



*City of*  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

## **APPENDIX 1**

# **Bradford District Housing Allocations Policy 2017**

**DRAFT**

## Document Control

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## **CONTENTS**

<b>Introduction</b>	<b>4</b>
<b>Section 1: Context and Aims</b>	<b>4</b>
<b>Section 2: Legal Framework</b>	<b>6</b>
<b>Section 3: Joining the register and banding under the Allocations Policy</b>	<b>8</b>
Part 1: Eligibility and Qualification	8
Part 2: The Housing Allocation Process	10
Part 3: The Allocation Bands	15
Part 4: Banding Criteria and Restriction	22
Part 5: Reduced Priority	24
<b>Section 4: Reasonable preference and additional preference</b>	<b>27</b>
Part 1: Reasonable Preference	27
Part 2: Additional Preference	32
<b>Section 5: Matching and lettings under the allocations policy</b>	<b>35</b>
Part 1: The Matching Process	35
Part 2: Suitability check following a match	37
Part 3: Landlords refusing applicants following suitability check	39
Part 4: Application closure and renewal	40
<b>Section 6: Review and Appeals Process</b>	<b>41</b>
<b>Section 7: Monitoring and Review of Policy</b>	<b>42</b>
<b>Appendix 1 – Glossary of Terms</b>	<b>43</b>
<b>Appendix 2 – List of Registered Providers</b>	<b>45</b>

## INTRODUCTION

- 1.1 This is the City of Bradford Metropolitan District Council's Housing Allocations Policy.
- 1.2 The policy sets out an allocations scheme for social housing as required under Part VI of the Housing Act 1996 as amended ('the Act'). This wholly replaces the previous CBMDC Housing Allocations Policy dated 2014-17.
- 1.3 Bradford Council is not a significant social housing provider and relies on working in partnership with Registered Providers and other Landlord partners to provide homes for households who have joined the District's housing register. This Policy therefore sets out how the Council will prioritise nominations to Registered Providers.
- 1.4 Consultations have been undertaken with a range of statutory and non-statutory organisations as well as service user groups and the responses have been taken into account in the formulation of the final policy.

## SECTION 1: CONTEXT AND AIMS

- 1.5 This Allocations Policy sets out the criteria to be used by the Council to allocate housing to applicants with competing housing needs and outlines how the Council prioritises applicants in line with the legal definition of 'Reasonable Preference'.
- 1.6 The housing accommodation available to the Council consists of the following:
  - 1.6.1 Housing owned by the Council (whether or not managed by one of the Council's management agents), and
  - 1.6.2 Housing owned by Registered Providers of Social Housing with whom the Council has a Nomination Agreement which allows the Council to nominate an applicant for housing to the Registered Provider. Nomination Agreements allow the Council Nomination Rights to a minimum of 50% of a Registered Provider's vacant housing stock and a minimum of 75% for Incommunities Ltd (as part of the stock transfer agreement) or up to 100% of new build stock where the Council has contributed towards the development e.g. Section 106 sites, capital contribution, gift of land, other infrastructure costs etc.
  - 1.6.3 Whilst not subject to formal nomination arrangements, private rented accommodation is also available to the Council through participating private landlords. Care will be taken by the Council in using this tenure in terms of security of tenure, quality of accommodation and landlord management standards.
- 1.7 In this Policy, Registered Providers of Social Housing will be abbreviated to 'Registered Providers' and for the purposes of this Policy mean only those Registered Providers who are landlords providing low cost social rented accommodation.
- 1.8 'Social housing' is housing owned by local authorities and Registered Providers for whom guideline rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements, as agreed with the local authorities or with the Homes and Communities Agency. This policy excludes market rented accommodation, shared ownership and other low cost home ownership schemes owned and managed by Registered Providers.
- 1.9 In Bradford the demand for social housing in some parts of the district is greater than the number of homes available. The Council will have responsibility for ensuring that Registered Providers work together under nominations agreements and will monitor the effectiveness of their delivery. See appendix 2 for a list of Registered Providers operating in Bradford District.

- 1.10 Under the Government's Statutory Right to Move requirement local authorities are required to set aside a proportion of their allocations to meet the requirement of social tenants moving to the district for work, where, if they were unable to move, would cause them hardship. As Bradford is a limited stockholding authority we have chosen not to apply a quota, but we will exempt applicants from outside the district who fall under this definition from the Local Connection criteria and award reasonable preference in Band 3 – High Need.
- 1.11 **The key aims of the policy**
- 1.12 There are four key strategic aims which underpin this policy and have been used to formulate the allocations criteria:
- To prioritise applicants who the Council owes the main housing duty to and those applicants linked to key Council priorities
  - To prioritise those in greatest housing need particularly those at imminent risk of becoming homeless
  - To minimise the use of and length of stay in temporary accommodation
  - To support Registered Providers in achieving sustainable outcomes for applicants.
- 1.13 Over the lifetime of this policy, the Council's strategic priorities or government guidance and legislation may change and this Policy may need to be amended to reflect the resulting priorities or the legislative context. Amendments may therefore be required and partner landlords will be consulted prior to any major changes the Council makes.
- 1.14 This policy will complement the following policies/strategies to achieve the purpose of supporting the applicant to find a suitable home:
- 1.15 *Bradford District Housing & Homelessness strategy "A Place to call home" 2014-2018, Tenancy Strategy 2013-2018, Tackling Empty Homes in the Bradford District Action 2017-2019, Bradford Council Plan 2016- 2020 and Bradford District Plan 2016 – 2020, Comprehensive Housing Renewal Policy 2016, Domestic and Sexual Violence Strategy 2015-2020, Housing Strategy for people with Learning disabilities 2010, Safeguarding Adults West and North Yorkshire and York Multi agency Policy and Procedure 2015, Bradford Safeguarding Children Board Business Plan 2015-2016, West Yorkshire Community Rehabilitation Company, Multi Agency Public Protection Arrangements (MAPPA), Bradford District's Child Poverty Strategy 2014-2017.*

## SECTION 2: LEGAL FRAMEWORK

- 2.1 Local authorities are required by s.166A of the Act to publish an allocation scheme for determining priorities and defining the procedures to be followed in allocating housing. The Council may allocate housing in such manner as it considers appropriate, subject to specific provisions of Part VI of the Act.
- 2.2 In accordance with s.159 (4A) and (4B) of the Act this Allocations Policy includes tenant transfers.
- 2.3 The policy gives 'reasonable preference' to classes of people as provided for within s.166A (3) to (8) of the Act i.e. people with high levels of assessed housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.
- 2.4 The Act also requires local authorities to state within the policy what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them.
- 2.5 This Policy includes a statement (see 3.40) of the Council's policy on offering applicants a choice of accommodation or, in certain circumstances, the opportunity to express preferences.
- 2.6 This Policy has regard to the June 2012 Code of Guidance and reflects the new Regulations concerning Armed Forces personnel as set out under section 160ZA(8)(b) of the Housing Act 1996 (*the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (SI 2012/1869)*) and section 166A(7) of the Housing Act 1996 (*The Housing Act 1996 Additional Preference for Former Armed Forces Personnel) (England) Regulations 2012 (SI 2012/2989)*). See *the Supply and Allocation Report 12th June 2013*.
- 2.7 The Act requires local authorities to make all allocations and nominations in accordance with an Allocations Policy. A summary of the Allocations Policy must be published and made available free of charge to any person who asks for a copy or available on the website [www.bradford.gov.uk](http://www.bradford.gov.uk)

### 2.8 Equality of access

- 2.9 The Policy is drafted and framed to ensure that it is compatible with the Equality Act 2010 including the duty to eliminate unlawful discrimination and to promote good relations between different racial groups, as well the duty to promote equality between disabled persons and other persons and between men and women. The Council has carried out an Equality Impact Assessment in relation to the Policy and also operates the Policy in accordance with the Rehabilitation of Offenders Act 1974.
- 2.10 This Policy has considered:
- The Council's statutory obligations and discretion as to who is eligible for housing allocation.
  - The Council's statutory obligation to provide 'Reasonable Preference' to certain categories of applicants set down by law i.e. those who must be given a 'head start' under the Council's Allocations Policy.
  - The Council's statutory discretion to grant 'additional preference' and/or to determine priority between applicants with 'Reasonable Preference'.

### 2.11 The Application of 'Reasonable Preference'

- 2.12 Bradford Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important when, as is the case in some parts of the District, the demand for social housing is greater than the number of homes available.
- 2.13 The law requires that Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories cover:

- All homeless people as defined in Part VII of the Housing Act 1996.
- People who are owed a duty under s190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing authority under section (192 (3)).
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing.
- People who need to move on medical or welfare grounds (including grounds relating to a disability).
- People who need to move to a particular locality within the district to avoid hardship to themselves or others.

2.14 Specific details and examples of how Reasonable Preference and priorities are determined and applied are detailed in Section 4.

## **2.15 The Application of Additional Preference**

2.16 In addition the Policy also grants 'additional preference' (or an extra head start) to applicants where the Council is satisfied that these applicants also have other exceptional or urgent housing needs. This is set out in more detail in Section 4 Part 2 of this document.

## **2.17 What are 'Allocations' under this Policy?**

2.18 A local housing authority is responsible for all 'allocations' of housing accommodation and makes an 'allocation' when it:

1. Selects an applicant to be a secure or introductory tenant of the Council (including notifying an existing tenant or licensee that his tenancy or licence is to be a secure tenancy). This includes properties that are owned by the Council and managed by agents. This also includes the granting of a new tenancy to an existing tenant by way of 'transfer' upon the tenants request or the granting of a new tenancy under the Council's (non-statutory) contractual and/or discretionary succession policy or
2. The nomination of a person to be an Assured or an Assured Shorthold tenant of housing accommodation held by a Registered Provider (via the Council's Nomination Rights Agreement with the Registered Provider). Often the nomination will be that of a 'Starter Tenant' of a Registered Provider whereby the Registered Provider will grant an Assured Shorthold Tenancy for a set 'probationary' period (usually 12 months) and provided the tenant successfully completes the 'probationary' period the Registered Provider will grant an Assured Tenancy or
3. Selects an applicant who is already a secure or introductory tenant of housing accommodation who is transferred to another property.

2.19 The following is not an 'allocation' under this policy:

- Succession to a tenancy on a tenant's death pursuant to the Housing Act 1988, or
- Assignment of a tenancy by way of mutual exchange, or
- Assignment of a tenancy to be a person qualified to succeed to the tenancy on the tenants death, or
- Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004, or
- An introductory tenancy becoming a Secure/Assured tenancy, or
- Landlord initiated transfers (e.g. decant to alternative accommodation to allow for major works), or
- Rehousing due to being displaced from previous accommodation by a registered provider or the Council or being re-housed by the Council pursuant to the Land Compensation Act 1973, or
- Provision of non-secure, interim or temporary accommodation in discharge of any homelessness duty or power.

