/lone parent plus four or more children
Bedsit	X		X ²				
1 bedroom flat	X	X ³	X				
2 bedroom flat or maisonette		X		X	X		
3 bedroom flat or maisonette					X	X	X
2 bedroom house		X		X	X		
3 bedroom house					X	X	X
4 bedroom house						X	X
Sheltered bedsit	X ⁴		X ^{4&2}				
1 bed sheltered flat or bungalow	X ⁴		X ⁴				
2 bed sheltered flat or bungalow	X ⁴		X ⁴				

1. For overnight access to children rules see 5.9.9 above
2. Reference is made to the maximum permitted number when deciding whether a bedsit can accommodate more than 1 person
3. It is anticipated that use is made of the living room as sleeping accommodation – this may not be permitted in certain properties depending on the design and layout
4. For Council properties the minimum age for such properties is 50 years with a 'support need'. Other landlords may have different criteria i.e. 55 years, 60+years etc.