



# Lichfield District Council - Allocation Scheme 2023

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In partnership with:



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## 1. Introduction

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Every local housing authority in England is required by law to have an allocation scheme in place which determines who is eligible and qualifies to join the scheme, how priority is determined between applicants in housing need when applying for social housing<sup>1</sup> and the procedure to be followed when allocating homes. The Council has a duty to provide housing advice and assistance and to prevent and relieve homelessness. In order to meet housing needs within the district and enable us to discharge our duties, we work in close partnership with Registered Providers who own and manage all social housing.

Registered Providers have a duty to cooperate with the Council in offering accommodation to people in housing need under the Council's allocation scheme. We do this by entering into a nomination agreement with the Registered Provider that outlines the percentage of properties that will be made available to the Council through the scheme. A nomination to the Registered Provider will then be made in accordance with this allocation scheme and Registered Providers will consider the nomination against their own allocation criteria.

Registered Providers who own and manage social homes within Lichfield district are:

- Advance
- Bromford
- Clarion
- Family Optima
- Housing 21
- Metropolitan
- Midland Heart
- Orbit
- Platform Housing
- Riverside
- Sanctuary
- Stonewater
- Trent & Dove
- WHG
- The Wrekin Housing Group

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<sup>1</sup> Social housing/homes in this context refers to both social rented and affordable rented homes.

We acknowledge that there is a shortage of social homes to rent within the district, therefore our allocation scheme has been framed to give priority to those applicants in the greatest level of housing need and reflect our local priorities to make the best use of the social homes available.

## 2. Aims & Objectives

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The scheme has been developed with a view to meeting the following principles and key objectives:

- To have a clear, transparent and accountable system for assessing applicants and to allocate homes in a way that is easy to understand and administer.
- To award preference to those in greatest housing need to make the best use of limited number of social homes available.
- To take into account local priorities and support our Housing, Homelessness and Rough Sleeping Strategy.
- To maximise opportunities for applicants to make informed choice by providing good information on rehousing prospects including alternative housing options.
- To develop positive working relationships with other agencies to identify and meet housing need to create sustainable tenancies.
- Where we can, provide tenancy support to mitigate the risk of tenancy failures and prevent repeat homelessness.
- To support the development and sustainability of thriving communities.
- To meet the requirements set out in law, regulation and guidance and promote best practice.

## 3. Data Protection Statement

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We will only ask applicants to supply information that is required as part of the application process to determine eligibility, qualification and assess housing need. We will only record and store information that is necessary for the assessment and allocation of social housing.

As part of the housing need assessment process, we will make enquiries into an applicant's housing history; by applying to be entered onto the housing register an applicant is agreeing to us making these enquiries. If an applicant does not agree to us making these enquiries, we are unable to accept their application

We will ensure that all information held on the housing register remains confidential. This will not be disclosed to a third party without prior consent from the applicant.

To enable us to share information and nominate applicants to our partner Registered Providers with homes in the district, we have developed an information sharing protocol. This protocol establishes the procedural arrangements for the secure exchange of information for the purpose of nominations to the Registered Providers. By applying to be entered onto the housing register, an applicant is agreeing to this information being shared with our partner Registered Providers. We will make this clear at the point of application and review.

In accordance with the Data Protection Act 2018, applicants have the right to request a copy of all the information held about them.

#### 4. Equal Opportunities Statement

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We are committed to promoting equal opportunities, embracing diversity and preventing and eliminating unlawful discrimination, harassment and victimisation.

We recognise that our customers are individuals; we will focus on their particular circumstances to assess their specific housing needs in line with the allocation scheme framework. We commit that the scheme will be accessible, responsive and sensitive to the diverse needs of our customers, ensuring that equality and diversity is at the heart of everything we do.

We will ensure that all potential applicants will have accessible information on how to access the scheme and how to express an interest in the homes available. We acknowledge that some people may require assistance in accessing the housing register and participating in the allocations scheme. For those people that do not have a trusted person, such as a family member or advocate upon whom they can rely, we will ensure that these individuals receive the help and assistance they require.

The impact of the changes to the scheme has been monitored throughout the process and an Equalities Impact Assessment (EIA) is published alongside the document to ensure we continue to be clear, transparent and accountable for our actions.