# **SECTION 3: JOINING THE REGISTER AND BANDING UNDER THE ALLOCATIONS POLICY**

## **SECTION 3: PART 1 - ELIGIBILITY AND QUALIFICATION**

### **3.1 Who can apply (eligibility to join the Housing Register)?**

3.2 The Council as local housing authority must consider all applications made in accordance with the procedural requirements of the Council's allocation scheme (this policy document) (1996 Housing Act.166 (3)). In considering applications, the Council must ascertain:

- if an applicant is eligible for an allocation of accommodation, determined through national legislation, and
- If the applicant qualifies for an allocation of accommodation, determined by local authority policy.

### **3.3 Eligibility**

3.4 Any persons whom the Secretary of State for the Government Department of Communities and Local Government (DCLG) has deemed ineligible for an allocation of housing accommodation will not be eligible to be placed on the waiting list regardless of their circumstances.

3.5 Categories of ineligible applicants are defined as:

- Persons who are 'subject to immigration control' (unless they fall within a class prescribed by regulations as eligible).
- Persons who are not subject to immigration control, but are nevertheless prescribed by regulation as being 'persons from abroad' (this may include British citizens)
- Any other person as prescribed by the Secretary of State.

3.6 Further provisions concerning eligibility are set out with regard to allocations in s.160ZA of the Act.

3.7 We will exercise favourable consideration to ineligible dependent household members who are included on the application. We will also give due consideration to cases where there are non-dependent ineligible household members. Any application that includes a 'restricted person' (e.g. member of household who is ineligible) will not be entitled to Band 1 on the register by virtue of their homelessness status. Bradford Council will end any homelessness duty on a 'restricted case' with the offer of accommodation in the private rented sector.

3.8 Applicants must inform the Council of any change in their circumstances which may impact on their eligibility, for example, changes in employment for EEA Nationals or leave to remain status for non EEA nationals.

### **3.9 'Subject to immigration control & Persons from abroad'**

3.10 At the point of registration for housing, applicants are asked for information about their housing history and immigration status, including whether they are persons from abroad or subject to immigration control. Bradford Council then carries out checks to establish eligibility to the Housing Register under the relevant legislation.

3.11 Applicants who apply are registered but are not assessed via the Housing Register or placed in any higher priority band until a decision has been made regarding their eligibility status.

### **3.12 Qualification**

3.13 This policy promotes and operates an open membership and any eligible person(s) aged 16 years or older are considered to qualify subject to 3.15. Restrictions do however apply to eligibility in line with legislative requirements as set out above.

### **3.14 Tenancies for people aged 16 or 17**

- 3.15 People aged 16 or 17 are not disqualified from joining the Housing Register however a minor cannot hold legal estate in land unless a tenancy is held in trust for them, by an adult, landlord or an organisation until they reach the age of 18. This means that an equitable tenancy will be created for the benefit of the young person and will require an appropriate adult, landlord or organisation to act as the tenant. If appropriate a landlord may offer a licence rather than a tenancy.

### **3.16 Applicants with support needs and supported tenancies**

- 3.17 The allocation of supported housing tenancies are not covered by this Policy, therefore applicants who have high or very high identified support or care needs will be routed through the and housing related support gateway managed by the Council's Housing Options Service.

## **SECTION 3: PART 2 - HOUSING ALLOCATION PROCESS**

### **3.18 The Housing Allocations Process**

#### **3.19 Registration:**

3.20 Applicants must be registered on the Council's Housing Allocations Register before they can be nominated to a Registered Provider (RP) or a private landlord. An applicant will be able to register online or via the Council's customer service team on 01274 435999. Applicants who are transfer tenants of Registered Providers will be registered via their relevant landlord in line with their transfer policy (where applicable).

#### **3.21 Application:**

3.22 The registration process requires applicants to provide information that will enable staff to determine whether or not they are eligible to go on the Housing Register and to determine the priority banding.

3.23 Applicants may be matched to properties in the social rented and private rented sectors. Matches and offers will depend on the applicant's circumstances and affordability. Applicants are encouraged to select preferences for a range of areas and to consider different types of properties e.g. in the private rented sector particularly if they require a specific area where demand is high.

3.24 The registration process requires applicants to:

- Confirm that the information given is correct and report any changes in their circumstances once an application is made
- Confirm that they will allow full enquiries to be made into their circumstances for verification purposes.
- Give consent to share information about their application with any other partner Registered Provider

If an applicant withholds their confirmation that the information provided is correct or withholds consent for sharing information then the application will not be registered.

3.25 Applicants with medical needs that require adaptations will have these needs recorded; properties with adaptations will therefore where possible be matched using the Housing Register to applicants with a need for such adaptations.

3.26 For all applicants who may be in urgent housing need an assessment of the applicant's needs and personalised requirements will be undertaken. This will be conducted by either an officer in the housing options service, or in the case of a transfer, by the nominated officer of the Registered Provider.

3.27 The Housing Register will provide 'what's my chances' information giving applicants estimates about their prospects of getting re-housed. The Housing Allocations Register will also promote other housing options, such as low cost home ownership options and private sector renting even though these fall outside the scope of the Housing Allocations Policy.

3.28 Applicants who make unrealistic demands or set preferences for allocation which are unlikely to result in a match with available accommodation will be advised to amend their choices.

3.29 Applicants will be able to specify their bedroom requirements based on affordability of the size and type of property they require.

3.30 With the exception of applicants who are owed the main housing duty, membership of the Housing Register is effective for 12 months only and if applicants have not been rehoused in that time they will be asked to renew their application for a further 12 months. Those applicants who do not renew will have their applications closed. Upon renewal their banding priority may be amended in line with their circumstances at the time of renewal.

### **3.31 Verification of Information:**

- 3.32 Verification checks will be carried out and may take place at any stage of the allocations process by the Council's Housing Options Service or a participating Registered Provider. Checks will verify:
- that the application meets eligibility criteria
  - that qualification criteria are met
  - the identity of the application and household details
  - the level and nature of housing need i.e. banding
  - the ability to sustain a tenancy
  - the current and previous housing circumstances, including conduct and behaviour within tenancies
  - that lettings criteria are satisfied
  - an assessment of any risks that may be present
- 3.33 Verification will involve the applicant or an organisation providing additional information or supplying documentation. This may include a home visit by the Council, support provider or participating landlord (Registered Provider) staff prior to any offer being made. Some participating landlords may require additional information to ensure that their own lettings/allocations policies are complied with.
- 3.34 Support providers and key agencies working with vulnerable people (e.g. Adult Services, housing support staff) are expected, with the applicant's consent, to provide details of the applicant's needs and if necessary a risk assessment. This is to assist with verification as to whether the applicant will be able to sustain a tenancy. For applicants with complex needs, participating landlords may request further supporting information.
- 3.35 A verification process may be carried out both at the point of application and the point at which an offer of a nomination/tenancy is made. If verification at the point of offer of a property shows relevant changes in circumstances of which the participating landlord has not been notified, the offer may be revoked. If at the point of offer an applicant's banding is incorrect, this may also lead to the offer being revoked.
- 3.36 The 1996 Housing Act makes it a criminal offence to give false information, or to knowingly withhold relevant information in a housing application. If a tenancy is granted on the basis of provision of false information, the landlord may take action to gain possession of the property through the courts.
- 3.37 The Prevention of Housing Fraud Act 2013 makes subletting the whole of a social rented dwelling a criminal offence. In addition Registered Providers have a regulatory obligation under the Homes and Communities Agency's Tenancy Standard to ensure that 'homes continue to be occupied by the tenant to who it was let in accordance with the requirements of the relevant tenancy agreement' and 'to publish clear and accessible policies that outline Registered Provider's approach to tackling tenancy fraud'. Fraud is defined as 'the deliberate use of deception or dishonesty to disadvantage or cause loss (usually financial) to another person or party'. Tenancy fraud occurs 'when a housing association or council home is occupied by someone who is not legally entitled to be there or has obtained use of the property fraudulently', Fraud Advisory Panel 2015. The main category of tenancy fraud relevant to this policy is that of obtaining a tenancy by deception:
- 3.38 Applicants for housing must confirm that the information they have given is correct. Obtaining a tenancy by deception can include; providing false information, as part of a homeless application or an application to join the housing register, failing to update personal information as a result of a change of circumstances or using false documents such as forged identification or claiming another person's identity. In these circumstances the Council will close the application and the applicant will not be able to re-apply for 12 months. Applicant will be notified of the closure and given a right of review as per Section 6.
- 3.39 Where an applicant is found to have deliberately or negligently worsened their own housing circumstances their housing need will be assessed to determine the appropriate band. The test that will be applied will broadly follow the 'intentionality' assessment that is outlined in Part 7 Housing

Act 1996 (as amended). In these circumstances the application will be closed for a period of 12 months. The applicant will be notified of the closure and given a right of review as per Section 6.

### **3.40 Policy on offering choice to applicants**

- 3.41 The Council is committed to giving applicants choice in where they live, what kind of property they live in and who they have as Landlord. To assist applicants in making informed choices about their future housing we will provide them with relevant information about social housing available in the district. This information will enable them to assess their prospects of obtaining housing of the type and in the area they wish to live. Applicants can amend their matching preferences e.g. location, size or type of property which will determine what properties they are matched to by the housing register.

### **3.42 Change in circumstances**

- 3.43 The applicant will have responsibility for updating their application of any material change of circumstances such as moving house, relationship breakdown or change in household composition, employment status etc. Failure to do so may result in their application being closed for a period of 12 months. The applicant will be notified of the closure and given a right of review as per Section 6.
- 3.44 If the Council or Registered Provider becomes aware that housing or personal circumstances have changed (e.g. disrepair has been rectified) then the applicant's banding and or preferences will be amended as necessary.
- 3.45 Any material change in circumstances may require applicants to undertake a further assessment and their banding to be reassessed.
- 3.46 If the applicant's contact details are incorrect (due to not being updated) and three reasonable attempts to contact the applicant prove unsuccessful their application will be closed 30 days after first contact was made, until further contact is made.

