



Nottingham
City Council

Housing Allocations Policy

Plus the operation of the Choice Based Lettings scheme for Nottingham City

Managed by



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1 Introduction

1.1 Document contents

This document contains the Nottingham City Council's (NCC) Housing Allocations Policy and details of the Nottingham HomeLink Choice Based Lettings (CBL) scheme run in partnership with Registered Social Landlords (RSL) with properties within the city.

Allocations Policy

Nottingham City Council's (NCC) allocations policy is operated on its behalf by its ALMO (Arm's Length Management Organisation), Nottingham City Homes (NCH).

The Allocations Policy aims to address housing need whilst contributing to the development of balanced and sustainable communities.

The Council is required to make the most effective use of all housing tenures to balance the prevailing housing market, to include social housing stock in the city.

This document describes the policy in details – including who is eligible to apply for housing and how priority is given to different applicants.

As there are not enough social housing properties in Nottingham to meet the demand, it is necessary to prioritise applicants so that properties that become available are offered fairly. The policy has been framed to address this aim.

It also offers support to prevent homelessness, and assist people in urgent housing need to access a home that will meet their requirements.

Nottingham HomeLink Choice Based Lettings Scheme

Applications for and allocations to social housing stock are administered through the Nottingham CBL scheme, called 'HomeLink', which is operated by NCH on behalf of the NCC and local RSLs (Housing Associations), under a Partnership Agreement.

The choice based lettings scheme is there to provide choice for applicants and increase the supply of available housing.

When customers approach the Local Authority for assistance with housing, the first priority will always be to discuss all available housing options and pursue the best solution according to the customer's circumstances.

1.2 Key Aims & Objectives

The key objectives of the Allocations Policy & Choice Based Lettings scheme are:

- to ensure the allocation of social housing is open, fair and accountable to applicants.
- to help create safe, mixed and balanced communities that contribute to sustainable regeneration
- to encourage genuine customer choice and empowerment
- to widen the housing options for residents of the city
- to give new tenants a feeling of ownership of their property
- to make more efficient use of the available housing stock
- to reduce the time properties are void between lettings
- to help tackle low demand for some types of properties
- to reduce the number of refusals on 'hard to let' properties
- to ensure the policy has flexibility to address specific local issues
- to create a customer-led choice based lettings system
- to increase understanding and satisfaction in the lettings system
- to create a single point of access to all social housing in the City
- to bring together a larger pool of available housing, giving applicants more choice and helping to ease localised problems of high demand
- to enable greater mobility within Nottingham City
- to ensure the scheme meets government objectives and requirements
- to meet the legal requirements for the allocation of social housing as set out in Part VI of the Housing Act (1996) as amended by the Homelessness Act (2002)

1.3 Legal Requirements

The Housing Act 1996 Part VI states that all Local Authorities must have and publish an Allocations Policy, and ensure that properties are offered according to that policy.

This policy also adheres to the requirements of the Homelessness Act 2002 and subsequent statutory instruments and regulations.

1.4 Equalities

Nottingham City Council and its partners are committed to the promotion of equality of opportunity and anti-discriminatory practices in the provision of services to ensure that housing applicants are treated fairly.

Applicants who are eligible to join the Housing Register will not be discriminated against on the grounds of race, colour, ethnic or national origin, disability, religion, age, gender, sexual orientation or marital status.

1.5 Confidentiality

The Data Protection Act 1998 and Section 166 of the 1996 Housing Act will be observed at all times.

Details relating to each housing applicant, including the fact that they are registered, will be kept confidential.

However applicants will be asked on the HomeLink application form to give their permission for NCC to share, where necessary, the information provided, with members of the HomeLink partnership and other relevant agencies including non partner RSLs.

Information will only be shared if permission is given by the applicant.

Applicants are entitled to see their application file if they so wish. If the file contains information from third parties, for example letters from doctors and other agencies, each third party must be contacted for their consent before these documents are made available.

1.6 Review and Appeals Procedures

If it is decided that any applicants are ineligible to join the Housing Register there is a requirement to give the applicants written notification of that decision, together with information about the right to make an appeal.

A review and appeals procedure is in place, and is fully explained in Section 9 [Review and Appeal Procedures](#).

1.7 Annual Reviews

The Housing Register is reviewed on an annual basis.

Applicants who have not achieved an offer of accommodation through HomeLink within the previous twelve months will be contacted to review their application.

2 The CBL scheme in Brief

2.1 Nottingham HomeLink CBL Scheme Introduction

Nottingham City Council offers available properties through a 'choice based lettings' scheme called 'Nottingham HomeLink', which aims to give customers more choice in where they live. It also gives more transparency to the allocation process as feedback is given on how each property is let.

More information is available from the website www.nottinghamHomeLink.org.uk or in the leaflet 'Guide to Nottingham HomeLink' which can be obtained from any area housing office, NCH Housing Services Centre, and from the offices of the RSLs who are partners to the scheme.

The two main aspects of the scheme are:

1. the processing of applicants for the Housing Register
2. the advertising & allocation of vacant properties to suitable applicants

2.2 Processing Applications – The Housing Register

Anyone can make an application for housing, and most people are eligible to go onto the Housing Register (waiting list) although there are some exceptions which are set out in Section 3.3 [People not eligible to join the Housing Register](#).

After an application has been received, checks are carried out to determine if the applicant is eligible to go on the Housing Register. If they are not eligible they will be informed of the reason why and they may appeal this decision if they wish.

Once a customer has been accepted as eligible, their application will be assessed and they will be placed into one of five 'Bands' on the Housing Register. The Band will reflect their current housing circumstances and their requirements. A full list of the criteria for each band is given in Section 6 [The Housing Register Banding Scheme](#).

If a customer feels that they have been placed in the wrong band, they can appeal against the decision, details are in Section 9.3 [Appeal against the Band awarded](#).

2.3 Applying for Available Properties – The HomeLink System

When an applicant is placed within a Band on the Housing Register they can then 'bid' on available properties. They are able to choose where they would prefer to live. However, their choice of area/s will determine how quickly they may be offered a home. If they choose to live in an area where there are small numbers of properties available each year then it may take some years before they are offered a home within that area.

Every week all properties that are available for letting are advertised together with the criteria of applicants eligible to bid for it. Applicants can then 'bid' for up to 3 properties each week.

At the end of the bidding period – any bids received are considered and the application with the highest priority (unless otherwise stated in the advert) and the earliest band start date will be made an offer for the property.

If the applicant refuses, the property will be offered to the next highest applicant until it is let.

3 The Housing Register

3.1 Overview

Anyone seeking advice and help with housing can make an application to join the Housing Register, but only some people are eligible for social housing and accepted onto the register and so are able to use the HomeLink CBL scheme.

Everyone seeking help with housing will be offered advice about their housing options regardless of whether they are eligible to join the Housing Register or not.

Certain people are not eligible to be allocated social housing accommodation, either due to legal restrictions or because of their circumstances / history they are not considered to be suitable to be given a tenancy.

3.2 People eligible to join the Housing Register

3.2.1 People living in the 'Common Travel Area' aged 16 & over

Provided the applicant does not belong to one of the specific groups of exceptions (details in the next section), any person aged 16 or over, currently resident and living within the British / British Islands / Irish, 'Common Travel Area', can join the Housing Register.

The Common Travel Area includes:

- the United Kingdom of Great Britain & Northern Ireland
- the Channel Islands
- the Isle of Man
- the Republic of Ireland

Therefore the main groups of people eligible to apply include:

- British & Irish Citizens
- Commonwealth citizens permitted to stay in the UK
- Other European Union citizens who are employed or students
(*except for those from the 'A8' & 'A2' groups of countries – see next section*)
- Citizens from the designated European Union 'A8' & 'A2' countries, working in the UK under the 'Workers Registration Scheme'

3.2.2 Resettled British nationals – former Zimbabwean residents

Any vulnerable British national, formerly resident in Zimbabwe, who is part of the UK Government's 'Zimbabwe Planned Resettlement Programme', who left Zimbabwe and arriving in the UK between 28th February 2009 – 17th March 2011.

Other British nationals who are not part of the Planned Resettlement Programme who arrive from Zimbabwe by other means will still be subject to the normal requirement that they are habitually resident in the Common Travel Area.

3.2.3 Refugees

Refugees who have been granted leave to remain within the UK.

3.3 People not eligible to join the Housing Register

3.3.1 People under 16 years old

Any applicant aged less than 16 at the time of application.

3.3.2 People living outside the Common Travel Area

People applying to live in the area who do not currently live within the Common Travel Area, are not usually eligible for an allocation of social housing the UK.

3.3.3 People who are not 'habitually resident' in the United Kingdom

Anyone, including British nationals, who have lived outside the Common Travel Area **within the last two years**, has to be assessed to determine whether they meet the 'habitual residence' criteria. The exception to this requirement is if:

- they are classed as a worker
- they are a refugee
- they arrived in the UK from Zimbabwe under the UK resettlement programme between 28th February 2009 – 17th March 2011

If an applicant fails the 'habitual residence test', they are ineligible for re-housing.

3.3.4 Persons subject to Immigration Control

People subject to immigration control as described by the Asylum and Immigration Act 1996 are not eligible for an allocation of social housing. The following are categories of people who are **NOT** subject to immigration control:

- British citizens
- Commonwealth citizens who have the right of abode in the United Kingdom
- Citizens of the European Economic Area (EEA), which includes all European Union (EU) countries

Therefore, any person who is not in one of these categories **IS** subject to immigration control and so **NOT** eligible for an allocation of social housing.

3.3.5 Job Seekers from the EEA

European Union citizens who are **NOT** employed or students are not usually eligible for social housing*.

* The regulations are very complex and each case will be assessed individually.

3.3.6 People from the EEA 'A8' & 'A2' countries who are not workers

Although not necessarily subject to immigration control, some EU nationals, from the 'A8' & 'A2' countries, are not eligible for an allocation of social housing unless they are working as part of the Workers Registration Scheme.

The '**A8**' countries are: Estonia; Latvia; Lithuania; Hungary, Poland; Slovenia; Slovakia; and the Czech Republic

The '**A2**' countries are: Bulgaria and Romania

Citizens from the other remaining EU countries can apply for social housing irrespective of their employment status.

3.3.7 Recognised Perpetrators of Anti Social Behaviour

People whose behaviour makes them unsuitable to be a tenant and who therefore appear on the 'Nottingham City Suspension List' are not eligible to go on the Housing Register. The policy on exclusion is defined in [Appendix 1: Suspension from Housing Register](#).

3.4 Types of Applications Accepted

Applications can be made in the name of one person or several people. The application should include details of all people wishing to be housed together.

3.4.1 Single Applicants

Single applicants can include single people living on their own, single parents with dependant children living with them, or people wanting to apply for a tenancy themselves who may have other people included in their household on their application. If a single applicant is offered and accepts a tenancy, the tenancy will be granted only in their name.

3.4.2 Joint Applicants

Joint applications can be accepted for up to 4 people maximum. Joint applications should be from adults who have a long term commitment to live together. All joint applicants must agree that they are applying together.

Types of joint applications that can be considered are:

- people who want to share a home as partners (including same sex partners)
- relatives wishing to live together where there is a long term commitment to a shared home
- friends wishing to live together where there is a long term commitment to a shared home
- one of the parties is a carer for another

If joint applicants are offered and accept a tenancy, they will, in turn, become Joint Tenants to the tenancy and are jointly responsible for complying with the conditions of the tenancy.

Applicants no longer wishing to apply jointly

If one/both/all applicants in a joint application no longer wish to apply jointly and want to be considered on their own, separate applications can be made from the original joint application. When a request to split the joint application is received, each party's circumstances will be re-assessed separately and an appropriate band awarded.

Separate Applicant with same or lower band – Registration / Band Date

If the separate applicant is awarded the same or a lower band as was awarded to the joint application, they will retain the same registration / band dates as in the original application.

Separate Applicant with higher band – Registration / Band Date

If the separate applicant's circumstances have altered so much that they are awarded a higher band, the registration date will remain the same but their new band start date will commence on the date they are placed in the higher band.

4 Applicant Requirements

This section defines the requirements applicants will be expected to fulfil.

