



**MyHome  
Options**



**BEDFORD**  
BOROUGH COUNCIL

# Bedford Borough Allocation Scheme

[www.myhomeoptions.org.uk](http://www.myhomeoptions.org.uk)

Bedford Borough Allocations Scheme - April 2021

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## **1. INTRODUCTION AND SCHEME OVERVIEW**

**The purpose of this Allocation Scheme is to set out how applicants in need of social, affordable and supported housing are prioritised in accordance with the Housing Act 1996 Part VI (as amended by the Homelessness Act 2002).**

In developing this Allocations Scheme, the Council consulted with Members of the Council, staff, Private Registered Providers of social housing, supported housing providers and the general public. This Scheme has been designed to provide better housing outcomes by efficiently allocating the right homes to the right people whilst providing choice, giving reasonable preference to those in greatest housing need and those with a local connection to Bedford Borough.

Social housing is accommodation provided at low-cost and Affordable Rents that offers semi-secure to secure tenancies to people with particular needs. The demand for social housing is very high in contrast to an extremely limited supply, therefore access to the Scheme is restricted to households who meet specific criteria. These are likely to include people or households who have;

- Disabilities or specific medical needs
- Elderly
- Homeless or threatened with homelessness
- Single parents
- A young or large family with dependents
- Care Leavers
- Living in unsanitary or overcrowded conditions
- Low Income

The Scheme is used to regulate how Bedford Borough Council assesses eligibility and qualification to join the Housing Register. The Scheme determines the level of housing need, awards reasonable preference and prioritises the allocation of accommodation owned and or managed by partner Private Registered Providers (also known as Housing Associations) operating within the borough through our My Home Options Choice Based Lettings website.

Each application to join the register will be assessed according to the scheme as follows:

- Eligibility (see section 5)
- Qualification (see section 6)
- Determination of housing need and priority (see section 7)
- Household makeup and accommodation requirements (see section 8)

## **1.1 Legislative Framework**

In order to meet the legal requirements for the allocation of affordable housing this Scheme complies and operates in accordance with the requirements of:

- The Housing Act 1996, Part 6 as amended by the Homelessness Act 2002
- The Localism Act 2011
- The Homelessness Reduction Act 2017
- The Housing and Regeneration Act 2008
- Rent (Agriculture) Act 1976
- The Children Act 1989
- Equalities Act 2010
- Bedford Borough Council's Public Sector Equality Duty
- Rehabilitation of Offenders Act 1976
- Prevention of Social Housing Fraud Act 2013

The Scheme takes account of the codes of guidance issued by the Government including;

- Allocation of Accommodation: Guidance for Local Housing Authorities in England
- Providing Social Housing for Local People
- Right to Move: Statutory guidance on social housing allocations for local authorities in England
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England
- Improving Access to Social Housing for Victims of Domestic Abuse
- Improving Access to Social Housing for Members of the Armed Forces

The guidance is available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5918/2171391.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5918/2171391.pdf).

This Scheme also has regard for the following legislation and policies:

- General Data Protection Regulations 2018
- Bedford Borough Council's Housing Strategy
- Bedford Borough Council's Homelessness Strategy
- Bedford Borough Council's Tenancy Strategy

These documents are available on the Council's website.

## **1.2 Scheme Objectives**

The purpose of the Allocation's Scheme is to ensure the allocation of affordable and social housing owned and managed by partner Registered Providers best meets local housing need in a way that is considered accessible, fair and transparent.

The Objectives are to:

- A Policy that meets the legal requirements placed on Bedford Borough Council, namely to give appropriate priority to applicants who fall within the Housing Act "reasonable preference" categories and to ensure social rented housing in the borough is let to those in greatest need.
- Allocate homes in accordance with our statutory duties to relieve and prevent homelessness
- Encourage and support social inclusion, sustainable and mixed communities whilst making best use of existing and new build social and affordable housing
- Ensure applicants are treated fairly, individually and in accordance with the Council's commitment to Equality and Diversity
- Offer as much choice to applicants as is reasonably possible whilst providing a good match between applicants needs and available housing
- Ensure applicants and the vulnerable receive appropriate support and guidance

- Provide feedback to applicants about homes let through the scheme including the use of targets and/or quotas to meet the housing needs of the local communities in Bedford
- Implement the terms of the Bedford Borough Council's Allocation Scheme with fairness and transparency

One of the key objectives of the policy is to give choice, as far as is possible, to applicants who wish to obtain social housing. This is why the Council has taken the decision to operate the policy through a 'choice based lettings' system (CBL) called 'My Home Options'. The aim being to give applicants the best possible choice over where they wish to live.

All applicants who are eligible to be registered will be able to express a preference over the area that they would prefer to live in and the type of property they would prefer. However, the ability to satisfy that preference may be limited.

The housing pressures faced in the Borough limit the degree of choice that may be offered, along with the responsibility the Council has to offer housing to applicants in urgent housing need, including the need to reduce the financial impact of temporary accommodation on the Council.

The expressing of a preference by an applicant about where they prefer to live does not mean that preference will necessarily be met, or that an applicant will not be offered suitable accommodation outside of their preferred area.

An applicant will be asked at the point of applying to state any area where they believe they cannot be housed due to fear of violence, harassment or domestic abuse.

### **1.3 Equalities Statement**

#### **Equality and Diversity**

The Council is committed to promoting equality and diversity and our culture values difference. The Bedford Borough area is diverse, and the allocation process caters for a wide range of needs.

This Policy recognises and supports diversity and endeavours to ensure no section of society is excluded and the service meets the needs of applicants including those that require additional support. Allocation of social housing will be determined in a fair and equitable way regardless of a person's age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity.

The Council is committed to the elimination of inequality and discrimination on any grounds. Our commitment derives from our respect for every individual and this Allocation Scheme applies to everyone that applies or has joined the Housing Register.

An Equality Analysis has been completed following feedback from the public consultation and the Council will regularly monitor and update the assessment based on the performance of this Policy against equality measures.

## **2. APPLYING FOR SOCIAL HOUSING**

### **2.1 How to apply**

A person can apply to join the Housing Register by completing an online application form by visiting <http://myhomeoptions.org.uk>

Support is available from the Council and other agencies to ensure applicants can complete the application process. Applicant(s) can choose to nominate another person to act on their behalf as a 'nominated representative' by way of written consent. This consent does not include viewing or accepting offers of accommodation unless there is a Lasting Power of Attorney in place.

Applicants are required to provide documentary evidence (which can normally be uploaded online as part of the application) in support of their application. Up to date documentary evidence may also be requested at the point that an offer of accommodation is made. The Council will carry out verification checks as it deems necessary, including proof of and not limited to:

- Identity
- Immigration status
- Land Registry searches
- Property ownership
- Credit rating
- Income and assets
- Address history
- Landlord references
- Medical Evidence
- Adoption or fostering
- Custody and access rights
- Police Checks

Applicants may be required to provide additional documentation. The Council reserves the right to defer or waiver documentation requirements where an applicant's circumstances are of such an exceptional nature that they require the use of additional flexibility.

Successful completion of the application process, including provision of supporting evidence, is required before the application can be fully assessed. Where an application is made online and not completed within 28 days it will be cancelled automatically. If the applicant believes they have a housing need they will be required to reapply.

The Council will aim to complete an assessment of an application within 28 days of receipt of all information necessary to complete the assessment.

Upon completion of assessment, the Council will write to the applicant within two working days to inform them of:

- Whether they are eligible and qualify to join the Housing Register
- Their unique reference number and PIN
- The Band in which they have been placed
- The date from which their application became active
- The size of property the applicant is eligible to bid for and any restrictions that may apply.

Where applicant(s) are assessed as not eligible or do not qualify to join the Housing Register, the Council will inform the applicant(s) in writing of the reasons why they do not meet the criteria and their right to request a review. The applicant will not be permitted to re-apply for a period of twelve months, unless they can demonstrate there has been a material change to their circumstances. Where there has been no such change, the Council will rely on the previous decision.

## **2.2 Change of Circumstances**

Applicant(s) must notify the Council of any changes in their circumstances within 28 days. Where an applicant(s) notifies a change of circumstances which may affect their priority or their eligibility for a particular type or size of home the applicant(s) will be unable to bid until the new information is assessed and verified, which result in a band change, a change to the bedroom entitlement and/or the removal from the Register

The following examples include, but are not limited to;

- Change of address
- Change to household income, assets and/or savings
- Adding an additional household member
- Removing a household member

It is vital that the Register is kept up to date. Applicants may be contacted periodically to confirm if they need to remain on the Housing Register and whether their circumstances have changed.

Applicants will be expected to respond to such requests within a specified time period, normally 28 days. Where a response is not received within the time limit this will result in the application being cancelled unless there are exceptional circumstances.

### **2.3 Re-applications**

Re-applications will be considered where there has been a significant change in the applicant's circumstances since the last decision. For example;

- Where an applicant with low medical needs who had been found not to have reasonable preference reports a significant change in their medical circumstances
- Where an application was previously rejected due to housing related debt or unacceptable behaviour and the applicant claims to have resolved the matters preventing them qualifying

If, following consideration of the evidence submitted, the Council determines that their circumstances have not changed significantly, the earlier decision will still stand.

### **3. APPLICATION FRAUD**

#### **False statements or withholding information**

If an applicant knowingly or recklessly makes a false statement or withholds information that is relevant to their application this may be a criminal offence. This includes, but is not limited to; lying on an application form and/or withholding information that the Council asks for to assess the application whether as part of the original application, a renewal of the application or as part of review of any decision made in relation to the application.

If a third party provides false information in relation to an application, whether or not on the applicant's instigation, they may also be committing a criminal offence.

If the Council suspects that false information has been provided on an application, or the applicant has withheld information, this will be investigated. The application will be suspended while the investigation is carried out and the applicant will be excluded from being considered for offers of accommodation until the investigation is concluded.

If it is found that the applicant has not withheld any information or provided false information, the application will be reinstated with the original effective date of application (EDA); this means the applicant will not lose any priority based on the length of time on the Housing Register.

If, however it is determined that the applicant has provided false information or withheld information about their circumstances in order to gain social housing, the Council is likely to prosecute them, close the application and prohibit them from joining the Housing Register for 5 years.

If the applicant has already received and accepted an offer of social housing, the Council may prosecute them, which could result in eviction by the landlord. If a person is convicted of committing housing fraud, depending on the seriousness of the offence [the Court](#) may order that they be fined and/or sent to prison.

## **4. EXEMPT TENANCIES AND LETTINGS**

### **4.1 Exempt tenancy changes**

The following types of tenancy or tenancy changes are not available for allocation under this Scheme.

