



# Housing Allocations Policy 2023

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## 1. Introduction

- 1.1 This is Oadby & Wigston Borough Council's Choice Based Lettings and Housing Allocations Policy. It explains the rules, criteria and procedure that determine how Oadby & Wigston Borough Council allocates social housing properties to Qualifying Registered Persons.
- 1.2 Amendments to the law have been designed to give applicants greater choice, to ensure that reasonable preference is given to applicants in the greatest need and to create an Allocation Scheme that can easily be understood by applicants. As such the main principles behind this policy are:
- to meet the legal requirements for the allocation of affordable housing
  - to ensure appropriate levels of priority are afforded to applicants
  - to let properties in a fair and transparent way
  - offer applicants choice about the areas where they want to live, within the constraints set by the availability of social housing in the borough
  - to encourage and support sustainable communities and social inclusion
  - to ensure applicants are treated fairly, individually and in accordance with the commitment to equality and diversity
  - to support and assist vulnerable applicants so that they are able to actively participate in the Oadby & Wigston Borough Council Choice Based Lettings Scheme
  - to make best use of affordable housing, to meet the needs of the local community
  - to ensure that properties are let as quickly as possible
  - give a higher priority for rehousing to eligible applicants who have a local connection to Oadby & Wigston Borough Council, than those with similar housing needs who have no such connection

## 2. Legal Framework

- 2.1 The Housing Act 1996 (Part 6), as amended by the Homelessness Act 2002 and Localism Act 2011, requires local authorities to have an allocations policy for determining priorities and for defining the procedure to be followed in allocating housing accommodation.
- 2.2 This Housing Allocations Policy has taken into account all legal requirements and gives due regard to the Government's 'Allocation of Accommodation; guidance for local authorities in England'<sup>1</sup>.
- 2.3 This Allocations Policy provides a framework for assessing housing need, priority and determining who will be nominated to Registered Providers for housing. Registered Providers have previously been known as Housing Associations.
- 2.4 An allocation of accommodation within the Housing Act 1996 (Part 6) is when the local authority either:
- selects a person to be a secure or introductory tenant of accommodation held by the authority

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<sup>1</sup> <https://www.gov.uk/guidance/allocation-of-accommodation-guidance-for-local-authorities>

- nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
- nominates a person to be an assured tenant of accommodation held by a Registered Provider

2.5 This Policy also has regard to the Domestic Abuse Policy 2022.

### **3. Statement on Choice**

3.1 Oadby & Wigston Borough Council seeks to give every eligible applicant choice in relation to accommodation and is committed to enabling applicants to play an active role in choosing where and in what type of property they want to live in.

3.2 This Housing Allocations Policy does ensure that those applicants who are in urgent housing need are given reasonable preference within the choice-based lettings scheme.

3.3 The Council may have to limit choice in certain circumstances, such as where there is limited availability or where the Council is discharging a statutory duty to a homeless household.

### **4. Equalities Statement**

4.1 The Public Sector Equality Duty requires public bodies and others carrying out public functions to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations.

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

4.3 Our allocations scheme operates in accordance with the Council's Equality and Diversity Statement, which can be found at [www.oadby-wigston.gov.uk/pages/equality\\_and\\_diversity](http://www.oadby-wigston.gov.uk/pages/equality_and_diversity).

### **5. Data Protection**

5.1 Any information provided as part of the application process will be treated in the strictest confidence and in accordance with current data protection legislation. The Council's corporate statement on data protection is available on the Council's website at [www.oadby-wigston.gov.uk/pages/data\\_protection](http://www.oadby-wigston.gov.uk/pages/data_protection).

### **6. The Housing Register**

6.1 Oadby & Wigston Borough Council maintain a register of applicants who are interested in being housed by the Council or Registered Providers operating in the Borough. Properties that become available to let will normally only be allocated to applicants on the Housing Register.

## 7. Who Can Apply?

7.1 Any person aged 18 and over can apply to join the Housing Register provided that they:

- are eligible for an allocation of accommodation, and
- qualify for an allocation of accommodation

## 8. Eligibility

8.1 Under s160ZA of the Housing Act 1996 as amended by the Localism Act 2011, the Council must consider whether applicants are eligible for an allocation of accommodation. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK.

8.2 Only applicants that are eligible can be included on the Housing Register. In respect of Immigration Control;

I. Applicants that are subject to Immigration Control

A person that is subject to Immigration Control will be ineligible for an allocation of accommodation unless they fall within a category of persons as prescribed by regulations made by the Secretary of State.

II. Applicants that are not subject to Immigration Control

A person that is not subject to Immigration Control will be eligible for an allocation of accommodation unless:

- Their only right of residence is one which has been prescribed as not resulting in eligibility by Regulations made by the Secretary of State; or
- They are not habitually resident in the Common Travel Area or excluded from the requirements of the Habitual Residence Test by Regulation 6(2) of the Allocation of Housing and Homelessness (Eligibility) (England) (Regulations 2006)

## 9. Qualifying & Non-Qualifying Persons

### 9.1 Qualifying Persons

Applicants that do qualify for an allocation of social housing under this scheme are set out below.