4.1 Local Connection

Applicants who wish to be considered for a property managed by Nottingham City Homes have to show that they have a local connection with the City of Nottingham before they can be offered a property.

Applicants applying for a property with one of the RSLs in the scheme will not need to demonstrate a local connection to Nottingham before they are offered a property.

4.1.1 Definition of 'Local Connection'

For the purpose of being allocated an NCH property, the qualification for 'local connection' is the applicant must prove they have:

- been resident in Nottingham for 6 out of the last 12 months
- been working within Nottingham for 6 out of the last 12 months
- an immediate family member (parent / child / sibling), with whom they are in close contact, living in Nottingham who meets local connection criteria

Local connection cannot be gained through residence which is not of the applicant's choice, such as prison or a probation hostel.

Applicants qualifying under either the employment or family criteria will be expected to provide two references. The purpose of requesting these references is to obtain sufficient information about a person who does not currently reside within the City in order to make a judgement about their suitability to be a tenant, and to identify any support needs.

4.1.2 Working in Nottingham

If the person qualifies under the employment criteria, one of the references must be from the current employer confirming the length of employment. The second reference should be from the applicant's current or previous landlord, and if this is not possible, from a professional person who has known the person for at least 12 months.

4.1.3 Family connection

Where local connection is fulfilled by the family criteria, a reference will be required from the applicant's current or previous landlord (if not currently a tenant), and one from a professional person who has known the person for at least 12 months.

4.1.4 Exceptional Circumstances – applicants accepted without a local connection

There are some exceptional circumstances when an applicant will be accepted onto the Housing Register who does not have to meet one of the local connection criteria before allocation.

The exceptional circumstances are:

- applicants who have been accepted under the homeless legislation by NCC
- applicants who have been accepted for priority re-housing as a reciprocal arrangement with another local authority or RSL

- refugees who have been granted leave to remain within the last six months
- Nottingham City care leavers who have been placed outside Nottingham
- applicants who have been accepted from outside Nottingham as part of a Witness Protection recommendation
- applicants from outside Nottingham who are victims of domestic violence who cannot return to their place of origin for fear of violence
- people who had a local connection with Nottingham at the time they were placed in temporary accommodation (during the previous twelve months) outside the City boundary by a recognised referral agency

4.2 Family Households

Applicants will be regarded as having a 'family' where at least one dependant child is living permanently within the household. This includes natural children of the applicant(s), plus adopted and foster children.

In this policy 'dependent' children are defined as children aged up to 18, who must be living with the applicant as their main home.

Children aged over 18 but still living at home are regarded as adult members of the household.

Where the applicant has access to their children, but whose main home is with the other parent or another carer, they will not be counted as permanent members of the household. However their access arrangements will be taken into account when assessing their housing need.

4.3 Pregnant applicants

Applicants who are pregnant will be accepted as a 'family', requiring appropriate sized accommodation, as soon as their pregnancy has been confirmed.

However, applicants who are pregnant will have their application circumstances re-assessed immediately prior to an offer being made, to ensure that they are still eligible for family-type accommodation.

4.4 Age Qualification for 16 & 17 year olds

Although people aged 16 years or over can register on the list, they will usually only be considered for housing after they have reached 18, any tenancy granted to a person under the age of 18, has to be 'held in trust' for them by a responsible adult who is required to act in their best interests*.

The exceptions to this are:

- homeless young people to whom a duty is owed (Part VII, Housing Act '96)
- NCC care leavers with a firm recommendation from Children's Services
- any other firm recommendation from Adult or Children's Services
- teenage parents, referred by Housing Aid, who have a full assessment and support plan in place, who are also at risk of losing their accommodation

* The responsible adult is someone appointed to act on their behalf.

4.5 Applicants with rent arrears owed to NCC and/or RSLs

Applicants with rent arrears will not generally be offered accommodation until the arrears have been cleared.

However, every case is given individual consideration, taking into account how and why the arrears were accrued, the appropriateness of the applicants current living circumstances and support needs/ arrangements, and in certain **exceptional / urgent** circumstances, some applicants (in Bands One and Two, and hostel residents in Band Three), with rent arrears, may be offered a property.

In all circumstances, it will be expected that a realistic, agreed arrears repayment plan is in place prior to an offer being made.

4.6 Members of HM Forces

Serving members of HM Forces will initially be placed in Band Five and will not be considered until they are within six weeks of discharge or after they have been discharged, when their correct Band will be assessed.

For the purposes of local connection, the applicant's address immediately prior to enlisting will be taken into account, i.e. they must have been resident in the City for 6 out of the 12 months immediately prior to joining the Service.

4.7 Prisoners

Prisoners will not be actively considered and will be placed in Band Five until after they have been released from prison when their correct Band will be assessed.

For the purposes of local connection, the prisoner's address immediately prior to imprisonment will be taken into account, i.e. they must have been resident in the City for 6 out of the 12 months immediately prior to imprisonment.

4.8 Tenants of other Local Authorities & non partner RSLs

Applications from social housing tenants, who have a specific urgent need to be re-housed in Nottingham, may be accepted onto the Housing Register as a result of a 'reciprocal' request from another social landlord who is not one of the HomeLink Partners.

The applicant will have been already accepted as a high priority case for re-housing according to the Registered Social Landlord / Local Authority's own allocation criteria. Cases will only be accepted if the RSL / LA demonstrably cannot re-house the applicant within its own stock.

5 Property Occupancy Criteria / Restrictions

5.1 Occupancy Levels for different Property Types

This section sets out the restrictions which might be placed on the allocation of different types / sizes properties to groups of applicant. The following rules apply:

5.1.1 2+ bed Houses

Houses with 2 or more bedrooms will usually only be let to applicants with dependent children under the age of 18. Exceptions include applicants from Band Two with special circumstances such as people relinquishing desirable properties or currently under occupying larger properties, depending on individual circumstances.

5.1.2 Parlour Houses – Houses with 2 Living (Dining) Rooms

Applicants will be considered in this order:

1. families with medical / occupational therapy recommendation who also fulfil the occupancy criteria
2. large families who fulfil occupancy criteria
3. families with at least one child with medical / occupational therapy recommendation who may not fulfil the occupancy table

5.1.3 1 bed flats / maisonettes

Only let to applicants without dependent children. For ground floor flats, first consideration will be applicants who specifically need ground floor accommodation, usually people with medical/disability priority and older people.

5.1.4 2+ bed ground floor flats / maisonettes with a private garden

Usually let to families with dependent children up to the age of 18. These can also be let to applicants without children in special circumstances.

5.1.5 2+ bed flats / maisonettes without a garden

Usually let to households with either adult sharers, children aged 18 and over, or with access to children and people relinquishing larger accommodation.

5.1.6 Bungalows

Applicants will be considered in this order:

1. those with medical priority or OT / Health recommendation (physical)
2. elderly applicants (over the age of 60)
3. applicants over the age of 40

5.1.7 Adapted properties

Only let to people with medical priority or OT / Health recommendation (physical).

5.1.8 Sheltered Accommodation

First consideration – applicants aged 60 and over. For couples, both people must be over 60. Applicants aged 55-59 * who are in receipt of a Disability Living Allowance, will also be considered if no-one over 60 bids for the accommodation.

* Age limits for different RSL properties may vary – specific details will be available in adverts.

5.2 Occupancy Levels Property Types table

This table shows the minimum & maximum number of occupants normally allowed for each property type and size.

Household type		Single person	Single person access single child	Single person access 1+ children	Couple	2 adult sharers (not couple)	Pregnant woman (single / couple)	1 Child Family	2 Child Family	3 Child Family	4 Child Family	5 Child Family
Property type		0	1	1	1	2	2	2	2	3	3	4 (3P)
		Min bed size	1	1	1	2	2	2	2	3	3	4 (3P)
		Max bed size	2 sc*	2	2	2 sc*	2	3	3	4	5	5+
0 bed	Bedsit / Studio	✓										
1 bed	Flat	✓	✓	✓	✓							
	Maisonette	✓	✓	✓	✓							
	Bungalow (& Chalet)	✓	✓	✓	✓							
	House	✓	✓	✓	✓							
2 bed	Garden Flat / Maisonette	sc*			sc*		✓	✓	✓			
	Other Flat / Maisonette	sc*	✓	✓	sc*	✓						
	Bungalow	sc*			sc*	sc*	sc*	sc*	sc*			
	House	sc*			sc*	✓	✓	✓	✓			
3 bed	Flat							sc*	✓			
	Maisonette							sc*	✓	✓	✓	
	Bungalow							sc*	sc*	sc*	sc*	
	House							sc*	✓	✓	✓	
	Parlor House (3P)							sc*	sc*	✓	✓	sc*
4 bed	House								✓	✓	✓	
5 bed	House									✓	✓	
Sheltered	1 bed	Age 60+			Age 60+	Age 60+						
	2 bed	Age 60+			Age 60+	Age 60+						
Victoria Centre		VC✘		VC✘		VC✘						

sc* only considered for this type where there are agreed Special Circumstances e.g. previously under occupying or relinquished desirable property, or specific medical/disability requirement type and size of accommodation

VC✘ Local Letting plan, let in date order to people either working, retired, in receipt of disability benefits with no children

5.3 Local Lettings Plans

In the interest of sustainable, manageable communities, 'Local Lettings Plans' are applied in certain areas of the City which have particular problems of crime and antisocial behaviour.

This will usually mean that certain restrictions are placed on the letting of properties within the area.

Each HomeLink partner is responsible for agreeing their own Local Lettings Plans. However, wherever possible, this will be done in consultation with all HomeLink partners.

Local Lettings Plans are reviewed regularly and every attempt is made to keep the use of local lettings plans to an absolute minimum.

A Local Lettings Plan will only be established when there is sufficient evidence to warrant it. The reason for it will be recorded, including a clear definition of the particular problem to be addressed, timescale and how the outcome will be measured.

Because local lettings areas are subject to frequent review and change they are not listed in this document. However a copy of the current Local Lettings Plans in place throughout the City can be obtained at any Area Housing Office, viewed on the website or through Nottingham HomeLink.

5.4 Sensitive allocations made outside the HomeLink system

Eventually the aim is all social housing properties let in the city will be made via the HomeLink system so the system is complete and transparent.

However there will be occasions when certain properties are not advertised through HomeLink. These will usually be properties that have been identified for applicants with very specific needs or where it is in the public interest for them to be allocated via a management or manual offer.

Each HomeLink Partner has their own procedures for identifying & recording properties that are subject to sensitive allocations.

Where a property is subject to a sensitive allocation but the partner organisation wishes the property to be advertised through HomeLink, the bid criteria will be clearly defined in the HomeLink advertisement.

All sensitive allocations will be recorded and scrutinised on a monthly basis.

5.5 Special schemes

5.5.1 Victoria Centre

Accommodation in the Victoria Centre is let through a special Local Lettings Plan.

This accommodation is leased to the City Council by the Victoria Centre's owners and properties can only be let to people who wish to live in the city centre who are in employment or with other financial resources to sustain a tenancy.

Applicants must either be employed, receive disability benefits or state retirement pension.

Accommodation will not be allocated to applicants with dependant children.

People can apply to be considered for just the Victoria centre and no other properties or they can be an applicant to both the normal Housing Register plus the Victoria Centre.