In order for us to continue to monitor the impact of the scheme, all applicants will be asked to provide demographic information when they apply to join the housing register. This information will be regularly reviewed to ensure we meet our legal obligations in regards to the Equality Act 2010 and Public Sector Equality Duty.

#### 5. Statement on Choice

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We seek to give every eligible and qualifying applicant choice in relation to the location of their accommodation by advertising vacancies and inviting expressions of interest (bids) on these vacancies. Restrictions will apply in terms of the bedroom size and type of property allocated in accordance with the allocation scheme to ensure we make the best use of the homes available.

For those placed into the Emergency Band, which reflects their critical need to be rehoused, we need to balance the level of choice with the urgent need to rehouse the applicant. Applicants within this Band will be given dedicated advice and support from a Housing Options Officer at the Council who will ensure they are bidding on suitable properties when they become available. The Council will review applicants placed in the Emergency Band after 4 weeks to decide whether they can remain within the Band. This review will include whether the applicant has been bidding on properties that were suitable and available during this time and where appropriate a direct offer of accommodation may be made.

We acknowledge that due to high demand for certain types of properties in the district it is not possible to re-house every potential applicant through the scheme. We will therefore publish an Annual Lettings Report that will include information to assist applicants to make informed choices about their housing options.

#### 6. How applications will be dealt with

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The administration of the housing register and allocation scheme will be done by the housing services team at Lichfield District Council.

### **6.1 Registration**

Applicants wishing to join the scheme will need to complete an online application form at <https://lichfelddistricthomes.housingjigsaw.co.uk/>. Should an applicant require assistance with registration, this will be provided on request.

Once an application has been submitted, an applicant will be prompted to supply proof of eligibility, qualification and any other relevant documents to support the information given in the application. This will need to be provided within 28 calendar days of registration; should this not be received the application will be automatically cancelled.

Information required will be:

- Identification for the main and any joint applicant (Passport, driving licence, birth certificate).
- Identification for any household member aged 18 or over (Passport, driving licence, birth certificate).
- Proof of immigration status if classed as a person from abroad.
- Proof of current address for the main and any joint applicant (utility bill, bank statement).
- 5 year address history including, if relevant, any landlord contact details.
- Proof of residency of any children who require rehousing with the main or joint applicant (Birth certificate and child benefit award, child tax credit, court order, residency order).
- Landlord reference from current or last settled address, where applicable.
- Proof of income, savings and equity.
- Proof of repayment plans for any housing related debt, where applicable.
- Proof of any pre-tenancy training qualifications where successfully completed.
- Any evidence requested to support the application and assessment of housing need.

(List not exhaustive).

We will use this supporting documentation to verify and assess an applicant's eligibility and qualification to join the housing register and which priority status they have been awarded. The applicant will be notified in writing of this decision within 28 calendar days from receipt of all proofs and supporting evidence being submitted.

### **6.2 Process after registration**

Once an applicant has been notified in writing that their application has been accepted onto the register, they will then be allowed to express an interest (bid) for homes available through the scheme. Applicants will only be able to bid for properties that meet their needs in accordance with the criteria set out within this allocation scheme, e.g., a single person will only be allowed to bid on studio or one-bedroom apartments. Should an applicant require assistance with understanding the system and how to place bids on properties, they should request assistance from the Council.

### **6.3. Applications from Employees or Elected Members**

Applications can be made by employees or elected members, but applicants must declare this at the time of application. Applications will be assessed in accordance with this scheme for eligibility, qualification and housing need. Any priority awarded and any subsequent offer of accommodation will be authorised by a senior officer.

## 7. Deliberately Providing False or Misleading Information or Withholding Information

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Fraudulent behaviour is taken very seriously, and all appropriate action will be taken to address this.

It is a criminal offence for an applicant or person on the applicant's behalf to knowingly or recklessly give false or deliberately misleading information or withhold information which is reasonably required. A person found guilty of such an offence will have their application suspended for a period of at least 6 months.