#### 9.1.1 Members of HM Forces

You will qualify for an allocation of social housing if you are a serving or former member of the:

- Regular Armed Forces
- Reserve Forces
- Territorial Army, or if

- You have left those forces in the last five years and you have not been dishonourably discharged

## 9.2 **Non-Qualifying Persons**

Even though an applicant may be eligible, there are certain applicants that do not qualify for an allocation of social housing under this scheme:

### 9.2.1 Without Local Connection

A local connection is defined as an applicant that;

- has lived in the Borough for the past 2 years
- has lived in the Borough for a total of 3 or more years out of the past 5 years
- is currently working in the Borough either on a permanent or temporary contract running for a minimum of 12 months (usually those working less than 16 hours a week will be treated as non-qualifying)
- needs to give or receive care or support to direct family members who have been living in the Borough for the past 5 years. Direct family members include husbands, wives, civil partners, parents, sons, daughters, brothers, and sisters.

Applicants will need to demonstrate the need to move nearer to the direct family member. This is only available to applicants whose main residence is outside of Oadby & Wigston Borough boundary at the point of application.

Banding awards for such cases will be determined by the Housing Options Team Leader who will take into consideration a variety of factors such as, but not limited to:

- the level of care/support required
- the impact the care/support will have
- the distance that any relatives are currently travelling
- can demonstrate other exceptional or special circumstances

### 9.2.2 Under 18

Applicants must be 18 years or more to join the Housing Register, unless they meet one of the criteria for exceptional circumstance as follows:

- where a young person has been accepted as being owed a statutory homelessness duty
- where a request has been made by the Leicestershire County Council Children's Services Department for one of their care leavers

Any applicant who is under 18 cannot by law be granted a tenancy but the legal estate can be held in trust until they reach the age of 18. A trustee will therefore be required to sign the tenancy agreement on their behalf until they are 18.

### 9.2.3 Financial Resources

If it is considered that you have sufficient resources/equity in your home to resolve your housing situation, then you will not be eligible to join the housing register.

The Council needs to ensure that there is a balance between affordability and availability of accommodation in the Borough. Therefore, a range of factors based on your specific circumstances and your ability to access either the private rented sector, intermediate housing tenures (such as shared ownership & discount for sale) or owner occupation will be taken into consideration.

The following limits apply:

- 1) If the household has specialist needs that cannot be met within the local housing market, then these rules will not be applied. For example, if the need is for a wheelchair standard housing, or the applicant needs housing with support services, which is not available to buy or rent in the private sector.
- 2) If a household has support needs, the assessment will also take this into account in assessing the cost of meeting the household's needs in the local housing market. For example, if the applicant needs sheltered housing, which is available, but the level of the service charges is prohibitive.

The following thresholds will be used to assess whether a household has sufficient means to meet their needs by renting or buying. Unless there are exceptional circumstances, if the household income, savings or equity exceed the threshold set, the applicant will not be eligible to join the housing register.

	Household Income Limit (gross*)	Equity Limit	Savings Limit
<b>Threshold</b>	<b>£45,000</b>	<b>£32,000</b>	<b>£17,000</b>

#### Notes

- *figures are based on evidence within the Leicestershire Housing and Economic Development Needs Assessment 2017*
- *the threshold amounts will be reviewed annually to take into account of changes in housing market prices*
- *\*Gross income includes all income including DWP benefits, child maintenance payments, pensions and wages before any taxation or other statutory deductions are made, this includes income that is regularly disregarded for certain local taxation, universal credit, housing benefit and other purposes*

Applicants who formerly owned a property within the last 5 years will be asked to provide evidence of the sale and details of any capital gained from the sale to determine their qualification. If applicants disposed of capital without making adequate housing arrangements; for example, gifting the capital to relatives or friends, they will not qualify.

This qualification criteria does not apply to existing Oadby & Wigston Borough Council tenants.

#### 9.2.4 Housing Related Debt

Applicants who owe more than £300 in housing related debt (rent arrears, court costs, rechargeable repairs, rent deposit loans etc) to any Council or landlord (social or private) and who are not able to show that they have a payment plan in place that is up to date and shows at least 12 weeks consecutive payments. Debt through genuine hardship will not be included in this criteria.

#### 9.2.5 Lack of Capacity

Applicants who are considered to be unsuitable to be a tenant or lack the capacity to sustain a tenancy. This decision will only be made in light of strong evidence and then only if such a decision is considered reasonable and proportionate by Oadby & Wigston Borough Council.

#### 9.2.6 Unacceptable Behaviour

Applicants will be treated as non-qualifying to join the Housing Register if they, or a member of their household have caused unacceptable behaviour serious enough to make them unsuitable as a tenant such as:

- behaviour that is likely to result in the granting of an outright possession order on any ground
- behaviour which would entitle the landlord to gain an outright possession order
- committing certain criminal offences in or near the home or posing a threat to neighbours, the community, staff from the Council, the Council's contractors or Registered Providers or their contractors
- have been convicted of offences relating to; violence, harassment, racial harassment, threatening behaviour or any form of anti-social behaviour (ASB)
- committing social housing or benefit fraud such as illegal subletting or obtaining a tenancy by deception

When making this decision the Council will consider whether it is reasonable and take into account all relevant factors such as health, dependants etc. In addition, consideration will be given to the length of time that has lapsed since the unacceptable behaviour occurred, if there has been a factual change in the applicant's circumstances and whether the applicant can prove a change in their behaviour.

#### 9.2.7 Home Owners

An applicant is not a qualifying person if they own a freehold or leasehold interest in a residential property in the UK or abroad, or part-owns a property under the Shared Ownership Scheme.

The Council, at the discretion of the Housing Manager, may allow a home owner to join the Housing Register in exceptional circumstances, for example; where an owner occupier who has



a disability and who is unable to meet their housing needs from their own resources and requires an adapted property.