- Tenancy successions
- Mutual exchanges
- Tenancy assignments
- Temporary decants
- Provision of non-secure interim accommodation in discharge of any homelessness duty
- Extension of a Fixed Term Tenancy
- Service Tenancies

Applicants with a secure or assured tenancy prior to 2 April 2012, and who have continued to be a tenant since that date, will keep their assured tenancy when allocated accommodation through this Allocation Scheme.

### **4.2 Exempt lettings**

Certain types of allocations may be made outside of Choice Based Lettings by Bedford Borough Council. These are referred to as direct lettings and are made in exceptional circumstances or if there are overriding management requirements, for example

- Extra Care Housing designed for frail elderly people requiring significant personal care and is allocated according to a need assessment undertaken by care agencies and others appropriate professionals
- Applicant(s) awarded Band E
- Homeless accepted applicants
- Where a property has been advertised and no suitable bids have been placed
- Properties built or adapted to a high accessibility standard will be let through a separate list made up of people that have been referred by an occupational therapist

Further guidance on the circumstances where direct lettings may be made is set out in Annexe A.



## **5. ELIGIBILITY**

The Housing Act 1996, sections 160ZA (1), (2) and (4), require that the Council must not allocate a tenancy, or nominate a person for housing, if they are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control or a person from abroad who is prescribed as ineligible.

This is likely to include, but not necessarily be limited to;

- People subject to immigration control, excluding classes prescribed eligible by order of the Secretary of State
- People not habitually resident in the UK
- Other people from abroad
- Applicants without recourse to public funds in the UK
- Ineligible members of an eligible applicant's household

The rules regarding eligibility for persons from abroad are complicated and can change frequently. Anyone who may be affected should approach the Council for advice, and/or seek independent legal advice.

Person under the age of 18 will not normally be eligible. However, people aged 16 or 17 years old, where the Council has a statutory duty to provide accommodation, may join the Housing Register but will require a rent guarantor and/or a Tenancy Trustee before commencing a tenancy until the applicant legally becomes an adult at 18 years old. The Council will advise who may be elected as a suitable guarantor.

## **6. QUALIFYING CRITERIA**

Applicants who have a statutory entitlement to reasonable preference will not be disqualified from joining the scheme under any local qualifying requirements. However, subject to any exceptions set out in this Scheme (e.g. under section 6.1.5), the qualifying criteria will be taken into account in determining the priority band to which the application is allocated and applicants with statutory entitlement to reasonable preference that do not meet the qualifying requirements will be given reduced priority.

### **6.1 Local Connection Qualifying Criteria**

Where an applicant(s) is eligible to apply for social housing, the applicant(s) must fulfil one of the following Local Connection qualification criteria to join the Housing Register.

#### **6.1.1 Residence**

Subject to any exception under paragraph 6.1.5 below, an applicant(s) must currently live in the Bedford Borough area of their own choice, in settled accommodation, and must have done so continuously for at least three years prior to the date the application was received.

Settled accommodation does not include, for example, Bed and Breakfast or other night stop accommodation, staying temporarily with family, friends etc. A period of residence outside of Bedford Borough will normally be disregarded for accepted homeless households only for the period where the household has been placed by Bedford Borough Council in accommodation outside of the Borough area.

Applicant(s) will not be considered to have met the local connection criteria if they have been placed in the Bedford Borough area for one or more of the following reasons;

- Placed in temporary accommodation by another Council
- Placed in residential or supported housing by another Council or statutory body or support agency
- In prison, a bail hostel or approved premises

**Or;**

### **6.1.2 Employment**

Applicant(s) must currently have or have had full or part-time employment (at least 16 hours per week) within the last 3 years in the Bedford Borough area and have completed at least 24 months' work prior to the date the application was received. Where the applicant are not in employment at the time of applying, they must demonstrate that they have a reasonable expectation of taking up employment in the Borough within three months. The applicant's normal place of work must be based in the Borough of Bedford; the existence of a company office or other premises located in Bedford, will not by itself meet the criterion.

Employment is defined as:

- Having a permanent contract of employment
- Working as a temporary member of staff under contract;
- A zero hours contract (where the applicant can demonstrate work of 16 hours work a week on average).
- Self-employment (where the applicant can demonstrate paid and effective work of 16 hours or more and that Bedford Borough is their normal place of work)

Or;

### **6.1.3 Family Connection**

An applicant, or joint applicant, must:

- have close family (i.e. mother, father, brother, sister, adult son or daughter),
- who are currently residing in the Bedford Borough area and have done so for at least the last 3 years prior to the date the application was received
- and there is a requirement to give or receive care or significant support and where there is no reasonable alternative care arrangement available (evidence of care and support needs will be required such as receipt of carers' allowance).

The choice of location offered may be restricted to the locality of the residence of the person requiring or providing care.

Or;

#### **6.1.4 Move on from Supported Housing**

Where a person resident in supported accommodation does not meet any of the other local connection criteria, the applicant must have;

- resided continuously for at least twelve months with a supported housing scheme\* in the Bedford Borough,
- provided evidence that they have engaged with the support and be ready to move to independent living, and
- the supported housing provider confirms the person is ready for independent living.

Consideration will be given to accepting an application earlier if a supported housing scheme\* provider offers evidence that the applicant is ready for independent living before completing the twelve-month period. The decision to accept a referral prior to the twelve-month period is at the discretion of the Council.

If there is a dispute between the applicant and the housing provider regarding the person's readiness for an independent living, the Council will consider the application based on the individual circumstance. The Council may, with the applicant's agreement, seek an opinion from an independent person suitably qualified to advise the Council about the person's readiness.

*\*A scheme provided by the Council, a commissioned supported housing service by Bedford Borough Council or a registered provider of social housing.*

#### **6.1.5 Exceptions to the Local Connection Criteria**

The following applicant(s) are not required to meet the Local Connection criteria as set out in sections 6.1.2 – 6.1.4;

- a) A person(s) who is at risk of domestic abuse that is likely to continue or be carried out and cannot reside safely in any other local authority area where they have a local connection\*;
- b) A person(s) who is fleeing violence or threats of violence that are likely to continue or be carried out and cannot reside safely in any other local authority area where they have a local connection\*;

- c) A person(s) that requires rehousing under the Witness Protection Scheme or Multi Agency Public Protection arrangements who cannot reside in the local authority area where they have a local connection\* \*\*.
- d) Applicants to whom the Council owes a Homelessness Main Housing Duty, Relief or Prevention Duty as defined in section(s) 193(1A,), 195(2), 193(2) or 193C (4) of Part VII of the Housing Act 1996.
- e) A person(s) whose nomadic lifestyle as a Gypsy and Traveller (as defined in the Equality Act 2010 as Romany Gypsies and Irish Travellers as ethnic minority groups legally protected against race discrimination) has meant they are unable to establish a Local Connection and do not have a Local Connection to any other local authority area.
- f) A person(s) who is serving or served in the regular armed forces within the five years immediately prior to the date their application was received
- g) A person who is serving or former served members of the regular armed forces or reserve armed forces who are suffering from a serious injury, illness or disability sustained as a result of their service
- h) A person(s) who is a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner
- i) A person who is divorced or separated spouse/civil partner of a serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the breakdown of their relationship
- j) A person(s) leaving prison, or other form of detention and can evidence their 3 years local connection to Bedford immediately prior to detention, regardless of time detained
- k) In exceptional circumstances, where the applicant(s) has a need for, or to give, care support or medical treatment which cannot be met where they currently reside or any other reasonable location or by any other reasonable means.
- l) Social Tenant(s) who, under Right to Move need to move to Bedford Borough for employment reasons (including apprenticeships) where the employment is their principal source of income, main place of work and not ancillary, contracted for more than one year, is over 16 hours per week (excluding zero hour contracts), is based in Bedford Borough, is not commutable from current location and the Council is satisfied that undue hardship would be caused if they were to remain in their current home
- m) Applicant(s) who may not meet the qualifying criteria but who meet the criteria in a Section 106 agreement for accommodation developed on a rural planning exception site, may be accepted onto the Housing Register but will be restricted to Band D
- n) Where an applicant can demonstrate they have previously been resident in the Borough of their own choice for a substantial time (e.g. the majority of their life has been spent in the Borough) this will be considered on a case by case basis.
- o) A person who would qualify for a local connection but has been temporarily resident elsewhere through no fault of their own due to an unforeseeable situation (e.g. medical needs, rehabilitation, a disaster etc.)

- p) Care Leavers below the age of 21 years who are owed a duty under section 23C of the Children Act 1989 and have been looked after in accommodation outside of the Council's area or placed here by another Borough

\*For the purpose of points b), c) and d) consideration will be given to applications from persons who can demonstrate that they do not have a local connection to any area.

\*\*Allocations for persons without a local connection who are subject to MAPPA arrangements will be limited to no more than 5 properties in any twelve month period (subject to any statutory entitlement to reasonable preference) and applicants will not be eligible for choice based letting.

## **6.2 Financial Qualifying Criteria**

An assessment of the applicants' household financial circumstances will be made. Applicants that are deemed to have sufficient means or property to secure and sustain their own accommodation privately to meet their housing needs will not qualify to join the Housing Register. The Council will determine this by applying a threshold of income, savings or asset(s), (including savings acquired from the sale of a property or held within a property), above which the applicant will not qualify to join the register. The upper thresholds have been set taking into consideration typical local market rents in the private sector and the affordability of other housing options based upon the principle of housing costs accounting for 30% of a household's gross income. The thresholds will be reviewed annually to ensure they remain reasonable.

If the income, savings and/or asset(s) threshold is exceeded following acceptance to join the Housing Register or at point of offer, the application will be cancelled and the offer withdrawn.

The income, savings and/or asset(s) threshold will not apply where the applicant is currently a tenant living in social housing in the Borough and is applying in order to move to a property with fewer bedrooms.

### **6.2.1 Income Threshold**

Households will be deemed to exceed the upper income threshold and will not qualify to join the register if a households' gross income exceeds:

- £28,000 where there is a one-bedroom requirement
- £35,000 where there is a two-bedroom requirement
- £44,000 where there is a three-bedroom requirement
- £50,000 where there is a four bedroom or more requirement

In determining household income, any income, other than earned income, which is disregarded for the purposes of Housing Benefit will be disregarded for the purposes of this Allocation Scheme (for example Personal Independency Payments, Child Benefit etc.).

### **6.2.2 Assets and Savings Threshold**

Households will be deemed to exceed the upper savings and asset(s) threshold and will not qualify to join the register if a households' savings and/or asset(s) exceed:

- £16,000 or above,

OR;

- £48,000 or above for applicant(s) who only qualify for Retirement Housing.

Any lump sum payment made to a member of the armed forces on discharge will be disregarded.

### **6.2.3 Homeowners**

People who are homeowners or have the financial means to purchase a property that would meet their housing need will not qualify for the Housing Register.

However, the Council recognises that a number of exceptional circumstances will exist where access to the Housing Register may be granted and such applications will be considered on a case by case basis.