Offences under these provisions are prosecuted in the magistrates' court and carry a maximum fine of level 5 on the standard scale. Failure to inform of changes to an application, or deliberately withholding information relevant to, or misrepresenting housing circumstances, may result in criminal prosecution. A Registered Provider may seek possession of a tenancy that was granted as a result of a false statement and may also attempt to recover any costs incurred.

## 8. Eligibility

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We are only able to allocate social homes to applicants who are eligible in accordance with the Housing Act 1996, section 160ZA.

### 8.1. Immigration Status

Those who are not eligible for social housing or homelessness assistance are applicants from abroad prescribed by legislation to be ineligible, or applicants subject to immigration control, unless exempted from these rules by the Secretary of State<sup>2</sup>. Please note we will apply the most up to date legislation at the time of application when making our assessments.

If there is any uncertainty over an applicant's immigration status, advice will be sought from the Home Office.

An applicant who is already in a secure or introductory tenancy or an assured tenancy allocated by the local housing authority is not subject to these eligibility requirements.

## 9. Qualifying & Non-Qualifying Persons

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### 9.1. Age

Any person aged 18 or over can apply to join the housing register; applicants under the age of 18 will only be accepted in exceptional circumstances where:

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<sup>2</sup> The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006

- Lichfield District Council has accepted a statutory homeless duty to the applicant and the applicant is ready for independent living OR
- A young person who has been looked after, fostered or accommodated, has a duty of care accepted under the Children’s Act 1989, and is ready for independent living.

Any applicant under 18 cannot by law be granted a tenancy, however this can be held in trust until they reach the age of 18 by a trustee. A trustee will be required to sign a tenancy on the applicant’s behalf, be deemed as an appropriate person and have the financial resources to afford the costs of the home.

It is at the discretion of the individual Registered Provider to accept applicants under the age of 18 for a tenancy, regardless of having a trustee.

## 9.2 Local Connection and Residency

In order to qualify for the housing register, an applicant or joint applicant must satisfy at least **one** of the following criteria:

- Has lived in the district for at least the last 2 years at the point of application.
- Has lived in the district for a total of 3 out of the last 5 years (doesn’t have to be continuous).
- Is homeless or threatened with homelessness, is engaging with Lichfield District Council to resolve their homelessness, is owed a prevention, relief or full statutory homeless duty and meet the local connection criteria contained within the homelessness legislation.
- A young person owed a leaving care duty under section 23C of the Children Act 1989 by Staffordshire County Council will have a local connection to the district.
- A care leaver under the age of 21 who has lived in Lichfield district for at least two years, including some time before they turned 16, and the local authority which owes them the leaving care duty is not Staffordshire County Council.
- Has close adult relatives (mother, father, adult children, brothers or sisters) where a meaningful relationship exists, and those relatives currently live in the district and can evidence they have done so for the last 5 years. Consideration will be given to other relatives where a meaningful relationship can be evidenced by the applicant.
- Is currently employed in the district, either on a permanent or temporary contract running for a minimum of 6 months, usually those working less than 16 hours per week will be treated as non-qualifying.
- Any other special circumstances (these will be exceptional).

Those applicants without a local connection will be treated as non-qualifying and will be unable to join the housing register, unless the following exemptions apply:

- Applicants fleeing domestic abuse or harassment where we accept that they cannot return to any area where they have a local connection because of the violence/threat of violence.
- Applicants wishing to move to the district as a result of witness protection, where this can be evidenced by a relevant professional, following an application on the grounds of homelessness.
- Applications from armed forces personnel
  - serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;



- who have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person’s spouse or civil partner where—
  - (i) the spouse or civil partner has served in the regular forces; and
  - (ii) their death was attributable (wholly or partly) to that service; or
  - (iii) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.
- Applicants that wish to move into the district as they are in paid employment or have accepted an offer of paid employment within the district, and failure to do so would cause them hardship will have the right to a local connection. The distance travelled, the availability and affordability of transport, the nature of the work and whether similar opportunities are available locally, as well as the length of employment will be taken into consideration when assessing whether an applicant qualifies to join the housing register.

Please note, some homes in the district have restrictions placed on who qualifies to live there by planning regulations. In these instances, the planning related restrictions will always take priority over any qualifying criteria in this allocation scheme.<sup>3</sup>

### 9.3. Unacceptable Behaviour

Applicants, or members of their household, that engage in or have been found responsible for unacceptable behaviour within the last 12 months will not qualify to join the housing register for a minimum of six months from the date of application.