#### 9.2.8 Fraud

Section 171 of the Housing Act 1996 makes it an offence for anyone, in connection with the exercise by a housing authority of its functions under Part VI, to knowingly:

- give false information
- withhold relevant information which the Council has reasonably required the applicant to give in connection with the exercise of those functions

The circumstances in which an offence is committed could be:

- on an application form for social housing
- in response to a request for further information in support of the application
- during a review process
- failing to notify the Council of any relevant change to their situation

Any applicant found guilty of such an offence will be liable to a fine, which could currently be as much as £5,000.

Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by s.146 of the 1996 Act) enables the Council to take action to repossess any tenancy obtained by the provision of false information or by the withholding of relevant information, by the applicant or a person acting on behalf of the applicant.

#### 9.2.9 Deliberately Worsening Housing Circumstances

Where the Council is satisfied that an applicant has either acted unreasonably or has deliberately worsened their housing circumstances, in order to improve their chances of being re-housed, then the applicant will not qualify to join the housing register for a period of 12 months. Examples of this include:

- selling a property that is affordable and suitable for the applicant's needs
- moving from a secure tenancy or settled accommodation to insecure or less settled accommodation
- requesting or colluding with a landlord or family member to issue them with a Notice to Quit

#### 9.2.10 Joint tenants

In the case of an allocation to 2 or more persons jointly, at least one of the persons must be a qualifying person (section 160ZA(6)(b)) and all of them must be eligible.

9.3 The decision by the Council that an applicant is not a qualifying person for an allocation may occur at the time of joining the Housing Register, at any time during the life of the application, at the time the applicant is allocated a property, or when the applicant has bid and has been short-listed for a property.

- 9.4 Applicants treated as non-qualifying will be informed in writing of the reason why their application has been rejected. They will have the opportunity to appeal against the decision if they feel it is incorrect. Any applicant who has been refused entry onto the Housing Register and believes their circumstances have changed and that they should now be considered as qualifying persons they should complete a new housing application form.

The applicant will need to show that since their previous application was submitted their circumstances or behaviour have changed.

## **10. Review of the Housing Register**

- 10.1 The Council will undertake regular reviews of the Housing Register. Applicants will be contacted and asked to confirm whether they want to remain on the register and whether their circumstances have changed. Applicants will be expected to respond to the review within 14 days. Failure to respond will result in notification being sent advising the applicant that their registration will be cancelled unless the Council has received a response within a further 14 days.
- 10.2 Applicants can ask for their application to be reinstated if they believe that it has been cancelled incorrectly or unreasonably. An example of where an application could be reinstated is where an applicant has been in hospital for the duration of the review and does not have a contact who could have responded on their behalf.
- 10.3 A request to reinstate the application should be made in writing to the Council. If the applicant does not agree with the decision of the Council they have a right to request a review of this decision.

## **11. Property Size and Type**

- 11.1 The following rules will be used to determine the size of accommodation needed by a household. A separate bedroom is needed for each of the following:
- Every adult married or cohabiting couple or single parent
  - Every person aged 16 years or more
  - Two children aged 10-16 of the same sex (sharing a room)
  - Two children aged 10 years regardless of sex (sharing a room)
  - Any other child
- 11.2 Rooms that are in use for other purposes but could be used as bedrooms (including dining rooms, living rooms, studies etc) will also be included in the calculation.
- 11.3 The minimum size for a room to qualify as a bedroom is 6.5m<sup>2</sup>.
- 11.4 A single parent household is entitled to the same size accommodation as a two parent household with the same number of children.
- 11.5 Households that include a pregnant woman are normally assessed as if the baby has already been born (i.e. the baby is counted as a child), where the expected date of delivery is within 3 months.

- 11.6 Where there is evidence of a need for a member of the household to have a separate bedroom (for example, for medical reasons, or because of behavioural issues), then an additional bedroom need can be allowed.
- 11.7 A child must live at the address as their main home in order for them to be classed as a permanent resident. Usually the care giver at this address will be the person in receipt of child benefit or tax credits. Exceptions will be considered, for example, in circumstances where the child resides away from the applicant on a temporary basis but their permanent home is with the applicant.
- 11.8 Where a parent has access to their children but does not provide the main family home, an additional bedroom may be awarded to allow the children to sleep over. In order to qualify the parent would need to be providing at least two nights of secondary care on a regular basis and be able to afford the larger accommodation. Only a maximum of one additional bedroom would be granted regardless of the number of children involved. The Council will require evidence to support this.
- 11.9 Where the applicant has care or support needs that require overnight assistance on a permanent or casual basis, then the need for an additional bedroom can be awarded to permit this. This can include prospective foster carers, on evidence that Leicestershire County Council Children's Services Department will approve the applicant as a foster carer subject to availability of suitable size accommodation.
- 11.10 Applicants awarded priority on the basis of having a bedroom shortage may be by-passed if they bid successfully on a like-for-like property. For example, if an applicant lives in a 3 bed house but only requires a 2 bed house and bids on another 3 bed house, they will be bypassed on the shortlist for that property.
- 11.11 Large families (i.e. those with five or more children) may be given additional priority over similar households for properties with four or more bedrooms.
- 11.12 Applicants will be allowed to bid for the size and type of property as shown in **Appendix 1**. In some circumstances the opportunity may be given to bid for larger properties where they are in low demand.