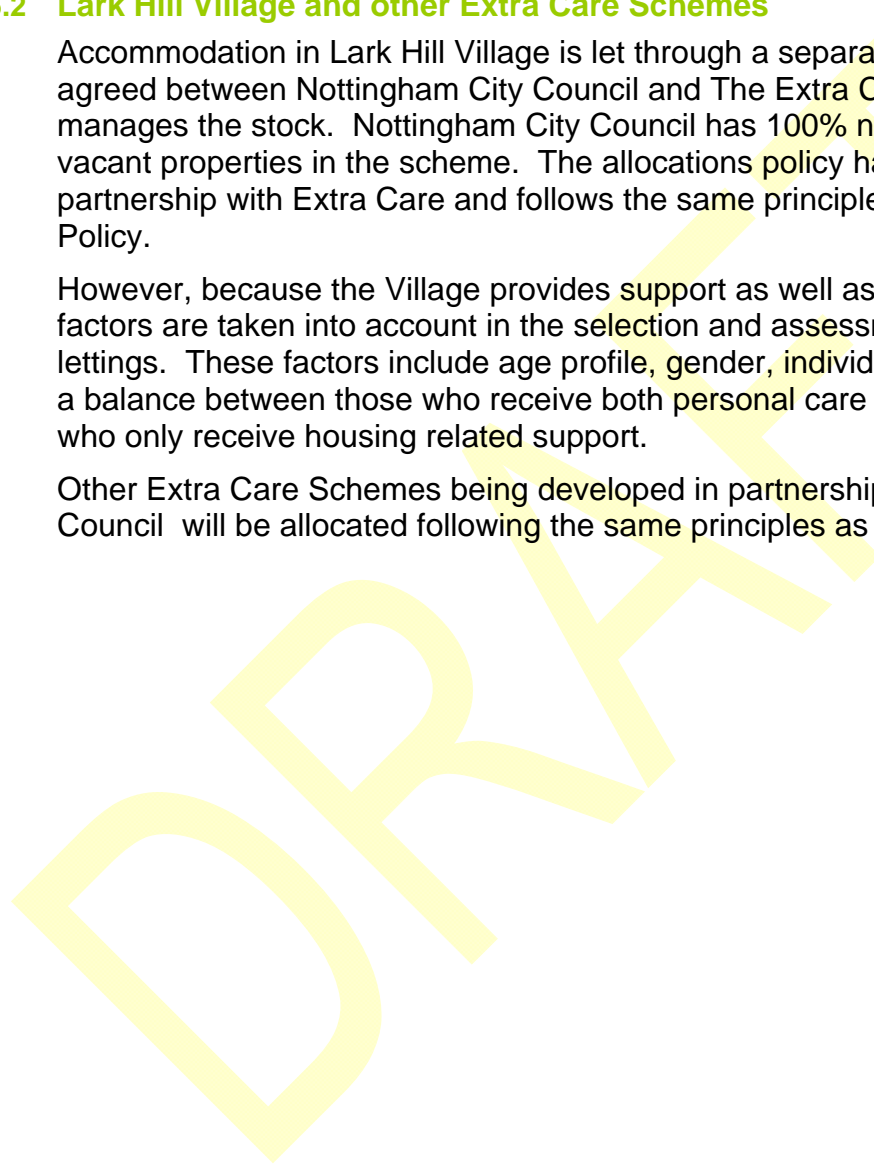
Properties within the Victoria Centre are advertised in the same way as other vacancies, but offers are made to suitable applicants based on date order (earliest first) as there is no Banding system for this scheme. Applicants must fulfil the local connection criteria in order to be offered a tenancy.

5.5.2 Lark Hill Village and other Extra Care Schemes

Accommodation in Lark Hill Village is let through a separate joint allocations policy agreed between Nottingham City Council and The Extra Care Charitable Trust who manages the stock. Nottingham City Council has 100% nomination rights to all vacant properties in the scheme. The allocations policy has been designed in partnership with Extra Care and follows the same principles as the NCC Allocations Policy.

However, because the Village provides support as well as housing, some additional factors are taken into account in the selection and assessment criteria for new lettings. These factors include age profile, gender, individual ability and maintaining a balance between those who receive both personal care and support and those who only receive housing related support.

Other Extra Care Schemes being developed in partnership with Nottingham City Council will be allocated following the same principles as Lark Hill Village.



6 The Housing Register Banding Scheme

6.1 Overview of the Banding Scheme

The mechanism for administering the allocations policy is a 'banding' scheme which has been devised to assess eligible applicants, determine their level of priority (Band) and the order of applicants within the different bands.

Local authorities are required by law to give 'reasonable preference' to applicants displaying certain housing need and these are incorporated within Bands One & Two of the scheme.

By assessing their individual housing circumstances all applicants are placed within one of five bands depending on their current circumstances – Band One holds the highest priority cases and Band Five the lowest.

The 5 Bands for the NCC Housing Register are:

- BAND ONE: **Homeless**
- BAND TWO: **Urgent Needs**
- BAND THREE: **Moderate Needs**
- BAND FOUR: **Low Needs**
- BAND FIVE: **No Current Needs**

6.2 Summary of the Banding Scheme

This table shows the 5 bands with the categories of need included in each band – the detailed explanation of each category is in the next section.

BAND ONE: Homeless	BAND TWO: Urgent Needs	BAND THREE: Moderate Needs	Band Four: Low Needs	Band Five: No Current Needs
<p>Statutory Homeless</p> <p>Very urgent Homeless Management Moves: People under threat in immediate risk of very serious harm / death</p>	<p>Other Homeless</p> <p>Severe racial harassment, domestic violence or other threats of violence</p> <p>Move needed due to disability / illness</p> <p>Discharge from hospital – own home can't be adapted to requirements</p> <p>Urgent recommendation from Adult or Children's Services</p> <p>Rough Sleepers</p> <p>Permanent decants for major repairs / redevelopment</p> <p>Housing Health & Safety Rating System – Category One hazard cases</p> <p>Young people leaving care</p> <p>Statutory / child gender (sexual) overcrowding</p> <p>Vulnerable supported teenage parents</p> <p>Families in 1 bed with more than one child</p> <p>Recommendation from Family Intervention Project</p> <p>Successions with no rights to property or no right to tenancy</p> <p>Social Housing tenants leaving tied accommodation</p> <p>Releasing high demand properties:</p> <ul style="list-style-type: none"> • under occupation & releasing houses / bungalows • giving up adapted properties <p><i>N.B. Multiple categories = extra waiting time</i></p>	<p>Housing Management Reason:</p> <ul style="list-style-type: none"> • non violent relationship breakdown • serious and irreconcilable neighbour disputes • previous tenants returning from prison • tenants with mental health issues <p>Moving on from Supported Housing</p> <p>Recommendation from Adult or Children's Services</p> <p>Private tenants whose tenancy ending, with NOSP(not breach of tenancy)</p> <p>Bedroom deficiency: lacking at least 1 bedroom</p> <p>Families in flats / maisonettes without garden</p> <p>Lodgers with dependant children</p> <p>Special Circumstances:</p> <ul style="list-style-type: none"> • close to special education / school • close to special employment / training • foster parents requiring larger property 	<p>Transferring tenants not in bands 1-3</p> <p>Private Tenants wanting social housing (no NTQ or NOSP)</p> <p>Lodgers without dependant children living them</p> <p>Vulnerable homeowners – at risk of losing home or poor accommodation</p>	<p>Other Homeowners wanting to move (with no other reason)</p> <p>Holding until circumstances change:</p> <ul style="list-style-type: none"> • people aged under 18 without exceptional circumstances • supported housing residents – still undergoing resettlement • living in HM Forces accommodation • prison inmates prior to release • social housing tenants living in tied accommodation, still employed

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6.3 Details of Banding Scheme Categories

These are the definitions for the groups within the bands and qualifying criteria.

6.3.1 BAND ONE: Homeless

Band One is specifically for homeless households.

Statutory Homeless households

Applicants accepted as homeless in priority need as defined by Part VII Housing Act 1996, either with a local connection; or who, by reason of personal safety, cannot be referred to another local authority.

Very Urgent homeless HomeLink Partner 'Management Moves'

The local authority has adopted a victim-centred non-judgemental approach and will respond sympathetically to applications from all persons in fear of violence. The band allocated (either One or Two) will be determined by the severity & urgency of the threats.

These applicants are already living in accommodation provided by one of the HomeLink partners, who have an **IMMEDIATE** need to move because they are experiencing serious racial harassment, domestic violence or other threats of violence, and there is an immediate risk of very serious harm / death to a member of the household, if they were to stay in their current accommodation.

Applicants of this type may be eligible for temporary shelter under Housing Act 1996, Part VII.

6.3.2 BAND TWO: Urgent need

Band Two is for other urgent cases and has the largest number of categories.

Other homeless households

The remaining types of homeless case are included in this Band.

These are:

- **Intentionally Homeless** – applicants who have been assessed by the local authority as homeless and in priority need, but have been found to be 'intentionally homeless' as defined by the Housing Act 1996, Sec 190 (2). Some applicants may have been provided with temporary accommodation while being assessed / or for a reasonable period.
- **Pending Homelessness** – applicants in priority need who are not currently homeless but are threatened with homelessness within 28 days
- **Homeless but not in priority need** – applicants who are homeless but the household members don't belong to one of the categories of priority need

Severe racial harassment, domestic violence or threats of violence

Other applicants, who are experiencing serious harassment, domestic violence or other threats of violence, where there is a serious risk of harm to a member of the household, if they were to stay in their current accommodation.

This category includes applicants who have been accepted under fast tracking and partnership arrangements which operate for Victims and Witnesses of serious crime (a partnership arrangement with police).

It also includes people living temporarily in a women's aid refuge.

People needing to move on the grounds of disability or ill health

Medical/disability priority is awarded to people who are chronically sick or severely disabled and whose ability to function independently in their home and / or the ability to manage the access to it is severely limited.

Decisions on awarding priority on medical/disability grounds are made by Nottingham City Homes.

Recommendations may be received from the HomeLink partners, Adult or Children's Services, the Occupational Therapy Section within Adult or Children's Services or from Nottingham Healthcare Trust.

People in hospital ready for discharge

People who are in hospital or another institutional care facility where they cannot return to their present accommodation, as it is considered no longer suitable / cannot be adapted.

There must be a specific recommendation, with supporting evidence, from the hospital / institution and a detailed care / support package must be in place before the applicant is placed in this band.

This category will also include people leaving hospital or another institutional care facility who:

- have been in hospital or other care facility for 3 months or more
- gave up a tenancy before going into hospital as their property was no longer suitable
- will face homelessness if discharged

Adult or Children's Services recommended urgent move

Households, who are recommended for an urgent move by either NCC's Adult or Children's Services departments who consider them to be at considerable / urgent risk in their present accommodation.

This category will also include accepted recommendations on the grounds of Mental Health from Adult or Children's Services or Nottingham Healthcare Trust.

Rough Sleepers who are in regular contact with support services

Applicants referred under the 'Rough Sleepers Initiative' by either Housing Aid or from the Street Outreach Team.

Applicants who qualify for this priority are people who...

1. have a significant history of sleeping rough on the streets within the past twelve months
2. have current and regular engagement with support services

3. have been the subject of a case conference by the multi-agency 'Rough Sleeping Task Group' and are considered appropriate candidates for housing
4. are accepting a future package of housing related support agreed by the multi-agency, Rough Sleeping Task Group

Band Two priority will only be awarded when the Task Group is confident that on the balance of factors and risks the applicant will be able to sustain his or her own tenancy with the appropriate agreed support package.

Permanent Decants for major repairs / redevelopment

These applicants are usually, but not always, living within a Regeneration Scheme led by NCC. Where re-housing into a social rented tenancy has been agreed, residents will be awarded this category within Band Two and placed on a local Regeneration List *.

Within regeneration schemes, homeowners and leaseholders who are required to move will be considered for allocation of a social rented tenancy when suitable alternative residential accommodation on reasonable terms is not otherwise available.

The criteria for the category start date on the regeneration list will be set from the approval date for the scheme; and then dated sequentially within regeneration phases.

Placement on the regeneration list will be determined by the start date of each phase, as previously decided by the Executive Board (NCC) or RSL at the Approval stage.

Additionally (in clearance cases) the criteria for determining priority between residents in instances of identical category start date, will be length of occupancy in the dwelling, earliest residents first.

* When a regeneration scheme is running, a range of properties will be advertised to applicants on the regeneration list, dependant on the demand identified by the decommissioning team. Conversely, where there are no regeneration schemes within the city, this list will close.

People whose current home has a 'Category One' healthy & safety hazard

Applicants living in a property which the Public Health section within NCC consider to be hazardous to their health and safety (as defined in the Housing Health and Safety Rating System (Part One, Housing Act 2004)), and who are recommended for an urgent move.

Judgements about the need for re-housing focus on the presence of a Category One hazard in the dwelling, although this alone may not warrant the re-housing of the occupant.