Unacceptable behaviour is defined as behaviour which, should they have been a tenant of a Registered Provider at the time, would have been serious enough to have resulted in an order for possession being granted by a Court, in accordance with Part VI Housing Act 1996. This includes:

- anti-social behaviour or noise nuisance
- perpetrators of domestic abuse
- harassment or intimidation
- violent or aggressive behaviour, including physical, verbal or intimidating behaviour resulting in a referral to the police
- offending behaviour that would impact on the community, such as drug dealing, racially motivated attacks or hate crime

(This list is not exhaustive)

After six months the applicant may reapply where they can evidence a demonstrable change in this behaviour.

Where unacceptable behaviour becomes apparent after registration, the application will be suspended for a minimum of six months or until such time where they can evidence a demonstrable change in their behaviour.

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<sup>3</sup> S106 Town and Country Planning Act 1990

#### **9.4. Housing Related Debt**

Applicants who have a housing related debt over £200 and cannot evidence regular payments being made over the last 6 months to remedy the debt will be unable to join the housing register. Housing related debt is defined as:

- rent arrears<sup>4</sup>
- service charges
- housing related court costs
- rechargeable repairs

Each case will be considered on its own merits, any exceptional circumstances will be considered where evidence exists to support the case and should be submitted with the request for supporting information to join the register.

Acceptance onto the housing register is on the condition that regular repayments are maintained, which will be checked prior to any offer being made.

Where housing related debt becomes apparent after an applicant has been accepted onto the housing register, the application will be suspended for six months or until such time as it can be evidenced that a payment plan has been adhered to for the last six months, or the debt is settled in full, whichever is soonest.

Lichfield District Council will contact the customer to request proof of the payment plan. Failure to respond to this contact within 28 days will result in the application being closed.

Applicants should note that Registered Providers will apply their own lettings criteria when deciding whether to offer a home; some will expect the arrears to be paid in full at this time.

#### **9.5. Sustainability**

Applicants who are deemed not to be able to sustain a tenancy without support, and this support has been refused by the applicant will be unable to join the housing register.

#### **9.6. Financial Resources**

Any applicant who has the financial means to resolve their own housing circumstances will not be able to join the housing register. For clarity, this means either:

- Households with children with a gross income (excluding non-dependants' income) of over £60,000.
- Single applicants or couples with no children with a gross income of over £45,000.
- Savings and/or assets totalling over £16,000.

Monies that can be evidenced as received as a compensation payment as a result of serving in the regular or reserve armed forces will be disregarded.

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<sup>4</sup> Exceptions may be made where a social housing tenant has arrears as a result of a restriction in housing benefit due to under occupancy which is not considered to be a deliberate act.

Exceptions may be made where an applicant residing in social rented accommodation within the district is looking to downsize where there is an identified need for the size of property being released.

We acknowledge that the majority of specialist homes for the over 50's are in the social housing sector, therefore discretion will be applied to this ruling for those applicants over the age of 50 that have expressed a desire for this type of housing, to allow them to access these schemes only.

### 9.7. Homeowners

Applicants that own or part own a freehold or leasehold property in the UK or abroad will be unable to join the housing register. Discretion to this ruling will be applied where exceptional circumstances apply, these may include:

- Evidence supplied that the property is having a significant detrimental impact on the health of the applicant, it has been verified by a professional that the property cannot be adapted to meet their needs and they have limited financial resources to meet their own housing needs elsewhere.
- The current property is unaffordable, and the applicant does not have the financial resources to meet their rehousing needs. This will be assessed through an application on the grounds of homelessness
- Cases where the applicant or a member of their household is suffering from domestic abuse or harassment, and there is evidence to suggest emergency rehousing is required. This will be assessed through an application on the grounds of homelessness.

If homeowners are accepted onto the housing register, they will need to evidence they are in the process of selling their home prior to any offer being made.

9.8 Applicants that do not fulfil any of the housing need categories outlined within the priority bands below will be assessed as having no housing need and therefore will not qualify to join the housing register, Lichfield District Homes.