## **12. Mobility Needs**

- 12.1 There is a separate assessment process for people with some form of mobility problem. For example, where a member of the household:
- is no longer able to climb stairs or get into a bath
  - has a visual impairment
  - had an accident or illness that has affected their mobility
  - has a child whose mobility is restricted
  - has some other medical condition of which they have notified the Council

## 12.2 Mobility Needs Assessment

Applicants with mobility problems are able to detail these in the medical section of the housing application form. It has questions about mobility problems, the type of property that would be suitable and any adaptations that would be required to the property. It may require further investigation which usually involves considering documentary evidence supplied by the applicant. There may be occasions when the Council has to request information from health practitioners. By completing the assessment the applicant is assumed to give consent for the Council to make additional enquiries and to seek alternative medical options. This is an integral part of the Council's obligation under the Housing Act to process and make decisions.

12.3 There are three housing mobility categories for properties:

1. General – no specific adaptations or minor or low level adaptations i.e. grab rail
2. Level Access Shower – these properties have a 'level access shower' but fall short of being fully wheelchair accessible
3. Fully wheelchair accessible – however, it should be noted that these properties might not meet the full requirements of all wheelchair users

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

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

12.6 The Council cannot allocate or nominate to a home that does not meet the household's needs currently unless the level of adaptation is relatively minor (e.g. a grab rail is needed).

## 13. The Right to Move

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

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

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

## **14. Transfer Applicants**

- 14.1 The Council will advertise certain properties with preference given to existing Oadby & Wigston Borough Council tenants. This will not exceed 25% of anticipated annual vacancies.
- 14.2 A Registered Provider may also use the system to advertise properties to their existing tenants as long as the empty property does not come from the vacancies assigned to the Council under the agreed nomination arrangement.

## **15. Nominations**

- 15.1 Agreements exist between Oadby & Wigston Borough Council and the registered social landlords which operate within the Borough. Whilst the majority of registered providers vacancies are advertised through the choice based lettings scheme, there will be some registered providers who advertise vacant properties through their own website. Applicants need to apply directly to the registered provider for these vacancies.
- 15.2 When a registered provider wants to use our choice based lettings scheme to advertise a vacancy, they will ask the Council to nominate a person from the Council's own housing register for consideration for these vacancies. The nominee's application will have been assessed using the same criteria as other applicants on the housing register and the property advertised and shortlisted in the same way through the choice based lettings scheme. When a nomination is made, a registered provider may have additional criteria they wish to apply in line with their own policies.

## **16. Sensitive Lets**

- 16.1 In certain circumstances properties and applications will be considered outside of the banding framework set out in this Housing Allocations Policy. Such circumstances include:
- Where it may be inappropriate to let an individual vacant property in line with the usual letting arrangements – for example, where a property is vacant because the previous occupant was guilty of persistent anti-social behaviour
  - Where there has been behaviour on the part of an applicant which affects;
    - Their suitability to be a tenant in an area for which they have expressed a preference – for example where they have harassed or caused a nuisance
    - An individual or family living in that area
- 16.2 Decisions in such cases are authorised by the Housing Manager (or other council officer of same or higher grade).

## **17. Application**

- 17.1 To apply to the Housing Register, applicants are required to complete an online application form at [www.oadbywigstonhomes.org](http://www.oadbywigstonhomes.org).

17.2 In all circumstances the Council will require proof of identity along with other supporting proofs as detailed on the application for the application to be fully registered.

17.3 You can only include the following people on your housing application:

- You and your partner
- Children under 18 who are dependent on you or your partner\*
- Your non-dependent children or parents who have lived with you for the past 12 months
- Those household members who were listed on the previous application that led to rehousing with Oadby & Wigston Borough Council

\*For the purposes of the Housing Allocations Policy, a dependent child is defined as being under 18 years and being the natural or adopted children of the applicant or his/her partner; under 18 years old and subject to a legal residence order; or under 18 years old and in the care of the Local Authority.

17.4 In addition, where there are extenuating circumstance for people who are not part of your immediate family but have an exceptional need to live with you as part of the household to give or receive care or support, consideration will be given to individual cases by the Council.

17.5 A person can only be on one application for housing at any one time.

17.6 Sheltered housing applicants will need to be aged 60 or above. Applicants aged under 60 with a defined disability for which they receive Disability Living Allowance or Personal Independence Payments and demonstrate a need to be in sheltered accommodation may also be considered.

## **18. The Banding Scheme**

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

- Low Housing Need
- Medium Housing Need
- High Housing Need
- Priority Housing Need

### **18.2 Low Housing Need Band**

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

#### **18.2.1 Secure Housing**

The applicant has secure housing and has no welfare or medical need. This includes tenants (Tied, Secure, Assured or Assured Shorthold) of Local Authority or other Social Housing and Private Landlords, Shared Ownership owners, owner occupiers and applicants who have rights under family or matrimonial law.

### 18.2.2 Like for like Transfers

The applicant is a transfer applicant who is living in the Borough who requires a move to the same bedroom size of property and who does not have welfare, medical or other exceptional need to move. This is termed a 'like for like' transfer.

### 18.2.3 Joint Tenants

The applicant is a joint tenant of a property where the other party does not wish to move.

### 18.2.4 Low Cost Homeownership Only

The applicant only wishes to be considered for low cost home ownership schemes.

### 18.2.5 Private tenants and tied tenants

The applicant is a private tenant or a tied tenant who are adequately housed with no significant medical/welfare or exceptional need to move.