### **3.47 Data protection, sharing and use**

- 3.48 The Council and the Registered Providers shall comply at all times with the provisions of the Data Protection Act 1998. The Council will seek the consent of applicants joining the Housing Allocation system to share personal information about the applicant, and any member of their household.
- 3.49 All Registered Providers (listed in appendix 2) shall ensure they maintain all technical and organisational measures to prevent unauthorised or unlawful processing of personal data (as defined in the Data Protection Act 1998) and accidental loss or destruction of, or damage to, personal data including but not limited to taking reasonable steps to ensure the reliability of its staff having access to the personal data.
- 3.50 Privacy and confidentiality will be respected and information will normally be shared with the applicant's implied consent (i.e. verbal) to deliver the service they are seeking, to verify information in order to assess eligibility and priority and, to answer enquiries from elected representatives and/or authorised agents acting on behalf of the applicant.
- 3.51 Anonymised data from the housing register may be used for purposes of research, monitoring of trends/demand, new property developments and responding to Freedom of Information Act 2000 requests.
- 3.52 Where it is necessary for personal information to be shared with third parties for these purposes, it will be transferred in a secure way to ensure it is not compromised or accessed by anyone who is not entitled to it.
- 3.53 The Council (where relevant) will share risk assessment data with RP's and other landlord's in order to minimise health and safety risks for partner's staff.

### **3.54 Information sharing without consent**

3.55 On a case by case basis, where the law requires or permits this and the disclosure is necessary and proportionate, information about an applicant may be shared in the absence of consent without breaching data protection, human rights or the common law obligation of confidence. Usually this will involve striking a balance between the rights of the applicant and other legitimate interests which may justify the information sharing. An obligation of confidentiality/privacy may be set aside where the interference is in accordance with the law, necessary and proportionate to the legitimate aim being pursued to meet one or more of the following interests:

- national security
- Public safety e.g. in accordance with the provisions of the Crime and Disorder Act 1998 (section 115).
- the detection or prevention of fraud, disorder or crime
- protection of health
- the protection of the rights or freedoms of others (i.e. safeguarding public funds, protecting those at work)
- to assist Electoral Registration Officers in maintaining the electoral register

### **3.56 False statements or withheld information**

3.57 It is a criminal offence for applicants and/or anyone providing information to this Housing Register to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (s171 Housing Act 1996). This includes but is not limited to information requested on the housing registration form, in response to correspondence at the renewal of the application, or relating to any other review of the application. An offence is also committed if a third party provides false information whether or not on the instigation of the applicant. This would apply at any stage of the application process.

3.58 Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be given the status 'suspended' during the investigation and will be excluded from this Housing Allocation system until an outcome is reached.

3.59 If the outcome of any investigation is that the applicant did not provide false information or there was no withholding of information or such was not found to be withheld knowingly, then the application will be reinstated to its previous position within the Housing Allocation system meaning that the relevant applicant should not suffer prejudice.

3.60 However, where the investigation shows that false information was provided on the application form, or was deliberately withheld, this would render the application invalid. Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by the 1996 Act, s.146) enables the landlord to seek possession of a property where it has been granted as a result of a false statement by either the tenant or a person acting at the tenants instigation.

3.61 If the Council determines that an applicant directly, or through a person acting on his or her behalf, has deliberately given false information or withheld required information it may result in their application being removed from the Housing Allocations Register and rendered Invalid.

### **3.62 Right to Information**

3.63 It is a statutory requirement under Data Protection Act 1998 that applicants have access to their personal information held on the system. This can be accessed by making a request to the Information Governance Team using the Data Protection – Subject Access Request Form. This is available from our website: <https://www.bradford.gov.uk/open-data/data-protection/make-a-data-protection-request/>

3.64 Following this request an applicant will be provided with a copy of his/her entry on the Housing Register. The Council will also, on request from the applicant, provide such information that is

practicable and reasonable to supply, to explain their position and priority on the Housing Register in relation to when an offer of suitable accommodation might be made. An applicant has the right to be informed of any decision about the facts of their case which is likely to be taken into account when considering whether to allocate housing to them. It is important to note that information provided by the Council in relation to an applicant's prospects of housing is only a 'snapshot' of their position within the Housing Register at that time. The constant changes in the number and status of applicants on the Housing Register and the number and type of homes available for allocation will mean the position may alter.

## SECTION 3: PART 3 - ALLOCATION BANDS

### 3.65 Allocation Bands

3.66 Bradford Council operates a needs based banding system as set out below. Following an assessment of their needs by the Housing Options Service or Registered Provider partner, applicants will be placed into one of six bands:

3.67 The six bands are:

- **Band 1 - Statutory / Service Need** these include households who are owed the main statutory homeless duty and those whose housing needs arise from other council service priorities / duties.
- **Band 2 – At risk of Homelessness** - households who need assistance to prevent them from becoming homeless
- **Band 3 – High Need** - households in unsuitable housing requiring urgent re-housing
- **Band 4 – Medium Need** - households with a band 1, 2, 3 need but with no local connection to the District and households in unsuitable housing but with less urgent need than those in Band 3
- **Band 5 – Low Need** - Households with a band 4 need but with no local connection to the district and those with low need
- **Band 6 – General Need** - Those who do not fall in any of the above categories

<b>BAND 1 – STATUTORY / SERVICE NEED</b> <b>In no priority order</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
Applicants who are homeless (and not intentionally homeless) and owed the main housing duty by Bradford Council.	All homeless people as defined in Part VII of the Housing Act 1996 who are owed the main housing duty following a homelessness assessment under section 193 or 195 of the Housing Act 1996.
High risk victims of domestic abuse recommended by Multi-Agency Risk Assessment Conference (MARAC) for urgent re-housing.	High risk victims of domestic abuse who are subject to MARAC as part of an agreed safety plan will be placed in this Band.
Approved foster carers or adopters supported by Bradford Council.	Applicants who are approved foster carers or approved to adopt by Bradford Council's Fostering and Adoption Team, who need to move or secure a larger home in order to accommodate a looked after child will qualify for this band. Evidence from social services will be required before awarding this band.
Applicants who are Care Leavers of Bradford Council and children assessed by Bradford Council's Children Services Department as in need or at risk (where housing is a factor)	Applicants are awarded this category in accordance with protocols agreed between the Council's Housing Options Service and the Children Services Department. Applicants must be a former 'Relevant Child' as defined by the Children Leaving Care Act 2002 and be a young person at risk who may be owed such duty.

	Normally such a young person would have a housing related support package brokered either through Leaving Care Service or Housing Options and would be Tenancy Ready unless exceptionally there is joint agreement that the Council's duties require a different approach.
Hospital Discharge - applicants who are bed blocking	Applicants 'bed blocking' in hospital requiring urgent discharge, i.e. where a client is occupying a hospital bed that they no longer need, but cannot be discharged home due to unsuitability of their present accommodation which cannot be made suitable through adaptations due to cost, structural difficulties or the property cannot be adapted within a reasonable amount of time.
UK Armed Forces Personnel	<p>Applicants who would qualify either for Band 2 or Band 3 due to their housing need but are also:</p> <ul style="list-style-type: none"> <li>• Former members of the Armed Forces</li> <li>• Applicants who are serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service</li> <li>• Applicants who are bereaved spouses or civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.</li> <li>• Applicants who are serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.</li> </ul> <p>Evidence will be required to substantiate the above.</p> <p>Local Connection criteria will not be applied to this category.</p>
Where the Council's Housing Standards team has served an Emergency Prohibition Order.	Housing Standards have identified an imminent risk of serious harm in the applicant's current home which has resulted in a need to serve an Emergency Prohibition order and it would not be safe for the occupants to remain.
<b>BAND 2 – AT RISK OF HOMELESSNESS</b> <b>In no priority order</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
Applicants experiencing or fleeing domestic abuse	Applicants who need to move due to domestic abuse and who are not at risk of immediate danger following housing options assessment or a referral from a domestic abuse refuge or a domestic abuse partner agency.

Applicants experiencing or fleeing harassment or others forms of abuse (race, gender, sexual orientation, disability, religion or belief etc.) which would lead to homelessness / psychological harm.	Households suffering harassment and or other forms of abuse (race, gender, sexual orientation, disability, religion or belief etc.) or threatened or actual violence which is likely to cause psychological harm and necessitates an urgent need for rehousing. E.g. neighbourhood disputes/racial harassment incidents/hate crime resulting in intimidation or serious threats or damage to property which is recurrent. Appropriate enquiries will be made including requirement for medical evidence before awarding this band.
Rough sleepers assessed and referred by No Second Night Out (NSNO) service	This category is aimed at supporting the Council's NSNO service work with rough sleepers and to assist those clients who NSNO deem are tenancy ready to move on from the service.
Displaced by family, friends or from settled accommodation within 56 days	<p>An assessment of an applicant's need due to being displaced by family, friends or from settled accommodation like prisons or tied accommodation will be made by the Council taking into account information provided by one or more of the following:</p> <ul style="list-style-type: none"> <li>• Family/friends</li> <li>• Social Services, Youth Workers, Probation and other relevant professionals</li> <li>• A voluntary sector organisation representing the applicant.</li> </ul> <p>As part of the assessment the possibility of reconciliation and other preventative options will be explored by Housing Options before determining the award of this band.</p>
Landlord has served a valid notice to quit, intends to apply to court for possession of the property and there is no defence against possession proceedings.	Applicants with an assured shorthold tenancy who have been served a valid notice to quit where the landlord intends to make an application for possession and there is no defence against possession proceedings. Evidence will need to be provided.
<b>BAND 3 – HIGH NEED</b>  <b>In no priority order</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
Urgent medical, welfare grounds or disability	<p>Where an applicant's medical, health or welfare condition is such that rehousing is required to provide a basis for the provision of suitable care.</p> <p>The applicant's condition is severe and their existing accommodation is a major contributory factor.</p> <p>The applicant's health is severely affected by the accommodation to the extent that it is likely to become life threatening. For example, where an applicant has significant mental health problems which are exacerbated by their accommodation.</p>