9.9 Applications may be considered from applicants who do not fulfil any of the housing need categories where exceptional circumstances can be demonstrated.

## 10. Priority

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Applicants will be prioritised according to the assessment of their housing need based on the priority banding criteria set out in this allocation scheme. Where applicants have the same priority award, the length of time they have been waiting within the band will be taken into account.

**10.1. Emergency Band** Applicants will be placed into the Emergency Band if their need for housing is assessed as being so exceptional that they take priority over all other applicants in the scheme.

Statutory homeless	Assessed by Lichfield District Council as statutorily homeless and are owed a full housing duty under part VII of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.
Statutory overcrowded	Assessed by the Council as statutorily overcrowded under Pt 10 Housing Act 1985 or resulted in the Council serving a Prohibition Order or Suspended Prohibition Order. This assessment will include rooms that could reasonably be expected to be used as bedrooms, such as a dining room. Priority will only be awarded where it can be

	evidenced that the applicant has not themselves deliberately caused the overcrowding.
Housing that poses a serious risk to health, safety or welfare.	Assessed by the Council as having serious health and safety hazards, which have resulted in the Council serving a Prohibition Order, a Suspended Prohibition Order or a Suspended Improvement Notice, the conditions of which cannot be remedied by the owner, and it can be established that the hazards are not an act of wilful damage or neglect by the occupant.
Care leavers	A young person who has been looked after, fostered or accommodated and has a duty of care accepted under the Children Act 1989 who is ready for independent living, and is engaging with appropriate support if identified as required.
Supported accommodation move on	A person living in supported accommodation and the Council has a formal move-on agreement with the housing provider and is ready for independent living and is engaging with appropriate support if identified as required.
Emergency medical	Applicants where their current accommodation is having a significant negative impact on their physical or mental health and rehousing is required immediately to resolve or alleviate the issue. Where a medical priority is awarded for a specific property type, for example for ground floor accommodation, the applicant will only be eligible for that specified type of accommodation with the medical priority award.
Domestic abuse, harassment	Applicants where there is evidence of a significant and ongoing risk of serious violence, domestic abuse and/or harassment, they are resident in a-refuge or other safe temporary accommodation and they cannot return to their home.
Armed forces	The spouse or partner of armed or reserve forces personnel that are required to leave their current armed forces accommodation following the death of a spouse or partner, and their death is as a result of their service.
Under occupying	Transfer applicants residing in social housing within the district who are under occupying their home and subject to the under-occupancy charge which is having a significant financial impact and are accruing rent arrears as a result.
Regeneration	Transfer applicants who are living in social housing within the district, which has been identified for redevelopment or regeneration and need to move to allow the redevelopment programme to proceed.

## 10.2. Band 1

Applicants will be placed into Band 1 where there is an urgent rehousing need identified, or there is an identified need for the property they are releasing to make the best use of housing stock.

Releasing an adapted property	Transfer applicants residing in social housing within the district that are releasing a property with major adaptations where the adaptations are no longer required and there is an identified housing need for the property. This excludes adaptations that do not alter the physical fabric of the building, e.g. stair lifts, temporary ramping, ceiling track hoists etc.
Under occupation	Transfer applicants residing in social housing within the district who have more bedrooms than their household requires, and there is an evidenced demand for their property.
Non-priority homeless	Applicants who have been assessed by Lichfield District Council under part VII of the Housing Act 1996 as no priority need homeless applicants and not owed a full homeless duty.
Homeless relief duty	Applicants who have been assessed by Lichfield District Council under the Homelessness Reduction Act 2017 as having a homeless relief duty owed.

Homeless prevention relief	Applicants who have been assessed by Lichfield District Council under the Homelessness Reduction Act 2017 as having a homeless prevention duty owed.
Overcrowded	Applicants who are living in overcrowded accommodation and are short of one or more bedrooms. Applicants who are 24 weeks pregnant where they will become overcrowded once the child is born, will only be eligible for accommodation where affordability of a larger property can be demonstrated until the birth. This assessment will include rooms that could reasonably be expected to be used as bedroom, such as a dining room. Priority will only be awarded where it can be evidenced that the applicant has not themselves deliberately caused the overcrowding.
Medical	Applicants whose current accommodation is having a negative impact on their physical or mental health and rehousing is required to resolve or alleviate the issue. Where a medical priority is awarded for a specific property type, for example for ground floor accommodation, the applicant will only be eligible for that specified type of accommodation with the medical priority award.
Emergency downgrade	Applicants who were originally placed within the Emergency Band and have refused a suitable offer of accommodation.