### 18.2.6 Deliberate Worsening of Housing Circumstances

An applicant who has deliberately worsened their circumstances to gain an unfair advantage over other applicants on the housing register (e.g. selling a property that is affordable and suitable for the applicant's needs, moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation, requesting or colluding with a landlord or family member to issue them with a notice to quit) will normally remain in the Low Housing Need Band for a period of 12 months. The application will then be re-assessed. If there is a relevant change in the household's circumstances during the 12 month period the applicant can contact the Council to request that their housing need is re-assessed.

## 18.3 **Medium Housing Need Band**

Preference will be given to applicants who fall into one of the following categories:

### 18.3.1 Homeless or at Risk of Homelessness

- Applicants who are at risk of becoming homeless and are owed the Prevention Duty under Section 195 of the Housing Act 1996
- Applicants who are homeless and are not owed (or have not been issued with a S184 Decision confirming that they will be owed) the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Oadby & Wigston Borough Council

Applications are placed in Medium Band for an initial period of 12 months. After this period a re-assessment will be completed to confirm whether the applicants circumstances have changed, whether they still have a housing need and whether they still qualify for the Housing Register.

### 18.3.2 Poor Housing Conditions

Households living in insanitary, overcrowded or otherwise unsatisfactory housing conditions. This includes:

#### 1. Housing that is not in a reasonable state of repair

Housing falling within this description will be properties where one or more of the key building components are old, in a poor condition and need major repair or replacement. For example, external walls, roof, external windows/doors, chimneys, central heating boilers, gas fires, storage heaters, plumbing and electrics.

#### 2. Housing that does not have reasonably modern facilities and services

Dwellings falling within this description are those that lack three or more of the following;

- a functional kitchen
- a kitchen with adequate space and layout
- a functional bathroom
- an appropriately located bathroom and WC
- adequate noise insulation (where external noise/neighbourhood noise is a problem)
- adequate size and layout of common areas for blocks of flats

#### 3. Housing that does not provide a reasonable degree of warmth

Housing that does not have a heating system or other means of heating the property or the heating system at the property does not work or is in poor condition will fall within this description.

*These criteria will be assessed in partnership with Environmental Health services. Where a home is found not to meet these standards, the Environmental Health Officer will consider using the powers available to them to ensure that the property is made to meet acceptable standards.*

Other poor housing conditions will be considered. These will be considered where there is evidence that the housing conditions are having a detrimental effect upon the welfare or health of the household.

### 18.3.3 Overcrowded Housing

This means a household that is one bedroom short of the assessed need for that household.

### 18.3.4 Medical Need to Move

Applicants with a medical, disability or mobility problem. This could include:

- Verified high medical need where the applicant's condition(s) is currently directly affected by their accommodation and a move to alternative accommodation (which they are assessed as eligible to bid for) would resolve or ease their medical condition(s)



- Where level access accommodation is required and there is no prospect of adaptations to the applicant's current property within 12 months. Suitable proof will be required i.e. confirmation from a local Occupational Therapist and Landlord. The applicant may be referred to local agencies for assistance with adaptations.

### 18.3.5 Welfare Need to Move

This could include:

- An applicant suffering from harassment or neighbour nuisance, such as verbal abuse or damage to the property. The problems will have been reported to the landlord and/or the Police for action, but a satisfactory conclusion not found. The harassment is not at a level whereby the applicant has an emergency need to move.
- The need to be near relatives to give or receive assessed care/support. This would only apply where not moving would cause physical, financial or emotional hardship to either party. This will be assessed based upon the distance between the carer and care receiver, how the care is currently provided, the level of care/support needs and any supporting documentary evidence.
- An evidenced need to move closer to a specialist educational or a similar organisation, agency or institution. This would only apply where not moving would cause physical, financial or emotional hardship to either party.
- Where the applicant has permanent employment within the Borough and needs to move closer to work, to prevent financial hardship. We will seek confirmation of your employment within the Borough.

*Applicants who have been assessed for these reasons may be restricted to bidding only in areas they have demonstrated a need to move to.*

- An applicant who is suffering financial hardship and having difficulty in meeting their housing costs. Examples could include adverse impact from Welfare Reform, Benefit Cap, redundancy, bedroom tax etc.

### 18.3.6 Short Term Accommodation

This would include:

- An applicant living as a licensee/lodger or sharing accommodation with family, relatives or friends who do not have security of tenure
- Applicants accommodated for a limited period on non-secure tenancies or on license agreements in hostels or other supported accommodation
- An applicant who is the owner of residential property where a member of the household has a medical, social or economic reason to move. This will include applicants unable to maintain their current property but with insufficient equity to purchase or rent suitable accommodation, elderly people living in isolation and/or requiring an element of care

### 18.3.7 Transfer Applicants

This would include:

- Transfer applicants seeking different size accommodation
- Transfer applicants seeking a like for like transfer who have a medical, mobility or social need to move

### 18.4 **High Housing Need Band**

Preference will be given to applicants who fall into one of the following categories:

#### 18.4.1 Multiple Need

An applicant who has been assessed as having two or more needs from the following sections of the Medium Housing Need Band.

1. Homeless or Risk of Homelessness
2. Poor Housing Conditions
3. Medical Need to Move
4. Welfare Need to Move

#### 18.4.2 Severe Overcrowding

An applicant where there is overcrowding by two or more bedrooms short of the assessed need (the applicant would not be considered eligible to bid for the same size property as currently occupied). An investigation will be carried out to ensure the overcrowding has happened as a result of natural growth of a family or through other reasonable circumstances.