	<p>Disabled applicants who have restricted or limited mobility and are limited by their accommodation and unable to carry out day to day activities (Disability Discrimination Act 1995) or have difficulties accessing facilities inside and outside of their accommodation and require rehousing into accommodation suitable for their use.</p> <p>Applicants will only be placed in this band if rehousing to more suitable accommodation would stabilise or improve their health and wellbeing.</p> <p>An assessment of an applicant's need to move due to urgent medical, welfare ground or disability will be made by the Council taking into account supporting information provided by the applicant from one or more of the following:</p> <ul style="list-style-type: none"> <li>• An applicant's GP or consultant.</li> <li>• Social Services.</li> <li>• Occupational Therapist.</li> <li>• Age Concern or any other voluntary sector organisation representing the applicant.</li> </ul>
Applicants who need an adapted property	<p>Applicants who are disabled or have complex health or care needs requiring specialist accessible accommodation and where the nature of the adaptations required is materially different from those in their current home and it is not feasible to carry out the adaptations due to financial constraints and/or the property is unsuitable for adaptation.</p> <p>Social housing tenants in specialist adapted properties in areas of high demand and in properties of high demand and who no longer require those adaptations can be placed in this band in order to facilitate a move to make best use of stock. However each applicant will be considered on a case by case basis.</p>
Overcrowded by 2 or more bedrooms	<p>Applicants who are severely overcrowded according to the Bedroom Standard (see 4.22 overcrowding). For this band, applicants must lack 2 or more bedrooms than the number which the household is eligible for.</p> <p>Evidence will be required.</p>
Move on from Supported Accommodation.	<p>An applicant in supported accommodation who has been assessed as suitable for independent living by the Provider as per the Tenancy Ready Framework.</p> <p>If an application is made when the individual is not ready for independent living the application will be placed in Band 6 until such a time as the individual is ready to move on when it will be placed in Band 3 as appropriate.</p>

Applicants suffering financial hardship where moving would alleviate their hardship	Applicants who are suffering from financial hardship (e.g. loss of income, benefit reductions, change of circumstances, under occupation) where rehousing will alleviate the hardship will be eligible for this band. An affordability assessment (based on affordability calculator) will be carried by the Housing Options before placing applicants in this band.
Applicants who need to move to a particular locality within the District, where failure to meet that need would cause hardship to themselves or others.	<p>This category applies to those who need to move to a particular area within the Bradford District boundary, where failure to meet that need would cause hardship to themselves or others. This includes the need to move to a specific location for employment reasons and also to give or receive care where evidence is provided.</p> <p>Social housing tenants in the District who wish to move to be nearer their employment, education or training to ease hardship will be required to provide evidence.</p>
<p>Social Housing tenants from outside the District who:</p> <ul style="list-style-type: none"> <li>• need to move to the District to avoid hardship (s.166 (3) (e))</li> <li>• Need to move because the tenant works in the District</li> <li>• Need to move to take up an offer of work</li> </ul>	<p>Hardship grounds (other than for work reasons) would include, for example, a person who needs to move in order to give or receive care, or to access specialised medical treatment.</p> <p>Where the need to move is due to employment, education or training the applicant will need to prove that failure to move would cause them hardship. The LA will take into account the following in determining hardship due to work:</p> <ul style="list-style-type: none"> <li>• The distance and/or time taken to travel between work and home</li> <li>• The availability and affordability of transport, taking into account level of earnings</li> <li>• The nature of the work and whether similar opportunities are available closer to home</li> <li>• Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move</li> <li>• The length of the work contract</li> <li>• Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship</li> </ul> <p>The definition of work does not apply to work which is short-term or marginal in nature, or if it is ancillary to work in another district. Voluntary work is also excluded.</p> <p>This category covers the requirement under the Statutory Right to Move policy. The Council's Local Connection criteria will not apply to this category.</p>
Unsatisfactory housing conditions in the Private Sector where there is one or more Category 1 hazards.	This band will be awarded where the Council's Housing Standard's team identify that a person's home has at least one Category 1 hazard, (excluding overcrowding) for which there must be a high likelihood of an occurrence that could cause harm or a Suspended

	Prohibition Order has been served and there is no reasonable likelihood that the landlord will address the problems.
Applicants who are homeless but found intentionally homeless or non-priority following the statutory homelessness assessment by Bradford Council	Applicants who following an assessment under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) were found to be intentionally homeless or non-priority.
<b>BAND 4 – MEDIUM NEED</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
Applicants who fall into either Band 1, 2 or 3 due to their circumstances but who do not have a local connection in Bradford.	See 3.88 reduced priority due to local connection policy
Applicants with a health or welfare need related to the current housing circumstances where moving would improve their health.	<p>An applicant's housing is unsuitable for health reasons or for the occupant's specific needs related to disability, but whose present accommodation does not cause serious barriers to day to day activity or whose life is not at risk due to their current housing.</p> <p>An assessment of an applicant's need to move due to ill-health or disability will be made by the Council taking into account information provided by the applicant from one or more of the following:</p> <ul style="list-style-type: none"> <li>• An applicant's GP or consultant.</li> <li>• Social Services.</li> <li>• Occupational Therapist.</li> <li>• Age Concern or any other voluntary sector organisation representing the applicant.</li> </ul>
Overcrowded by 1 bedroom	<p>Applicants that are overcrowded according to the Bedroom Standard (see 4.22 overcrowding). For this band, applicants must lack 1 bedroom than the number which the household is eligible for.</p> <p>Evidence will be required.</p>
<b>BAND 5 – LOW NEED</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
Applicants with a low housing need	Applicants who fall into Band 4 due to their circumstances but who do not have a local connection to Bradford (see 3.88 local connection policy)
<b>BAND 6 – GENERAL NEED</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
Applicants who don't fall into any of the above categories.	<p>Applicants who don't fall into any of the above categories.</p> <p>Homeowners (including joint and sole owners) with equity over £60k will be placed in this band (unless the</p>

	applicant requires sheltered accommodation / extra care scheme, or has a medical, disability or statutory homeless need)
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### **3.68 How will applicants be ranked?**

- 3.69 Applicants within bands 1 to 5 are ranked in date order. The date used is the date on which an application was accepted into the band and is called the award date. In circumstances where applicants are seeking the same properties and have the same band awarded, the allocation will be made to the applicant who was awarded the band first. If more than one set of categories apply to an applicant, then the highest applicable category will be used for banding purposes; the 'category restrictions' presented above apply to all award decisions.
- 3.70 The ranking order for Band 6 group will be made to the applicant who applied first ('registration date').
- 3.71 Exception to the above will only apply to adapted properties which will be ranked on need and suitability for the property.

### SECTION 3: PART 4 BANDING CRITERIA AND RESTRICTIONS

- 3.72 In order to discharge its legal obligation there are some categories where the Council will restrict the number of offers that are made to applicants. In such instances if the applicant rejects the suitable offer then their banding may be affected.
- 3.73 **Band 1 – Statutory Homeless under S.193 and S.195 Housing Act 1996 and owed the main housing duty**
- 3.74 Applicants who are owed the main housing duty under S.193 and S.195 Housing Act 1996 will only be allowed **one** suitable offer. Housing Options Officer will widen the applicant's areas of choice if the main housing duty has been accepted and will include the whole district (unless particular needs can be demonstrated as per 3.78).
- 3.75 The following outcomes will end the full homelessness duty the Council may owe to applicants:
- Where an applicant is offered, and accepts the offer of the accommodation.
  - Where an applicant currently residing in any type of Temporary Accommodation provided by the Council is offered suitable accommodation directly under this Policy and refuses that offer.
  - In relation to bullet points 2 and 3 (above), this will be subject to the applicant having reasonable opportunity to consider the offers (and their Part VII Housing Act 1996 right to review the suitability of the accommodation as discharge of the Council's full homelessness duty).
- 3.76 If a Statutorily Homeless (band 1) applicant is matched for suitable accommodation and a suitable offer is made to the applicant, then this will be the applicant's final offer and will end the Council's main housing duty even if the offer is refused. The offer will always be confirmed in writing stating that this is the final offer that will end the Council's duty to the applicant under part VII of the 1996 Housing Act (as amended). Any offer will normally last for 5 days from the date of the letter but this may be extended at the discretion of the Council or relevant Registered Provider.
- 3.77 Where a property is refused the Council's Housing Options team will be informed immediately by the relevant Registered Provider, a decision will be made by Housing Options on the suitability of the offer within 5 working days during which time the property must remain available.
- 3.78 Band 1 Statutory Homeless applicants will be entitled to one suitable offer under this Policy unless an additional need for a particular locality can be demonstrated. If an applicant has the duty ended in this way they are entitled to remain on the Housing Register and their priority will be reduced to band 3 with the original registration date retained.

Examples of additional needs for a particular locality (not exhaustive) may include:

- An essential need to give or receive care/support in a locality that is not accessible from elsewhere in the Bradford District.
- One or more children in the household whose education would be particularly disrupted by moving schools, because they are undertaking GCSEs, A-levels or similar or because they have specialist support in place at their existing school.
- The applicant or a member of the applying household would be at risk of violence in certain neighbourhoods within the Bradford District.
- The applicant can demonstrate that moving to a locality may lead to loss of employment to him or a member of the applicant's household or cause financial hardship.
- That a property would significantly impact on the health or mobility of a member of the household

The applicant exercises their right to review the suitability of an offer and this is upheld by the authority.

- 3.79 Whether or not a Band 1 Statutory Homeless applicant accepts an offer of accommodation made under the Policy, they have the right to request a review of the suitability of the accommodation they have been offered in discharge of the Council's Part VII duty.
- 3.80 Statutory Homeless applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a review of its suitability. If the applicant has been accepted as being owed a statutory duty by the Council, this duty will cease if the property is refused. In such circumstances an applicant will no longer be entitled to any duty, will have to leave any temporary accommodation provided, and make alternative accommodation arrangements.
- 3.81 The Statutory Homeless within Band 1 will be reviewed on a monthly basis.
- 3.82 Band 2 - At risk of homelessness - offer restriction for all categories in this band**
- 3.83 Applicants in this band will only be allowed **one** suitable offer. Applicants who reject one offer are likely to have their banding reduced. Applications in this band will be reviewed after 56 days and Housing Option officers may use their discretion to extend the priority for a further 56 days or another agreed extension period. Housing Options officers will reduce the applicant's banding priority if the agreement within the individualised plan is not met.

## **SECTION 3: PART 5 – REDUCED PRIORITY**

### **3.84 How reduced priority is awarded under this policy**

- 3.85 The Council has a right to reduce an applicant's priority under this Policy. This part of the Policy describes those circumstances under which priority will be reduced. In doing so, due regard has been given to the requirement to give Reasonable Preference to those categories outlined in the Housing Act 1996 (as amended). The Reasonable Preference categories are listed in section 4 part 1.
- 3.86 Those applicants who are eligible under the Policy will be assessed to determine if they are owed a Reasonable Preference or not. If they are, they will be allocated a band according to the Council's allocation priority as set out in Section 3 Part 3 of this Policy. However, where an applicant would have been awarded a specific band due to assessed need but if they are not ready i.e. in the case of supported housing tenants or No second night out clients in agreement with the applicants their application will be given a reduced priority (allocated a lower band) until the applicants are tenancy ready.
- 3.87 Reduced priority will apply under the following circumstances.