### 10.3. Band 2

Band 2 will be awarded where there is a housing need identified.

Hardship	Applicants that need to move into the district to access specialist facilities or employment located in the district, or to give or receive care that cannot be provided in the area where they currently live or would cause hardship to the applicant. Moves within the district may be considered where exceptional circumstances apply.
Relationship breakdown	Relationship breakdown (which includes parents/children as well as cohabiting couples), where still resident together - and no alternative accommodation available. Satisfactory evidence will need to be supplied that the relationship has broken down, with proof of residence at the address for the last 12 months.
Intentionally homeless	Assessed by Lichfield District Council under part VII of the Housing Act 1996 as intentionally homeless applicants and not owed a full homeless duty and meet the eligibility and qualification criteria.

### 11. Additional Preference

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Additional preference will be given to armed forces personnel detailed in the local connection exemption in section 9.2 above. This will be done by backdating the date they were placed into the band (their band effective date).

### 12. Bedroom Eligibility

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Applicants will be assessed to determine the size of property that their household requires. A household is defined as any other person who normally resides with the applicant as a member of his/her family or any other person who might reasonably be expected to reside with the applicant.

Only children permanently residing with the main applicant will be included on the application for rehousing and be awarded a bedroom entitlement. Proof of residency includes, child benefit, child tax credit, a court order or residency order.

Bedroom entitlement will be assessed as followed:

- One bedroom for each person or couple aged 16 or over.
- One bedroom for two children of the same gender aged 15 or under.
- One bedroom for two children aged 9 or under, regardless of gender.

## 12.1 Exceptions

Due to a shortage of larger properties, there will be occasions where larger families are offered properties that are smaller than their bedroom eligibility.

Exceptions may apply and additional bedrooms may be granted where:

- An applicant is pregnant and reached 24 weeks into this pregnancy, as long as they can provide evidence that they can afford the rent up until the birth of the child.
- A couple who cannot share because of a disability, evidence of qualifying benefits and supporting documentation will be required to support this entitlement.
- A person who requires an overnight carer who regularly sleeps at the property, evidence of qualifying benefits and supporting documentation will be required to support this entitlement.
- Two children who cannot share because of a disability, evidence of qualifying benefits and supporting documentation will be required to support this entitlement.
- A foster parent(s) or a parent(s) approved to adopt and awaiting placement of a child, evidence of supporting documentation will be required to support this entitlement.
- An applicant who has access to or shared residence of a child, evidence of this arrangement and proof of affordability for the additional room will be required. Restrictions will be placed on the application to allow for bidding on flatted accommodation only.

A Registered Provider may refuse a nomination if the nominated household is too large or too small for the vacant property according to their own lettings policies.

## 13. Offers of Accommodation

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Applicants will be able to express interest (bid) on **up to three eligible properties per advertising cycle**. In the event that the applicant is in bid position number one for more than one property, the applicant must choose the home they want to be considered for. **Applicants cannot be considered for more than one property at a time.**

At the end of the advertising cycle a shortlist will be created of all eligible applicants that have expressed an interest in the property. The short list will place applicants in order of priority band, followed by their band effective date. The band effective date will take account of any additional preference awarded (see section 11). Exceptions to this will occur when a local letting plan (LLP) exists or the property has adaptations that will meet the specific needs of someone on the waiting list who requires these adaptations.

Any planning law that restricts who qualifies for a nomination to a property will be made clear in the advertisement, as will any other restrictions arising from a LLP or a Registered Provider policy to restrict access to certain categories or band of applicants.

In exceptional circumstances<sup>5</sup> the Council may make directly matched nominations without advertising properties. The number of and reasons for direct nominations will be monitored quarterly by the Housing Options Manager and details published annually in the Annual Lettings Plan.