These exceptional circumstances include:

- When ownership is shared across more than one person / couple and the applicant is unable to secure the release of their assets or equity\*
- Where an applicant is fleeing domestic abuse and the ownership of the matrimonial home is still in the hands of the court\*
- Households with an equity below £16,000 in the property, so that once sold, they will not be able to resolve their own housing situation
- A disabled person whose home is deemed unsuitable for adaptations and does not have the financial means to secure suitable alternative accommodation
- Emergency medical reasons to move e.g. cannot be discharged from hospital and unable to resolve with housing in the private sector
- The household is facing imminent eviction (due to a Court Order for Possession having been granted) as a result of mortgage arrears accrued through no fault of their own
- The Household is statutorily overcrowded as defined by the relevant legislation and the property has been and is likely to continue to be in negative equity, the applicant(s) do not have the financial means i.e. income, savings and/or asset(s) to resolve their own housing needs and there are no non-dependants residing in the property

*\*The Council may insist that any action under the Matrimonial Homes Act is taken by the applicant where there is a right to do so, prior to applying to join the Housing Register.*

The applicant will be required to provide appropriate documentation such as, but not limited to;

- proof of shared ownership,
- property valuation
- income
- report from social care service
- hospital, GP' or occupational therapist's report regarding the suitability and viability of adaptations to the current property and any risk to health or life in order for an assessment and decision to be made

#### **6.2.4 Insufficient income to sustain a tenancy**

Applicants, or joint applicants, who are assessed as having insufficient income to meet the costs of rent liability for a tenancy from work or assessed entitlement to benefits will not qualify to join the Housing Register.

However, such an applicant may reapply once they have secured employment and/or obtained a decision on entitlement to welfare benefits.

The Council may re-assess cases where the applicant can provide evidence of a temporary loss of income through no fault of their own. The temporary period will normally only be considered where it is not likely to exceed 3 months, for example due to ill health.

#### **6.2.5 Housing related debt from a current or former tenancy**

Where at the date of application, an applicant, or joint applicant, has or incurs housing-related debt from a current or former tenancy they were liable for within the last 2 years they will not normally qualify to join the Housing Register. This includes but is not limited to:

- Rent arrears (current or former) of six weeks or more and associated costs, i.e. court costs. An exception will be made if rent is paid in arrears and only four weeks rent is owed
- Rechargeable repairs in current tenancy
- Dilapidations from a former tenancy
- Outstanding charges against the Council's Rent Deposit Scheme.

A blanket policy will not be operated in relation to housing debt and each case will be considered on its own merits.

Applicant's or joint applicants are invited to provide evidence of a change of circumstances or behaviour that indicate that debt would be unlikely to reoccur. This could include, for example;

- a change of household circumstances,
- seeking formal money management or debt advice,
- evidence of regular payments towards a previous housing debt,
- a reference from a support agency,

- undertaking training to develop the skills necessary to manage a tenancy,
- being ready to move on from supported housing.

Applicants accepted onto the Housing Register who have significant debt repayment liabilities may be referred for money advice before a tenancy is offered.

Where a housing related debt has arisen as a direct result of a person being a victim of domestic abuse the debt will be disregarded for the purposes of assessing the application.

### **6.3 Tenancy Terms: Qualifying Criteria**

#### **6.3.1 Applicants Served with a Possession Order**

Applicant(s) will not normally qualify to join the Housing Register if they or any member of their household, has in the last three years prior to the date of receipt of their application;

- been responsible for breaching the terms of their tenancy in a current or former tenancy, and;
- been served with a Possession Order to legally terminate a fixed, periodic or license rental agreement

The disqualification will apply for a period of 3 years from the date of application for the possession order.

#### **6.3.2 Applicants Sanction for Anti-Social Behaviour and similar Conduct**

The Council will take into account breaches of tenancy that include (but are not limited to);

- anti-social behaviour
- domestic abuse
- hate crime

- violence or aggression to a housing provider or the Council's staff.

Where housing provider or another body has imposed a formal sanction on an applicant(s) or a member(s) of their household due to breaching the terms of their tenancy, they will be disqualified for an initial period of three years from the when the sanction was imposed.

Examples of qualifying sanctions include, but are not limited to;

- Possession Order
- Community Protection Orders (Closure)
- Community Protection Notices
- Conviction for Failure to Comply with a Community Protection Notices
- Injunctions
- Housing related criminal convictions including criminal behaviour orders
- People who have been evicted due to anti-social behaviour, domestic abuse, hate crime or violence or aggression towards Council or housing provider employees
- Former members of the Armed or Reserve Forces discharged due to a relevant criminal offence, violence, harassment or anti-social behaviour

An applicant who abandoned a social tenancy will not normally qualify for a period of three years from the date of repossession unless there are extenuating circumstances that led to the abandonment.

An exception may be made where the applicant(s) can clearly demonstrate there has been a significant change to their or the member(s) of their household's behaviour and it is very unlikely there will be a recurrence of such behaviour. This could include having completed a period of rehabilitation and continuing to work with the appropriate support services or having maintained a record of good behaviour for a minimum of 18 months – 2 years since the last offences occurred and/or associated convictions spent.

Applicants may reapply after the disqualification period has elapsed. They will be required to provide evidence of improvement in behaviour such as successfully holding a tenancy or engagement with appropriate support services.

Applicants who have who have had a property recovered from them as a result of subletting or are convicted or other forms of social tenancy fraud will not qualify for a period of five years.

## **7. HOUSING NEED ASSESSMENT AND THE BANDING SCHEME**

### **Introductory Overview**

All applications will be assessed according to their housing need. The Council will request up to date supporting evidence to assess the applicant's household circumstances. This is to ensure those with the most housing need are afforded the appropriate level of priority, best use is made of available properties in the area and that the Council meets its legal obligations to offer reasonable or additional preference. This Scheme uses bands to determine the priority of an application.

Applicants who have a statutory entitlement to reasonable preference will not be disqualified from joining the scheme under any local qualifying requirements. However, subject to any exceptions set out in this Scheme (e.g. under section 6.1.5), the qualifying criteria will be taken into account in determining the priority band to which the application is allocated and applicants with statutory entitlement to reasonable preference that do not meet the qualifying requirements will be given reduced priority.

The banding scheme criteria is detailed in section 7.1 – 7.6. In summary, the scheme covers those needing an immediate move in emergency situations and gives additional preference for applicants whose need is deemed particularly urgent (e.g. severe medical grounds) or whose vulnerabilities are deemed exceptional (e.g. armed forces personnel) or to make best use of the available supply of social housing (e.g. under-occupying tenants). The scheme then awards a reasonable preference to a range of applicants with high level or general housing needs.

To meet the requirements of the Housing Act 1996 and the changes brought in by the Homelessness Reduction Act 2017, reasonable preference will be given to applicants who have a statutory entitlement and/or are owed a main, prevention or relief of homelessness duty.

The banding (detailed further in 7.1 – 7.6) is as follows:

- Band E – Emergency and immediate housing need
- Band A – Urgent housing need with additional preference

- Band B – High level housing need with reasonable preference
- Band C – General housing need with reasonable preference
- Band D – Reduced priority with reasonable preference
- Band S – Sheltered or Retirement homes whether or not reasonable preference is owed

Applicants who are; eligible to apply (as detailed in section 5), meet the qualifying criteria (as detailed in section 6) and who upon assessment are found to have a housing need (as defined by the criteria laid out within each band of the scheme in section 7) will be able to join the Housing Register. They will be awarded a place in one of the 6 bands which most reflects their need, urgency and priority.

Applicant(s) who do not have a housing need as defined under the banding criteria for this Allocation Scheme, will not qualify to join the Housing Register.

Exceptions will be made for the following applicants:

- those eligible under a section 106 planning agreement who wish to be considered for properties advertised under section 106 only (Band D)
- those aged 55 or more who wish to be considered for sheltered or retirement housing schemes only (Band S)

## **7.1 Band E: Emergency and Immediate Housing Need**

Applicants that have an immediate need for new accommodation due to an emergency situation or exceptional circumstance, such as needing to flee violence and would be in immediate and serious danger if they were to remain in their current accommodation, will be awarded a band E.

Each case (and any available supporting evidence pertaining to the risk) will be considered and determined on its individual facts and merits.

Under this Band applicants will be given one offer of suitable accommodation in a location that is removed from the immediate risk.

- 7.1.1 Violence** - Applicants who are in immediate and serious danger due to violence (for example hate crime, racial or other violence) that is likely to continue or be carried out and cannot reside safely in their current accommodation
- 7.1.2 Domestic Abuse** - Applicants who are in immediate and serious danger due to domestic abuse that is likely to continue or be carried out and cannot reside safely in their current accommodation
- 7.1.3 By Referral** - Applicants that are identified as a witness of crime and referred for housing under Witness Protection provisions by the Police or cases referred through to the Council through MAPPAs (Multi Agency Public Protection Arrangements). Cases referred to the Council by MAPPAs, where usual qualifying criteria and reasonable preference categories do not apply, may be considered under section 13 and if accepted will be made a single offer.
- 7.1.4 Emergency Medical** - Applicants who are suffering sudden or severe progressive life threatening medical conditions and need an immediate move (e.g. to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and poses an immediate and serious danger to the individual. (see section 8.3 for further detail)

## **7.2 Band A: Urgent Housing Need with Additional Preference**

Applicants with an urgent need to move and/or additional preference due to exceptional vulnerability will be awarded an additional preference and placed in band A. Also, to meet local housing need and make best use of available social housing, additional preference may be awarded to facilitate urgent moves within social housing. For example, where applicants are under occupying types of social housing that is in short supply and there is a high demand for that type of property.

- 7.2.1 Harassment or Domestic Abuse** - People that must move urgently from the accommodation/area due to harassment or abuse and there is a risk of further harassment or abuse occurring if they remain

**7.2.2 Severe Medical Need** - Applicants who are suffering severe, long term, medical conditions (chronic or progressive) or severe disability that need to move urgently because their home is deemed unsuitable and is directly detrimental to the applicants' health condition (see section 8.3 for further detail).

**7.2.3 Armed Forces** - Serving or former members of the Regular Armed Forces (including reservists) that either meet the reasonable preference criteria in band B or have suffered from a serious injury, illness or disability attributable wholly or in part to their time in service or bereaved spouses or civil partners who are no longer entitled to Ministry of Defence housing following the death of their serving spouse or civil partner.

**7.2.4 Critical Environmental Health** - Applicants who are residing in a property that is subject to a Demolition/Closing Order/Emergency Prohibition Order (excluding Suspended Orders).

**7.2.5 Severe Overcrowding** - People currently living in severely overcrowded accommodation (needing three or more bedrooms).

Preference for overcrowding will apply when the standard adopted by the Council is not met (See Section 8). The Council has varied the Secretary of State's bedroom standard as the measure of overcrowding for allocations purposes.