#### 18.4.3 Ready to Move On

An applicant who is living in supported accommodation and the Council has a move on agreement with the housing provider or where their key worker has agreed that independent accommodation would now be appropriate.

#### 18.4.4 Transfers Under-Occupying

A transfer applicant living in the Borough who are under-occupying a home which is deemed to be high demand accommodation within the Borough from other applicants (the applicant would not be considered eligible to bid for the same size property as currently occupied).

#### 18.4.5 Transfers affected by Social Size Criteria

A transfer applicant living in the Borough who are under-occupying a home and are affected by the Social Size Criteria (Bedroom Tax).

18.4.6 An applicant in a High Housing Need category can remain in this category for up to 16 weeks. If no suitable properties come available during this period, or the applicant has not been

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

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

## 18.5 **Priority Housing Need Band**

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

### 18.5.1 Homeless Households

- Homeless applicants who are owed the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193(4) of the Housing Act 1996 by Oadby & Wigston Borough Council

Applications will be placed in the Priority Housing Need category for an initial period of 8 weeks. If the applicant who has been placed in the Priority Band does not bid for suitable properties that are advertised during the initial 8 weeks, the Council may place bids on their behalf for properties until an offer of suitable accommodation is made. If an applicant who has been placed in the Priority Housing Need category refuses an offer of suitable accommodation, their application will be reassessed and moved down to the Medium Housing Need category.

If a homeless applicant who has been placed into Priority Housing Need category and is owed the Relief Duty under Section 189B of the Housing Act 1996, the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 refuses a final offer of suitable accommodation, (which may be an offer of private sector accommodation), the relevant homeless duty will be discharged and their application will be re-assessed and moved down to the Medium Housing Need category. In such circumstances the applicant would have the right to request a review of the decision within 21 days of being notified – being a different review process to that described elsewhere in this document.

### 18.5.2 Emergency Welfare Need

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

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

- A young person placed in care as a child by Leicestershire County Council and who wishes to live in the Borough of Oadby & Wigston that is having difficulty in securing settled accommodation (the applicant will have been through their housing options with Leicestershire County Council and all other options will have been exhausted)

#### 18.5.3 Emergency Medical Need

Circumstances could include:

- An applicant with a progressive or chronic medical condition combined with other difficulties such as the need for adapted accommodation
- An applicant who is unable to be discharged from hospital to their current accommodation

#### 18.5.4 Complex Housing Needs

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

#### 18.5.5 Management Need

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

- Social housing tenants needing an emergency transfer because their current property is in need of urgent repair (includes demolition)
- An applicant succeeding to a tenancy that is not suitable to their needs who has lived in the property for at least the last twelve months
- An applicant who has no right in law to remain in their current Registered Social Landlord (RSL) or council accommodation, i.e. there is no right of succession but the applicant has lived in the property for at least the last twelve months
- A tenant occupying a wheelchair adapted property that they no longer need which could be used by somebody else

#### 18.5.6 Displaced Agricultural Workers

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

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

- 18.7 Applicants in a priority need category retain the right to respond to properties of their choice, however, if they fail to bid in any cycle within the priority period the Council reserves the right to place bids for the applicant on suitable properties to meet their housing need.
- 18.8 Applicants will be expected to consider all suitable offers of accommodation/properties. Failure to respond to suitable properties or refusal of an offer of suitable accommodation may result in priority not being renewed at the end of the 8 week period. However, the Council retains the right to discharge its statutory homeless duty by one suitable offer of accommodation in week 8 of the priority period.
- 18.9 The relevant date for short-listing applicants placed in the Priority Housing Need Band will not be the date they joined the housing register, it will be as follows:
- homeless households – the date they presented as homeless
  - all other priority households – the date a decision on priority was made

18.10 Moving between housing need bands

An applicant's housing need band will change if their level of need changes. When an applicant moves up to a higher need band their effective date will change to the date moved into the higher category. Applicants moving to the priority need band because the Council has a full homelessness duty to them will have their effective date in that band changed to the date the duty was accepted.

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

## 19. Advertising

- 19.1 Oadby & Wigston Borough Council has its own property listing detailing the properties available for applicants to bid for.
- 19.2 All properties are advertised online each week beginning on a Thursday at 12:01am and ending the following Tuesday at 11:59pm.
- 19.3 The listing will contain social rented properties which are in Oadby & Wigston Borough Council's area. These are advertised to applicants who have been accepted onto the housing register or who have a local connection to the Borough.
- 19.4 All adverts will give as much details of the property as possible such as a photograph of the property, details of the rent, number of bedrooms and facilities at the property.
- 19.5 The Council takes no responsibility for the accuracy or content of the property advertisements placed by the landlords participating in the scheme. Complaints about adverts should be made to the Council which reserves the right to remove the advert.
- 19.6 Property adverts may be restricted to certain types of applicant. For example, property adverts may be restricted to applicants by:

- applicant type i.e. transfers only
- support needs i.e. Supported and Sheltered
- banding
- applicant age
- household type and size

## 20. Bidding

20.1 Applicants will be allowed two bids per advertising cycle. Applicants can cancel bids and place them on other advertised properties at any time during the bidding period. Applicants can see their position on the shortlist at the time of bidding, this position can change throughout the 6 day cycle as people with a higher priority may bid later in the bidding cycle.