Applicants placed into the Emergency Band will be entitled to one offer of accommodation only. Should the applicant not respond to requests to contact staff or refuse this offer, if following investigation this offer is deemed suitable, their qualification and their priority on the housing register will be reviewed, which may result in an applicant's banding being lowered.

Applicants placed in the Emergency Band as a result of the Council owing them a full homeless duty who fail to respond to requests to contact a Registered Provider or the Council in response to a bid placed or a direct match or who refuse an offer of suitable accommodation will be notified that the Council's homeless duty has been discharged and will be given notice to vacate any temporary accommodation offered. Applicants in bands 1 and 2 will be entitled to three offers of accommodation. Applicants in bands 1 and 2 who have either failed to respond to three offers, failed to respond to three invitations to view, refused three offers of accommodation or a combination of all three will be removed from the register, however with a choice based system it is unusual for bids to be made on properties that are later refused.

### **13.1. Registered Provider Statement**

The Registered Provider will be supplied with all relevant information on the household being nominated to the vacancy. The Registered Provider may complete their own assessment checks in line with their own lettings policies.

**The final decision on whether to offer a tenancy rests with the Registered Provider.**

## **14. Adapted or Specialist Properties**

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Due to the scarcity of specialist and adapted properties, preference for such vacancies will sit outside of the normal allocation process. We will clearly note the additional criteria when the properties are advertised.

The Council will make the best use of the resource by carefully matching the adaptations to the applicant who would make best use of the adaptations. Expert opinions may be sought from medical professions such as consultants or Occupational Therapists to assist in the decision making. Should there be more than one household this would benefit, we will then take into account priority banding and the length of time an applicant has been waiting.

## **15. Local Lettings Policy**

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On occasions LLP's will be agreed between the Council and the Registered Provider to set out criteria for the allocation of properties in certain areas, in addition to the rules set in this allocation scheme. These could be as a result of a planning condition on a site to ensure the homes developed are allocated to local people within the village or parish, applicants are employed local to the scheme or there is the need to try and

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<sup>5</sup> This will include but not be limited to a property having specific adaptations, a Registered Provider having no suitable applicants bidding for a property or the inability to advertise properties in the usual way during a pandemic.



create a more balanced and sustainable community in an area that is prone to anti-social behaviour. We will clearly note the additional criteria when the properties are advertised.

All LLP's will be approved by the Cabinet Member with responsibility for Housing and will be published alongside this scheme on our website. The impact of all plans in place will be reviewed annually in conjunction with the relevant Registered Provider to ensure they are still needed and are in line with current guidance and legislation.

## 16. Change of Circumstances

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It is the applicant's responsibility to inform us of any change of circumstance that would mean a review to their eligibility, qualification or priority on the housing register. Failure to do so in a timely manner may mean any offer of accommodation is withdrawn and the application is cancelled.

**Applicants should not wait until the annual review to advise of any change in circumstances.**

## 17. Annual Reviews

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A review of an applicant's circumstances will be undertaken every year on the anniversary date of their application by email. Applicants are required to log into their account and confirm that their circumstances have not changed and that they still wish to remain on the housing register.

It is important that an applicant informs us whether there has been any change in circumstance that could affect their eligibility or qualification to be included on the register, or their housing priority. If no response is received within 28 calendar days of this request, the application will be closed.

If an applicant is known to be vulnerable, every effort will be made to contact them, either by telephone or by contacting their relevant support agency.

## 18. Cancelling or Suspending Applications

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If an applicant no longer wishes to remain on the housing register, they can cancel their application at any time by logging on to their account.

The council will only cancel the application when:

- the applicant has been rehoused,
- we have received notification from an executor or next of kin that the applicant is deceased, and they were the sole applicant,
- evidence is obtained that the applicant is no longer eligible or qualifies for rehousing
- the applicant does not respond to a request for information or evidence within 28 calendar days from the date of request, including responding to annual reviews and requests for evidence required to end a suspension of an application.
- Applicants in bands 1 and 2 who have either failed to respond to three offers, failed to respond to three invitations to view, refused three offers of accommodation or a combination of all three.