### **3.88 Reduced priority due to the Local Connection Policy**

- 3.89 Applicants are able to apply for social housing within the Bradford District from anywhere within the United Kingdom. However, in order to ensure that the Council prioritises local applicants over those from outside the District, reduced priority will be given to applicants without a local connection. 'Local connection' will be assessed mainly in accordance with the definition of local connection contained in section 199 Housing Act 1996. Applicants from outside the District assessed with a Band 1, 2 or 3 need but without a local connection will have their priority reduced to Band 4 until they acquire a local connection to the District. Applicants with a Band 4 need will be placed in Band 5 until they acquire a local connection.
- 3.90 The following factors as set down in s199 Housing Act 1996 will be taken into account in determining whether or not an applicant has a local connection with the Bradford Metropolitan District Council area. An application is awarded a local connection if an applicant or members of their household included in their application fulfil any of the criteria set out below:
- Having lived in the area for the previous 6 out of 12 months or 3 years out of the last 5 years. It doesn't need to be a continuous period of time.
  - Currently engaged in employment within the district for a minimum of 16 hours and the length of the work contract is a minimum of 12 months
  - Currently graduated from university study in the area;
  - Having immediate family in the area, who have lived there for the previous 5 years,
  - Needing to live in the area to provide essential support to a permanent resident of Bradford District (who have lived here for the previous 5 years) and there is no other person able to do this
  - Needing to move into the area to receive essential support from a permanent resident of Bradford District (who have lived here for the previous 5 years) and there is no other way of receiving such support
  - Social tenants moving to the District for employment (as per 4.44)
  - Is a serving member in the regular forces or who was serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
  - Is a bereaved spouse or civil partner of someone who has served in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
  - Is a serving member or former member of the reserve forces who is suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.

- 3.91 For the purposes of determining local connection, living in Bradford, the Council will **not** include the following:
- Occupation of a holiday letting which includes a permanent building, mobile home, caravan or motor caravan, hotel or bed and breakfast accommodation for the purposes of a holiday.
  - Persons accommodated by another Local Authority under their homelessness duty
  - Resident of Her Majesty's Prison, Bail Hostels or other such accommodation if no 'city status' exists.

### **3.92 Exceptions for Special Circumstances**

- 3.93 There may be occasions not predicted by this Policy where the application of the local connection policy is deemed inappropriate by the Council and accordingly there is a manager's discretion available not to invoke the local connection policy in these exceptional circumstances. One example might be someone who has been placed out of Bradford for a period of time, whilst being looked after by Children's Services – although each case would need to be considered on its merits.
- 3.94 Applicants who do not have a local connection with Bradford but to whom Bradford Council have accepted a full Homelessness duty under section 193(2) Housing Act 1996

### **3.95 Worsening of Housing Circumstances**

- 3.96 An applicant will be given reduced priority if the Council is satisfied they deliberately did or failed to do something which, as a consequence, led to a worsening of their housing circumstances. The household will be placed into Band 5 or 6. The situation will be reviewed every 12 months or upon a material change of circumstance within the household.
- 3.97 Examples of which could include but not limited to:
- Applicants giving up an affordable and suitable private rented tenancy which they are able to maintain, to move in with other relatives, creating a situation of overcrowding.
  - An applicant requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
  - an applicant gives up settled accommodation in order to move into less settled or overcrowded accommodation
  - an applicant deliberately overcrowds their property by moving in friends and/or other family members who have never lived together and/or have not lived together for long, then requests rehousing to larger accommodation

The above list is not exhaustive.

### **3.98 Reduced priority due to refusal of suitable offers of accommodation**

- 3.99 Band 1 Statutory homeless applicants owed a full homelessness duty under section 193(2) or 195(2) of the Housing Act 1996 where only one reasonable offer will be made and refusal of that offer will result in the discharge of the Council's homelessness duty.
- 3.100 Applicants in Band 2 who have refused one suitable offer of accommodation under this Policy will have their priority for rehousing reduced (and the banding will be reassessed under their circumstances) unless they have genuine reasons for refusing the offers in which case they may be reinstated to band 2.

### **3.101 Reduced Priority for those who are Intentionally Homeless or non-priority**

- 3.102 If an applicant is assessed under Part VII of the Housing Act as intentionally homeless (non-statutory) and or non-priority then the applicant will be placed in Band 3.

### **3.103 Reduced priority due to capital, savings and/or assets**

3.104 Generally, property (sole or joint) owners who are adequately housed or people with sufficient financial resources e.g. equity, or capital above £60,000 available to them (which may be anywhere in the world) to meet their housing needs will be given reduced priority. Such applicants without housing need will be placed in Band 6.

In detail:

Applications from property owners will be reduced to Band 6 unless:

1. The applicant is over 55 and needs to move to sheltered or Extra Care Housing for health, welfare or medical reasons.
2. The applicant, or a resident member of their family, has a disability and requires a suitably adapted property where their current home cannot meet their needs in the long term and the applicant's household does not have the financial means to purchase suitable alternative accommodation.
3. The applicant is in significant mortgage arrears and has been assessed as requiring priority after they have been offered, taken and followed the advice of appropriate advisors who specialise in the prevention of homelessness due to mortgage arrears.
4. Applicant who has been assessed and accepted as statutorily homeless

3.105 In these circumstances, applicants will be placed in whichever band (1 to 5) applies to their housing need/circumstances. Where a home owner gets matched to a property they will generally only qualify for a one year probationary tenancy (assured shorthold tenancy) until such time as the applicant no longer has an ownership stake in a property.

3.106 Any homeowner who accepts an offer of social rented housing through this Policy will be expected to actively market their former home within 3 months of becoming a tenant of a Registered Provider and to sell/transfer their interest as soon as possible. Exceptions to this will be made if this would cause significant hardship to the applicant or a third party (e.g. an ex-partner).

### **3.107 Reduced Priority – Not ready to Move on from Care or Support**

3.108 Applicants currently occupying supported accommodation or receiving care linked to their tenancy will be assessed as having Reasonable Preference but will have their priority reduced and be placed in Band 6 until such a time as it is confirmed by the relevant support providers that the applicant is ready to move on.

### **3.109 Notification of reduced priority**

3.110 Any applicant whose priority is reduced will be provided with written notification of the decision that will contain the following information:

- The reasons for the decision to reduce priority
- The band that their housing circumstances would have warranted and the band that they have been placed in as a result of the Council's decision
- The applicant's right to appeal against the decision
- What they have to do before they can be considered again for any higher band warranted by their housing needs.
- That any appeal against the decision must be made in writing within 21 days of written notification of the decision
- That any appeal will be dealt with by a Senior Officer not involved in the original decision. All appeals will be dealt with within 8 weeks, and the applicant advised of the outcome.

## SECTION 4: REASONABLE AND ADDITIONAL PREFERENCE

4.1 In this section of the document we explain

Part 1: What is Reasonable Preference and how is it applied under this Policy?

Part 2: What is Additional Preference and how is it applied under this Policy?

### SECTION 4: PART 1 – REASONABLE PREFERENCE

#### What is Reasonable Preference and how is it applied under this Policy?

4.2 Bradford Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important when, as is the case in Bradford, the demand for social housing is greater than the availability of homes in some areas.

4.3 The law, as it applies to local housing authorities, requires that Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). Applicants with Reasonable Preference must be given a head-start in terms of accessing housing by comparison with applicants who do not have Reasonable Preference.

4.4 The statutory Reasonable Preference categories are:

- All homeless people as defined in Part VII of the Housing Act 1996.
- People who are owed a duty under s190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing authority under section (192 (3)).
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing.
- People who need to move on medical or welfare grounds (including grounds relating to a disability).
- People who need to move to a particular locality within the district to avoid hardship to themselves or others.

4.5 The Council will use a banding based system to allocate accommodation. In assessing housing need the Council will give Reasonable Preference to those applicants who fall into the statutory categories.

4.6 The Council's Allocations Policy has been devised to ensure that it meets its legal obligations to provide overall Reasonable Preference to the above categories of applicants.

#### 4.7 Who qualifies for Reasonable Preference?

4.8 The following criteria detail when someone would qualify for Reasonable Preference pursuant to section 167(2) (a) to (e) Housing Act 1996 (as amended) following an assessment.

#### 4.9 **A: Reasonable Preference category s167 (2) (a) - applicants who are homeless within the meaning of Part VII Housing Act 1996.**

4.10 This group comprises all applicants who are homeless under the definition of homelessness contained in sections 175 -177 of Part VII of the Housing Act 1996.

4.11 This definition includes a person who does not have accommodation which is legally and physically available to him or her, or has accommodation that is not reasonable for him or her to continue to occupy. Applicants who have been assessed for this category and owed the main housing will be placed in Band 1.

#### 4.12 **B: Reasonable Preference category s167 (2) (b) –applicants who are owed a duty by any local housing authority under s190 (2) 193(2) or 195(2) (or under section 65(2) or 68(2) of the**

**Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3).**

Applicants who have been assessed for this category and owed the main housing will be placed in Band 1.

**4.13 C: Reasonable Preference category s167 (2) (c) – People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.**

4.14 Please note that those applicants who occupy unsanitary or unsatisfactory housing but which has been assessed as not being severe enough (overcrowded by one bedroom) will be awarded band 4.

**4.15 Insanitary or Unsatisfactory housing conditions**

4.16 Applicants will be awarded Reasonable Preference due to unsatisfactory housing conditions if they:

- Lack a bathroom, or
- Lack a kitchen, or
- Lack a functioning WC, or
- Lack hot or cold water supplies (where there is no realistic possibility that these can be reinstated within 24 hours), or
- Lack electricity, gas or adequate heating (where there is no realistic possibility that these can be reinstated within 24 hours) , or

Occupy a property where there are one or more Category 1 hazards present

**4.17 Unsatisfactory housing conditions in the Private Sector where there is one or more Category 1 Hazards**

4.18 Reasonable Preference will be awarded where the Council's Housing Standards team identify that a person's home has at least one Category 1 hazard, (excluding overcrowding) or have served a Prohibition Order in relation to the property.

4.19 Occupants of properties in which one or more relevant Category 1 hazard has been identified (for which there must be a high likelihood of an occurrence that could cause harm), or the Council has served a Prohibition Order and where the hazard(s) identified poses a significant threat to the health and wellbeing of the occupants, but where the threat is not an immediate threat of serious injury or life-threatening will be placed in Band 3.

4.20 Where an Emergency Prohibition order has been served and the occupants are required to vacate by law and it would not be safe for the occupants to remain, they will be placed in Band 1.

4.21 In cases where the applicant must move temporarily from their home whilst remedial repairs are undertaken the presumption will be that the landlord should facilitate and fund the alternative accommodation. In exceptional circumstances the Council may facilitate temporary accommodation of the household to a suitable alternative temporary accommodation whilst remedial repair works are carried out. The applicant and their household will then return to the original property. The applicant will not be eligible for Reasonable Preference for a relevant Category 1 hazard under this Policy whilst resident in the alternative temporary accommodation.