A very small bedroom, less than 4.6 square metres or 50 square feet, will not be taken into consideration when completing the assessment. This will need to be verified by the landlord.

**7.2.6 Social Housing Tenants** - that need to move to enable major works to be carried out within the next 6 months and are unable to return. Social housing tenants that need to move in order to enable development, modernisation, conversion or repair works to go ahead, which starts within the next 6 months and are unable to return

**7.2.7 Under-Occupiers** - Social housing tenants who are under-occupying a Registered Provider property and applying to downsize to a smaller accommodation, including under-occupiers who need to downsize due to experiencing difficulty in paying their rent.

**7.2.8 Adapted Properties** - Social housing tenants in Registered Provider properties that have adaptations for a person with a disability where the adaptations are no longer required

**7.2.9 Management Move** – Social housing tenants where there is an urgent need to move for management reasons and the landlord report has been approved

**7.2.10 Homeless Main Duty Accepted (exceptional cases)** – applicants who are owed a Homelessness Main Housing Duty by the Council (or exceptionally by another local authority) as defined in section 193(2) of Part VII of the Housing Act 1996 or the Accommodation Duty under Section 193C (4) of Part VII of the Housing Act 1996; and there are exceptional welfare or medical grounds

The Council may place a bid on an applicants' behalf or make a direct offer of a suitable property where the applicant is unsuccessful across 5 bidding cycles in order for the Council to fulfil its statutory rehousing duty should a suitable property become available.

### **7.3 Band B: Higher Level Housing Need with Reasonable Preference**

Applicants with the following higher level housing needs will be awarded a reasonable preference within band B

**7.3.1 Multiple Housing Needs** - Applicants whose housing circumstances fulfil 2 or more categories in Band C

**7.3.2 Homeless Duty Accepted** - Applicants owed a Homelessness Main Housing Duty by the Council as defined in section 193(2) of Part VII of the Housing Act 1996 or the Accommodation Duty under Section 193C (4) of Part VII of the Housing Act 1996

The Council may place a bid on an applicants' behalf or make a direct offer of a suitable property where the applicant is unsuccessful across 5 bidding cycles in order for the Council to fulfil its statutory rehousing duty should a suitable property become available.

**7.3.3 Care Leavers** - Applicants age 18 – 21 that have been looked after by Bedford Borough Council that have been assessed as ready to leave care.

Care Leavers that have been looked after by Bedford Borough Council may be given a direct offer if unsuccessful within 5 bidding cycles in order for the Council to fulfil its statutory duty of care. In exceptional circumstances where the Council acts as a guarantor, an applicants aged 16 – 18 may be accepted to join the register.

**7.3.4 Moving on from supported accommodation** - Applicants who are ready for move on accommodation from Supported Accommodation settings, which include the Council, a commissioned supported housing service by Bedford Borough or a registered provider of social housing.

**7.3.5 Environmental Health Category 1 Hazard** - Applicants who are living in a property with;

- significant disrepair problems, or;
- unsatisfactory or insanitary conditions which is lacking essential facilities (e.g. direct daily access to water supply/sanitation either on site or in the property, no adequate heating, no kitchen facilities), and;
- that has been served with a Hazard Category 1 improvement Notice or prohibition order as detrimentally affecting the well-being of the applicant.

Preference will be given where:

- the Council's appropriately authorised officers have determined that the property poses a Category 1 Hazard (A, B or C) under the Housing Health & Safety Rating System (this includes; lacking essential facilities, severe damp, major structural defects including flooding, collapsed roof etc.), and;
- the Council is satisfied that the problem cannot be resolved by the landlord reasonably or practicably, and;
- continuing to occupy the property will pose a considerable risk to the applicant's health or wellbeing.

Reasonable preference will not apply if the applicant's landlord has / is able to temporarily 'decant' the applicant into alternative accommodation whilst works are carried out.

**7.3.6 Higher Level Overcrowding** - Applicants who are living in overcrowded conditions lacking two or more bedrooms according to the bedroom standard.

Preference for overcrowding will apply when the standard adopted by the Council is not met (See Section 8.1). The Council has varied the Secretary of State's bedroom standard as the measure of overcrowding for allocations purposes.

**7.3.7 Armed Forces** - Applicants of serving or former members of armed forces where their housing circumstances meet the criteria for Band C.

An applicant who is a divorced or separated spouse/civil partner of a serving member of the regular armed forces and has recently ceased (or will soon cease) to be entitled to reside in services accommodation following the breakdown of their relationship.

**7.3.8 Foster Care** - Registered/sponsored foster carer(s) or adoptive parents registered with Bedford Borough Council and require one additional bed-space/room in order to undertake placement(s) (one offer only)

**7.3.9 Property Development** - Applicants in social housing that need to move in order to enable development, modernisation, conversion or repair works to go ahead, which start within the next 12 months who are unable to return, and where the development will continue to provide social housing.

## **7.4 Band C: General Housing Needs with Reasonable Preference**

Applicants that meet the following housing needs criteria will be awarded a reasonable preference in band C.

**7.4.1 Homeless or Threatened with Homelessness** - Applicants who are homeless or threatened with homelessness within the meaning of Part VII of the Housing Act 1996 and/or the Council owes a Prevention or Relief Duty under section(s) 195 or 189B of Part VII of the Housing Act 1996.

The Council may place a bid on an applicants' behalf or make a direct offer of a suitable property when they are housed in temporary emergency accommodation and have been unsuccessful across 5 bidding cycles.

**7.4.2 Overcrowding** - Applicants who are lacking one bedroom in accordance with the bedroom standard. Preference for overcrowding will apply when the standard adopted by the Council is not met (See Section 8.1). The Council has varied the Secretary of State's bedroom standard as the measure of overcrowding for allocations purposes.

**7.4.3 Environmental Health Category 2 Hazard** - Applicants who are living in a property with disrepair problems or unsatisfactory conditions or an insanitary property which is lacking essential facilities.

Preference will apply where:

- a Hazard Category 2 improvement notice or prohibition order has been served by an appropriately authorised officer of the Council (under the Housing Health & Safety Rating System,) and;
- the Council is satisfied that the problem cannot be resolved by the landlord reasonably or practicably, and;
- Continuing to occupy the property will pose a risk to the applicant's health.

Reasonable preference will not apply if the applicant's landlord has / is able to temporarily 'decant' the applicant into alternative accommodation whilst works are carried out.

**7.4.4 Medical** - Applicants who need to move on medical grounds where their condition is adversely affected by their current accommodation (See section 8.3 for further detail)

Applicant(s) who have an evidenced need for, or to give, substantial support or ongoing medical treatment that requires a move to or within the Borough because the need cannot be met in any other reasonable location

**7.4.5 Welfare** - Applicants who need to move on welfare grounds (substantial and on-going care, support or social needs) that is adversely affected by their current accommodation (e.g. a vulnerable adult that requires support in the community to live independently, sustain a tenancy or access social care services and is unable to travel)

An applicant's welfare need will be assessed with advice from an appropriate professional such as a GP or consultant, Social Services or another specialist agency representing the applicant. Reasonable preference will not be awarded to applicants requiring temporary or floating support.

**7.4.6 Hardship** - Applicant(s) who need to move (not simply have an aspiration or desire to move) to a locality where failure to meet that need would lead to a significant demonstrable hardship (e.g. financial, social, physical or emotional) to themselves or others in the following circumstances:

- Applicants that need to move to care for or be cared for by someone who lives in the Borough and that this care will prevent them from needing to go into residential care and/or the care is of such a complex nature that the provision cannot reasonably be found elsewhere.
- Applicants with a need to move to or from rural areas of the Borough, where there are particularly severe difficulties facing the applicant(s) and where regular, reliable public or private transport is unavailable.
- Where the applicant needs to take up, or continue employment, education or training not available elsewhere and who does not live within reasonable commuting distance and where public or private transport is unavailable.
- Applicants who need to move closer to a specialist organisation, agency or institution within the Bedford Borough area and where moving would prevent significant physical, psychological or financial hardship
- Applicants who need to move closer to relatives in order to give or receive assessed care or support and where moving would prevent significant physical, psychological or financial hardship to prevent significant physical, psychological or financial hardship.

The availability of alternative support, care or employment within a reasonable distance of the applicants' current accommodation will be taken into account.

**7.4.7 'Right To Move' for work** – Social Housing Tenants who under the 'Right to Move' guarantee need to move to Bedford Borough for employment reasons and where moving would prevent significant financial hardship.

Applicants must have paid employment, including apprenticeships, or a confirmed offer of paid employment. The applicants' main place of work must be located within the Bedford Borough area and the employment would normally need to be for at least 16 hours per week (excluding zero hour contracts) and on a contract that is permanent or expected to last for a period of at least 12 months. Voluntary work where no payment is received, or the only payment is in respect of any expenses reasonably incurred is not eligible under Right to Move.

## **7.5 Band D: Reduced Priority with Reasonable Preference**

Applicant(s) may be awarded a band D where it is recognised that they have a housing need but only qualify to bid on a limited range of properties or have a housing need but have knowingly worsened their circumstance. This includes but is not limited to the following examples;

**7.5.1 Intentionally Homeless** - Applicant(s) found to be intentionally homelessness under section(s) 191(1) of Part VII of the Housing Act 1996 and meeting the local connection qualifying criteria or those who have knowingly worsened their circumstances by refusing a suitable offer of accommodation.

Where the Housing Register application has been reassessed following a decision to end a statutory duty under Part VII of the Housing Act 1996

The applicant has sold a property or given up a tenancy that was suitable and reasonable to occupy and/or moved into accommodation that is overcrowded, in a poor state of repair, unaffordable or of insecure tenure.

**7.5.2 Statutory Reasonable Preference** – persons entitled to reasonable preference under section 166A Housing Act 1996 that do not meet the local qualifying requirements as set out in this Allocation Scheme and/or do not qualify for inclusion in another band.

**7.5.3 Properties Subject to Section 106 Planning Requirements** - Applicant(s) who do not necessarily meet the qualifying criteria but who meet the criteria contained in a Section 106 agreement for accommodation developed on a rural planning exception site.

These applicants will only be permitted to bid on vacancies in villages where they can demonstrate a strong local connection. Planning exceptions are granted to develop housing in rural areas to meet the needs of households to reside in villages or parishes where they have a strong local connection but are otherwise unable to secure affordable accommodation.

## **7.6 Band S: Sheltered or Retirement Homes whether or not Reasonable Preference is Owed**

Applicant(s) aged 55 years or over (subject to any age restrictions imposed by housing providers) who meet the local connection criteria but do not fulfil the qualifying criteria and would normally not be allowed to join the Housing Register can do so, but they may only bid on vacancies in retirement housing schemes.

This does not extend to Extra Care Housing schemes as these are allocated through individual care plans via Adult Social Care services.