20.2 Applicants will only be able to place bids on properties that are the right size for their household and where all other criteria as set out in the advert are met. Please see **Appendix 1** for further details.

20.3 Where vulnerable applicants are unable to bid for themselves, the Council can place a bid on their behalf.

20.4 Shortlisting

Applicants bidding for properties will normally be shortlisted in the following order:

- 1) By band
- 2) By effective date (date of registration or more recent date of change of priority)

20.5 Refusals

Applicants who refuse/or fail to respond to three suitable offers of accommodation or fail to attend three arranged viewings will have their application suspended for 12 months (**See Section 22 – 3 Offer Rule**).

20.6 Non-Bidders

Applicants who do not place any bids in a 6 month period will have their application reviewed. Failure to respond to the review, give good reason for not bidding or failing to place bids in the following 6 months will lead to the application being closed.

20.7 Direct Offers

The Council may make a direct offer of accommodation to an applicant, for example where an applicant has a specialist need for adapted accommodation and the availability of suitable accommodation is limited or where an applicant poses a risk to individuals or the community. Such offers will be made:

- Where the current accommodation is having a severe detrimental effect upon the day-to-day living
- An urgent move is essential to resolve or significantly improve the applicants circumstances

- The applicant cannot reasonably be expected to secure suitable accommodation for their household
- All potential alternative solutions have been explored and are no viable

Cases considered to be urgent and serious enough to require a direct allocation to be made outside of the Council's normal policy and procedure are defined as follows:

- Threats to life
- Racial or homophobic harassment
- Extreme anti-social behaviour
- Vulnerable witnesses
- Any other significant and/or immediate need for a move to more suitable, alternative accommodation (this could include move on from temporary accommodation where it has been agreed by the Housing Manager)

All potential alternative options must have been explored and assessed as not viable, making an urgent move essential in order to resolve or significantly improve the applicants circumstances. Urgent cases agreed through this policy will be awarded Priority Housing Need Band, or if requested, by a direct let outside of the Choice Based Lettings system.

20.8 The Council will monitor difficult to let properties, which are not receiving bids and consideration will be given to changing the eligibility criteria for these properties to ensure the best use of available housing stock.

## **21. 3 Offer Rule**

21.1 With some exceptions all applicants accepted on the housing register are entitled to receive three offers of accommodation with their full priority. An offer of accommodation may include an offer of a Oadby & Wigston Borough Council secure tenancy, introductory tenancy or a nomination to a Registered Provider (tenancy type may vary).

21.2 An applicant who refuses a third offer of accommodation will be suspended on the housing register for 12 months.

## **22. Local Lettings Policies**

22.1 In certain circumstances the Council may develop a Local Lettings Policy. These help the Council to address any issues or challenges within a neighbourhood and help to ensure that communities are mixed and sustainable. Local Lettings Policies can be used to help achieve a variety of housing management or policy objectives. Examples can include:

- where there is a high risk of a local community becoming unstable
- where all other housing management tools to deal with unsettled communities or significant anti-social behaviour have been tried and failed
- in a new or redeveloped area, where a more targeted approach to lettings is required to support the success of new tenancies

22.2 Local lettings policies will only be applied after consultation with relevant stakeholders (for example, the police, social services, and other relevant statutory and voluntary agencies and

local residents in the area of the proposed local lettings policy). There must be evidence that a local lettings policy is needed, that its use is supported by the local community and that it is likely to address the problems identified. Local lettings policies should be reviewed regularly and should be relinquished as soon as the reason for them no longer applies.

## **23. Reciprocals**

- 23.1 The Council recognise the need for the allocation scheme to contain an element of social mobility whilst protecting social housing as a valuable and scarce resource. In order to strike a balance the Council may enter into reciprocal arrangement with another local authority or housing association.
- 23.2 All reciprocal arrangements are agreed on a discretionary basis and the Council retains the right to decline a request for a reciprocal arrangement.
- 23.3 The Housing Manager must approve all reciprocal arrangements both in and out bound.
- 23.4 Requests for a reciprocal arrangement will only be accepted if a person would otherwise meet the eligibility and qualifying criteria contained in this policy.
- 23.5 Reciprocal arrangements are only agreed when there is no material loss to the Council in terms of available housing stock. In most cases, this means that the Council will expect back a property of equal or larger size than the unit offered. The unit must also be comparable in terms of quality and type.
- 23.6 The local authority or housing association concerned will be required to provide written commitment to the terms of the reciprocal arrangement, as agreed by the Housing Manager.
- 23.7 Applicants approved will be able to bid for the agreed housing appropriate to meet their needs for three months and if unsuccessful the reciprocal arrangement will be reviewed.

## **24. Exceptional Circumstances**

- 24.1 This policy may be departed from where a Housing Officer considers that an individual's exceptional circumstances warrant a departure from any part of this policy, has recorded reasons for that decision, and has the written/emailed agreement of the Housing Manager within Oadby & Wigston Borough Council.

## **25. Appeals Process**

- 25.1 If an applicant does not agree with a decision made by the Council in respect of their application or in respect of any decision that affects their housing application they have the right to appeal. Circumstances in which an appeal is likely to be submitted include:
- where an applicant has been advised they do not qualify/are not eligible to join the housing register
  - where an applicant believes that their application has been assessed incorrectly and placed in the wrong housing need band



- where an applicant's application has been cancelled and their request to have the application reinstated has been refused

25.2 If an applicant has successfully been shortlisted for a property but has been refused the offer of accommodation by one of the Registered Provider partners they can ask the Registered Provider to review their decision. Each partner operates its own appeals process.