Before arriving at a decision about alternative accommodation, a number of factors will be considered such as the practicality, reasonableness and economic viability of remedying the hazard.

Young people leaving care

Applicants who are 'care leavers' will be placed in this category if they have been recommended for housing by Children's Services and are accepted under the care leavers' protocol. A copy of the protocol is in [Appendix 2: Care Leavers Protocol](#).

A 'care leaver' is defined as a young person between 16 and 21 who was in the care of Nottingham City Council at the time of their 16th birthday.

Care leavers do not have to be currently resident in local authority accommodation in order to fall within the scope of the protocol.

Households whose current home is statutorily overcrowded

Households whose current accommodation is 'Statutory overcrowded' taking into account the legal permitted number of occupants for the size of dwelling according to the Housing Act 1985.

Gender / Sexual overcrowding

Households suffering gender / sexual overcrowding – NCC defines a household as suffering from gender / sexual overcrowding when

- a child over the age of 10 has to share a bedroom with a child / adult of the opposite sex
- a child over the age of 10 has to share a bedroom with their parent / parents

A claim of overcrowding is usually only considered where it arises as the product of natural growth i.e. it occurs when a new child is adopted / fostered or children within the household (including long term foster and adopted children) reach 10 years old.

Overcrowding caused by people (of any age) coming (back) to live in the property would not usually be awarded this priority unless there is proof that the person causing the overcrowding had no other option but to move into the property.

In this circumstance the application will only be placed in Band Two once the situation had either existed for 6 months or 6 months after the receipt of application, whichever was the latest.

If the applicant's current property has 2 reception rooms, providing there are no safety reasons why it cannot be used as a bedroom (such as the presence of a fire with back boiler in the room), then one reception room will be counted as a bedroom when assessing if there is overcrowding.

Teenage Parents who are at risk of losing their accommodation

Teenage (16-19 year old) parents and pregnant 16-19 year olds who are at risk of losing their current accommodation.

These applicants will be referred to their local housing aid service for an assessment of housing and support needs.

These cases will be awarded Band Two if the assessment confirms that the applicant is at risk of losing their accommodation but have a support plan in place and are capable of sustaining a tenancy.

Families with more than 1 child living in 1 bed accommodation

This category includes tenants (who are not lodgers) whose households include at least two or more dependant children aged up to 18. The tenancy can be either in social housing or be to a private rented property.

This priority will usually only considered where it arises as the product of natural growth i.e. it occurs when a new child is born, adopted / fostered, or residency is altered for a child to live with family on a full time basis.

If this situation has occurred through family moving into accommodation which is inadequate in terms of size for their family, the priority will not usually be awarded, unless there is proof that there was no other option for the family. In this circumstance the application will only be placed in Band Two once the situation had either existed for 6 months or 6 months after the receipt of application, whichever was the latest.

Proof will be needed of the tenancy, property size and family composition.

Referrals from the 'Family Intervention Project'

In Nottingham, the Family Intervention Project works with families who are considered to be at risk of losing their tenancy. FIP staff work closely with the families considered at risk and the appropriate intervention and support agencies to help them retain their tenancies.

In exceptional circumstances, a referral will be made from the FIP, where it may be considered more appropriate for the families to either make a new start in another area or where their current accommodation is considered to be inadequate.

Applicants will be enabled to bid for properties, but where they are not successful within a specified period of time, a manual offer may be made which will be agreed by a multi-agency case conference.

Successions with no rights to property or no right to tenancy

There are two types of succession in Band Two:

1. cases where a **statutory succession has taken place**, but the **property is unsuitable** for the successor, because it is too large or has special adaptations, so suitable alternative accommodation is being sought (Grounds 13, 15 & 16 Housing Act 1985).
2. cases where a non-statutory succession has been agreed

A statement regarding succession rights is contained in [Appendix 3: Succession](#).

Employees of HomeLink Partners leaving tied accommodation

Current employees of HomeLink Partner organisations, NCC, NCH & partner RSLs, with a Tied Tenancy, will be considered for urgent re-housing in the Housing Allocations Policy in the following circumstances:

- those leaving their job because of retirement due to age or ill health
- those leaving their job because of redundancy
- those who gave up their council tenancy to take up their tied tenancy, even if they are leaving their job for reasons other than retirement or redundancy and in some types of dismissal

The detailed policy on people with Tied Accommodation tenancies is in [Appendix 4: Policy Tied Accommodation Tenants](#).

Under-occupation by more than one bedroom of a social rented property

Applicants who are social housing tenants and will be vacating high demand family-type properties, i.e. 2 or 3 bed bungalows or 2+ bed houses, which are not part of a Local Lettings Plan.

The relevant landlord will make an assessment of the likely demand for the property that will be vacated.

Applicants in this category who are relinquishing a larger family home, may be allocated a property with 1 bedroom more than their household requires as defined by the occupancy criteria.

Tenants vacating an adapted property as adaptations no longer needed

This category is for social housing tenants who are willing to vacate a property which has been specially adapted for people with disabilities.

This is either because the person for whom the adaptations were installed no longer needs them or the person with disabilities does not reside there anymore.

6.3.3 BAND THREE: Moderate Needs

People who need to move for housing management reasons

This category recognises the needs of Nottingham City Council and its HomeLink partners to maximise the use of the social housing stock, or to move some tenants for management reasons which do not warrant urgent re-housing.

Types of applications include:

- **non violent relationship breakdown** (in the case of families with dependent children or vulnerable applicants)
- **cases of harassment / serious irreconcilable neighbour disputes** involving tenants of HomeLink Partners, where the applicant is considered not to be in fear of violence, but where there is still a case for re-housing
- **former tenants who gave up their tenancy when sent to prison** and where there has been an agreement at the time of termination to re-house on release
- **tenants with mental health problems, not considered chronic / severe**, but where Housing Management or another support agency believes there are grounds for re-housing because their current housing impacts negatively on the mental well being of a member of the household

Hostel residents needing to move on with support plan in place

Hostel residents who have undergone an assessment of housing and support needs and have a support plan put in place are moved to Band Three when it is deemed they have the capability to live independently.

There are two exceptions to the requirement to have a support package:

- people living in a women's aid refuge (hostel) who will usually be placed in Band Two
- refugees living in hostels whose circumstances of are generally different to other hostel dwellers in that their presence in a hostel is not usually associated with a history of homelessness and / or a chaotic lifestyle

Less urgent Adult or Children's Services recommendation to move

Households, whom either NCC's Adult or Children's Services departments consider to be living in accommodation which is unsuitable for their needs but are not considered to be at risk of injury or harm.

Private tenants with a Notice Seeking Possession or Notice to Quit

Applicants from the private sector, with either an Assured Shorthold Tenancy, a Licence or a Secure Tenancy, who have been served with a valid Notice to Quit or a Notice of Seeking Possession. Documentary proof must be obtained and the expiry date of the notice recorded. Applicants will only qualify under this category whilst such a notice is in force.

Overcrowding Bedroom Deficiency – lacking at least 1 bedroom

Applicants lacking at least one bedroom in their property for their size of household.

Bedroom deficiency is defined as a situation where either

- two children of opposite sexes occupy a bedroom
- three children / people of the same sex occupy a bedroom
- one child or more children have to share with their parent(s)
- an adult over the age of 18 has to share a bedroom with another child / adult other than a co-habiting partner

A claim of overcrowding will usually only be considered where it is the product of natural growth i.e. if it occurs when a new child is born/ adopted/ fostered or children within the household (including long term foster children and adopted children) reach 18 years old.

Overcrowding caused by people (of any age) coming (back) to live in the property would not usually be awarded this priority unless there is proof that the person causing the overcrowding had no other option but to move into the property. In this circumstance the application will only be placed in Band Three once the situation had either existed for 6 months or 6 months after the receipt of application, whichever was the latest.

If the applicant's current property has 2 reception rooms, providing there are no safety reasons why it cannot be used as a bedroom (such as the presence of a fire with back boiler in the room), then one reception room will be counted as a bedroom when assessing if there is overcrowding.

Families in flats / maisonettes with no access to a private garden

Families with dependant children living in a flats or maisonette but without access to a private garden. Confirmed by the social landlord's records or a site visit. A child must be residing in the property as their permanent residence, not as part of an access arrangement. In order to ensure that these families can move to more suitable accommodation within at least two years a manual offer will be made of a suitable property when these families have been in this band for two years. If the offer is refused one further manual offer only will be made.

Lodgers with dependent children living with them as their main home

Applicants with dependant children who are living as a lodger in insecure accommodation.

Lodgers are defined as people who share a home with their landlord (who may be a stranger, family member or friend).

Other Special Circumstances / Requirements

Some applicants who are placed in Band Three because of their household's special circumstances / requirements, including:

- **special educational needs** – families with children who need to be near a specialist school or college offering special facilities to meet physical or educational needs not available in mainstream schools.
- **foster parents needing larger accommodation** – applicants who foster children on behalf of NCC's Adult or Children's Services, who need to move to larger accommodation in order to foster more children. Supporting information from Adult or Children's Services is required.
- **special employment / training** (usually disability) – occasionally an applicant or a member of their household will need to move nearer to either a college or employment offering special facilities, which meet physical or employment needs not available elsewhere.

6.3.4 BAND FOUR: Low Needs

Band Four is mainly for cases that want to move but are considered to be adequately housed with low housing needs.

Tenant transfer applicants who do not fall into any of the other higher bands

This category comprises all social housing tenants who are requesting a transfer but are generally considered to be adequately housed in their current accommodation and therefore do not fall into one of the higher bands.

This also includes tenants who wish to move for employment purposes.

Private Tenants with Security of Tenure

This includes applicants wanting to move but who already have either a private sector Secure Tenancy, an Assured Tenancy or an Assured Shorthold Tenancy.

Lodgers without any dependent children

This category is for applicants, single people or couples, who are living as a lodger/s in insecure accommodation. Lodgers are defined as people who share a home with their landlord (who may be a stranger, family member or friend).

Applicants within this category may have access to children whose main home is not with them.

Vulnerable Owner Occupiers at risk of losing their home or are poorly housed

This category of applicant are current homeowners but considered to be vulnerable and in need of re-housing. The reasons for requiring social housing include:

- **homeowners who are under the threat of losing their home** because of personal financial difficulties or a relationship breakdown

Financial difficulties might include mortgage arrears; unemployment resulting in reduced income and an inability to pay the mortgage; a possession order granted to a company who provides the mortgage / loan or to somebody with a charge against the property. The applicant must provide corroborating evidence and information, though it is not necessary for the possession order to be enforced prior to re-housing.

- **homeowners with serious medical/disability or social grounds** for priority re-housing recommended by either Adult or Children's Services or Occupational Therapy will be initially awarded Band Four until their needs are fully assessed.

If they are subsequently assessed to be high / urgent priority case, they may be moved into Band Two.

- **homeowners living in a property with a 'Category One' hazard** – which the Public Health section within NCC consider to be hazardous to their health and safety (as defined in the Housing Health and Safety Rating System (Part One, Housing Act 2004)), and who are recommended for an urgent move

Judgements about the need for re-housing focus on the presence of a Category One hazard in the dwelling, although this alone may not warrant the re-housing of the occupant.

Before arriving at a decision about alternative accommodation, a number of factors will be considered including whether the occupants belong to the most vulnerable age group with respect to the hazards in the house, and the practicality, reasonableness and economic viability of remedying the hazard.

This priority will only be granted to owners who, due to age, infirmity, economic circumstances or mental health are unable to maintain their home.

6.3.5 **BAND FIVE: No Current Needs**

Band Five is primarily a holding band for people who either have negligible housing need or whose application is being held until their circumstances change.

Other Homeowners

This category of applicant are current homeowners who want to apply for re-housing but not considered to be vulnerable or in need of re-housing.

People aged between 16 and 18 without 'exceptional circumstances'

Applicants under the age of 18 who do not have any of the exceptional circumstances listed in Section 4.3 [Age Qualification for 16 & 17 year olds](#), are not actively considered, but their application is retained.

When the applicant reaches 18, an assessment is carried out and they are placed in the most appropriate Band according to their housing circumstances at that time.