**4.22 Overcrowding**

4.23 Those overcrowded by one or two bedrooms in line with the 'Bedroom standard' will be granted Reasonable Preference and will be placed in the Band 3 or 4, depending on which of the category the applicant falls into.

4.24 The bedroom standard states that a separate bedroom shall be allocated to the following persons:

- two persons living together with another as husband and wife (whether that other person is of the same sex or the opposite sex)
- a person aged 21 years or more
- two persons of the same sex aged 10 years to 20 years
- two persons (whether of the same sex or not) aged less than 10 years
- two persons of the same sex where one person is aged between 10 years and 20 years and the other is aged less than 10 years
- Any person aged under 21 years in any case where he or she cannot be paired with another occupier of the dwelling so as to fall within (c), (d) or (e) above.

4.25 Although the overcrowding definitions under the Housing Act 1985 remain in statute, under this Policy applicants will be assessed by the 'bedroom standard' which is described earlier in this section and is recognised as a higher standard. The bedroom standard enables Housing Options Officers to identify those applicants who are overcrowded, and the appropriate banding for their needs, e.g. if the applicant is overcrowded by 2 bedrooms according to the bedroom standard then they will be placed in Band 3 and if the applicant is overcrowded by 1 bedroom according to the bedroom standard they will be placed in Band 4.

4.26 For the purposes of this Policy Bradford Council recognises that persons considered for sharing a room must be family members. This means that two young adults who are **not** in the same family and are **not** in a relationship should be considered as each requiring their own bedroom. Also, in assessing for overcrowding Bradford Council recognises pregnant women and children aged less than 12 months will be counted as requiring an additional bedroom where applicable. Evidence will be required e.g. Mat B1 forms or child benefit letters etc.

4.27 Please note: for those applicants where their housing conditions or level of overcrowding mean that it is not reasonable for them to continue to occupy their overcrowded accommodation and following an homelessness assessment are owed a statutory homeless duty under section 193(2) of the Housing Act 1996, they will no longer be allocated priority from Reasonable Preference category (c) as the Council will be under a legal duty to remedy the cause of homelessness through the provision of suitable accommodation. This may result in an award of Band 1 - Statutory homeless

#### **4.28 D: Reasonable Preference category s167 (2) (d) – Medical, Disability and Welfare.**

##### **4.29 Medical Reasons to Move**

4.30 Reasonable Preference is awarded by the Council following an assessment of the applicant's household and their current living situation and a review of evidence provided from one or more of the following:

- An applicant's GP or consultant.
- Social Services.
- Occupational Therapist.
- Age UK or any other voluntary sector organisation representing the applicant.

4.31 An applicant's circumstances will normally be referred for a medical assessment if an applicant has indicated that there is a medical or disability problem that is made substantially worse by their current housing. Priority will be given depending on how unsuitable the current accommodation is in relation to their medical, welfare or disability needs. The assessment is not of the applicant's health but how their accommodation affects their health or welfare.

4.32 Reasonable Preference will be awarded where an applicant's housing is unsuitable for severe health/ medical reasons or for reasons relating to the applicant's disability, but whose present accommodation does not cause serious barriers to day to day activity or whose life is not at risk due to their current housing. However their housing conditions directly contribute to causing serious ill-health. If this is the case they will be awarded Reasonable Preference and placed into Band 3 or 4. This will normally be assessed by a Council Housing Options Officer or referred an Occupational

Therapist for an assessment where the applicant is likely to need an adapted property depending upon the circumstances.

**4.33 Examples of situations where an applicant would be awarded Reasonable Preference under category D, for medical, disability and welfare reasons.**

4.34 The following are examples of cases that would qualify for Band 3 or 4 statuses under one of the statutory Reasonable Preference categories. i.e. medical, welfare or disability needs:

- The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation.
- Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without settled accommodation.
- A member of the household seeking accommodation is disabled and rehousing will enable that person to overcome physical barriers created by current accommodation e.g. steps and stairs.
- A disabled person who has restricted mobility or experiences barriers to carrying out day to day activities who requires substantial adaptations to a property which is not provided for in their current accommodation.
- A person with a terminal illness or long term debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support.
- A person suffering with mental illness or disorder where the medical condition would be significantly improved by a move to alternative accommodation.

**4.35 Need to move on welfare grounds due to ill-health related to old age or disability related to old age**

4.36 These cases will have their welfare need recognised and Reasonable Preference awarded should their current housing be inadequate. An assessment of an applicant's need to move due to ill-health or disability related to old age will be made by the Council taking into account information from one or more of the following:

- An applicant's GP or consultant.
- Social Services.
- Occupational Therapist.
- Age Concern or any other voluntary sector organisation representing the applicant.

4.37 If an applicant has a significant need to move on welfare grounds which are not detailed above an appeal can be made using the procedure described under section Review. Applicants with these needs would be awarded band 3 or 4 depending on the level need.

**4.38 Applicants fleeing Domestic Abuse**

4.39 The current cross-government definition of domestic violence and abuse (included in Bradford Domestic & Sexual Violence Strategy 2015-20) is:

*"Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or violence between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of violence: psychological, physical, sexual, financial and emotional."*

4.40 High risk victims of domestic abuse who are subject to a MARAC (Multi Agency Risk Assessment Conference) as part of an agreed safety plan for high risk victims will be placed in Band 1. Local Connection criteria will not be applied to MARAC cases.

4.41 Applicants who need to move due to domestic abuse and not at risk of immediate danger will be placed in Band 2. However, those victims of domestic abuse who are in immediate danger if they continue to occupy their current accommodation will have the option to make a homeless application and may get placed in Band 1 following an assessment.

**4.42 E: Reasonable Preference category s167 (2) (e) – People who need to move to a particular locality in the local authority’s district, where failure to meet that need would cause hardship to themselves or to others.**

This category applies to:

- People resident in the Bradford District who need to move to a particular area within the Bradford District, where failure to meet that need would cause hardship to themselves or others.
- Existing social housing tenants in other local authority areas in England who need to move to the Bradford District because the tenant works or has secured employment in the District and has a genuine intention to take up the employment and where failure to meet that need would cause hardship to themselves or others.
- Applicants who meet the hardship criteria will be placed in Band 3.

**4.43 Bradford residents seeking to move within the city**

- Those who need to move to give or receive care that is substantial and on-going. Evidence will be required from the applicant to support this. For example, an award of Carers Allowance, Social Services involvement, confirmation from other agencies etc.
- Those who need to access social services facilities, and are unable to travel across the district due to limited mobility, medical issues that may inhibit the applicant from travelling or financial constraints.
- To take up (or continue) employment, education or a training opportunity that is not available elsewhere and who does not live within reasonable commuting distance.
- Applicants who meet these criteria will be placed in Band 3.

**4.44 Right to move - Existing social tenants seeking to transfer to Bradford from another local authority district in England**

4.45 A local connection will not be applied to existing social tenants seeking to transfer from another local authority district in England who need to move for work to the local authority’s district where failure to meet that need would cause hardship. In this case an applicant has a need to move if s/he works in the Bradford district or has secured employment in this district and the Council is satisfied that s/he has a genuine intention of taking up the offer of employment. Work that is short term or marginal in nature, is ancillary to work in another district, or is voluntary work, is not included in this definition of work.

4.46 The Council must be satisfied that the tenant needs, rather than wishes, to move for work related reasons. Factors that will be taken into account include:

- The distance and/or time taken to travel between work and home
- The availability and affordability of transport, taking into account level of earnings
- The nature of the work and whether similar opportunities are available closer to home
- Other personal factors such as medical conditions and child care, which would be affected if the tenant could not move.
- The length of the work contract i.e. a minimum of 12 months
- The number of hours worked i.e. a minimum of 16 hours per week
- The level of earnings
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.
- Evidence of employment (both current and secured) will need to be provided before this band is awarded.

Applicants who meet the above criteria will be placed in Band 3

## **SECTION 4: PART 2: ADDITIONAL PREFERENCE**

### **What is Additional Preference and how is it applied under this policy?**

4.47 Bradford Council can grant 'additional preference' (or head start) to applicants under this Policy where the Council is satisfied that these applicants have exceptional or urgent housing needs. These include the following categories:

#### **4.48 UK Armed Forces Personnel**

4.49 Former members of the Armed Forces will be given additional waiting time backdated to their length of service. This will be evidenced by the discharge letters or references provided the Ministry of Defence.

4.50 Members of the Armed Forces currently serving in the armed forces or those who have left in last 5 years will not need to have a local connection to apply to go on the council's housing waiting list. Applicants who meet the UK Armed Forces criteria will be placed in Band 1.

#### **4.51 Those leaving or who are ready to move on from Council accredited support or care schemes.**

4.52 The Council wants to ensure that care leavers and other vulnerable people with support needs are helped to move on from schemes. It is important that they are only able to access social housing when they are assessed as ready to move on. Therefore their application for housing will be placed in Band 6 – General Needs until they are ready to move on. At this point the applications will be placed in Band 1.

#### **4.53 Foster carers and adoptive parents**

4.54 Band 1 will be awarded to potential foster carers and adopters who meet:-  
(1) the eligibility and qualifications criteria of this Policy, and  
(2) who receive a deferred recommendation as suitable foster carers or adopters by the Council's Adoption and Fostering team, subject only to their finding accommodation that meets the property size and health and safety conditions required by the Adoption and Fostering team.

#### **4.55 Move on from Care**

4.56 Applicants who are Care Leavers of the Bradford Council and children assessed by Bradford Council's Children Services Department as in need or at risk (where housing is a factor). Applicants are awarded this category in accordance with protocols between the Housing Service and the Council's Children Services Department. Applicants must be a former 'Relevant Child' as defined by the Children (Leaving Care) Act 2000 and be a young person at risk who may be owed such Duty. Normally such a young person would have a housing related support package brokered either through Leaving Care Service or Housing Options and would be Tenancy Ready unless exceptionally there is joint agreement that the Council's duties require a different approach.

4.57 The evidence to support this will be provided by the Council's leaving care service and will consist of confirmation that:

- The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.
- The care leaver possesses the life skills to manage a tenancy including managing a rent account.
- The care leaver has either long term or medium term tenancy support arranged, as required.
- On-going support needs have been assessed and, where appropriate, a support plan is in place.

- 4.58 It should be noted that an applicant currently provided with care or living in supported accommodation will be assessed as having Reasonable Preference but will have their priority reduced to Band 6 General Needs until they are assessed as being ready to move. Applicants who are ready to move will be placed in Band 1.