25.3 Applicants wanting to request a review of the decision made by Oadby & Wigston Borough Council will need to submit a written request to the address below. The appeal will normally need to be submitted within 21 days of the original decision letter.

The appeal should be addressed to:

The Housing Options Service  
Oadby & Wigston Borough Council  
Council Offices  
Station Road  
Wigston  
Leicestershire  
LE18 2DR

25.4 The officer considering the appeal will not have been directly involved with the original decision.

## Appendix 1 – Property Size and Type

The following table is a guide only.

	Single Person	Singe Person with access* to children	Couple	Couple or lone parent plus 1 other	Couple or lone parent plus 2 others	Couple or lone parent plus 3 others****	Couple or lone parent plus 4 or more others
Studio flat	✓						
1 bed flat	✓	✓	✓				
1 bed house	✓		✓				
1 bed bungalow	✓	✓	✓				
2 bed flat or maisonette		✓		✓	✓		
2 bed house				✓	✓		
2 bed bungalow				✓	✓		
3 bed house **					✓	✓	✓
3 bed flat or maisonette					✓	✓	✓
3 bed parlour*** house					✓	✓	
4 bed house						✓	✓
5 or more bed house							✓

Notes:

\* Single person with children who do not live with them on a permanent basis

\*\* In some circumstances larger sized houses may be opened up to families with a 2 bedroom requirement

\*\*\* A Parlour House is a house with a separate dining room

\*\*\*\* Household's with three dependents, with one or more over the age of sixteen, may be entitled to bid for four plus bedroom houses

## Appendix 2 – Banding Summary

<b>PRIORITY HOUSING NEED</b>	<b>Meaning</b>
Homeless	Where a council has accepted a full statutory duty to provide accommodation, or has accepted a Relief Duty under s189b of the Homelessness Reduction Act 2018
Emergency Medical Need	Progressive chronic condition plus need for adapted property or hospital discharge
Emergency Welfare Need	<ul style="list-style-type: none"> <li>• Severe harassment, threats, acts of violence</li> <li>• Statutorily overcrowded</li> <li>• Care leavers and other vulnerable applicants who will have difficulty securing settled accommodation</li> <li>• Other emergency housing situations</li> </ul>
Complex Housing Needs	A combination of needs that together create an urgent need to move
Management Need	<ul style="list-style-type: none"> <li>• Property needs urgent repair</li> <li>• Successor tenant needs more suitable property</li> <li>• Applicants left in occupation with no right of succession</li> <li>• In wheelchair accommodation but do not need it</li> <li>• Other urgent need to move</li> </ul>
Displaced agricultural workers	In accordance with the Rent (Agriculture) Act 1976

<b>HIGH HOUSING NEED</b>	<b>Meaning</b>
Has 2 or more Medium Housing Need categories	No more than one factor to be taken from each of the main banding categories
Overcrowding by two or more bedrooms	
Ready to Move On	In supported accommodation and approved for move-on
Transfer applicants living in the Borough occupying a home that is in high demand or under-occupying a home and affected by bedroom tax	Households in family houses who have more bedrooms than they need

<b>MEDIUM HOUSING NEED</b>	<b>Meaning</b>
Other homeless households	<ul style="list-style-type: none"> <li>• Applicants who have had a Prevention Duty accepted under s195 of the Homelessness Reduction Act 2018</li> <li>• Other homeless households i.e. non-priority cases, those who have been found intentionally homeless</li> </ul>

Poor Housing Conditions	<ul style="list-style-type: none"> <li>• Housing that is not in a reasonable state of repair</li> <li>• Housing that does not have reasonably modern facilities and services</li> <li>• Housing that does not have a reasonable degree of warmth</li> <li>• Other poor conditions</li> </ul>
Overcrowded housing	<ul style="list-style-type: none"> <li>• Overcrowding by one bedroom</li> </ul>
Medical need affected by housing	<ul style="list-style-type: none"> <li>• High medical need</li> <li>• Level access required</li> </ul>
Welfare need affected by housing	<ul style="list-style-type: none"> <li>• Harassment or neighbour nuisance</li> <li>• Need to be near relatives to give or receive support</li> <li>• Need to be near specialist educational or other institution</li> <li>• Need to move closer to place of permanent employment</li> <li>• Financial hardship</li> <li>• Other need to move on welfare grounds</li> </ul>
Short Term Accommodation	<ul style="list-style-type: none"> <li>• Applicants living as a licensee/lodger or sharing accommodation with family, relatives or friends who do not have security of tenure</li> <li>• Applicants being accommodate for a limited period on non-secure tenancies or on license agreements in hostels or other supported accommodation</li> <li>• Owner of a residential property where a member of the household has a medical, social or economic reason to move</li> </ul>

<b>LOW HOUSING NEED</b>	<b>Meaning</b>
A new applicant with security of tenure and no welfare or medical need	This may include home owners or joint home owners with statutory property rights under the Family Law Act 1996
Transfer applicant living in the Borough who requires a move to the same bedroom size property and has no medical or welfare need to move	Known as 'like for like' transfers. Mutual exchange may be more effective method of securing alternative accommodation
Private tenants and Tied tenants adequately housed with no particular need to move	
Only interested in Home Buy/Shared ownership options	
Deliberate worsening of housing circumstances	Can apply to be reassessed after 12 months