## **8. HOUSEHOLD AND ACCOMMODATION REQUIREMENTS**

The Council must exercise a duty of care when considering suitability of a property for an applicant. As part of the housing needs assessment, the Council will consider all members of the household that are to be included and determine the size of property by bedroom need and any specific accommodation requirements such as medical needs or location restrictions. The Council will then advise the applicant to place bids on suitable properties accordingly.

### **8.1 Household Makeup**

An application may include anyone that may reasonably be expected to reside with the applicant as part of their household e.g. partner, children, other dependants. The Council accepts that others may be included in a household where deemed necessary (the desire to join a household is not in itself sufficient reason to be included) in certain circumstances as follows:

#### **8.1.1 Extended Family (minors)**

In cases where a minor is to be included in or added to an application, but no parental responsibility exists within the household for example, grandchildren, nieces, nephews) proof must be provided of legal guardianship or confirmation from Social Services that this placement is necessary and permanent.

#### **8.1.2 Carers**

A carer is someone who provides help and support (with or without payment) to a partner, relative, friend or neighbour, who would not manage without their help. This could be due to age, physical or mental health, substance misuse, or disability. Applicants who require a fulltime residential carer must include their carer as the person responsible for providing overnight care and, therefore, needs to live with them, on their application.

Proof of the requirement must be provided by a primary health care professional; verification checks will be undertaken with Adult Social Care to confirm that the applicant has been assessed as requiring overnight support and a re-housing assessment completed.

Receiving carer's allowance does not automatically prove it is necessary for the carer to live with the applicant to provide care and support. In some limited circumstances it may be possible to consider cases where the carer is not in receipt of carer's allowance.

Under these circumstances it will still be necessary for the applicant to demonstrate that the person looked after is in receipt of one of the following benefits (or a comparable benefit):

- Carers allowance
- Disability living allowance – paid at either the middle or higher rate for personal care
- Attendance allowance
- Constant attendance allowance
- Disablement benefit.

### **8.1.3 Foster Children**

Applicants undertaking fostering for Bedford Borough Council may be able to include foster children as part of their application to ensure that they are eligible for an additional bedroom. Fostering has to be for a minimum period of two years but not necessarily with the same child or children. Written confirmation of the fostering arrangement must be obtained from Bedford Borough Children's Services. This does not include private foster care.

### **8.1.4 Children in Care**

Compulsory: children will be treated as though living at home where Bedford Borough Council Children's Services confirm that the children are to live with the parents on a permanent basis should they be allocated a suitable property. In the absence of such confirmation, children will not be included on the application.

Voluntary: Children will be treated as though living at home.

No offer of tenancy will be made in either case without confirmation from Bedford Borough Council Children's Services that the child(ren) are to live with their parent(s) permanently.

### **8.1.5 Adult Children Away at University**

Can be included if they previously lived in the household and their intention is return to the household as their main and only home out of term time. Confirmation will be required from the student that they intend to return on a permanent basis upon the completion of their studies.

### **8.1.6 Children of Previous Relationships**

In determining whether a child can be considered as part of the household, the following will be considered:

- The child's main residence
- The person who predominantly cares for the child
- Whether the child has accommodation available to them which it is reasonable for them to continue to occupy
- The existence of any court order pertaining to the child's residency

Although the above are relevant factors, they do not guarantee that a child will be accepted as part of a household.

### **8.1.7 Divided Households**

Where a household is living apart and the relationship is genuine and subsisting, one application can be registered. In order to determine which property provides the basis of the housing needs assessment the circumstances at both addresses will be considered. A notional housing needs assessment will be carried out of both properties as if the household were residing together. The lowest needs assessment will then be the application.

### **8.1.8 Exclusions**

The following people will not be included on the application:

- Friends
- Lodgers
- Sub-tenants

- Anyone not moving with the applicant
- Anyone who falls within legislation prohibiting them from being eligible for social housing (e.g. having no recourse to public funds)

### **8.1.9 Adding New Adult Household Members**

Adults will not be added to an application where this results in the need for accommodation larger than that for which the applicant's household was originally eligible, unless an overriding need such as ill health or disability can be shown, e.g. where an applicant needs to look after an elderly parent.

Adults requiring an extra bedroom will only be added to an application if they have a demonstrable permanent need to live with the applicant. All adults will need to supply details of their accommodation history for the previous five years prior to the date of application.

Where two eligible and qualifying applicants apply as a household they will be known as joint applicants. A sole or joint applicant can only have one active application.

### **8.1.10 Large Households**

Applicants may wish to discuss the option to split their household over two or more smaller homes if the household contains non-dependant adults that could live independently in their own accommodation and, therefore, reduce overcrowding in their current accommodation.

The qualifying non-dependant adults will be required to apply to the Housing Register and subject to the requirements of the Scheme may be awarded overcrowding reasonable preference and placed in the appropriate band.

## **8.2 Bedroom Need and Allocation**

Applicants that are eligible, qualify and that are assessed as having a housing need under the banding scheme criteria, may join the Housing Register to bid on properties with the number of bedrooms that reflect their household need as follows.

Each of the following would qualify for a separate bedroom (or for a studio for a single person or couple):

- Single applicant
- A couple
- An adult (aged 18 and over)
- Two children of the same gender (aged under 18)\*
- Two children (where both are aged under 10)
- A child aged 10 or over where the child has no sibling of the same gender with whom they can share

*\*Where a child aged 10 or over has an established gender identity that is different to their gender at birth, consideration may be given to bedroom requirements based on the household's specific individual circumstances.*

The living room and kitchen will not be counted as bedrooms. However, if the accommodation has more than one self-contained living room, only one of the living rooms will be counted as a living room and the others will be counted as a bedroom.

Where the applicant or a member of their household is more than 26 weeks pregnant the bedroom requirement should take into account the expected child.

### **8.3 Medical Accommodation Requirements**

Medical Grounds (including grounds relating to physical or mental disability) will apply where there is an adverse impact of the current accommodation on health or there are sound medical grounds to escape adverse factors in the present location.

A medical assessment will be undertaken in order to determine whether preference should be awarded to an applicant where the applicant's health is either detrimentally affected by their current housing or where it is likely to affect their future housing need. Guidance may be sought from a medical practitioner to assist with assessing the application.

Where an applicant is in accommodation determined by the Council to be unsuitable for the household due to medical needs, e.g. poor mobility, but resources are available privately or through the award of a Disabled Facilities Grant to provide necessary adaptations, the applicant will not qualify for the Housing Register unless they meet other qualifying criteria.

Only where an applicant's medical condition is exacerbated, or directly attributable to the current accommodation will priority on medical grounds be awarded.

Applications may only be re-assessed for medical priority for the following reasons:

- Upon a change of circumstances where this would affect the type of accommodation required
- Deterioration or improvement in the medical condition of the applicant
- On the death of one party who had a medical award
- The party who had the medical award is no longer a member of the household
- A move to a different address (any medical award would be made on the applicant's current accommodation)
- Where additional information that was not previously available is provided.

### **Low Level Medical Needs**

Applicants will only be awarded reasonable preference and placed on the Housing Register where the applicant needs to move on medical or welfare grounds (including any grounds relating to a disability). Where the applicant has minor medical needs, or the medical needs are not related to the need to move, then they will not be awarded reasonable preference.

Applicants requiring a specific type of accommodation or adaptations as a result of disability or health issues will be given preference for vacancies more suited to their needs. The Council, together with any other relevant agency, will work with the applicant to carry out a full assessment of the household's property needs, e.g. wheelchair access, ramps, level access shower, etc.

Applicants with specific needs will not be excluded from expressing interest in advertised general needs accommodation. However, where an applicant successfully bids on a property that does not contain the necessary adaptation, the Council in liaison with the Registered Provider will assess whether it is reasonable to carry out the adaptations. Registered Providers may have different Aids and Adaptations Policies. The applicant will be informed of the likelihood of new adaptations being carried out and what length of time an applicant may have to wait.

## **8.4 Locality Accommodation Requirements**

Where an award of preference has been due to the applicants location (e.g. to move away from a risk of harassment in a particular location or to move into a particular location for support) this may mean that the applicant is restricted from being considered for an allocation of accommodation outside of a particular locality.

Should the applicant subsequently exercise their choice to be made an allocation, or express an interest in other localities within the Borough, the Council may reassess the application and the grounds under which the preference was originally awarded to make sure that the housing need remains the same. The priority awarded may be removed and the applicant informed of this in writing.

## **9. WAITING TIME – EFFECTIVE DATE OF APPLICATION**

The waiting time in a Band will count when considering more than one applicant with the same level of priority for a property. Therefore, applicants will be placed in each Band in date order according to the 'effective date' of their application (EDA). The EDA will be the date that all documents necessary to enable the application to be assessed are received by the Council. Where an applicant is accepted as homeless, the effective date will be the date the homeless application was accepted or the date that the Housing Register application was received, whichever is the earlier date.

When applicants move up or down through the Bands due to a change in their circumstances affecting their priority, the following changes to the effective date waiting time will apply:

- Increased priority: The effective date will be the latest date the applicant moved into the higher band
- Reduced priority: The effective date will remain the original effective date of the application.

In the event an applicant is placed into a higher band following a reassessment or review of their original application, then the effective date will be that of the original application.

## **10. ADVERTISING PROPERTIES**

Bedford Borough Council does not own general needs social housing stock. The properties advertised and let through the Choice Based Lettings “MyHomeOptions” website are owned and managed by Registered Providers of social housing operating within the Borough. The Council and the Registered Providers have negotiated the terms of the number of new build accommodation and re-let properties to be advertised and let in accordance with the Allocation Scheme through Nominations Agreements, which enables the Council to fulfil its statutory housing duties.

### **10.1 Quotas**

Person accepted onto the Housing Register will be categorised as follows:

1. Homeless persons
2. Persons not currently housed in social housing
3. Persons who are current social housing tenants

In order to ensure a balanced approach to meeting competing housing needs from persons in each of these categories the properties available for let through Choice Based Lettings will be divided into quota as follows:

- 40% of properties be allocated to applicants who are homeless
- 30% of properties be allocated to applicants not currently housed in social housing
- 30% of properties to be allocated to applicants who are current social housing tenants

The quotas reflect the current high level of demand from homeless persons and the proportions of the existing categories of other applicants.

Properties to be advertised will be divided across the quotas as and when the advertisement requests are received on a weekly basis.

Letting quotas may be amended from time to time to ensure competing demands are met based on the current number of persons in each category accepted onto the Housing Register.

Where in any bidding round there are no suitable bids from applicants within the allocated quota groups, these criteria may be relaxed, and the property offered to the highest bidder from a different quota group. The Council may also review the nominations quotas on an annual basis when drafting a local lettings plan. (See section 16).