For further information about care leavers and young people assessed as in need and owed duty, see:

[http://bradfordchildcare.proceduresonline.com/pr\\_care\\_leavers.html](http://bradfordchildcare.proceduresonline.com/pr_care_leavers.html)

[http://bradfordchildcare.proceduresonline.com/p\\_homeless16\\_17.html](http://bradfordchildcare.proceduresonline.com/p_homeless16_17.html)

[http://bradfordchildcare.proceduresonline.com/pr\\_homeless.html](http://bradfordchildcare.proceduresonline.com/pr_homeless.html)

#### **4.59 Hospital Discharge (Bed Blockers)**

- 4.60 Applicants who need to be discharged from hospital will all be medically assessed and generally fall into the following categories:

- Those who have somewhere suitable to live but do not want to continue living there upon discharge from hospital and there are no medical reasons for them not returning to their home. These applicants would not be awarded with Band 1 for hospital discharge and, assuming they do not meet one of the other criteria for Reasonable Preference, will be placed in Band 6.
- Those who have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptations because of cost effectiveness, structural difficulties or the property cannot be adapted within a reasonable amount of time. These applicants would qualify for Reasonable Preference for medical, disability or welfare grounds. Depending on the severity of the impact of living in the accommodation applicants in this category may be awarded Band 3 or 4. These cases will be individually assessed.
- Those who have nowhere at all to live when they leave hospital. These applicants qualify for Band 1.
- Hospital discharge band 1 will only be retained for the period that the applicant is hospital 'bed-blocking'. Once the applicant has been discharged from hospital, a housing need assessment will need to be carried out to determine any banding awarded according to the policy.

#### **4.61 Move on from Supported Accommodation.**

- 4.62 Applicants occupying supported accommodation and who is Tenancy Ready will be awarded Band 3. The application will initially be placed in Band 6 until such a time as the following is confirmed;

- An applicant has completed the Tenancy Ready Framework and is ready to move to independent settled housing on the recommendation of the support service manager.
- Appropriate support package is available.

#### **4.63 Rough sleepers assessed and referred by No Second Night Out (NSNO) service**

- 4.64 Rough Sleepers occupying the No Second Night Out service accommodation and who is Tenancy Ready will be awarded Band 2. The application will initially be placed in Band 6 until such a time as the following is confirmed;

- The rough sleeper has completed the Tenancy Ready Framework and is ready to move to independent settled housing on the recommendation of the NSNO service.
- Appropriate support package is available.

#### **4.65 Displaced by Family/Friends/Settled accommodation i.e. prison or tied accommodation**

- 4.66 These applicants will be assessed by Housing Options before they are awarded Band 2 and enquiries will be made, but are not limited to, the following:

- The reason for the displacement
- When they are required to move out
- Time spent at the family/friends address/prison/tied accommodation
- Contributions to household and living expenses
- Possibility of reconciliation and/or mediation
- Exploration of other preventative and housing options solution

**4.67 Landlord has served a valid notice to quit, intends to apply to court for possession of the property and there is no defence against possession proceedings**

4.68 Applicants with an assured shorthold tenancy who have been served a valid notice to quit where the landlord intends to make an application for possession and there is no defence against possession proceedings. Applicants will be asked to provide the notice and any other documentary evidence required to establish whether the notice is valid. The landlord will be contacted to substantiate whether he/she intends to seek possession of the property and only if there is no defence against possession proceedings then Band 2 may be awarded as part of the prevention duty work.

4.69 Owner Occupiers with possession orders and tenants of owner occupiers where the mortgage lender is seeking possession will also qualify for Band 2. Evidence will be required.

**4.70 Adapted Properties**

4.71 Applicants who are disabled or have complex health or welfare needs requiring specialist accessible accommodation and where the nature of the adaptations required are materially different from those in their current home and it's not feasible to carry out the adaptation due to financial and/or property unsuitable for adaptation will be awarded Band 3.

4.72 Applicants will be required to provide evidence from one or more of the following:

- An applicant's GP or consultant.
- Social Services.
- Occupational Therapist.
- Age Concern or any other voluntary sector organisation representing the applicant.

**4.73 Applicants suffering financial hardship where moving would alleviate their hardship**

4.74 Applicants who are suffering from financial hardship due to negative income levels (e.g. loss of income, benefit reductions, under occupation) will be eligible for this band. An affordability assessment will be carried out by Housing Options before placing applicants in Band 3. Applicants may be asked to provide proof of their income and expenditure.

**4.75 Applicants experiencing or fleeing harassment or others forms of abuse (race, gender, sexual orientation, disability, religion or belief etc.)**

4.76 Households suffering harassment and or other forms of abuse, (race, gender, sexual orientation, disability, religion or belief etc.) - threatened or actual violence which necessitates an urgent need for rehousing. E.g. neighbourhood disputes/racial harassment incidents/hate crime resulting in intimidation or serious threats or damage to property which is recurrent. Appropriate enquiries will be made before awarding Band 2.

## **SECTION 5: MATCHING AND LETTINGS UNDER THE ALLOCATIONS POLICY**

In this section of the document we explain the criteria applied to the matching and lettings process

Part 1: The Matching process

Part 2: Suitability check following the match

Part 3: Notification on offers from Registered Providers

Part 4: Application closures/renewals

### **SECTION 5: PART 1 - The Matching process**

- 5.1 The Council's Housing Register will match properties based on the applicant's preferences as soon as void properties are placed on the system by participating landlords. The system will operate on the following principles:
- 5.2 Participating Landlords will place details of void properties onto the system when they become available to let through the Council's Housing Register.
- 5.3 Landlords will identify the following criteria in relation to each property and include this information in the property details input on to the system:
- Property type: house, flat, maisonette, bedsit, bungalow
  - Size of accommodation: number of bedrooms & rooms
  - Garden: with garden or without garden
  - Age restricted properties
  - Sheltered Accommodation
  - Adaptations
  - Accessibility: ground level, low rise, high rise (with lift)
  - Cost: Rent and service charge details
  - Location: address, postcode and ward
  - Plus any other additional information, such as room sizes, car parking facilities etc.
- 5.4 It is the responsibility of participating landlords to ensure that any other relevant property criteria are entered onto the system so that they can be matched appropriately.
- 5.5 More specific requirements which are not part of the matching criteria will be picked up at the point of suitability, i.e. family member age criteria.
- 5.6 The system will identify an applicant on the register whose preferences are a match for the property criteria.
- 5.7 If there is more than one applicant in the same band within the same preferences, then priority will be established between applicants in the same band by award date. Where there is more than one applicant within the same band, with the same award date matched to a single property, the applicant with the longest waiting time will be offered the property. In cases for applications in the 'General Need' group, priority will be given to the applicant with the longest waiting time.
- 5.8 When a void comes onto the system**
- 5.9 Registered Providers and private rented providers are expected to put void properties on the system as soon as they are available to let and in the case of new build or major refurbishment properties not longer than two months before the property is ready for occupation.

## **5.10 Withdrawal matches**

- 5.11 The Council reserves the right to withdraw matches where the occupation of the property may take longer than two months. In these and other exceptional circumstances the match will be withdrawn but the applicant can retain the band, priority award date and the registration.

## **SECTION 5: PART 2 – SUITABILITY CHECK FOLLOWING A MATCH**

- 5.12 This policy is designed to support the development of sustainable tenancies and communities across the district. Registered Providers will therefore need to be satisfied that applicants are able to sustain a tenancy prior to a formal offer of a tenancy being made.
- 5.13 Once an applicant has been matched by the Housing Register as first ('nominee') in order for an allocation of a property the Registered Provider (RP) will carry out a suitability check in line with their lettings policy to determine if they are suitable.
- 5.14 The Council understands that RPs have responsibility to manage all of their stock, not just the stock which they nominate into the Council's scheme. Registered Providers are therefore expected to operate within their own lettings policies and at the same time adhere to the Council's housing allocations policy. This policy permits Registered Providers to make suitability decisions using their own suitability criteria in their lettings policies whilst adhering to the general principles and requirements within this Policy. The Council however reserves the right to challenge refusals by RPs which the Council feels do not adhere to the RPs own published policies.
- 5.15 RPs policies and procedures need to be legally compliant with the requirements of s.166A (9) Housing Act 1996 as inserted by s.147 Localism Act 2011. RPs will be expected to inform the applicant when, in accordance with their policies, they decide to reject the applicant. Applicants would be given the right of review to be undertaken by the RP (See Section 6: Review and Appeals).
- 5.16 Applicants will only be rejected for an offer of a tenancy on suitability grounds where the unsuitability of the offer can be clearly evidenced by the Registered Provider/other landlord in line with their lettings and allocations policy.
- 5.17 Suitability is an assessment of the following criteria:
- 5.17.1 Sustainability: The applicant can demonstrate that they (with or without support) are able to:
- Understand and adhere to the terms of the tenancy agreement
  - Afford the property they have been offered
- 5.17.2 Landlord's property restrictions: Constraints on whether a customer is suitable for specific properties may also be imposed by individual Registered Providers/other landlords who may have definite letting criteria on the property, such as (but not limited to):
- Age restricted properties
  - Disabled adapted properties
  - Flats at height
  - Pet restricted properties
- 5.18 Right to rent checks**
- 5.19 From 1<sup>st</sup> February 2016, landlords are required to undertake Right to Rent checks. As the Council is limited stockholding authority without stock management responsibilities, RPs and other landlords will be required to undertake these checks as part of their suitability assessment. Applicants who fail the eligibility and right to rent checks will not be allocated the property.
- 5.20 Rent arrears**
- 5.21 In respect of current or former tenant rent arrears individual Registered Providers/other landlords may apply their own policy as to whether and on what terms they are prepared to allocate a property to an individual with arrears from a previous tenancy either with that or any other provider. Regard will be made to the amount of arrears outstanding, the frequency of arrears and whether a satisfactory repayment arrangement has been made and/or maintained, in line with their policy.

## **5.22 Conduct and unacceptable behaviour**

5.23 Unacceptable conduct will be considered at the point of suitability; in respect of an applicant with a history of anti-social behaviour in a previous tenancy. The landlord may determine that an individual is not suitable for allocation of a particular property or type of property or a property in a particular area. Registered Providers and other landlords may apply reasonable precondition before allocating a property such as the conclusion of an undertaking or Acceptable Behaviour Contract or the acceptance of Intensive Tenancy Management or support.