The waiting time since initial registration is carried forward to the relevant band.

Hostel residents without move on support

Residents in approved hostels who are not yet eligible for move-on, are placed in Band Five and will remain there until their Key Worker considers that they are ready to move on.

When the Key Worker considers they are ready to live independently; they notify NCH, the applicant's details are updated and the application re-assessed and if approved, they will be moved into Band Three.

The waiting time since initial registration is carried forward to the relevant band.

People serving in HM Forces and living in Forces accommodation

HM Forces personnel who are living in forces accommodation are not actively considered and their application is retained. Assessment of banding will be made on the housing circumstances after discharge.

People serving a custodial sentence

Prisoners are not actively considered and their application will be retained as there is no ability to take up an offer of accommodation. On release, prisoners are registered according to the living circumstances that apply from that point onwards. Prisoners who have given up a council tenancy and an agreement has been made to re-house on release, are placed within Band Three on release.

People employed by a HomeLink Partner with accommodation

Employees living in tied accommodation with no agreed leaving date will be held in Band Five until their employment is due to come to an end. This includes current employees of HomeLink Partner organisations, NCC, NCH & partner RSLs.

Most types of employee will be placed within Band Two when they have a leaving date for their employment. Full details are in [Appendix 4: Policy Tied Accommodation Tenants](#).

6.4 Ordering of Applicants within Bands

Once allocated to an appropriate Band, all applicants within the Band will be ordered by 'band date' order, earliest first, so priority is given to applicants with the earliest band date.

6.4.1 Definition of 'Band Start Date'

The applicant's 'band start date' is arrived at as a combination of...

1. the date of acceptance into the Band after assessment, plus
2. any additional time awarded due to their circumstances

The effect of adding additional time is to place the applicant higher in the list of applicants within their designated Band, thereby accelerating their application.

6.4.2 Application 'Accelerators' – Additional Time Awards

There are three categories of applicants who may be awarded an additional time 'accelerator' in order to change their band start date to an earlier date within band.

These are cases where the applicant is

- recommended for re-housing on **medical/disability grounds**
- the subject of '**local area preference**' (LAP)
- in Band Two with **more than one of the criteria** for the band

Applicants can be awarded time accelerators for all three situations if their circumstances warrant it.

Medical/disability Recommendation for re-housing

Where an applicant has a very urgent medical/disability issue or is in imminent danger of serious injury or death, they are eligible for **an extra 12 months acceleration**.

These include people who are:

- **terminally ill** and need to facilitate their care
- **at risk** or in immediate danger of serious injury / harm **due to poor mobility** and the limiting aspects of their present accommodation
- **at risk** or in immediate danger of serious injury / harm **due to their mental health** and limiting aspects of their present accommodation
- **bed blocking** i.e. staying in hospital or another institution, where they cannot return to their present accommodation, as it is considered no longer suitable and cannot be adapted

Local Area Preference (LAP)

The City Council believes that communities are strengthened if people who need housing have the opportunity to stay in the area where they currently live.

Therefore, **additional waiting time of 12 months** will be awarded if an applicant needs to stay in their current area because they need to...

- **have easy access to a local school or college of education** in order to continue their children's education at their current school or where a child up to the age of 18 is in education at a college of higher education

A 'local' school or college of education is defined as one which is located within two miles of the applicant's present place of residence.

- **give or receive regular family / child care support** as they have dependent children and receive regular support from a family member who also lives in the area (within a one mile radius of the accommodation)

The support must be on a regular basis, on more than one occasion per week, and is provided to either allow parents to go to work or attend regular, essential appointments (e.g. hospital), or where there is a family support need highlighted by a professional due to vulnerability of the applicant.

- **give or receive regular disability / ill health support** as they have a disability or permanent ill health and receive regular support from a family member who also lives in the area (within a one mile radius of the accommodation)

The support must be on a regular basis, on more than one occasion per week. Evidence will need to be provided from a professional person e.g. General Practitioner or Occupational Therapist to show that the person in receipt of support is vulnerable and requires regular support from a family member.

If an applicant bids for / wants to be considered for a property not within their local area, as defined above, the extra acceleration time award will be removed from that particular application.

Multiple Band Two criteria

If an applicant within Band Two has more than one Band Two housing need criteria, a time award of **an extra 6 months** is added for each separate additional criterion.

This will only apply where the needs are different and distinct. If a recommendation is received from two different sources about the same issue, only one 6 month accelerator will be applied.

The **maximum extra time** awarded for multiple criteria in Band Two is **12 months**.

Example of Band Date for Band Two Cases with Multiple Criteria

Band Two Criteria	Acceptance	Accelerator?	Band Start
Domestic violence	Jan 2009	No	Jan 2009
+ Gender (sexual) Overcrowding		+ 6 months	July 2008
+ Move required due to disability / illness		+ 6 months	Jan 2008
+ Decant for development		No more – at maximum acceleration	
+ Urgent recommendation from Children's Services			

6.4.3 Moving Bands – impact on Band Date

Moving to a Higher Band

When an applicant's circumstances change and they are assessed to be in a higher band, their new band date will start on the date they are accepted into the Band.

Time spent within the lower band will not be carried forward to their new Band except in the following situations:

- applicants who are Hostel Dwellers, when they fulfil the criteria for 'move-on'
- 16/17 year old applicants moving to a higher band on reaching the age of 18

Moving to a Lower Band

When an application originally assessed to be in either Bands One or Two, is subsequently placed in a lower band, the band date will start from the date that is decided in the review.

This will usually be the date of registration unless there has been movement within the bands prior to Band One or Two placement.

Change of Tenure

If a change of tenure occurs, meaning a non-social housing tenant becomes a social housing tenant (outside of the HomeLink system) or vice versa the applicant will have to make a new application. Waiting time will not be carried forward.

7 Processing of Applications

It is the responsibility of staff at Nottingham HomeLink to maintain the Housing Register and ensure that applications are kept up to date.

7.1 Obtaining an application form

Anyone wanting to be re-housed can ask for an application to the Housing Register.

A HomeLink Housing Application form can be

- obtained from any area office of each HomeLink Partner organisation
- obtained from NCC's Housing Aid Centre
- downloaded from the HomeLink website www.nottinghamhomelink.org.uk
- sent by email
- obtained from various other local advice centres / agencies

There are plans to develop an 'on line' application form to go live in 2010.

The form is available in large print and, if required, a verbal translation service can be arranged.

Applicants who require assistance to complete the form, can get help from advisors at any of the HomeLink Partners.

7.2 Processing application forms

Completed application forms are processed and, if eligible, registered by the HomeLink team.

The information in all applications has to be checked and verified before a decision can be made. In some circumstances additional information / checks will also be required.

7.2.1 Verification of applicants and documentation required

All applicants will be required to provide:

- At least two forms of identification, one of which shows current address, and another with the applicant's signature
- photographic identification for every person 16 and over in the household
- details of household members (name, DoB, ethnicity, NI number, etc)
- current accommodation and tenancy status
- details of last 5 years accommodation
- local connection to Nottingham City
- eligibility for 'local area preference'

7.2.2 Additional evidence for certain groups

In addition, extra evidence is required to verify certain categories of applicant which can include proof of:

- pregnancy
- access to children/child benefit
- nationality/immigration status

- habitual residence
- medical/disability problems
- overcrowding assessment
- support needs
- agency recommendations
- management reports

Each category of application has different requirements.

7.2.3 Notifying applicants

All applications accepted as eligible for re-housing will be informed in writing of the outcome of their application, the Band awarded and the reasons why.

They will also be given information on how to bid for properties.

Applicants who are ineligible for housing, will be informed of this with the reasons why and information on their right to review, see section 9 [Review procedure – not accepted to Housing Register](#).

7.3 Processing special categories of applicant

7.3.1 Support needs/risk assessment

All new applications for housing are assessed to see whether the applicant will have any support needs when they become a tenant. This is done in order to ensure that all new tenants have the best possible chance to sustain their tenancy and to minimise the risk of failure. This assessment is also used to identify and manage any risk, either to the applicant or from the applicant in addition to identifying people who may fall under the criteria for suspension (see [Appendix 1: Suspension from Housing Register](#)), or who are not eligible for certain local lettings areas.

7.3.2 Processing Homeless cases

Homeless applicants will normally be assessed by Housing Aid, Nottingham City Council, although any applicant, who believes they are currently homeless or are threatened with homelessness within 28 days, can make their initial application to a local housing office where details of their enquiry will be taken and their case immediately referred to Housing Aid for determination.

Certain applicants who are applying as homeless to other local authorities may be subject to the allocations policy of their Local Authority, and they will be told this at the time that they apply.

7.3.3 Processing cases of harassment, domestic violence or threats of violence

Applicants fleeing violence will be assessed by a common assessment framework between the HomeLink partners and Housing Aid.

HomeLink tenants suffering severe racial harassment, domestic violence or other threats of violence applying for re-housing are initially handled by their area office.

Applicants who are not tenants of a HomeLink Partner, will either be directed to NCC Housing Aid or the relevant housing advice service where a full housing options assessment will take place.

The band allocated as a result of the assessment (either One or Two) will be determined by the severity & urgency of the threats.

If the applicant needs to move immediately because the circumstances may be life threatening, applicants may be eligible for temporary shelter under the Housing Act 1996, Part VII.

7.3.4 Permanent Decants for major repairs / redevelopment

People who need to have a permanent decant will receive a full housing needs and financial assessment by a designated officer, including an explanation of the range of compensation measures which may be offered to each household and their re-housing options.

Nottingham City Council will endeavour to fully assist all residents within a scheme by using its statutory powers such as its Well Being powers.

7.3.5 People living in hostels

People who register from a hostel will firstly be registered in Band Five and encouraged to engage with the support, advice and training opportunities available through the support workers within the hostel.

A key worker will make an assessment of the person's capacity to live independently and construct a support package, which will follow the applicant to the tenancy. This support package is designed to assist people to improve their life skills to sustain a tenancy. A senior worker from the hostel will need to have approved the assessment.

7.3.6 People with No Fixed Abode and not receiving support

People without an address will be unable to make an application for housing unless they are in regular and sustained contact with identified support services. Anyone giving their address as 'no fixed abode' will be asked to provide a contact address. This will be done to ascertain whether the applicant is roofless or staying temporarily at different addresses.

If the applicant is temporarily living with friends etc the details of that address will be registered and the application assessed accordingly.

If the applicant is roofless the member of staff who is assessing the application will arrange an interview at a suitable location, e.g. a housing office or housing advice centre in order to discuss other housing options and a possible referral to the Gateway project.

7.3.7 'Related parties'

All applicants are asked to declare if they are a 'related party'. These are:

- Local Authority elected members
- HomeLink partner organisation's Board members
- Members of staff of any partner organisation
- or relatives of any of elected / board member or member of staff

Applications of 'related parties' are registered and maintained centrally and are subject to additional scrutiny to ensure that no applicant has an unfair advantage over another applicant.

7.4 Housing advice

Applicants will be encouraged to consider all the housing options open to them, particularly because there may be a significant length of time before they can be offered a property through the Housing Register or if they are ineligible to apply.

All housing options will be explored, including:

- accessing accommodation in the private sector
- assistance with housing rights including landlord and tenant negotiations
- debt advice and housing benefit advice
- referral to a mediation scheme
- referral to a sanctuary scheme
- assistance in accessing support
- the use of guaranteed deposit schemes
- low cost homeownership including shared ownership
- mutual exchanges

7.5 Notification of change in circumstances

7.5.1 Applicants requirement to notify changes

The registration letter advises applicants to inform Nottingham HomeLink of any change of circumstances as soon as they become aware of them.

Notification may be by telephone, office interview or by revision letter.

It is important that applicants inform Nottingham HomeLink of any changes in their circumstances immediately, so that any effect on their application can be assessed and the applicant informed.

Wherever possible, it is in the best interests of the applicant to notify HomeLink before the change occurs, in particular, when a change of address or change of tenure type occurs as they may no longer be eligible to remain on the list or their banding/list position may change.

7.5.2 Movement between bands after re-assessment

If, as the result of a re-assessment, the applicant is moved to a higher or lower Band, the applicant will be informed in writing. In addition, if they are moved to a lower band the applicant will be informed in writing, of the reason for the change of band and their right of appeal.

7.5.3 Change of Tenure (Social Tenants/Non Social Tenants)

If a change of tenure occurs, meaning a non-social housing tenant becomes a social housing tenant (outside of the HomeLink system) or vice versa the application will be closed and the applicant will have to make a new application. Waiting time will not be carried forward.

7.6 6 Month Review of Urgent Need (Band Two Applicants)

Applicants in severe housing need who have been placed in Band Two will have their status reviewed after 6 months. Only exceptional cases, where there have been no opportunities to bid, will be allowed to remain in Band Two.

If the outcome of the review identifies there is still an urgent need to move, one manual offer will be made of a property suitable in terms of size and facilities for the applicants needs.

If the offer is refused the applicant will be removed from Band Two and placed in a different Band, according to their circumstances.

7.7 Review of Management Recommendations (Band Three)

Applicants who have been placed in Band Three as a result of a management recommendation will have their case reviewed after 6 months. Only those exceptional cases, where there have been no opportunities to bid, will be allowed to remain in Band Three.

If the outcome of the review identifies there is still a need to move, one manual offer will be made of a property suitable in terms of size and facilities for the applicants needs.

If the offer is refused the applicant will be removed from Band Three and placed in a different Band, according to their circumstances.

7.8 Annual Review

The Housing Register is reviewed annually.

Applicants are sent an annual review letter & form on the anniversary of their registration date to confirm that they are still actively seeking accommodation and that their circumstances remain unchanged.

On return of the review form, all applications will be reassessed and any change in their place on the register will be notified to them.

If they do not reply within 21 days, either their application will be closed, or they will be contacted by a support officer if the applicant appears to belong to one of the more vulnerable groups of applicants.

7.9 Closing Applications

Applications will be closed if:

- as a result of a re-assessment the applicant is no longer eligible for housing
- the applicant does not reply to an offer letter, a review letter, or any other letter or contact made requesting a response

Before any application is closed, checks are made to ensure that if there are any vulnerability issues, that these are being addressed and / or any support networks contacted.

All applicants whose applications are closed will be informed in writing and will be given the right to a review of this decision (see [Right of Review Procedure](#)).

7.10 Re-instatement into a Band

In certain circumstances it is possible to re-instate a closed application, but the following must apply:

- the applicant is eligible to be registered and has been eligible since the original application date
- the applicant still lives at the last known address and holds the same tenure
- an office-based interview has taken place
- all relevant forms have been completed, including proof of address and tenure type provided going back as far as the original application date
- the application was not closed more than six months prior to the request for re-instatement, nor has the applicant bought a property, obtained a council or housing association tenancy, or lived outside the Common Travel Area since the original application date

A re-instated application will retain its original registration date and band start date if these circumstances mean they are still in the same band.

If an applicant is not eligible for reinstatement, i.e. is outside the 6 months period, their original application can still be reopened but the registration date and band start date will be amended to reflect a new registration date based on the day the request to reinstate the application was received.

8 Choice Based Lettings Scheme Operation

8.1 The CBL scheme operation in brief

'Nottingham HomeLink' is a 'choice based lettings scheme'. Nottingham City Council and its RSL partner organisations have adopted an agreed common allocations policy and procedures which incorporate an advertising scheme intended to offer choice to people on the Housing Register.

The main stages of the CBL scheme operation are:

8.1.1 Vacant Properties

Every* week vacant properties are entered into the scheme by each landlord, together with any restrictions of types of applicants eligible to apply.

* Eventually it is envisaged that all properties will be let via the HomeLink scheme but currently there are some exceptions. See Section 8.5 Non-shortlist (manual) offers

8.1.2 Advertising Vacant Properties

Properties are advertised every week:

- in the Nottingham Evening Post every Monday
- on the internet on the scheme web site www.nottinghamHomeLink.org.uk between 12.05 pm on Friday and 11.59 pm on Wednesday
- in area housing offices of the partners from Monday to Wednesday

The adverts inform applicants of

- the size and type of property
- the landlord
- the rent and other charges
- any specific eligibility criteria e.g. pets allowed or local lettings policy

8.1.3 Bidding Process

Applicants already accepted onto the Housing Register can bid for vacant properties. Applicants can bid for up to 3 properties per week.

Bidding opens on Friday and closes each week on Wednesday at 11.59 p.m.

Bids may be placed in any of these ways:

- on the internet at www.nottinghamhomelink.org.uk
- by calling the 24 hour bidding hotline on 0845 338 1988 using 'touch tone' phone (*one with * and # buttons*)
- by calling into the office of any Nottingham HomeLink partner

To place a bid an applicant has to give:

- their surname & date of birth
- their registration number (*issued when accepted onto the Housing Register and obtainable from any HomeLink partner*)

Bidding Support:

HomeLink Support Officers ensure that vulnerable applicants are supported through the application and bidding process.

Support can be provided by:

- linking applicants with support networks and agencies
- individual contact to explain how HomeLink works and how to bid
- One to One ongoing casework support
- sending vulnerable applicants a copy of the weekly advert if requested
- bidding on behalf of the applicant (proxy bidding)

8.1.4 Short listing Applicants

After bidding has closed, each vacant property should have a shortlist comprising of all the applicants who have placed a bid on the property in the HomeLink scheme.

The order of a shortlist is determined by date order within a band.

Usually the property is offered to the applicant(s) who bid for it with the highest need (Band) and earliest band start date.

The successful applicant will usually be made an offer within 3 working days.

Because of the high number of bids received it is not possible to contact applicants who have been unsuccessful. If an applicant has not been offered the tenancy within 10 days of the close of bids they can assume they have been unsuccessful. Feedback on the band and time on list of the successful applicant advertised when the property is let.

Restrictions can be used where there are qualifying criteria for properties e.g. bungalows, adapted properties restricted initially to applicants with medical recommendations or occupational therapy recommendations and houses restricted to applicants with dependent children living with them according to specific local / property use.

8.1.5 Offer acceptance

If the applicant accepts the offer, they usually become the new tenant(s).

8.1.6 Offer refusal

If the applicant refused the offer, the property is offered again to the next eligible applicant(s) and so on until the property is let.

All vacant properties are advertised in this way with the exception of properties required for housing management purposes, for use as homeless temporary accommodation, or in situations where the re-housing of a household must be a managed process.

8.2 By-passing of short listed applications

Any applicant can be 'by-passed' if they are not eligible to be made the offer because of rent arrears, or if they do not meet the eligibility / occupancy criteria.

Bypassing activity will be recorded and scrutinised on a regular basis by senior managers at Nottingham City Homes and information will be shared with Nottingham City Council including details as to why the applicant was bypassed on the shortlist.

8.3 Number of offers that can be made or refused

There is no limit to the number of offers that can be made to an applicant* and there is no penalty imposed for refusing an offer of accommodation.

However after 2 offers of accommodation have been refused, the applicant will be contacted and invited to the office to discuss their housing requirements, advised with regard to realistic bidding and offered support with the bidding process.

* This does not apply to Band One applicants.

8.4 Exhausted or nil shortlist

If a property* doesn't receive any bids from applicants in Bands One to Four who meet the occupancy criteria, then the property may be re-advertised or may be offered and let to an applicant who is prepared to accept it, providing they meet the local connection and eligibility criteria. The decision to re-advertise or offer will be based on demand for the particular property and will be made by a senior officer, from either NCH or the relevant HomeLink partner landlord.

* The only exceptions to this are bungalows and adapted properties, which will then be let by manual offer.

8.5 Non-shortlist ('manual') Offers

Usually all properties are advertised in the HomeLink scheme and offers are made by creating a shortlist of suitable applicants.

However there are sometimes cases where it is necessary to make offers to applicants not appearing on a shortlist, for example urgent housing management cases which cannot be left until a meeting of the Allocations and Tenancy Management Panel, or where properties which have failed to generate a shortlist.

Such cases are very exceptional and only officers at managerial level are allowed to make non-shortlist offers.

Full details of these cases are recorded (including reasons why the offer could not be made through the short listing method) and every month are reported to / scrutinised by, the HomeLink partners.

8.6 Offers to special categories of applicants

8.6.1 Board and elected members, staff, or their relatives ('related parties')

There are rules covering offers of accommodation for applicants who are eligible for an offer of accommodation or increasing their priority who are either

- Local Authority elected members
- HomeLink partner organisation's Board members
- Members of staff of any partner organisation
- or relatives of any of elected / board member or member of staff

NCC & NCH

For board, elected members, and their relatives – offers must be formally approved

by the Chief Executive of Nottingham City Homes, and the Director of Housing Operations. For members of staff and their relatives offers must be formally approved by the Director and an Assistant Director, Housing Operations.

Partner RSLs

Each partner RSL has to follow their own procedures for approving offers to related parties.

All applications from related parties are kept centrally and offers scrutinised on a regular basis

8.6.2 Recommendation by Occupational Therapy or Medical Re-housing

Properties being offered in such circumstances must be checked by the Disability Housing Advisors, Nottingham City Council for their suitability for the applicant's needs, prior to the offer being made.

8.6.3 Public Protection and Risk Assessment Panel

Any offers to applicants who have been the subject of a Multi Agency Public Protection Panel or Risk Assessment Meeting under the agreed protocol will be assessed by person(s) delegated at the panel/meeting with regard to the risk posed by the offender, prior to the offer being made.

8.7 Homeless Band One Applicants

Applicants within Band One, have 28 days from the date they were placed in the band, in which to bid for a property through the HomeLink scheme.

After that time, Band One applicants who have not secured a property through HomeLink will be made one offer of suitable accommodation in order for the Council to discharge its duty to house under Part VII Housing Act 1996.

If the applicant/s refuse/s the manual offer, the Council will be deemed to have discharged its legal duty to house, and the applicant/s will be placed into a Band which reflects their current housing circumstances.

There is a 'right to a review' of the suitability of an offer made in this way, see section 9.2. [Review of accommodation offer for Homeless applicants](#).

8.8 Types of tenancy that may be offered

Nottingham HomeLink is a partnership arrangement between various social landlords who have properties to let.

The type of tenancy offered, however, may vary according to the ownership of the particular property that is available to let.

The following is a brief explanation of the various types of tenancy that may be offered, and applicants are advised to establish the relevant details of their tenancy at the time that the property is offered.

8.8.1 Introductory Tenancy – first time tenant Nottingham City Homes

For applicants becoming a tenant for the first time, Nottingham City Homes will offer an 'Introductory Tenancy'.

Introductory (probationary) Tenancies were established by the 1996 Housing Act and are a 12 month probationary tenancy after which time they become a Secure Tenancy provided the tenant has met the conditions of their Tenancy Agreement.

An Introductory Tenancy will confer many of the same rights as a Secure Tenancy, but in certain situations, the tenancy can be terminated more quickly.

8.8.2 Starter Tenancy – first time tenant Registered Social Landlord

Similarly, applicants becoming a tenant for the first time of a Registered Social Landlord (Housing Association) may be offered a 'Starter Tenancy'*.

A Starter Tenancy serves the same purpose as an Introductory Tenancy, and also runs for a 12 month probationary period. A Starter Tenancy will become an Assured Tenancy, after the end of the probationary period.

Where the tenant has not met the conditions of their tenancy agreement, the association must give two months written notice to terminate the tenancy.

* Not all RSLs offer starter tenants

8.8.3 Family Intervention Tenancy

Family Intervention Tenancies have been created by the Housing and Regeneration Act 2008 and are a new form of non-secure tenancy. 'Family Intervention Tenancies' are a new type tenancy with a much longer probationary period.

Initially they last for 12 months, after which time they can become an 'Introductory or Starter Tenancy' and after another 12 months can convert to a normal Secure or Assured Tenancy, provided the tenant has kept to the conditions of their Tenancy Agreement.

8.8.4 Secure Tenancy – transferring Local Authority tenants

Secure Tenancies will usually only be granted by the relevant local authority when an existing social housing tenant, with an Assured or Secure tenancy transfers to another property.

Secure tenants enjoy a number of explicit rights including the right to be consulted, the right to exchange your home, and the right to buy.

Secure tenancies can only be ended in certain prescribed ways, which will also be explained to applicants when they come to sign for a tenancy.

8.8.5 Assured Tenancy – transferring secure social housing tenants

Assured tenancies were created by the 1988 Housing Act, and are the type of tenancy that most of the housing association partners in HomeLink will offer to most existing social housing tenants transferring into their properties*.

The terms of an Assured Tenancy are very similar to those of a Secure Tenancy but the landlord is able to charge an assured rent, which are still usually well below market rents, but often more than LA rents. In addition there are some different grounds the RSL can use to regain possession where there is a breach of the tenancy agreement.

These will be explained at the time that an applicant signs their tenancy agreement.

* Secure H.A. tenants, those with a tenancy which started before 15.01.1989, who transfer to a property with the same landlord, will keep their secure tenancy type. If they are re-housed by another RSL they will be given an Assured Tenancy.

9 Review and Appeals Procedures

9.1 Review procedure – not accepted to Housing Register

9.1.1 Types of ineligible applicants with a 'right to review'

An applicant has a 'right to review' under Section 167(4A)(d), Housing Act 1996 (as amended by the Homeless Act 2002) of a decision to treat them as ineligible for an allocation of accommodation on the grounds of

- their immigration status
- the habitual residence test
- unsuitability to be a tenant because of unacceptable behaviour

Nottingham City Homes deals with applicants who are ineligible for an allocation on the grounds of immigration status or habitual residence by not placing them on to the Housing Register. The review is therefore of the decision not to place someone on the Housing Register.

Those who are considered unsuitable to be a tenant because of unacceptable behaviour are suspended from the Housing Register for a period of three years. Suspension from the Housing Register, and appeal against suspension is explained in [Appendix 1: Suspension from Housing Register](#).

9.1.2 Right of Review Procedure

The legislation states that the authority must give the applicant written notification of the decision that they are ineligible for allocation of housing and will not be accepted on to the Housing Register. At the same time they must inform them of their right to request a review within 21 days of receiving the decision.

Any request for a review should be made by the applicant within 21 days of their being notified of the Authority's decision, but in some circumstances, where the applicant has been unable to do this, the local authority can, at their discretion, still accept a request to carry out a review.

Most reviews are dealt with in a few days, but in some cases several weeks will be needed. However, there is a maximum period of 56 days allowed in which to complete the review unless the applicant and the Council agree otherwise.

The review will be carried out by an officer/s, senior to the officer who made the original allocation.

The decision is binding.

9.2 Review of accommodation offer for Homeless applicants

Homeless applicants in Band One have 28 days in which to bid for a property through the HomeLink scheme. After that time, if they have not secured a property, they will be made one offer of suitable accommodation and then the Council will have discharged its duty to house under Part VII Housing Act 1996.

If the applicant(s) is(are) unhappy with the offer they have a 'right to review' the suitability of the offer.

Allocation of Housing and Homelessness (Review Procedures and Amendment) Regulations 1996 (SI No. 3122196) set out the procedures to be followed.

The review will be carried out by a panel of officers senior to the officer who made the original allocation.

The decision of the panel is binding, and will be either to:

- agree with the applicant that the allocation is unsuitable *(for example if there is new information that was not available when the first decision was made)*
- agree the original offer was reasonable

There is no obligation to hold a property whilst a review is carried out or whilst waiting for a review request to be received.

9.3 Appeal against the Band awarded

In addition to the above legal review rights, applicants may request an appeal against a decision which has been made which affects their application.

9.3.1 Appeals may be requested in the following circumstances:

- if an applicant considers they have been placed in the wrong Band at registration
- if an applicant considers they have been wrongly placed in a lower Band as a result of a review of their priority
- if a request to award a higher priority (Band) or to extend a higher priority is refused

9.3.2 Appeals Procedure

The appeal in the above instances should be put in writing and addressed to the Housing Registration and Allocation Manager, NCH*.

The applicant is advised to provide as much supportive information as possible.

The appeal will either be heard by an officer more senior to the officer who made the original decision or a panel of senior officers independent of the officer making the original decision.

In the case of appeals against a decision made by the Allocations and Housing Management Panel, the appeal will be heard by Tenant Board Members and an Assistant Director, Nottingham City Homes.

* Appeals against decisions made by HomeLink partners will be referred to the relevant partner to process.

Appendix 1: Suspension from Housing Register

Suspension from the Housing Register Policy

The Allocation of Accommodation Code of Guidance for Local Housing Authorities, November 2002, states:

'Where a housing authority is satisfied that an applicant (or a member of the applicants household) is guilty of unacceptable behavior serious enough to make him unsuitable to be a tenant, section 160A(7) permits the authority to decide to treat the applicant as ineligible for an allocation.'

In an effort to prevent and tackle anti-social behaviour, Nottingham City Homes (NCH) on behalf of Nottingham City Council (NCC), operates a 'Suspension Policy'. It gives NCH, and other Registered Social Landlords (RSLs), the right to stop people from accessing social housing and transferring within the social housing stock within the city, if it is deemed that the person is 'unsuitable to be a tenant'.

It is a strict but reasonable policy, giving housing applicants an opportunity to demonstrate that they are capable of fulfilling the conditions of a tenancy agreement.

It also sends out a clear message to the residents of Nottingham that anti-social behaviour will not be tolerated.

The criteria, for which people can be suspended from the Housing Register, and therefore considered to be ineligible for an allocation of housing, are:

1. Current or former tenants of NCC or a RSL who have been in serious breach of their tenancy conditions for anti social behaviour.
2. Anyone who has caused wilful damage to a City Council or RSL property.
3. Anyone with a history of serious anti-social and / or criminal behaviour.
4. Anyone who has been violent to or threatened staff or agents of NCC, NCH, previous landlords or the police.
5. Anyone who is the subject of an Anti-Social Behaviour Order or other civil restraining order and it is believed that they would be a significant risk to the community.

If a person is deemed to be unsuitable to be a tenant because of their unacceptable behaviour, they will be placed on the 'Suspension List' for three years, from the decision at of the Allocation Panel.

All individuals have a right to appeal against the decision.

The details of the appeals process will be provided to them when they are notified of their suspension from the waiting list.

In an effort to combat the issue of moving anti-social behaviour from one area or landlord to another, NCH shares its Suspension List with local RSLs and its HomeLink partners.

Criteria for Suspension

In order to be placed onto the Suspension List, the individual's behaviour / conduct must fall within one or more of the criteria deemed to be serious enough to warrant suspension.

1. Current or former tenants who have been in serious breach of their tenancy conditions for anti social behaviour

- 1.1 Individuals who have been served with an Injunction.
- 1.2 Individuals who have been served with a Court Order, such as a Suspended Possession Order on grounds of ASB.
- 1.3 Individuals whose landlord, NCH or a RSL, have commenced Court proceedings following the service of a Notice of Seeking Possession (NOSP) or a Notice of Proceedings for Possession of an Introductory Tenancy (NOPPIT).
- 1.4 Individuals whose landlord, NCH or a RSL, have been evicted for breaches of tenancy conditions (except for rent arrears).

Evidence:

- copy of Injunction
- copy of any other Court Orders
- copy of correspondence leading to further court action after NOSP
- copy of NOPPIT
- copy of Suspended or Outright Possession Order

2. Anyone who has caused wilful damage to a City Council or RSL property

- 2.1 Individuals who have caused damage to a City Council or RSL property. (An individual is defined as either the tenant of the property, member of the household or tenant's visitors to that property).
- 2.2 Individuals who have caused damage following the abandonment of a property whilst it was the belief that the tenant was still in occupation.
- 2.3 Individuals who have caused damage during the notice period resulting from action for possession.

Evidence:

- a report detailing the specific damage to a specific property
- photographs of the condition of the property
- details and cost of the repairs required to reinstate the property
- CCTV footage of damage taking place

3. Anyone with a history of serious * anti-social and / or criminal behaviour

3.1 Individuals whose unacceptable behaviour is deemed serious enough to make them unsuitable to be a tenant.

Evidence:

- case history of serious* unacceptable and / or criminal behaviour
- evidence that the behaviour is unacceptable at the time of application

It will not be reasonable to suspend someone with previous ASB where there is evidence that their behaviour has improved for at least a 12 month period prior to the application.

- evidence that if the individual had been a tenant, there would be sufficient grounds to seek possession and that possession would have been granted

Appropriate case law can be used in these circumstances.

Definition of Serious *

Seriousness is inevitably a subjective view, but examples of serious anti-social behaviour would include:

- physical assaults, especially those resulting in physical injury, including domestic violence which affects the surrounding neighbourhood and racial harassment
- serious damage to property, including schools, dwellings and cars, for example – arson attacks and windows being smashed
- serious threats of violence and damage, including threats to kill, threats to petrol bomb
- persistent and offensive verbal abuse, due to a person's religion, ethnicity, sexual orientation, disability, or other factors
- serious disorder, in particular associated with gangs
- the use of dwellings for the cultivation, supply and use of drugs, especially class A drugs
- persistent and widespread criminal activity such as domestic burglaries and vehicle crime
- very serious and persistent noise nuisance continuing for long periods of time
- a combination of persistent behaviours, which while lower-level within themselves, taken together over time, have a serious negative impact on quality of life for individuals living in an area
- persistent and offensive verbal abuse or threats of violence towards NCC, NCH, RSL or police employees

Exceptions – people with disabilities

If an individual's behaviour is due to a physical, mental or learning disability, they cannot be suspended without considering whether they would be able to maintain a tenancy with the appropriate care and support.

The Disability Discrimination Act states that 'reasonable adjustments' must be made. To this end, employees would have to ensure that a suspension was not requested without a full assessment of the tenant being undertaken and that the appropriate support had been given over a reasonable period of time.

4. Anyone who has been violent to or threatened employees or agents of NCH, Nottingham City Council, previous landlords or the police

4.1 Individuals who have caused an actual physical attack, or use intimidating behavior of a nature which has warranted a referral to the Police.

4.2 Individuals who have used verbal abuse, which is so severe that a 'Violent Incident Report' has been completed.

Evidence:

- a report detailing the incident along with evidence that it has been reported to the police such as PC name and number etc.
- copy of the Violent Incident Report and a report detailing what action is now going to be taken
- evidence of follow up action, for example an injunction

5. Anyone who is the subject of an Anti-social Behaviour Order or other civil restraining order and it is believed that they would be a significant risk to the community

5.1 Individuals who have been served with an Anti-Social Behaviour Order under the terms of the Crime and Disorder Act 1998, and are considered a significant risk to the community.

Evidence

- copy of ASBO
- copy of other Civil Order

Appeals against Suspension

An individual who has been notified that they have been placed on the Housing Register's Suspension List has a right to appeal against the decision.

They must do so in writing to the Allocations Team, NCH, within 21 days of receiving the letter of suspension.

Removal from the Suspension List

Once added to the list, the individual stays for a minimum three years.

After three years of being on the Housing Register's Suspension List, the individual is entitled to apply for housing again.

The Allocations Team will check that the reason for the person being placed on the Suspension List is not still valid. If this is the case, then another period of suspension may be appropriate.

This will apply to any ongoing unacceptable behavior.

Appendix 2: Care Leavers Protocol

NOTTINGHAM CITY HOMES JOINT PROTOCOL BETWEEN HOUSING SERVICES AND LEAVING CARE TEAM, CHILDREN'S SERVICES

Nottingham City Council's Children's Services Department has specific responsibilities for children who are or were looked after by the Local Authority on or after their 16th birthday.

The City Council also recognizes that there is a corporate responsibility across all departments to provide appropriate and accessible services to support young people leaving care.

The City Council's duty in relation to the provision of accommodation is discharged by Nottingham City Homes under the care-leavers protocol.

Care-leavers are particularly vulnerable in relation to 'getting started' in tenancies, not only due to their age and care experiences, but also because they do not usually have family support to help them in setting up home.

It is important that the quality of accommodation provided is of the highest possible standard, in order to give the City's children the best possible chance of sustaining their tenancy.

The protocol ensures that when a young person has been assessed as ready to leave care and has the skills and support in place to ensure they can successfully live independently they are 'fast-tracked' through the allocations system.

A robust assessment is made in every case and a recommendation is made detailing the support package which will be put into place to ensure the tenancy is sustained.

Nottingham City Homes staff will work with the individual care-leavers and their support workers throughout the allocation process, ensuring that the young people are given as much support as they need to make successful bids and gain a timely and quality allocation.

The corporate responsibility does not stop at the commencement of their tenancy, but carries on through the management of the tenancy.

All agencies should be aware of the need for extra support and for their responsibility to work together to ensure the young person is given the best chance to sustain their tenancy.

Appendix 3: Succession

Succession allows a tenant to pass on their tenancy to their spouse, civil partner or family member following their death. Statutory succession can only happen once.

Right to Succeed

In order to succeed to a tenancy where a succession has not already taken place, an applicant must be eligible to succeed. **In the case of secure tenants**, one succession is allowed to an 'eligible' person.

An eligible person will be the existing joint tenant, the deceased tenant's spouse or civil partner, or a qualifying member of the deceased family who has lived with the tenant for at least 12 months prior to the tenant's death. Qualifying members are:

- Parent
- Grandparent
- Child
- Grandchild
- Brother or Sister
- Aunt or Uncle
- Nephew or Niece
- Stepchild or a child born outside marriage.

In the case of assured tenants, the legislation will allow one succession, i.e. on death of the tenant, the tenancy can be passed once to someone residing with the tenant as their spouse, as long as they were residing with the tenant immediately prior to death or, if the tenancy agreement allows it, to a member of the tenant's family, as long as that family member was residing with the tenant at the date of death and for 12 months prior to the date of death.

The deceased tenant's home must also be the successor's only or principal home. So unless the applicant is the joint tenant or the deceased tenant's husband / wife or civil partner, they must also be able to show that they were living with the deceased tenant continuously for at least 12 months before the tenant's death.

A spouse / partner will take precedence over any other qualifying member of the family.

Recent case law also permits a minor to be eligible to succeed, subject to the eligibility criteria as outlined above. However in such cases the tenancy would be held in trust for the successor until he or she reaches the age of 18.

Cases where there is no right to succeed

The legislation allows that there can only be one statutory succession to a tenancy. Therefore, if a deceased tenant was already a successor; the tenancy cannot be passed on again to another person. Succession includes an assignment of tenancy i.e. when the deceased tenant had been assigned the tenancy there cannot be a further succession.

For the purposes of assessing for the right of statutory succession, assignment by way of a court order will be discounted.

Cases with the right to succeed to a tenancy, but no right to stay in property

There are certain situations where an applicant has statutory succession rights to the tenancy, but not to the property.

These exceptions are described below, but will not be applied in the case of a person claiming succession who is a surviving spouse or civil partner.

These exceptions are:

1. Where the deceased tenant's property is more extensive than the applicant could reasonably need (Housing Act 1985, S 2, Ground 16)

Such an applicant may inherit the tenancy but they may be asked to move to a smaller home.

In these circumstances, the HomeLink landlord must ensure that suitable alternative accommodation is available and a legal notice must be served on the successor not less than six months, and not more than twelve months after the death of the previous tenant.

A legal notice will last for 12 months, and during that time HomeLink support staff will assist the applicant to bid for alternative properties.

Comment - Legal advice needed In view of recent case law Bracknell Forest v Green appeal against possession under ground 16 upheld –life long resident in property. Should we consider as exempt like spouse or as management rec i.e. exceptional case.

2. Where the deceased tenant's home has been adapted for a disabled person (Housing Act 1985, S 2, Ground 13)

If the property has been adapted for people with special needs, and the applicant does not need to use the special adaptations, the applicant may be asked to move to an alternative property.

This is because the HomeLink partners need to ensure that special aids and adaptations are available to people that genuinely need them.

A legal notice must be served on the successor which will last for 12 months, and during that time HomeLink support staff will assist the applicant to bid for properties as described above.

3. Where the deceased tenant's home was let to them because they have special needs and there are special facilities based near the property to assist them e.g. sheltered property (Housing Act 1985, S 2, Ground 15)

In these instances, the applicant may be asked to move to an alternative property. All cases will be treated with sensitivity, initially through a home visit where the successor will be advised that an alternative home will be made available for them and, that whilst a legal notice will be served which will last for 12 months, they will be supported through the process.

Applicants in these circumstances will be awarded urgent priority re-housing and will be eligible to bid for properties in line with the occupancy and eligibility criteria defined by individual HomeLink Partners, as described in section 5 [Property Occupancy Criteria / Restrictions](#).

If the applicant has not been offered and accepted an alternative tenancy within 6 months, a manual offer of alternative accommodation may be made. Legal

proceedings will be taken to run concurrently with the management recommendation process.

Non-statutory succession within HomeLink.

Where an applicant wishes to succeed to a tenancy, and where they are not entitled to a statutory succession, in the following circumstances, the HomeLink partners may allow a non-statutory succession by granting a new tenancy if

- A. the survivor was living with the deceased tenant at the time of their death as their spouse/ partner

This will include anyone living together as man or wife, or same sex partners

- B. the survivor was a qualifying member of the deceased tenant's family and they were living with the tenant at the property when they died, and had been living with the tenant for at least twelve months before their death
- C. the survivor was an unpaid carer who had given up their own accommodation to care for the tenant and were living with the tenant when they died and had been living with the tenant for at least twelve months before their death

A spouse/partner will take precedence over any other member of the family, who would in turn take precedence over an unpaid carer.

Non-statutory succession eligibility criteria (to remain in present property) :

The granting of a non-statutory succession will have to meet the following eligibility criteria:

1. that the granting of a non-statutory succession will ensure the best use of social rented housing stock
2. that the survivor does not owe former tenancy arrears from a previous tenancy of their own
3. that the survivor is not suspended from the housing register
4. that the survivor is eligible for accommodation (see section 3.2 [People eligible to join the Housing Register](#))
5. that prior to the death of the tenant, the tenancy has been conducted satisfactorily and there was no history of anti-social behaviour
6. where the property is in a sheltered scheme, the survivor must be fulfil the individual schemes age and eligibility criteria
7. if the property is subject to an age qualification, the survivor must be of the appropriate age
8. if the property is a 3 bed bungalow, the survivor must require ground floor accommodation due to medical reasons
9. if the property is a 2 bedroom bungalow the survivor must either require ground floor accommodation due to medical reasons, or be over 60
10. that if their new property is a flat / maisonette, it would not be substantially under occupied. i.e. by more than one extra bedroom
11. that if their new property is a house, it would be occupied by applicants with dependent children

Whilst remaining occupants who do not fulfil the above criteria will not normally be considered for a non-statutory succession, each case will be considered individually and if there are exceptional circumstances, a case will be prepared and submitted to the Allocations Panel to make a decision on whether a second non-statutory succession should be granted.

Management Recommendation for 'Non-statutory succession' to move to alternative accommodation.

If a person does fulfill the criteria in A to C above, but is not eligible to stay in the property because they do not fulfill the criteria as detailed in points 6, 7, 8,9, 10 or 11, alternative accommodation will be offered via a management recommendation for urgent rehousing. Note persons not meeting the criteria in points 2,3,4 and 5 will not be considered for another tenancy.

Applicants in these circumstances will be awarded urgent priority re-housing and will be eligible to bid for properties in line with the occupancy and eligibility criteria defined by individual HomeLink Partners, as described in section 5 [Property Occupancy Criteria / Restrictions](#).

Each case will be treated with sensitivity, initially through a home visit where the remaining resident(s) will be advised that an alternative home will be made available for them and, that whilst legal proceedings will be taken to run concurrently with the management recommendation process, the applicant will be given one to one support until a suitable alternative home is found.

These applicants will be required to pay a charge for the property legally called "Damages for trespass payment" until they are successfully rehoused to more suitable accommodation. This charge will be the equivalent of the weekly rent for the property.

Effects of Introductory and Demoted tenancies

Rights of succession remain after the establishment of a demoted or introductory tenancy.

1. It is usually possible to succeed to an Introductory Tenancy, if the tenant dies. The Introductory Tenancy will continue for the duration of the introductory period, after which the tenancy will either become Secure (in Local Authority housing), or Assured (in RSL / Housing Association housing).
2. It is also possible to succeed to a Demoted Tenancy. A demoted Secure Tenancy will retain the right to succeed; however a demoted Assured Tenancy will not.

In the case of a demoted Secure Tenancy, the successor will succeed to the Demoted Tenancy for the remainder of the demoted tenancy period.

Appendix 4: Policy for Tied Accommodation Tenants

People with a Tied Tenancy – qualifications for re-housing

Current employees of HomeLink Partner organisations, NCC, NCH & partner RSLs, with a Tied Tenancy who are planning their re-housing after their employment ends will be considered re-housing.

To qualify for urgent re-housing, the current employee must

- be leaving their job because of retirement due to age or ill health
- be leaving their job because of redundancy
- have given up their council tenancy to take up their tied tenancy, even if they are leaving their job for reasons other than retirement or redundancy and some types of dismissal *

Usually tenants with tied accommodation who have either voluntarily given up their job or have been dismissed from their employment, will not be considered for priority re-housing under the urgent needs band, but as a normal applicant.

* Any employee who has been dismissed will be considered individually and the specific reasons for the dismissal taken into account before deciding if they can be awarded Band Two. For example dismissal due to lack of capability, may well qualify, but dismissal for gross misconduct, may not.

Initial Registration & Change of Circumstance

As soon as the member of staff takes up employment, they will be expected to complete an application for the Housing Register to be re-housed when their employment comes to an end. They will then be placed in Band Five until they need to be actively considered.

When they have an agreed leaving date for their employment, their application will be re-assessed due to their change of circumstances and they will be moved into the appropriate Band.

The applicant will move to Band Two if they

- are leaving their job because of retirement due to age or ill health
- are leaving their job because of redundancy
- have given up their council tenancy to take up their tied tenancy*

If they have either voluntarily given up their job or have been dismissed from their employment for gross misconduct, they will not automatically be considered for priority re-housing under the urgent needs band, but assessed as a normal applicant and awarded the appropriate band for their circumstances.

The assessment will include proof that they need re-housing, such as an agreed retirement date, resignation details etc.

Offers of Accommodation

All offers of accommodation will be of a size and facilities according to the applicant's needs at the time of the allocation, unless the applicant has a written agreement made at the time of the tenancy / employment commencement to state otherwise.

Document History: Summary of versions

Version	Date	Source & Authority	Comments
1	October 2006	R (Cali) V London Borough of Waltham Forest [2006] All ER124	Page 14: Multiple need within Band Two reviewed to ensure compliance with case law.
		Agreed at NCC Executive Board 17/10/2006	Page 32: NCC ASB Team previously administered exclusions list- policy amended so that NCH administer the suspension list
2	May 2007	Agreed at Service Area Managers Meeting 13.03.07	Page 9: Addition to exemptions from local connection – people placed in temporary accommodation outside the City boundary.
			Page 16: Amendment of wording on award of band start date for clearance/demolition to reflect greater flexibility.
			Pages, 9,12, 20: Home Move scheme no longer operated; references removed
3	29 th October 2008		Page 14: Band Two awarded for families living in accommodation on the sixth floor and above within the City with dependant children over the age of two, and where the family have lived in that accommodation for at least two years
			Page 15: Band 3 additional criteria awarded for families living in accommodation on the sixth floor and above within the City with dependent children who do not meet the criteria for Band Two
4	August / Sept 2009	Proposed changes from NCH staff & management – in readiness for developing sub regional scheme and common allocations policy. Also in preparation of re-launch of the revised / new CBL system	1. POLICY CHANGES: Proposed key changes to Policy are detailed in the report... ADD DETAILS. 2. DOCUMENT CHANGES: Major edit/tidy-up of document (but no material change in content) – key changes include: <ul style="list-style-type: none"> re-ordering of sections to more logical groupings document history moved to end removing unnecessary duplications of points tidy up of language / terminology correction of grammar formatting changes applying a new corporate style adding section numbers adding a full table of contents