There are two exceptions from the usual allocations process, which some properties may come under:

- **A Local Lettings Plan** – An agreement may be made between the Council and a Registered Provider, subject to any legal requirements, setting out how specific properties will be allocated. This could include, for example, newly developed properties or for areas where there are exceptional local circumstances with the purpose of maintaining diverse and sustainable communities. Any local lettings plan must be reasonable and proportionate in the context of the level of supply and demand of social housing in the Borough and the requirements of the public sector equality duty. (See section 17)
- **Section 106 Planning Agreements** – a legal agreement between the Council and a developer. Some properties are built specifically to give preference to households with a connection to a parish or village (Section 106 planning agreements: Rural Exception Sites). Preference will be given to households who meet these connection criteria. Section 106 agreements can apply restrictions to who can be allocated the new homes and are often used in rural areas where local people cannot find local affordable housing

If a property is subject to a local lettings policy or a section 106 rural exceptions agreement it will be clearly stated in the advert and this will include details of any restrictions to households who are eligible for the property.

## **10.2 Advertising Properties available to Rent**

Bedford Borough Council uses a Choice Based Lettings process to advertise vacant properties at the website [www.myhomeoptions.org.uk](http://www.myhomeoptions.org.uk). Properties are advertised on a weekly basis, for a period of 6 days from Thursday midnight through to Tuesday midnight, which is known as a bidding cycle.

Property adverts will contain clear details of categories of applicants who will be given preference for a property, for example; people requiring adaptations contained in a property, homeless households etc. Where preference is given to specific categories of applicants but no suitable bids are received from these applicants, the criteria may be relaxed and the property offered to the highest priority bidder who does not meet the preference criteria.

The property adverts will, as a minimum have the following information:

- Property photograph
- Name of the landlord
- Property details and bedroom size
- Floor level
- Rent and service charge
- Eligibility details/ quota groups
- Area information
- Specialist facilities, where applicable

Where the property size indicates that restrictions must be placed on the number of persons who can be accommodated, this will be stated on the advert, e.g. very small bedrooms.

Bungalows will be advertised as preference given to applicants aged 55 or over or from applicants with a medical need for such accommodation.

### **10.3 Re-advertising a property**

A property will be advertised for up to three cycles. Where a property has not been let within three weeks of advertisement (whether due to refusals or the shortlist being exhausted), the Council may do one of the following:

- Nominate a suitable applicant as a direct offer
- Re-advertise the property but relax the quota groups, for one further cycle, or
- The advert may be withdrawn and returned to the Registered Provider to let in accordance with their own internal lettings policy.

## **10.4 Advert Withdrawal**

Properties which receive no suitable bids after two bidding cycles may be withdrawn from advert and offered to a suitable applicant as a direct let.

There may be occasions when Registered Providers need to withdraw an advertised property. Reasons for withdrawal include and are not limited to:

- An error in the advertising details
- Extensive works are required to the property
- The existing tenant has withdrawn their notice

If the withdrawal occurs after the property has been offered to an applicant, the Council and/or the Registered Provider will contact the applicant to advise them the property is no longer available. The property will not be considered as an offer of accommodation and the applicant can continue to bid for properties in the normal way.

## **11. THE BIDDING PROCESS**

### **11.1 How to place bids**

Applicants are required to bid for properties advertised on Bedford Borough Council's Choice Based Lettings website at [www.myhomeoptions.gov.uk](http://www.myhomeoptions.gov.uk).

Bidding refers to an applicant expressing an interest in a property advertised through MyHomeOptions and does not involve any form of payment.

Applicants can place up to 3 bids per cycle on properties advertised on a weekly basis, for a period of 6 days from Thursday midnight through to Tuesday 11:59pm, (or such days and times as the Council may determine) which is known as a bidding cycle. The bidding system is closed every Wednesday for shortlisting.

The type of property that an applicant may bid on is determined by the Band they have been awarded and the size of property they are eligible for, together with any restrictions that may apply. Applicants may only bid on properties if they are eligible for the type of property advertised.

Applicants or their nominated representative will be able to bid using the following methods:

- **Online** at [www.myhomeoptions.org.uk](http://www.myhomeoptions.org.uk)
- **By Proxy** where the bid is placed by someone acting on behalf of the applicant
- **Direct or Auto-Bid** where the Council places bids on properties that match the applicant's requirements on their behalf

Digital assistance is available from the Council's Customer Service Team for any applicant who has difficulty placing bids by one of the above methods.

## **11.2 Requirements to Bid**

Applicants placed in Band A and homeless applicants in Band B or C will be expected to use all bids in each bidding cycle and to bid on all suitable vacancies from the effective date of their application. Property types and locations deemed suitable will be determined as part of the application.

Homeless applicants may be considered for any suitable property available as a direct let and/or through Direct Bid, if they have not been successful in being allocated accommodation after 5 bidding cycles, unless there is very good reason as to why they can't be rehoused in a particular area or accept a particular property type.

This is to ensure applicants awarded enhanced priority are rehoused as soon as possible. Should the applicant refuse a suitable offer of accommodation made under the auto-bid option or a direct bid their priority may be withdrawn.

When an applicant has not expressed an interest in any available properties for a period of twelve months, the Council may write to advise that their application will be cancelled unless it is confirmed in writing they wish to remain on the Register. This will be known as a review of non-bidders. The applicant will be given 21 days to respond before the cancellation takes effect. If the applicant(s) confirms they wish to remain on the Register, their application will be re-assessed to determine a continued housing need.

An application will be cancelled from the Register in the following circumstances:

- At the applicant's request
- Where an applicant does not respond to an application review within the specified time limit
- If the applicant becomes ineligible for housing
- If at any time the applicant ceases to fulfil the qualification criteria to join the Housing Register
- When a tenant completes a mutual exchange
- Where a tenant has been re-housed into suitable alternative housing
- Where an applicant moves and does not provide a contact address
- Where an applicant has died

Applicants known to require assistance will be contacted to check their circumstances before cancelling the application.

If an applicant(s) requests to re-join the Register at a later date, the application will be assessed as if it were a new application.

### **11.3 Suitable Bids**

When applying to the scheme applicants will be informed of the size of property that they are eligible for. Only bids for this size of property will be considered as suitable unless, prior to any bidding by any applicant, the Council has agreed that certain properties may not be regarded as suitable. This may include the type of property and the location.

Applicants assessed as having a medical need may be advised of the type of property that would be considered as suitable, for example ground floor or adapted properties. Bids placed not meeting this criterion will be disregarded or skipped, except in extenuating circumstances as approved by the Council.

Some properties will have restrictions about who can live in them, for example, properties for older persons. These restrictions will be clearly indicated in the advert notes. If an applicant does not meet the specified restrictions, any bid placed on such a property will not be considered 'suitable' and will be automatically skipped.

Some applicants may have other restrictions on the types and locations of property they can bid on, for example, where an applicant may pose a risk to themselves or others. The Council will notify applicants of any restrictions at the point of application or at a later date if identified during the life of an application.

Applicants should not bid for homes that they are unlikely to accept if they are offered to them.

## **12. SHORTLISTING AND ALLOCATING HOMES**

### **12.1 Shortlisting and property viewings**

When the bidding cycles closes, property shortlists will be generated of those who have bid for a home. Of the eligible bidders, the order of priority will be determined as follows:

- Priority will be first afforded to applicants with the greatest housing need as assessed in accordance with this Allocations Scheme i.e. in the highest Band and who meets the preference criteria, as stated in the property advert
- Where two or more applicants bid on a vacant property and have equal priority, preference will be given to the applicant with the earliest effective date of application
- Where two or more applicants with the same level of priority and effective date bid for the same property, a senior officer will make the allocation based on needs of the applicants and the best use of the housing stock (see section 12.2)
- Where a property has specific adaptations (e.g. wheelchair access, ramps, level access shower), priority will be given to applicants who require the adaptation in the property. Details of adaptations and criteria of applicants who will be given preference will be contained in the advert to allow applicants to make an informed decision whether the adaptation is suitable for their needs
- Certain accommodation, for example; sheltered accommodation, will only be let to people who meet the age criteria for the specific property or housing scheme, and/or who have a disability which means they require this type of housing.
- Bungalows may be allocated to applicants aged 55 and over or to those with a medical need for such accommodation. Applicants who do not meet the criteria clearly included in the property advert, for example, age restrictions will automatically be bypassed without contact from the Council.
- Where a property is subject to restrictions as part of a Section 106 planning agreement for rural exception sites, preference will be given to applicants who meet the criteria specified in the agreement.

- The top three names for each property and relevant assessment information will be sent to the Registered Housing Provider in priority order. If the first placed applicant accepts, the property is let to them; if not, the property should be offered to the other applicants in order.
- If the list of the top three applicants is exhausted, the Registered Housing Provider will contact the Allocations Team at the Council to request further nominees. The Allocations Team will identify the next three applicants on the Housing Register, place them in priority order and forward the applicant details to the housing association
- At this point all three applicants may be invited to view the property at the same time. This will save time if the top applicant refuses the offer, the property can immediately be offered to the next highest priority applicant and so on
- Between the periods of being successfully shortlisted for an offer of accommodation and to the point of tenancy sign up, the applicant will not be permitted to bid on other advertised properties.

At the point of shortlisting, an applicant's circumstances will be verified by the Council. This is to ensure that the application has been correctly assessed and there have been no changes to the applicant's circumstances since the assessment of the application that would alter the household's eligibility for the specific property for which they have placed a bid.

If any changes have occurred that would alter the priority awarded, qualification for the Housing Register or eligibility, the application may be bypassed for the offer of tenancy. The application will be cancelled from the date of the change of circumstances if the applicant or joint applicant ceases to fulfil the qualification criteria to join the Housing Register. The applicant will be informed of this in writing.

The Council will contact applicants who have been shortlisted for an offer of accommodation. It is the applicant's responsibility to ensure that the Council holds their up-to-date contact details and they respond within 1 working day to any contact made by the Council. If an applicant does not return contact they may be overlooked for the offer and this may be considered as a refusal.

Where an applicant refuses a property, the property will be offered to the applicant who has the next highest priority on the shortlist and who meets the eligibility and preference criteria of the property.

This process is repeated until an applicant accepts the property, or the entire shortlist is exhausted. If the shortlist is exhausted, the property will be re-advertised with different preference criteria or offered as a direct let.

## **12.2 Suitable Offers**

The Council will ensure, before an offer is made, that the available property will be considered suitable by determining the applicant's circumstances. Where a property is suitable for more than one applicant in the same Band and effective date of application (EDA), the Council will identify the applicant whose need is best met by the property in terms of:

- Location of the property
- Care received or provided by the applicant
- Educational establishments attended by the applicant and members of their household
- Specialist medical treatment being received by the applicant or member of their household
- Support and well-being of the household
- Access to local services required by the household.