*Please note an offer of a direct nomination, even where the property suits the applicant's needs, and is in an area identified by the applicant as an area they wish to move to will not be classed as a formal offer unless an applicant has expressed an interest in being put forward. Some housing associations ask us to send them nominations directly from our housing list. We will send them the details of applicants who have told us they are interested in being nominated in that area. Generally, we will nominate people in priority order, following the rules in our Allocations Policy. This means the higher your housing need, the more likely you are to be nominated. An applicant is contacted before a referral for a direct nomination is made.*

#### We will suspend applications when it is discovered:

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- that the applicant or a person on the applicant's behalf has given false or deliberately misleading information or withheld information that is relevant to their housing application.
  - that the applicant has housing related debt of £200.00 and cannot evidence regular payments being made over the last 6 months to remedy the debt. Housing related debt is defined as: rent arrears; service charges; housing related court costs; rechargeable repairs.
  - that the applicant or members of their household engage in or have been found responsible for unacceptable behaviour within the last 12 months will not qualify to join the housing register for a minimum of six months from the date of application. Unacceptable behaviour is defined as behaviour which, should they have been a tenant of a Registered Provider at the time, would have been serious enough to have resulted in an order for possession being granted by a Court, in accordance with Part VI Housing Act 1996. This includes: anti-social behaviour or noise nuisance, perpetrators of domestic abuse, harassment or intimidation, violent or aggressive behaviour, including physical, verbal or intimidating behaviour resulting in a referral to the police, offending behaviour that would impact on the community, such as drug dealing, racially motivated attacks or hate crime (This list is not exhaustive) After six months the application may be made live again where they can evidence a demonstrable change in this behaviour.
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- an applicant has placed no bids for properties or have failed to log in to their accounts within sixty days. An investigation will take place before the decision is made to suspend the application.

#### 19. Reviews and the right to request information

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An applicant has the right to request general information about how their application will be assessed and their prospects of gaining an offer of accommodation by a Registered Provider, including:

- a. general information about (broadly) their prospects and
- b. information about decisions concerning the facts of an applicant's case.

An applicant has the right to request a review of any adverse decision made about their housing application. This must be made within 28 calendar days from the date of being notified of the decision if it is felt that we have not taken into account all of the relevant information or if we have made a decision unfairly.

Reviews may be requested for decisions on:

- Whether an applicant is eligible to join the housing register
- Whether an applicant qualifies to join the housing register

- The initial assessment and determination of the level of priority of an application
- The reassessment and any change in the level of priority, following an applicant's change of circumstances.
- The cancelling of an application for whatever reason

A guide to the review procedure can be found on our website:

<https://www.lichfielddc.gov.uk/housing/lichfield-district-homes/2>

**Where a Registered Provider makes a decision not to offer a particular home to an applicant, the applicant should follow the Registered Provider's appeals or complaints procedure if they are unhappy with the decision made by the Registered Provider.**

### 19.1. Review stages

#### Stage 1

Applicants should submit their request for review in writing or via a third party (with the applicant's express consent), stating the reasons why they feel the decision is incorrect or has been judged unfairly, and should provide any supplementary evidence to support their case along with this request.

#### 19.2. Stage 2

If following the outcome of stage 1 an applicant still feels that the decision is incorrect or has been judged unfairly, they must advise the Council in writing that they wish for their complaint to be reviewed. Within this they must state the reasons why they feel the decision is incorrect or has been judged unfairly and provide supplementary evidence to support their case along with this request.

Applicants will be notified in writing of the outcome of either stage within 28 calendar days. We may agree a longer timescale if required.

Our review procedure can be found at (<https://www.lichfielddc.gov.uk/housing/lichfield-district-homes/2>)

**Registered Providers will not hold any vacant properties pending the outcome of a review. If a decision is overturned on review, appropriate action will be taken to reinstate or re-assess the application.**

## 20. Review & Monitoring

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Review and Monitoring of the allocations scheme will take place 12 months after the allocation scheme start date to ensure that it is working effectively and to review its impact.

A full review will take place after 3 years, or sooner should a change in legislation or other change dictate that a review is required.

Any minor changes to the scheme within this timeframe will be approved by the Cabinet Member with responsibility for housing and homelessness, currently the Cabinet Member for Housing, Ecology and Climate Change.