5.24 The types of behaviour (by the applicant or a member of their household) that may lead to an applicant not securing a tenancy are:

- Anti-social behaviour, that is behaviour causing or capable of causing nuisance or annoyance to persons residing visiting or otherwise lawfully in the locality of the applicant's then home, where there is good reason to believe that such behaviour may be recurrent
- Convictions for an indictable offence committed within the locality of the applicant's then home except in cases where there is strong evidence that causes of this behaviour have been addressed
- Negligently allowing or causing the condition of a rented property to deteriorate substantially
- Obtaining a tenancy by deception, or attempting to do so: for example giving false information or negligently failing to notify of a material change in circumstances.

5.25 In reaching any such decision the Registered Providers will consider the frequency and seriousness of previous behaviour and the likelihood of this behaviour causing disruption and/or risk to residents, staff and the community and any evidence that the applicant has permanently altered his/her conduct.

## **5.26 Bedroom entitlement**

5.27 Some Registered Providers and other landlords do not allow under occupation in their properties. In those circumstances Registered Providers and other landlords may reject an applicant if the household composition does not meet their lettings criteria on occupation.

## **5.28 Suspension by Registered Provider or other landlords**

5.29 Registered Providers (RP) can with agreement from the Council place suspension/restriction on an applicant's ability to match to their properties. This is to prevent applicants who are unlikely to get rehoused with a landlord matching for their properties. Applicants would be given the right of review (to be carried out by the RP) following the suspension decision and the decision needs to be in accordance with the RP's lettings policies. Suspension would be time limited until the applicant has improved their conduct, behaviour and/or rectified the reason for suspension.

## **SECTION 5: PART 3 – REGISTERED PROVIDERS/OTHER LANDLORDS REFUSING APPLICANTS FOLLOWING SUITABILITY CHECK**

- 5.30 The Registered Provider/landlords will write to applicants who are not seen as being suitable for the tenancy, setting out the reasons why. Applicants have a right to request a review of this decision and the review will be carried out by a member of staff who is senior to the person who made the original decision in line with their policy.
- 5.31 Registered Providers have the final decision as to whether or not an applicant is offered a tenancy in one of their properties. However, the Council retains the right to challenge any RP decision to refuse an applicant following suitability check, where it considers the decision was taken without due regard to the principles of this Allocations Policy, relevant equalities legislation, or the RP's own lettings policies. If the Council deems it necessary, it retains the right to escalate its challenge of that decision through the RP's complaints procedures, the RP's governance structure and/or regulatory body.
- 5.32 Prospective tenants where 5.30 and 5.31 above applies will be managed by the local authority or RP through the relevant policy framework in order to access housing. This is likely to take time and require efforts on the part of the household to show improvements in debt and/or instances of anti-social behaviour.

## **SECTION 5: PART 4 – APPLICATION CLOSURES AND RENEWALS**

- 5.33 Applicants will be contacted annually on the anniversary of their registration date and will be given 28 days to renew their application. Failure to renew will result in the application for housing being closed on the Council's Housing Register.
- 5.34 In cases where an application has been closed the applicant can, within three months of application closure, request for reinstatement of the application with the same banding and registration date. This will be assessed by the Housing Option service and the circumstances for closure and reinstatement will be considered. Where an application has closed and passed the reinstatement period, applicants will need to re-register as a new applicant and their circumstances will require reassessment.
- 5.35 Applications will also be closed for one or more of the following reasons:
- An applicant requests cancellation.
  - An applicant's circumstances change and they are no longer eligible under this Allocations Policy.
  - An applicant has been housed in a tenancy by any landlord or provider using this system.
  - If the applicant's contact details are incorrect (due to not being updated) and two reasonable attempts (by phone, sms, email, letter) to contact the applicant prove unsuccessful their application will be closed, until further contact is made. Applications can only be reactivated within three months from the closure, after which time the application cannot be re-activated and a new application will have to be completed.
- 5.36 Our experience suggests that many people's housing circumstances change yet they still remain on the housing register for years. The Council reserves the right to close through periodic data cleansing exercises. Attempts will be made to contact the applicant and where no contact is received the application will be closed. As per 5.34, applicants can request reinstatement of the application.

## **SECTION 6: REVIEW PROCESS AND APPEALS**

### **6.1 General Information**

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

- How their application will be treated and whether they will be given any preference.
- Whether housing accommodation appropriate to their needs is likely to become available and how long they may have to wait for an allocation of such accommodation.

### **6.3 Information about decisions and reviews**

6.4 Applicants have specific rights to information about decisions and rights of review of decisions.

6.5 Reviews will be carried out by the Review Officer at Bradford Council or delegated to an appropriate organisation or officer who was not involved in the original decision.

6.6 Applicants can request a review of a decision made in relation to:

- Eligibility to join the Housing Register
- The priority banding awarded
- Reduction of priority band award
- A decision by any participating landlord not to make an offer to the applicant following a match/offer. The review of this decision will be carried out by the landlord.

6.7 Applicants have a statutory right under Housing Act 1996 Part 6, to request a review of the following three categories of decisions made in relation to an application:

- not awarded reasonable preference on the grounds of unacceptable behaviour
- any refusal to nominate an applicant
- that the applicant is not eligible for a nomination.

6.8 Applicants who are rejected for a match or offer at the point of suitability can follow a two stage process:

1. Applicants should contact the relevant Registered Provider to request an explanation, and if not satisfied, should follow that organisation's complaints process. The Council's partner Registered Providers will report all such requests and complaints to the Council.
2. If the applicant is not satisfied following the complaint process, they can request a review of the Registered Provider decision with the Council.

## SECTION 7: MONITORING AND REVIEW OF POLICY

- 7.1 The policy will be reviewed annually by the Council to ensure it is operationally fulfilling its aims and objectives.
- 7.2 A full strategic review will be undertaken five years from the date of initial implementation, unless major changes are required due to legislation or change in Council priorities.
- 7.3 In the interim any amendments that are required will be subject to approval by the Council's Strategic Director of Place in liaison with the relevant Housing Portfolio holder.

### 7.4 Access points

Applications to join the housing register can be made at the following access points:

**The Council's Housing Option Team** - Britannia House, Hall Ings, Bradford, BD1 1HX or by Tel 01274 435999

**The Council's Housing Options Team** - Bow Street, Keighley, BD21 3PA or by Tel 01274 435999

#### **For Incommunities transfer tenants**

**Incommunities** - The Quays, Victoria Street, Shipley, BD17 7BN. Tel 01274 254000 / 0845 120 8171

## Appendix 1 – Glossary of terms

### Definitions

The following words and phrases are used within the policy and carry the following meanings

- **Anonymised data-** this is information (data) which an applicant has given to the Council or its partners when making an application for housing. However the information has had all personal information removed from it such as your name and address, date of birth and telephone number. The data is then used for statistical purposes but the use does not breach a person rights under the data Protection Acts.
- **The Applicant** – a person applying for housing accommodation.
- **Assured Tenancy-** A tenancy granted usually by social landlords which gives continued rights of occupation of a residential property and following within the meaning of section 1 Housing Act 1988. The tenant has continued rights of occupation and will not be asked to leave the property unless there is another suitable property provided, improvement works are required, The tenants will be asked to leave the property subject if the condition of tenancy are not followed e.g. the payment of rent on time, taking proper care of the property and not causing nuisance or annoyance to neighbours through the tenants own actions or those of visitors (see schedule 2 of the Housing Act 1988). In general, applicants will be offered assured tenancies; in some circumstances a Registered Provider may offer other types of tenancies.
- **Assured Shorthold Tenancy** – is a type of assured tenancy and the conditions of an assured shorthold tenancy are generally similar to an assured tenancy. i.e. The tenants will be asked to leave the property subject if the condition of tenancy are not followed e.g. the payment of rent on time, taking proper care of the property and not causing nuisance or annoyance to neighbours through the tenants own actions or those of visitors (see schedule 2 of the Housing Act 1988). The principal difference between the two is an assured shorthold tenancy only provides limited security of tenure to the tenant.
- **The Council-** is the local authority for the Metropolitan District of Bradford which came into being on the 1<sup>st</sup> April 1974 under the Local Government Act 1972. The Councils district covers the areas of Bradford, Keighley Shipley and Ilkley and has various statutory functions and duties including those under the Housing Act 1996.
- **The Council's partners-** Those Registered Providers (mentioned in this policy appendix 2) and other landlord partners.
- **The Housing Register** - the information technology system used by the Council to allocate properties in Bradford. The Council's Housing Register prioritises applicants based on an assessment of their housing needs and stated preferences and is used to match applicants to properties.
- **Introductory Tenancy** – These tenancies will be for twelve months only as an introductory or probationary tenancy. The tenant will be allowed to stay for the whole of the 12 months given compliance with the terms and conditions of tenancy and will become an assured tenant after 12 months. The landlord has the option to extend the tenancy to 18 months. If the tenancy is extended to 18 months it becomes an assured tenancy at that time if the tenant has complied with all terms and conditions of tenancy.
- **A Local Housing Authority-** is the Council for the area which has responsibility to provide social housing accommodation and address homelessness within its district under the Housing Act 1996 which is the Council for the purpose of this policy.

- **Offer of tenancy-** this is an offer made by the Council or its partners to an applicant which if accepted by signing a lease with conditions will lead to the grant of a suitable residential property by way of an assured tenancy or short hold tenancy or an introductory tenancy.
- **The Policy-** the information in this document which sets out the manner and details of how the Council and its partners will allocate social housing accommodation within the Bradford District as required under the Housing Act 1996 (as amended) and including the system i.e. the process through which a void property is matched/allocated to applicant on the housing register.
- **Private Rented/Sector**–Private landlords who work with the Council's Private Sector Lettings service to find appropriate tenants for their properties.
- **Registered Provider** – has the meaning derived under section 112 of the Housing and Regeneration Act 2008 (the 2008 Act) (Chapter 3), through which providers of Social Housing in England can become Registered Providers with the Homes and Community Agency.
- **Verification at offer of nomination/tenancy**–The Council or its partners will undertake checks on the applicant's history in a former tenancy (where applicable). These are set out in Section 5 Part 2 – suitability.

## **Appendix 2 – List of Registered Providers in Bradford District**

Registered Providers with whom the Council has nomination agreements are listed below:

- Abbeyfield Bradford Society Ltd
- Anchor Trust
- Accent Group Ltd
- Affinity Sutton
- Equity Housing Association
- Habinteg Housing Association
- Hanover Housing
- Home Group
- Housing 21
- Incommunities Group Ltd
- Stonewater Housing Association
- Jonny Johnson Housing Association
- Manningham Housing Association
- Muir Housing Association
- Places for People
- Sanctuary Housing
- The Riverside Group Ltd
- Yorkshire Housing
- Your Housing Group