Applicants will be restricted from being allocated properties where the property is not deemed to meet the suitability requirements of the individual. Offer restrictions, therefore, will apply in the following circumstances (examples include, but are not limited to, those shown)

- Where reasonable preference has been awarded based on a medical assessment that recommends ground floor, level access, wheelchair accessible, step free accommodation, lifted etc.
- Where a risk assessment indicates an allocation would put a vulnerable person, neighbouring households or the wider community at risk
- Where there is a court order such as an exclusion order preventing a person from residing in a locality.

## **12.3 Offers of Tenancy**

A formal offer of a tenancy will be made in writing to the successful applicant(s) by the Housing Provider. However, in some circumstances, the Registered Provider may make an offer of accommodation to only one of joint applicant(s) where there are good reasons why the joint applicant may not become a joint tenant, for example; where the property is an adapted property and the joint applicant does not require the adaptations.

Applicants will be offered one of the following types of tenancy:

- Starter
- Assured
- Assured Shorthold
- Tenancy held in trust
- Fixed Term Tenancy

**Starter Tenancies** provide increased management and support for new tenants usually during the first twelve months of a tenancy but may be extended beyond this. This initial period also provides reduced security of tenure, though progression to a full secure or assured tenancy is automatic at the end of the period, provided there have been no breaches of tenancy resulting in the commencement of possession proceedings. Applicants with a debt may be required to maintain a payment plan as a condition of a new tenancy.

**Assured Tenancies** are offered by social housing providers other than local authorities. Details of terms and conditions will be contained in the tenancy agreement.

**Assured Shorthold Tenancies** are fixed term tenancies which can become a periodic tenancy and provide less security of tenure than an assured or secure tenancy.

**Tenancy Held in Trust** will be offered to 16 & 17 year olds and will require a suitable guarantor.

**Fixed Term Tenancies** will generally be offered by Registered Providers for a period of five years; however, the Registered Provider reserves the right to offer a term of a lesser period, normally two years when required. The Fixed Term Tenancy may be offered as an Assured Shorthold Fixed Term or as an Affordable Assured Shorthold Fixed Term.

Fixed Term Tenancies will be offered for larger properties for example, four or five bedrooms. At the end of the five year fixed term period the tenancy will be reviewed, taking account of the tenant's circumstances. This review will take into consideration the economic, social and health situation in addition to the size of the household. The review could result in the tenancy being terminated (upon service of 6 months' notice) or being renewed for a further five year Fixed Term.

## **12.4 Withdrawal of Offer**

Occasionally Registered Providers may need to withdraw an offer of tenancy, reasons include:

- An error in the advertising details
- Where the offer might put a vulnerable person at risk
- Extensive works are required to the property
- Withdrawal of notice to leave by the existing tenant
- A change in the applicant's circumstances
- The applicant is found not to be eligible for the property or does not qualify for the Housing Register
- The applicant has attempted to obtain the property by deception.

This list is not exhaustive and withdrawal will be at the discretion of the Registered Provider who must notify the Council and specify the reason.

## **12.5 Direct Offers**

There are exceptional occasions when the Council may make a Direct Offer of accommodation to applicant(s) on the Housing Register. This could be for; applicants with an emergency housing need, unique specific requirements or to fulfil statutory rehousing duties under the Homelessness Reduction Act. Such direct offers will only be made where allowed within the Scheme criteria.

Direct Offers will be considered on a case by case basis at a panel consisting of 2 or more of the Council's Housing officers. Where the panel is satisfied that property is suitable for the applicant and it is reasonable to make a direct offer, a recommendation should be submitted for approval to a senior Council officer. The senior officer shall be a person with an appropriate level of experience and authority.

Examples where the Council may make a direct offer include, but are not limited to, the following (Annexe A provides further guidance):

- Applicants within Band E who need an immediate move
- Housing with specific adaptations for disabled people
- Direct offers to homeless applicants

## **12.6 Refusal of Offer**

Applicants can refuse offers verbally or in writing, including those made prior to a formal written offer being issued. Refusals can have serious implications for the applicant and, therefore, the decision should not be taken without good reason.

Where an applicant fails to attend an arranged accompanied viewing of a property, they will not be allowed to make further bids until they have contacted the Council and may risk being disqualified for a period of up to six months if they do not have a good reason.

Failure to respond to an offer or attend an arranged accompanied viewing will be treated as a refusal unless there are extenuating circumstances.

There are implications for refusing an offer of a tenancy that affect types of applicant differently. The Council will advise the applicant accordingly but the following provide some examples:

- Applicants in Band A will have their application reassessed which may result in their demotion to a lower priority banding
- The Council may end a duty owed to a homeless applicant providing they have been formally informed of the offer, their rights to a review and the consequences of refusing, and providing the Council is satisfied that the accommodation is suitable for the applicant. If they wish to remain on the Housing Register, they may be considered to have worsened their housing circumstances by refusing suitable accommodation and be demoted to Band D, the lowest priority banding
- All other applicants who refuse three suitable offers of accommodation will be disqualified from the Register for a period of 12 months and be required to complete a new Housing Register application to be made when the disqualification period has been completed

## **12.7 Temporary Suspension of Application of Offers**

If an applicant is unable to move into new accommodation due to personal circumstances, they can request the suspension of offer(s) of accommodation for a period of time, not exceeding 3 months. This would apply, for example, if the applicant is awaiting medical treatment and will need a period of convalescence. The applicant will remain in their Band and will continue to accrue waiting time, but will not receive an offer of accommodation or invitations to attend viewings until such time the applicant notifies, they are now available.

### **13. EXCEPTIONAL CIRCUMSTANCES NOT FORESEEN UNDER THE NORMAL CRITERIA**

It is unlawful for the Council to fetter its discretion and officers are required to take into account individual circumstances when assessing eligibility and priority.

Normally it will be reasonable for applications to be assessed and prioritised in accordance with the parameters as set out generally in this Scheme. It is recognised, however, that upon rare occasion there may be very exceptional circumstances that are not foreseen under the criteria set out in this Scheme, but where the person should be considered for eligibility and priority (within the law) in accordance with the general principles of the Scheme.

Where an officer assessing an application has reason to believe that it may be appropriate for decision to be made other than in accordance with the normal criteria, the application shall be referred to an appropriately senior officer for consideration. This should normally be the Chief Officer (or equivalent role) with responsibility for the Housing Service.

The Chief Officer shall consider the application and shall consult as considered appropriate with other Council departments or external agencies (subject to privacy requirements) before making a final decision.

In those very exceptional circumstance where a decision is considered to be justified other than in accordance with the normal criteria, the reasons for making the exception shall be clearly documented and shall be kept on record.

A decision may not be made other than in accordance with the normal criteria simply because an applicant or their representative expresses a wish that their application should be considered in a specific manner (e.g. requesting additional priority).

## **14. REVIEWS**

### **14.1 Requesting a Review**

If an applicant does not agree with a decision made by the Council in respect of their application, they have the right to request a review of the decision. Circumstances in which an applicant may request a review include:

- The Council has decided that an applicant is not eligible or does not qualify for the Housing Register
- The applicant believes their application has been assessed incorrectly and placed in the wrong band
- The applicant believes they should be eligible to bid for a size or type of property that they have not been permitted to bid for
- The Council has decided to withdraw an offer of accommodation
- An application has been cancelled and the applicant's request to have the application reinstated has been refused.

Applicants who wish to request a review of a decision will need to write to the Council at the physical address and/or digital address specified by the Council within 21 days of the date of the decision. The Council will only be prepared to consider late review requests in exceptional circumstances and where there is good reason for the delay.

A review request should include details of the reasons the applicant believes the decision is incorrect and any points the applicant wishes the Council to consider when carrying out the review. If the applicant submits new information or evidence that was not available when the original decision was made, such as information relating to a change in circumstances, the application may be referred for a reassessment rather than a review. If the applicant does not agree with the decision made following the reassessment, they have the right to request a review.

If, for any reason, the right of review does not apply to the matter which is raised in a request the Council will write to explain the reasons and advising of any other options available.

All reviews will be completed by an appropriately experienced senior officer who was not involved in the original decision. A review will normally be carried out within 56 days. Written notification of the review decision, including grounds for the decision, will be sent to the applicant at the correspondence address provided by the applicant as their current address. A copy may also be sent by email where an email address is provided. If the applicant does not have a correspondence address, a copy of the letter will be made available for collection from the Council Offices for period of at least 21 days. The Council will make reasonable efforts to contact the applicant to advise them of the decision and that a written explanation is available to them.

## **14.2 Review Panel**

Where a person is dissatisfied with the outcome of a review they may request that the decision is given further consideration by a Review Panel. The Panel will be a minimum of three officers with appropriate seniority and experience.

The Panel may consult with other Council officers or experts as it may consider necessary in order to reach a fair and objective decision.

The Panel's decision shall be final except to the extent that the applicant may have a further remedy in law.

## **14.3 Policy Review**

This Allocation Scheme will be published on the Council's website and will normally be reviewed every three years or earlier if it needs to be updated because of changes in:

- Legislation
- Guidance
- Case law
- Local housing market conditions.

All major changes to the Allocation Scheme must be approved by the Council's Executive following consultation.

The Chief Officer responsible for the allocation of social housing may make amendments to the Scheme, following consultation with the Housing Portfolio Holder and Mayor, where;

- it is necessary to do so in order to comply with regulatory requirements, including developments in case law, or,
- it is necessary to do so due to the public sector equality duty, or
- the amendment is minor and is necessary to address any unintended consequences arising from the review of the Scheme

## **15. INFORMATION AND STANDARDS**

### **15.1 Feedback**

In the interests of providing an open and transparent service, the Council undertakes to give regular feedback to enable applicants to understand the demand for social housing and determine the likelihood of future bids being successful. The information will help applicants to manage their expectations and can be accessed via the MyHomeOptions website.

Information about demand and lettings may include, for example;

- New, Active and Housed Applicants
- Housing Register Needs
- Bands Breakdown
- Bedroom Need
- Properties advertised by Landlords
- No of properties advertised
- Waiting time/EDA of successful applicant
- Quota Groups
- Need and effective date of the successful bidder
- Number of bids received on each vacancy.

This information will be available at [www.myhomeoptions.org.uk](http://www.myhomeoptions.org.uk) on a quarterly basis.

### **15.2 Performance monitoring**

The Housing Service will undertake regular monitoring of the performance of the allocations process. The monitoring will measure if the Policy Objectives and desired outcome are being achieved.

## **15.3 DATA PROTECTION**

### **15.3.1 General Data Protection Regulation**

In order to deliver services to the citizens and communities in Bedford Borough, it is necessary for the Council to collect, gather and process personal data about residents, staff and other individuals. Bedford Borough Council is committed to protecting personal data when anyone uses its services and/or correspond with it.

Any personal data provided to the Council will be managed in line with the requirements of the General Data Protection Regulations 2018. The Council will use this information to respond to customers and improve services. The Council will take all reasonable steps to ensure that the data and information, including sensitive information, it collects, and holds is protected against any unauthorised access in line with the Computer Misuse Act 1998.

The Council collates a range of data relating to Housing Register applications including, name, address and address history, photo ID, national insurance numbers, information relating to ethnicity and gender as well as sensitive information for example relating to medical needs. All data is held in line with obligations under the General Data Protection Regulations 2018.

- All applications for housing accommodation will be dealt with in a confidential manner.
- Information held by the Council will not be disclosed to any third party except where:
  - The individual who is the subject of such confidential information has consented to disclosure to a third party to facilitate securing accommodation e.g. through a Housing nomination to a Registered Provider where an information sharing protocol is in place
  - The Council is permitted to disclose the information under General Data Protection Regulations 2018
  - There is a requirement in law to make such disclosures
  - It is considered by the Council that the applicant has given consent for any information held on an application to be shared with other social housing landlords, such as Registered Providers, and other agencies.

The Council has registered as a Data Controller with the Information Commissioner's Office. This registration can be viewed on the ICO website [www.ico.org.uk](http://www.ico.org.uk) (opens in a new window) **Registration Number Z5916725**.

A privacy notice explaining how personal data is used in connection with this Allocation Scheme is published on the Council's website.

### **15.3.2 Confidentiality**

All applications for housing accommodation will be dealt with in a confidential manner.

### **15.3.3 Rights to Information**

Applicants have the right to request such general information as will enable them to assess:

- How their application is likely to be treated under the Allocations Scheme, including whether they are likely to be given reasonable preference.
- Whether housing accommodation appropriate to their needs is likely to be made available to them.
- Details of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

### **15.3.4 Data Subjects' Access Requests**

Applicants can request a copy of personal information contained in their Housing Register file, which can be provided unless exceptions stated in the General Data Protection Regulations apply. The request must be in writing.

### **15.3.5 Freedom of Information Requests**

Bedford Borough Council is obliged to provide non-personal information to anyone who requests it, unless an exemption applies.

The deadline for meeting requests is 20 working days. It is free to make a request, but Bedford Borough Council can charge for copying and postage. Bedford Borough Council cannot provide personal data, e.g. information about another applicant under the Freedom of Information Act.

#### **15.4 Applications from members of staff, Members of the Council, board members of relevant organisation**

This policy is designed to ensure that Bedford Borough Council (and any relevant organisation) is transparent and equitable when letting homes to staff, councillors or board members or relevant organisations their relatives, or other people who live with them.

The housing allocations scheme is open to any eligible applicant and there are stringent checks in place that all applicants must follow.

Staff, Members of the Council, board members, and co-optees and their relatives are treated as any other applicant and must be seen to not be gaining any advantage or disadvantage or any preferential treatment in the course of their application.

Therefore, the following procedure must be undertaken to ensure that any letting can be subject to a high level of scrutiny.

An applicant in this category or related to or living with one of these people, must have no direct input into any decisions regarding their rehousing. This includes not inputting the original application onto the register system or adding any priority at any time onto the application.

Staff members must also not have any involvement in the inputting of the application or awarding of priority for any relative or other people they live with.

When an offer is to be made, a 'record of interest' form must be completed before any offer of a property is made. The details of the offer must be detailed on the form, checked and approved by the Chief Officer or Director.

Attached to the form must be copies of the computer screens of all the appropriate information from the housing management system including the shortlist from which the applicant is being offered, together with reasons for any applicants above them not being made the offer.

## **16. LOCAL LETTINGS POLICIES**

The Council may modify the nominations agreement in partnership with the relevant Registered Providers so as to minimise the possibility of management problems in new build developments or managing housing management issues in existing estates by developing and encouraging diverse, successful and sustainable communities within an agreed area(s) of Bedford.

To do so the Council may prepare an annual Local Lettings Plan which is an agreement between Bedford Borough Council and a Registered Provider.

The Plan will set out how properties will be allocated based on the needs of the community in which the new development or established estate/ street is located. This could be to increase working households, reduce overcrowding and eliminate Anti-Social Behaviour or manage specific housing management concerns.

Local letting policies cannot override statutory requirements and must give due consideration to the requirements of the public sector equality duty.

### **16.1.1 Drafting a local lettings plan**

In drafting the plan consideration will be given to a variety of factors that together will help to form a strong, thriving, successful community. These include, but are not limited to:

- Diversity and community cohesion
- A mix of non-working, working and training households
- Child density i.e. the numbers of children in different age groups
- Varying age ranges of prospective tenants
- Vulnerability and support services
- Community facilities provided

As part of the implementation of a Local Lettings Plan the Council may be required to select applicants for an offer of social housing who are in a lower band than would otherwise be the case.

The Council may review any Local Lettings Plans annually. In doing so it may estimate of the number of Registered Provider properties it expects to have available over the next year to house applicants from the Housing Register. An annual Lettings Plan will then be created which forecasts the lettings for the coming financial year and allocates them between competing housing demand groups. The Plan will help to ensure that social housing continues to be fairly and effectively targeted to those most in housing need from year to year.

The Lettings Plan should cover:

- Predicted supply of homes for letting through the Register, for that year
- Identification of new schemes coming on stream for the year. Identification of the (%) percentage of lettings for these schemes that will be set aside for transfer applicants
- Performance against quotas
- The out turn of lettings for the previous year, as an evidence base for revising any quotas that are in place.

## **17. OTHER HOUSING SCHEMES**

### **Other Housing Options**

The high demand for social housing is such that not everyone can be helped through the Housing Register. Advice and assistance is available to applicants who wish to explore other housing options from the Council's Housing Service including:

- Private renting
- Shared equity housing
- Low cost home ownership
- Co-housing
- Mutual Exchange

## Annexe A

### **A. Circumstances where the Council may make a direct offer outside of the choice based letting (CBL) system and, in exceptional circumstances, outside of the CBL band and date order system**

Not all properties that become available will be advertised and offered through the 'My Home Options' system. There may be circumstances where for urgent operational or financial reasons there is a need to make a direct offer of housing outside of CBL and, in exceptional circumstances, outside of the band and date order criteria set out in this policy.

Specifically, this would be where there are urgent operational or financial reasons. Examples include:

- 1) Situations where urgent re-housing is required due to an applicant's existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed or in discharge of a statutory homelessness duty.
- 2) Urgent housing need situations where it would not be reasonable in the circumstances to wait for the Choice Based Lettings process to produce an offer.
- 3) Where there is an evidenced threat to life in the area in which an applicant currently lives.
- 4) Tenants in emergency cases whose homes are damaged by fire, flood or other disaster
- 5) Direct offers to persons who the Council has a duty to rehouse under section 39 of the Land Compensation Act 1973.
- 6) Direct offers in order to meet any 'annual lettings quota' targets.
- 7) Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty the Council may wish to implement a short term scheme to make direct lettings for a period of time to move applicants out of temporary accommodation, in order to manage any budgetary or legal impact.
- 8) If an applicant is not being realistic in the areas they are bidding for accommodation, and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant.
- 9) Where a vacant adapted property or a property designed to disability standards becomes available and there may be a need to offer that property to an applicant whose disability need best matches that property, regardless of the date they were registered.
- 10) Where the assessment is that it is inappropriate for the applicant to participate in 'Choice Based Lettings'. For example, vulnerable applicants nominated by Adult Social Care where work is on-going with social workers and care managers to decide on the best letting solution for that applicant.
- 11) Other examples include cases where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA), or presents a risk to themselves or others

Furthermore, the Council may decide to restrict the time an applicant is able to bid for accommodation in an area where they would prefer to live. An offer of accommodation may be made in any area that has been assessed as being suitable and safe for the applicant to live in.

We will provide information about the number and types of homes, and current vacancy rates, to help applicants to make informed choices. The more flexible applicants are in their choice of areas and property types, the sooner they are likely to be successful in being offered a property that meets their need.

The number of direct offers will be monitored with a target that these should add up to no more than 20% of all lettings annually made. This is to preserve Choice Based Lettings as the primary method of letting social housing properties in Bedford Borough. However, 20% is a guide only and may change depending on national and local pressures and circumstances. For example, at time during the Covid 19 national emergency choice based lettings may be temporarily suspended and replaced by direct lettings.

#### **B. The Policy on choice: Penalty for refusing offers.**

If an applicant in Band A refuses a suitable offer they will have their application reassessed, which may result in their demotion to a lower priority banding.

All other applicants outside of Band A who refuse 3 suitable offers (except those owed a statutory homeless duty - see section on choice and applicant owed a statutory homeless duty who refuse an offer) will be disqualified from the Register for a period of 12 months and be required to complete a new Housing Register application to be made when the disqualification period has been completed.

This is to tackle the potential for applicants making unlimited bids that may result in higher refusal rates with resulting extended re-letting periods.

A refusal of an offer of the correct size and type will normally be considered unreasonable.

**C. The Policy on Choice: Offers of accommodation made to any applicant owed any statutory homelessness duty under Part 7 of the Housing Act 1996**

Specifically, for applicants owed any statutory homelessness duty under Part 7 of the Housing Act 1996 the need to offer suitable housing is considered by the Council to be more important than allowing an applicant to wait for an offer of accommodation in a location where they would prefer to live in. There is, therefore, no minimum time an applicant owed a statutory homeless duty will be allowed to bid for social housing before a direct offer is considered. A direct offer can be made at any time to reduce in order to reduce the financial impact on Bedford Borough Council of providing temporary accommodation. However, ordinarily a direct letting would not be made until after the applicant has had the opportunity to bid in 5 bidding rounds.

If an applicant owed any of the statutory homelessness duties set out below refuses a written offer of suitable social housing accommodation made through this policy, then the duty owed to them will be discharged and they will lose any priority status afforded to them because of that homeless duty owed.

Applicants owed a statutory homeless duty will be identified through the IT system at the shortlisting stage. All Housing association partners to the scheme will be asked to agree a process for ensuring that a 'final offer warning letter' can be sent to any homeless applicant owed a statutory homelessness duty set out below.

The process will be either:

- a) The Housing Association partner will send out a 'final offer warning' letter on behalf of the relevant local authority, or
- b) The Council's Housing Allocations Team will inform the Council's Housing Options team that an offer is to be made so that team can send out a 'final offer warning letter'

In the circumstances where a final offer is refused the applicant will lose their banding award based on being owed a statutory homeless duty because this will be brought to an end if they refuse a suitable offer of social housing.

The Council will then assess whether they have another housing need to be awarded a statutory housing need Band under this policy or a statutory entitlement to reasonable preference.

If they do not they will be removed from the Housing Register.

A statutory homeless duty is defined as:

- a) The prevention of homelessness duty under Section 195(2)
- b) The 'relief of homelessness duty under Section 189B(2)
- c) Where the relief duty has come to an end and an applicant is then owed a section 190 Intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty),
- d) The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty