



Nottingham

City Council

Nottingham City Council

Housing Allocations Policy

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Document history

Version	Date	Comments
1	October 2006	
2	May 2007	<p>Page 9: Addition to exemptions from local connection – people placed in temporary accommodation outside the City boundary, agreed at Service Area Managers Meeting 13.03.07</p> <p>Page 16: Amendment of wording on award of band start date for clearance/demolition to reflect greater flexibility agreed at Service Area Managers Meeting 13.03.07</p> <p>Pages, 9,12, 20: Home Move scheme no longer operated; references removed</p>
3	February 2009	<p>Page 11,18: New Band 2 priority awarded (29th October 2008) for families living in high rise accommodation within the City as their main home, with dependant children over the age of two and where that family have lived in high rise accommodation with their child for at least two years.</p> <p>Page 12,20: Amendment of wording/criteria - Band 3 for tenants of flats/maisonettes who have dependent children but no access to a private garden and families living in high rise accommodation with dependent children who do not meet the criteria for Band 2</p>

Section 1 – Introduction

What is this document?

This document is Nottingham City Council's Housing Allocations Policy. The policy is operated on behalf of the City Council by its "arm's length" management organisation, Nottingham City Homes.

Nottingham City Council does not have enough properties to meet the demand for social housing in Nottingham. With a limited stock of properties it is necessary to prioritise applicants so that properties are offered fairly.

This document describes who is eligible to apply for housing. It also sets out the priority that is given to different applicants and how it is decided who is offered Nottingham City Council's homes.

Why is this document needed?

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.

What happens when you apply for housing?

When a customer applies for housing, it will be checked whether they are eligible. Most people are allowed to apply, although there are some exceptions which are set out on page 5. A customer may appeal a decision not to allow them onto the housing register.

Once a customer has been accepted as eligible they will be placed in a band on the housing register. This band will reflect their current housing circumstances. For example, if an applicant is accepted as statutorily homeless by the Council, they will most likely be placed in Band One. A full list of the circumstances within each band is given on page 11. If a customer feels that they have been placed in the wrong band, they can appeal.

Section 6 – Offers of accommodation sets out how it is decided who is offered each available home. Nottingham City Homes offers its available properties for rent through a choice based lettings scheme, which gives customers more say 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.

Section 2 – Eligibility to register, Verification of Applications, Joint Applications, Restrictions on Applications

This section deals with the rules applying to applications for Nottingham City Council homes. There are certain people who are not eligible to be allocated accommodation, either because the law says so or because they are not considered to be suitable to be a tenant. Although **all** applications are considered, only applicants who will be eligible for an allocation are placed on the housing register. Those who are not eligible are not placed on the housing register.

Applicants who are eligible for an allocation

Any person currently living within the Common Travel Area (which includes the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland), aged 16 years or over are eligible, provided they do not fall into one of the exceptions described below.

Applicants who are not eligible for an allocation

Persons subject to Immigration Control

People who do not currently live within the Common Travel Area (as described above) are not eligible for an allocation of social housing.

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:

- A British citizen;
- A Commonwealth citizen who has the right of abode in the United Kingdom;
- A citizen of the European Economic Area (EEA), which includes all EU countries.

Therefore, any person who does not fall into one of these categories is subject to immigration control and not eligible for an allocation of social housing.

People from the EEA who do not have a right to reside in the UK, or people from the “A8” EU states who are not a worker or have not been working continuously for 12 months

Although not necessarily subject to immigration control, some EU nationals are not eligible for an allocation of housing. Those EU nationals who do not have a right to reside in the UK, largely because they are not a worker are not eligible for an allocation.

People from the “A8” EU states (Poland, Lithuania, Estonia, Latvia, Slovenia, Slovakia, Hungary and the Czech Republic) can only gain the status of worker once they have

worked in the UK **continuously** for twelve months. If this is not the case, they are not eligible for an allocation of housing.

People who are not habitually resident in the United Kingdom

Anyone who has lived outside the Common Travel Area within the last five years is subject to the habitual residence test **UNLESS** they are exempt because they are classed as a worker or because they are a refugee. If an applicant fails the habitual residence test they are not eligible for an allocation of housing.

Perpetrators of Anti Social Behaviour

People whose behaviour makes them unsuitable to be a tenant and who therefore appear on the exclusion list are not eligible to go on the register of applicants. The policy on exclusion is defined in Appendix 1 – Suspension from the Housing Register on page 32.

Joint Applications

Joint applications from up to 4 people are accepted. These might include applications from people who want to share a home as partners (including same sex partners), or where one of the parties is a carer for another. Joint applications from friends, where there is a long term commitment to a shared home, can also be accepted. Joint tenancies resulting from joint applications are naturally subject to the law relating to secure or introductory tenancies and resultant case law.

If one or both parties to a joint tenancy no longer wish to apply jointly and want to obtain accommodation on their own, separate applications can be formed from the joint application. Each party's circumstances will be re-assessed, and the registration and band date will remain the same for each applicant if the original banding or a lower banding applies. However if one applicant's circumstances has altered so much that they are now placed in a higher band, their band start date will commence from the date they are placed within that higher band. The registration date will however remain the same.

Applications from Current and Previous Tenants of Nottingham City Council

Nottingham City Council tenants will not be accepted onto the register of applicants for the first 12 months of their present tenancy (introductory or secure), unless there are exceptional circumstances. These include, but are not limited to:

- Those experiencing racial and/or any other form of extreme harassment
- Those experiencing domestic violence and abuse
- Those with mobility problems or reasons of ill health
- Priority recommendations from Adult or Children's Services or other accredited agencies
- Clearance/decommissioning of existing property
- Those who are homeless or threatened with homelessness

People with No Fixed Abode

People without an address will be unable to make an application for housing unless they are referred by Housing Aid under the rough sleepers' initiative – see page 17 for further information on this initiative.

Anyone giving their address as no fixed abode is contacted by the office which has received the application form 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 will arrange an interview at a suitable location, e.g. a housing office or Housing Aid, in order to discuss other housing options.

Reviews

The individual circumstances of every application will be considered. If an applicant is not to be accepted onto the register they will be informed in writing and given the right to a review of that decision (see Section 7 – Review and Appeal Procedures on page 30 for more information).

Verification of applicants and documentation required

All applicants will be required to provide:

- Three forms of identification, one of which shows current address, and another with the applicant's signature
- Photographic identification for every adult (16 years or over) in the household
- Evidence required to verify certain priority categories as outlined on page 13.

Risk and needs assessment

All new applicants for housing are interviewed by a member of staff from Nottingham City Homes in order 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 interview is also used to identify people who may fall under the criteria for suspension (see Appendix 1 – Suspension from the Housing Register), or who are not eligible for certain sensitive lettings areas.

Section 3 – Restrictions on the allocation of properties

This section sets out the restrictions which might be placed on the allocation of properties to certain applicants or groups of applicant. It also covers the requirements which applicants may be expected to fulfil before they are allocated a tenancy, such as local connection, assessment of support needs and debt repayment.

The following are the cases in which the allocation of a property may be denied or have restrictions placed upon it.

Age

Although people aged 16 years or over can register, they will only be considered for housing after they have reached the age of 18. The exceptions to this are:

- Homeless young people to whom a duty is owed under Part VII, Housing Act 1996;
- Nottingham City Council care leavers with a firm recommendation from Children's Services (see Appendix 2 – Care Leavers Protocol on page 36);
- Any other firm recommendation from Adult or Children's Services;
- Teenage parents with a full assessment and support plan in place (as recommended by Housing Aid).

Applicants with rent arrears owed to Nottingham City Council and/or Registered Social Landlords

Generally applicants with rent arrears will not be offered accommodation until the arrears have been cleared. Every case is however considered on its merits and in certain exceptional circumstances applicants with rent arrears can be offered a property. This will generally be defined as applicants within Bands One, Two and Three.

When the debt is under £250, a decision to allow an allocation can be made by the Area Housing Manager. When the debt is over £250, permission must be obtained from the Director of Operations, Nottingham City Homes.

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

Local Connection

All applicants will have to show that they have a local connection with the City of Nottingham before they are offered a property. The definition of local connection is:

- The applicant must have been resident in Nottingham for 6 out of the last 12 months;

OR

- They must be employed in Nottingham for 6 out of the last 12 months;

OR

- Have immediate family (parent/child/sibling) with whom they are in close contact living in Nottingham. The family member must meet the local connection criteria.

Applicants qualifying under the employment or family criteria will be expected to provide two references. 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.

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.

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.

There are exceptional circumstances when an applicant will not have to meet one of the local connection criteria before allocation. These are:

- Refugees who have been granted leave to remain within the last six months;
- Applicants who have been accepted for priority rehousing as a reciprocal arrangement with another local authority or RSL;
- Applicants who have been accepted under the homeless legislation by Nottingham City Council and referred to Nottingham City Homes for allocation;
- 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.
- 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 .

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

Prisoners

Prisoners will not be actively considered until after they have been released from prison. Until then, their applications are placed in Band Six.

Members of HM Forces

Members of HM Forces will not be considered until after they have been discharged, or are within six weeks of discharge. Until then, their applications are placed in Band Six.

Property Types

Certain property types can only be allocated to specific household types. For example, houses are generally only let to families with dependent children. See Appendix 4 – Restrictions on property types on page 38 for a full list.

Local lettings policies

In the interest of sustainable, manageable communities, local lettings policies are applied in certain areas. These include, for example, restrictions on the lower age limit for certain blocks of flats and the exclusion of families with young children from some properties.

Sensitive lettings areas

There are parts of the City which have particular problems of crime and antisocial behaviour. “Sensitive” lettings policies are sometimes used in such areas in order to try to reduce these problems. This will usually mean restrictions on the letting of properties to people with records of criminal activity or antisocial behaviour which is relevant to the problems of the area.

Both local and sensitive lettings policies are usually proposed by Nottingham City Homes but must be agreed by the City Council and kept under regular review.

Because local and sensitive lettings areas are subject to frequent review and change they are not listed in this document. A copy of the current policies in place throughout the City can however be requested at any Area Housing Office.

Victoria Centre

This accommodation is leased to the City Council by the Centre’s owners and is let to people in employment or with other financial resources to sustain a tenancy who wish to live in the City centre. Applicants must either be employed, receive disability benefits or state retirement pension.

Accommodation will not be allocated to anyone with a history of antisocial behaviour or criminal activity that could impact on the shopping centre.

Properties within the Victoria Centre are advertised in the same way as other vacancies, but date order, rather than banding, is the deciding factor in who is offered a property.

Section 4 – The Banding Scheme, how applications are assessed, and how applications are ordered within the bands

This section explains the banding scheme which determines where an application is placed on the housing register, and how the order of applications within the bands is determined. Local authorities are required by law to give “reasonable preference” to applicants displaying certain housing needs, and these are incorporated within Bands One and Two of the scheme.

Summary of the Banding Scheme

By assessing their individual housing circumstances applicants are placed within one of six bands.

The following shows the bands and a summary of the categories of applicants within the bands.

BAND ONE: People whom the law considers to be homeless and whom the City Council owes a full housing duty.

BAND TWO: Urgent needs

- People suffering severe racial harassment, domestic violence, or other threats of violence
- Applicants with a fully-assessed need to move on the grounds of disability or ill-health
- People in hospital ready for discharge but who cannot be discharged to their present home and whose present home cannot be adapted
- People whom Adult or Children’s Services have requested be moved on an urgent basis
- Tenants who have to vacate their homes permanently due to demolition or major repair
- Rough Sleepers who are part of the Rough Sleepers’ Initiative
- People whose current home has a Category One hazard under the Housing Health and Safety Rating System
- Young people leaving care
- People whose home is overcrowded according to the law and those who are sexually overcrowded
- Teenage parents with a full assessment and support plan in place
- Families living in high rise accommodation 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.

BAND THREE: Moderate needs

- People who Nottingham City Homes needs to move for housing management reasons
- Hostel residents needing to move on with support plan in place
- People whom Adult or Children's Services have requested be moved but of a less urgent nature
- Private tenants with a Notice Seeking Possession or Notice to Quit
- Bedroom deficiency: Applicants who have two children of the opposite sex sharing a bedroom or more than two children of either sex having to share a bedroom
- Homelink and NCH tenants of low-rise flats/maisonettes who have children but no access to a private garden and families living in high rise accommodation with dependant children who do not meet the criteria for Band 2
- Special circumstances e.g. families of children with special educational needs who need to be near a specialist school, foster parents who need a larger property to enable them to continue as fosterers
- Tenants who would be vacating a high demand property (2/3 bedroom bungalows, adapted properties where the adaptations are no longer needed, 4 bedroom houses in areas of high demand)
- Lodgers with dependent children living with them as their main home.

BAND FOUR: General needs

- Housing association/Nottingham City Council tenants who do not fall into any other band but still wish to move
- Private tenants with security of tenure
- Lodgers who are single people or in a couple but without dependent children
- Owner occupiers who are at risk of losing their home or are poorly housed

BAND FIVE: Low needs

- Applicants with an address in Nottinghamshire but outside the City of Nottingham (excluding HOMES)
- Hostel residents without move on support
- Owner Occupiers with no need

BAND SIX: Applicants not being actively considered or living outside Nottinghamshire

- People serving a custodial sentence
- People serving in HM Forces and living in Forces accommodation
- Persons between the ages of 16 and 18 who do not fulfil any of the exceptional circumstances which allow them to be allocated a property.
- People from outside the county of Nottinghamshire.

A full definition for each group and the criteria which must be met in order to be eligible is given on page 14.

Ordering within Bands

Applications will be considered in date order within the bands, i.e. the date of placement into the band. Time within a band will not be carried forward when an application is promoted to a higher band except in the following cases:

- 16/17 year old applicant moving to a higher band when they reach the age of 18
- Hostel Dweller when they fulfil the criteria for move on

When an application is placed in a lower band from Bands One and Two, the date of registration will be considered to be the time from which date in band will start.

Acceleration (increase) of time within band

There are three situations in which applicants may be awarded additional time within band. These are cases recommended for rehousing on medical grounds, those who are the subject of “local area preference”, and applicants within Band Two whose household demonstrates more than one of the criteria for the band.

1) Medical Recommendations

- People who are terminally ill and need to facilitate their care; and people who are at risk i.e. in immediate danger of injury due to poor mobility and the limiting aspects of their present accommodation;
- People who have been in hospital or other institutional care background for 3 months or more where they cannot return to their present accommodation, as it is considered no longer suitable.

In these circumstances, an additional 12 months will be awarded.

2) Local Area preference

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 within a band will be awarded if an applicant falls within one of the following categories:

- An applicant wishes to stay in their current area to continue their child(ren)'s education within their current school.
- An applicant with dependent children who needs to stay in their current area because they receive regular support from a family member who also lives in the area, OR an applicant who gives this support to a family member.
- An applicant who receives support because they have a disability or permanent ill health OR an applicant who gives this support to a family member.

Criteria for Local Area preference

- Local school will be one which is located within two miles of the applicant's present place of residence. The 12 months acceleration will only be applied if the property being offered is within 2 miles of the school
- Family Support – This will only apply if the applicant wants to move within the same area, has dependent children and receives regular family support from family living in the same area (within a one mile radius). The support must be for child care to allow parents to go to work, 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. The support must be given on a regular basis, i.e. on more than one occasion per week. These cases will be assessed and approved by a local Area Housing Manager within Nottingham City Homes.
- Support Needs due to disability or ill health – This will only apply if the applicant wants to move within the same area, and receives regular family support from family living in the same area (within a one mile radius). Supportive evidence from a professional person will need to be provided e.g. General Practitioner, Occupational Therapist etc to show support need due to vulnerability of the applicant/family member

In each of the above cases, the acceleration is removed if the property to be offered is not within the area that gives the applicant local area preference.

3) Multiple need within Band Two

Where a household has more than one Band Two housing need criteria, an acceleration of 6 months for each criteria will be awarded. This is up to a maximum of 3 different issues. However, this will only apply where the needs are distinct. For example, a recommendation may have been received from two different sources but refer to the same issue. Such a case would warrant only one acceleration.

Criteria for the bands

The following shows the definitions for the groups within the bands and the qualifying criteria:

BAND ONE: People whom the law considers to be homeless

This band will include all households accepted as being homeless, not intentionally homeless, in priority need; with a local connection; or a household, who by reason of personal safety, cannot be referred to another local authority.

These applicants will normally be assessed by Housing Aid, Nottingham City Council, although an applicant who believes them self to be homeless or threatened with homelessness within 28 days can make their application to a local housing office. If so, enquiries should be undertaken immediately by that housing office, in accordance with Part VII Housing Act 1996. In such cases the local housing office must liaise with Housing Aid. Any acceptance under this criteria can only be made by Housing Aid.

BAND TWO: Urgent need

People suffering severe racial harassment, domestic violence or other threats of violence

The authority will respond sympathetically to applications from people in fear of violence and adopt a victim-centred non-judgemental approach. An interview will be carried out which will determine the course of action to be pursued.

Officers have clear guidelines on how to approach such cases, and how to progress a case to the Allocations Panel, where a decision to award priority on these grounds will be taken.

In the most serious cases the allocation panel may approve a recommendation for the applicant to be rehoused urgently. If in the opinion of the Area Housing Manager the applicant needs to move immediately because the circumstances may be life threatening, the award may be made retrospectively by following the urgent manual offer procedure.

In such cases applicants may be eligible for temporary shelter under Housing Act 1996, Part VII.

This category also includes applicants who have been accepted under fast tracking and partnership arrangements which operate for:

- Victims and Witnesses of serious crime (partnership arrangement with the police)
- People who fall within the exiting prostitution arrangements (partnership arrangement with Neighbourhood Services)

Applicants with a fully-assessed need to move on the grounds of disability or ill health

Decisions on awarding priority (Band Two) on medical grounds are made by the Allocations Panel. Cases are submitted to the panel following an application for priority rehousing on medical grounds (this may include RSL reciprocal requests on medical grounds) and subsequent assessment by the Medical Referrals Officers, Nottingham City Homes. Recommendations may also be received from Adult or Children's Services, the Occupational Therapy section within Adult or Children's Services or from Nottingham Healthcare Trust. Medical 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.

12 months' additional waiting time in band can be awarded by the Allocations Panel to:

- People who are at risk or in immediate danger of injury/harm to their mental health due to the limiting aspects of their home
- People who are terminally ill and need to facilitate their care; and people who are at risk i.e. in immediate danger of injury due to poor mobility and the limiting aspects of their present accommodation.

These cases are known as “Category A”; all other medical recommendations within this band are known as “Category B”.

People in hospital ready for discharge but who cannot be discharged to their present home and whose present home cannot be adapted

This category includes people who have been in hospital or other institutional care background for 3 months or more, where they cannot return to their present home as it is considered no longer suitable. There must be a specific recommendation to this effect from the hospital. The recommendation will have been assessed and presented to the Allocations Panel by the Medical Referral Officers. If approved by panel, the application will be given Medical Category A status.

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

- Have been in hospital or other care background for 3 months or more; and
- Gave up a tenancy before going into hospital because the property was no longer suitable; and
- Will face homelessness if discharged.

Supporting evidence must be produced from the institution to determine that the applicant falls within this category and a detailed care/support package must be in place before the applicant is placed in this band.

The managed discharge of the person will be organised in conjunction with a care manager from within the discharging institution.

People whom Adult or Children’s Services have requested be moved on an urgent basis

Recommendations from Adult or Children’s Services are made according to an existing arrangement with Nottingham City Homes. Recommendations will be graded according to two levels of urgency: Category A (people whom Adult or Children’s Services consider to be at considerable or urgent risk in their present accommodation) and Category B (other cases; placed in Band Three).

Cases recommended in this way are visited by the Medical Referrals officers who will prepare a report for the Allocations Panel. The Allocations Panel will decide whether to accept the recommendation. Only applications which have been accepted by the Panel will be placed into this band.

This category will also include recommendations on the grounds of Mental Health from Adult or Children’s Services or Nottingham Healthcare Trust and will be submitted to the Allocations Panel with an accompanying report from the Medical Referral Officers.

Tenants who have to vacate their home permanently due to demolition or major repair

Applicants will be placed in this band under this criteria at least 16 weeks prior to demolition, sale or conversion, requiring vacant possession to complete works (with proof seen), or at an earlier date as directed by the Council or the Executive Management Team of Nottingham City Homes in agreement with the City Council, according to the needs of

the scheme. Any lodgers able to prove 12 months residency prior to the clearance order being made, can submit a separate application and will be considered for this category.

Rough Sleepers who are part of the Rough Sleepers Initiative

Referrals under the initiative are received at Housing Aid from the Contact and Assessment Team (Voluntary Sector). Applicants who qualify for this priority are people who have slept rough on the streets of Nottingham within the past twelve months and have engaged regularly with the Contact and Assessment Team. Band Two priority will only be awarded when the Contact and Assessment Team is confident that the applicant is able to sustain his or her own tenancy and the Housing Aid Team has ratified the decision by means of an interview with the applicant and a support package clearly in place.

People whose current home has a Category One hazard under the Housing Health and Safety Rating System (Part One, Housing Act 2004)

The Public Health section within City Development will report to Nottingham City Homes cases in which a household is living in a property considered to be hazardous to their health and safety. Public Health can recommend (in writing with the legal documentation attached) urgent rehousing if the case warrants such treatment.

Judgements about the need for rehousing focus on the presence of a Category One hazard in the dwelling, although this alone may not warrant the rehousing of the occupant. A number of factors will be considered such as the practicality, reasonableness and economic viability of remedying the hazard before arriving at a decision about alternative accommodation. Such cases will be submitted to the Allocations Panel.

Young people leaving care

A care leaver is defined as a young person between the age of 16 and 21 who was in the care of Nottingham City Council at the time of their 16th birthday. Care leavers will be placed in this category if they have been recommended by Children's Services and are accepted under the care leavers' protocol. A copy of the protocol is shown in Appendix 2 – Care Leavers Protocol on page 36. NB Care leavers do not have to be currently resident in local authority accommodation in order to fall within the scope of the protocol.

Cases are assessed and awarded the priority under this category via the medical referral team, Nottingham City Homes.

People whose current home is statutorily overcrowded according to the law and those who are sexually overcrowded

Statutory overcrowding is defined in law and determined by the Public Health Section of City Development, who will send a written report to the Area Housing Manager confirming the presence or otherwise of statutory overcrowding taking into account the permitted number of the dwelling and the number of occupants.

Sexual overcrowding occurs where:

- Two or more children of the opposite sex have to share a bedroom and one child is 10 or over; or
- A child aged 10 or over has to share a bedroom with his or her parents; or
- A child aged 10 or over has to share with an adult of the opposite sex.

A claim of overcrowding should generally only be considered where it is the product of natural growth i.e. children from the relationship (including long term foster children and adopted children). Overcrowding derived through people (of any age) coming (back) to live in the property would not generally attract this priority. If the overcrowding occurs for reasons other than natural overcrowding rigorous proof will be required of the fact that there was no other option and the applicant will only be placed in the appropriate band only after the situation had existed for 6 months or 6 months after the receipt of application, whichever was the latest. In the case of a property with 2 reception rooms, one room will be counted as a bedroom for this purpose, providing there are no safety reasons why it cannot be used as a bedroom, e.g. the presence of a fire with back boiler in the room.

Teenage Parents with a full assessment and support plan in place

16-19 year old parents, and 16-19 year olds who are pregnant will be referred to Housing Aid for an assessment of housing and support needs. If the assessment confirms that the applicant is capable of sustaining a tenancy, priority under this category will be awarded, subject to a robust support plan being in place.

Families living in high rise accommodation within the City as their main home, with dependant children over the age of two, and where that family have lived in the accommodation with their child for at least 2 years

This criteria is meant to promote the successful re housing of families with young children who are living in high rise accommodation. Families living in high rise flats with dependant children will be placed within Band 3 at the point of first assessment. However, when their child reaches the age of two, and when they have lived in that accommodation with dependant children for over two years they will be placed in Band 2.

These applicants will be supported by Nottingham City Homes to bid. All cases will be reviewed after 6 months, but if bidding has been unsuccessful, a manual offer may be made. If this offer is refused, the application will be reviewed as a result of which, the applicant may be moved back into Band 3. When this occurs, the applicant will still be supported in their bidding.

Certain restrictions will apply where there are rent arrears, or where a possession order is in force.

Reciprocal Arrangements

Applicants may be placed into some of the categories above as a result of a “reciprocal” request from another social landlord.

In such cases a report will be submitted where the case has been thoroughly investigated by an officer of the nominating landlord. The applicant will have been accepted as a high-priority case for rehousing according to the Registered Social Landlord / Local Authority’s own allocation criteria. Cases will only be accepted if the RSL/LA demonstrably cannot rehouse the applicant within its own stock.

BAND THREE: Moderate Needs

People who need to move for housing management reasons

This category recognises the needs of Nottingham City Homes to maximise the use of the stock, or to move some tenants for management reasons which do not warrant urgent rehousing within Band Two. This includes:

- NCC and NCH tied tenants (See Appendix 5 – Policy on Tied tenants on page 40)
- Relationship breakdown (in the case of families with dependent children or vulnerable applicants)
- Cases in which right of succession has been denied but alternative accommodation must be offered
- Sensitive / legal management Issues
- Former tenants who have given up their tenancy when sent to prison and where there has been an agreement at the time of termination to rehouse on release.

It will also include:

- Tenants with mental health problems where no firm recommendation is in place, but Housing Management staff or another support agency believes there are grounds for rehousing because the tenant's current housing impacts negatively on their mental well being or that of a member of their household. It would be expected that evidence from an agency with a support role is included as part of the assessment, and that the future support needs of the individual are addressed within the report
- Cases of harassment involving Nottingham City Council tenants where there is considered to be no immediate risk of life and limb to the applicant, but where there is still a case for rehousing

All cases which might be awarded this priority are thoroughly investigated, according to Housing Management procedures and a report compiled (management recommendation form) giving full details of the reasons behind the need to move as set out in the Allocation Panel Procedures.

All cases must be approved by the Area Housing Manager prior to submission to the Allocations Panel for a decision.

Hostel residents needing to move on with support plan in place

This category is designed to promote the successful move-on of people residing in approved hostels in the City. It is usually in the best interests of hostel residents to have undergone an assessment of housing and support needs prior to obtaining permanent accommodation. Once such an assessment has been carried out and a support plan put in place, hostel residents can be placed in this band.

People who register from a hostel will firstly be registered in Band 5 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.

NB The circumstances of refugees living in hostels 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 chaotic lifestyle. Therefore, whilst it is still necessary to carry out an assessment of the ability to sustain a tenancy, and even though a support package may be put in place, award of this category will not be dependent upon this.

People whom Adult or Children's Services have requested be moved, but of a less urgent nature

These cases are Category B recommendations from Adult or Children's Services (see also Band Two, above). Recommendations are visited by the Medical Referrals officers who prepare a report for the Allocations Panel, which will decide whether to accept the recommendation. These are applicants whom Adult or Children's Services consider to be living in accommodation which is unsuitable for their needs but not considered to be at risk of injury.

Private tenants with a Notice Seeking Possession or Notice to Quit

These applicants will be from the private sector, with an assured shorthold tenancy, a licence or a secure tenancy who have been served with a valid notice to quit or notice 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.

Bedroom Deficiency

Bedroom deficiency is defined as a situation where:

- Two children of opposite sexes occupy a bedroom; or
- Three children/people of the same sex occupy a bedroom.

The same rules about the manner in which the situation has occurred apply here as for statutory/sexual overcrowding (see Band Two above)

Homelink and NCH tenants of low-rise flats/maisonettes who have children but no access to a private garden and families living in high rise accommodation with dependant children who do not meet the criteria for Band 2

All families living in flats will be placed within Band 3 when they first apply for a move. A child must be residing in the property as their permanent residence, not as part of an access arrangement. Housing management records are used in order to verify the lack of a garden. For tenants of non-social landlords this may mean that a visit will need to be made to verify the situation.

Applicants in this criteria will be supported by NCH, their own Homelink landlord or the Homelink Support staff to make a successful bid for alternative accommodation.

All families living in flats will be placed within this band when they first apply for a move. Where it is then established that the family have lived in high rise accommodation with dependant children for over two years, they will be placed in Band 2.

All other families living in low rise accommodation will remain in Band 3.

For these purposes a child is someone who is under 16 year of age, and the child must be residing in the property as their permanent residence, not as part of an access arrangement. Housing management records are used in order to verify the lack of a garden. For non-social landlord tenants it may mean that a visit will need to be requested for the Housing Patch manager to confirm the situation.

Special circumstances

This will include

- Families of children with special educational needs who need to be near a specialist school or college offering special facilities. The special facilities will meet physical or educational needs not available in mainstream schools.
- Foster parents who foster children on behalf of Nottingham Adult or Children's Services who want to move to larger accommodation in order to foster more children. Supporting information from Adult or Children's Services is required.
- Special employment and training (disability) - occasionally an applicant or a member of his or her household will need to move nearer to a college or employment offering special facilities which meet physical or employment needs not available elsewhere. Supporting evidence of the disability and the employment/course details must be obtained.

Tenants vacating high demand properties

This refers to social housing tenants who are vacating high demand properties as follows:

- 2/3 bed bungalow (requesting non family type accommodation)
- 4 bed houses in areas where there is shown to be a high demand (as confirmed by Area Housing Manager note pad entry)
- Adapted properties where the adaptations are no longer required. If the person for whom the adaptations were done no longer needs them the City Council may wish to use the property for other people with disabilities

Lodgers with dependent children living with them as their main home

Lodgers will be defined in this case as applicants who share a home with their landlord. The landlord may be a stranger, family member or friend. This includes temporary arrangements.

In these circumstances dependent children are children up to the age of 16. This can be extended to the age of 18 if the children are still in full time education (although applicants with dependent children over the age of 16 do not generally qualify for housing).

The dependent children must be living with the applicant as their main home. Families with access to children from previous relationships are not considered within this category.

BAND FOUR: General needs

Housing Association/Nottingham City Council tenants who do not meet the criteria for any other band

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

Private Tenants with Security of Tenure

This includes applicants with a secure, assured shorthold or other private tenancy agreement. Applicants will need to provide a copy of their tenancy agreement when registering.

Lodgers who are single people or in a couple without dependent children

Lodgers in this case will be defined as applicants who share a home with their landlord. The landlord may be a stranger, family member or friend. This includes temporary arrangements. Applicants within this category may have dependent children from a previous relationship who do not live with them as their main home. Such applicants may sometimes be considered for houses which are usually allocated to applicants with dependent children living with them as their main home.

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

Generally owner occupiers are placed in band 5, however on provision of proof of the following circumstances homeowners may be placed into this band:

- ***Vulnerable 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 provide 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

**Generally applicants with dependent children living with them on full time basis; singles/ couples with mental health issues/physical disabilities.*

- **Any homeowner with serious medical or social grounds for priority rehousing.** Where sufficient information is available (usually this will be provided through a Adult or Children's Services recommendation or Occupational Therapy recommendation) a report will be submitted to the Allocations Panel who will decide whether there is a priority need for rehousing. Should the Panel decide that this is the case, then a full investigation will be carried out into the applicants' financial circumstances and a report submitted for the consideration of the Director of Housing Operations Nottingham City Homes and an Executive Member, NCC who may approve the application into Band Two of the Housing Register.

- **A homeowner whose home has a Category One hazard under the Housing Health and Safety Rating System (HHSRS).** The Public Health Section within City Development will report to Nottingham City Homes cases in which a household is living in a property with a Category One hazard under the HHSRS. Public Health can recommend (in writing with the legal documentation attached) urgent rehousing if the case warrants such treatment.

Judgements about the need for rehousing under HHSRS focus on the presence of a Category One hazard in the dwelling, although this alone may not warrant the rehousing of the occupant. 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, the practicality, reasonableness and economic viability of remedying the hazard before arriving at a decision about alternative accommodation.

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

BAND FIVE: Low needs

Applicants with an address in Nottinghamshire but outside the City of Nottingham (excluding categories which might fall into a higher band)

Applicants who live outside the City but inside the County of Nottinghamshire boundary will be placed in this band. This does not apply to prisoners in institutions within the County, serving members of HM Forces or persons under 18 years of age.

Hostel residents without move on support

The criteria for hostel residents to be placed in Band Three is stated within that section. Prior to this criteria being met, residents of approved hostels will be placed in this category.

The applicant will remain in this category until their Key worker considers that they are ready to move on and the agreed move on procedures are followed.

Owner occupiers with no need

Generally all home owners will be placed into this category unless proof is seen to confirm they fulfil the criteria as defined for Band Four.

BAND SIX: Holding/ retained/ out of county applicants

People serving a custodial sentence

Prisoners are put into a holding state 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. A risk assessment will be carried out for the future rehousing of these applicants.

Prisoners who have given up a council tenancy and an agreement has been made to rehouse on release are placed within Band Three.

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

People serving in HM Forces and living in Forces accommodation

This is a holding category for HM Forces personnel who are living in forces accommodation. HM Forces personnel who are owner occupiers or homeowners should be placed within Band 5 as owner occupiers. Assessment of banding will be made on the housing circumstances after discharge. Only personnel who lived within the City immediately prior to joining the forces will qualify as meeting the local connection immediately on discharge.

Persons between the ages of 16 and 18 who do not fulfil any of the exceptional circumstances which allow them to be allocated a property

This is a holding category for applicants under the age of 18. Applicants reaching the age of 18 will be placed in a higher band (except those living outside the City or County boundary) according to their living circumstances at the time. The waiting time since registration will be carried forward to the relevant band.

There are exceptional circumstances in which 16-18 year olds can be placed in a higher band and considered for accommodation. These are:

- City Care leavers (see Band Two for qualifying criteria)
- Vulnerable young parents with support plan (see Band Two for qualifying criteria)
- Adult and Children's Services Recommendations (see Bands Two and Three for qualifying criteria)
- Those accepted as homeless under the Homeless Legislation (see Band One)

People from outside the county of Nottinghamshire

Applicants who are not listed in the exceptions above and who live outside the County of Nottinghamshire will be placed in this band irrespective of their housing circumstances.

Section 5 – How the housing register is maintained

It is the local housing offices' responsibility to maintain the waiting list and ensure that applications are kept up to date. Whenever an officer has contact with an applicant the application form is checked and any necessary amendments made. This could result in a movement between bands or closure of an application.

Annual Revision Letters

The housing register is reviewed annually. Applicants with whom there has been no contact within the past twelve months are sent a revision letter to confirm that they are still actively seeking accommodation and that their circumstances remain unchanged.

Notification of change in circumstances

It is important that an applicant informs the Housing Office of any changes in their circumstances immediately, so that any effect on their application can be assessed and the applicant informed, in writing, accordingly. Wherever possible, it is in the best interests of the applicant to notify the Housing Office 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 position may change. The registration letter advises applicants to inform their Housing Office of any change of circumstances; notification may be by telephone, office interview or by revision letter.

Allocations Panel awards

The cases of all applicants awarded a priority category via the Allocations Panel are reviewed by the instigating office(r) every 6 months. It may be that as the result of the review the band awarded may need to be reassessed e.g. where the applicant is refusing reasonable offers or where the immediate danger has been alleviated or has worsened. In this instance the case can be re-submitted to the Allocations Panel. This might result in either a promotion to a higher band or a demotion to a lower band.

Movement between bands

If as the result of a re-assessment the applicant is moved to a higher or lower band the applicant must be informed in writing. In addition, if they are moved to a lower band the applicant must be informed, in writing of, the reason for the change of band and their right of appeal within 21 days. See Section 7 – Review and Appeal Procedures on page 30.

Closing Applications

Applications will be closed if as a result of a re-assessment they are no longer eligible for housing, or if they do not reply to an offer letter, a revision letter, or any other letter requesting a response. This is only done having checked that there are no vulnerability issues and/or any support agency contacted. All applicants whose applications are closed will be informed in writing. As the closure of an application is effectively deletion from the housing register, applicants will be given the right to a review (see Section 7 – Review and Appeal Procedure on page 30). Upon closure application forms are removed from the live system and re-filed in the “take offs” section within the Area Housing Office which is managing the application for a period of six months, after which they are destroyed.

Re-instatement into the Bands

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;
- 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 reinstated application will retain its original registration date.

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 will be amended to reflect the new registration date.

Section 6 – Offers of accommodation

Policy for offering choice

Nottingham City Homes operates a “choice-based” lettings scheme, Nottingham HomeLink, in which applicants are invited to express their wish to be considered for a specific vacant property. Available properties are advertised weekly in the Nottingham Evening Post, on the internet (www.nottinghamhomelink.org.uk), and in area housing offices. All properties are advertised in this way with the exception of properties required for housing management purposes such as decanting during major refurbishment, use as homeless temporary accommodation, or situations where the rehousing of a household must be a managed process and it is inappropriate to advertise. Separate procedures exist for each of these exceptions to advertising.

Selection from Bands

To ensure there is opportunity given to applicants in each of the bands, the Council will set a quota or target for the percentage of properties which should be made to each band over a 12-month period.

Generally properties will be allocated to each band according to the percentage split set by the City Council. Exceptions are bungalows, adapted properties and properties specifically identified as being suitable for people with mobility problems or adaptable to meet the needs of people with mobility problems. First consideration for such properties must be given to applicants within Band Two with a medical need as approved by the Allocations Panel.

Band One

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 to discharge the City Council's duty under Part VII Housing Act 1996. There is a right to a review of the suitability of an offer made in this way (See Section 7 – Review and Appeal Procedures on page 30). However if the applicant is unsuccessful in the review and they do not wish to take the property offered to them, the Council's legal duty will be discharged and the application will be placed into the band which reflects their present housing circumstances.

Shortlisting Applicants

All offers will be made having created a shortlist of applicants from the relevant band. A shortlist comprises all the applicants who have bid for a property in the HomeLink scheme. The order of a shortlist is determined by date order within a band.

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.

Members of staff, Nottingham City Homes Board members, elected members or their relatives who are eligible for an offer of accommodation

Offers to such persons must be formally approved by the Director of Housing Operations, NCH (in the case of board, elected members and their relatives), Head of Area Operations, NCH (in the case of NCH and NCC housing staff members and their relatives) or an Area Housing Manager (in the case of other NCC staff).

Offers to applicants recommended by the Occupational Therapy Service or others recommended by the Medical Rehousing Officers

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.

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 the Probation Service with regard to the risk posed by the offender.

Non-shortlist (“manual”) Offers

Generally all offers are made by creating a shortlist of suitable applicants. However there will always be 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 Panel or properties which, probably because they are in very low demand, have failed to generate a shortlist. Such cases are however very exceptional and only officers at managerial level are allowed to make non-shortlist offers. A central record is kept of all non-shortlist offers with full details including why the offer could not be made through the shortlisting method. Such cases are however exceptional, and only the Allocations Panel or third tier managers are allowed to approve non-shortlist offers.

By-passing of applications

Any application can be bypassed, with the authorisation of the Area Housing Manager, where the property offered is materially the same as the properties that have been offered to the applicant previously and turned down, or the applicant is ineligible to be made an offer because of rent arrears.

Number of offers that can be made or refused (excluding Band One)

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. This does not apply to Band One applicants.

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

Exhausted or nil shortlist

Subject to there being no one on the shortlist from Bands 1 to 4, any property type, with the exception of bungalow accommodation and adapted properties, can be offered and let to any applicant who is prepared to accept it from any band, providing they meet the local connection criteria and eligibility criteria.

Quotas

The City Council reserves the right to set quotas on the percentage of properties to be let to each band annually. It is desirable to have a quota system in order to achieve a balance between need and choice, to promote sustainable communities and to ensure that all applicants have a realistic prospect of rehousing at some point.

Section 7 – Review and Appeal Procedures

Review procedure

Eligibility for an allocation

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 or unsuitability to be a tenant because of unacceptable behaviour.

The legislation also states that written notification of the decision must be given to the applicant, and they must be informed of their right to a review.

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 its 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. The review is therefore of the decision not to place someone on the housing register.

Nottingham City Homes must inform the applicant of the decision and at the same time inform the applicant of the right to request a review within 21 days of them receiving the decision.

The following procedure is followed when an applicant requests a review:

- The reviewer will confirm in writing to the applicant of the original date of the request for the review, and invite the applicant to submit any grounds for requesting a review in writing;
- Any new information must also be submitted in writing at this time, which should be provided within 14 days of receipt of the written confirmation, otherwise the review will be completed on the basis of the facts as previously known to Nottingham City Homes;
- The review must be completed by a person who is senior to the officer who took the original decision and must be completed within 8 weeks of the original request date;
- If the review is a decision to either refuse access or to delete an application on the grounds of anti-social behaviour/exclusion list, the Appeals Panel will administer the review, because the original decision was made by the Allocations Panel (see Appendix 1 – Suspension from the Housing Register on page 32)

The reviewer will consider all the details and facts known on the review date and will notify the applicant of the outcome. If the original decision is upheld a full written statement must be made giving the reasons for the decision.

Homelessness applicants and the Right of Review on the suitability of an offer of accommodation

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

- Any request should be made within 21 days of the applicant being notified of the Authority's decision, but in some circumstances a longer period can be specified (in writing).
- 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 the decision might be either to:
 - Agree with the applicant that the allocation is unsuitable; or
 - Agree the original offer was reasonable; or
 - Come to another conclusion, based on information that was not available when the first decision was made.
- 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.
- There is no obligation to hold a property whilst a review is carried out or whilst waiting for a review request to be received.

Appeal Procedure

In addition to the above legal review rights, there is a procedure for the following reasons for appeal:

- An applicant who has been bypassed because they have refused a number of reasonable offers. The appeal can only be made on the grounds that previous offers were unreasonable.
- An applicant who has been deleted or demoted to a lower band as a result of a review of their priority may appeal against the decision. The applicant will be advised, in writing, given the reason(s) for the decision and given 21 days to appeal in writing to the Area Housing Manager. This appeal procedure will apply to any applicant who does not think that they have been placed within the correct band.
- A tenant can also appeal against the decision to not actively consider their application as a result of a report by their present or previous landlord.

The appeal in the above instances should be put in writing and addressed to the Area Housing Manager of the office handling the application. The applicant is advised to provide as much supportive information as possible. The appeal will be dealt with within five working days of its receipt.

If the applicant is appealing against the decision to demote/close their application as a result of an Allocations and Management Panel decision the appeal must be heard by an Area Manager who was not involved in the Panel decision.

Appendix 1 – Suspension from the 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 behaviour 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 their housing and transferring within it, 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 and RSLs who have been in breach of their tenancy conditions;**
- 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 NCH, Nottingham City Council, 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

NCH shares its Suspension List with RSLs in an effort to combat the issue of moving anti-social behaviour from one area or landlord to another.

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 acceptable to warrant suspension.

1 Current or former tenants who have been in breach of their tenancy conditions

- 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.
- 1.3 Individuals against whom NCH or a RSL has commenced Court proceedings after the service of a Notice of Seeking Possession (NOSP) or a Notice of Proceedings for Possession of an Introductory Tenancy (NOPPIT)
- 1.4 Individuals whom NCH or a RSL have 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 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 following 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 been 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)

* 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 groups
- 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 over 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
- Persistent and offensive verbal abuse or threats of violence towards NCH, NCC, RSL or police staff

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, staff 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 staff or agents of NCH, Nottingham City Council, previous landlords or the police

- 4.1 Individuals who have caused an actual physical attack, or intimidating behaviour 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 within 21 days of receiving the letter of suspension.

Being Taken Off the Suspension List

After three years of being on the Housing Register's Suspension List, the individual will be entitled to apply for housing again. The Allocations Team will have to check that the reason for the person being placed on the Suspension List is not still valid. This will apply to any ongoing unacceptable behaviour, for example. If this is the case, then another period of suspension may be appropriate.

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 supports to help 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 allocations process ensuring that the young people are given as much support as they need to make successful bids, and gain timely and quality allocations. The corporate responsibility does not stop at the commencement of tenancy but carries on through the management of the tenancy with all agencies being aware of the need for extra support and for their responsibility to work together to ensure a sustainable tenancy.

Appendix 3 – 16/17 year old Refugees’ Protocol

The Children’s Services Department has a duty of support (funded by the Home Office) for 16 and 17 year old unaccompanied Asylum Seekers who have a positive asylum decision. This support includes securing supported accommodation. However at the age of 18 the Home Office funding is withdrawn and the young person is no longer eligible to stay in supported accommodation. If a young person applies as homeless before the age of 18 Nottingham City Council has a duty to rehouse under the Homeless legislation. The City Council recognises that there is a corporate responsibility across all Departments to provide appropriate and accessible services to support young people leaving care/support of the Authority and therefore will consider rehousing similarly to the care-leavers protocol. This will ensure that the young person remains in supported accommodation long enough to gain independent living skills and to ensure their future support needs are assessed. The stigma of the “homeless” route is thus avoided and the young person will have a better start to their independent living and a greater chance of sustaining their tenancy.

The protocol ensures that each individual person is interviewed before priority is given and they are supported through the process of bidding. It also ensures that support packages are put into place and that all agencies continue to work together once a tenancy is granted.

Appendix 4 – Restrictions on property types

This appendix shows which household sizes, types and priority groups can be considered for the various property types.

The following rules apply:

- **Houses**
Usually only let to applicants with dependent children under the age of 16. (except band 2/3 recommended transfer applicants who are living in houses already, or where local lettings policy allows letting to people with access to children).
- **Parlour houses**
Offered firstly to applicants with medical/occupational therapy recommendation
- **One bed low rise flats, and one or two bed high rise flats**
Let to any applicant without dependent children
- **Two plus bed low rise flats/maisonettes**
Usually let to families with dependent children or with children still in full time education over the age of 16 (except recommended transfer applicants who are living in houses or this type of property already). Can be let to single applicants also.
- **Bungalows**
First consideration to go to applicants with medical priority or OT/Health recommendation (physical)
Second consideration to go to elderly applicants (over the age of 60)
- **Adapted property**
Applicants with medical recommendation/OT/Health recommendation (physical) only
- **Sheltered Accommodation**
Applicants over the age of 60

Occupancy Table

The table below shows describes the minimum number of occupants normally required for each property type and size. It needs to be read together with the Eligibility Rules. Also some flats and bungalows have age and other restrictions.

	Bedsit	1 Bed flat, house or bungalow	2 bed flat or maisonette	2 bed bungalow	3 bed bungalow	2 bed house	3 bed house	3 bed flat or maisonette	4 bed house or bungalow	4 bed flat or maisonette	5 bed house or bungalow
Single person	√	√	√	√							
Single person with overnight access to 1 or more children	√	√	√								
Single person with overnight access to 2 or more children	√	√	√					√			
Couple or 2 adults		√	√	√							
Household with 1 child			√	√			√				
Household with 2 children of same sex, or 3 adults			√	√			√	√			
Household with 2 children of opposite, or 3 or more children							√	√			
Household with 4 or more children, or a household of at least 6 people in total							√	√	√	√	√

NOTE:

- 1 Households with a medical priority and with a recommendation from an Occupational Therapist may be considered first for parlour type houses – those with an extra living room.
- 2 Due to the short supply of houses with 4 bedrooms or more, first consideration will be given to those who have been assessed as experiencing sexual overcrowding or overcrowding according to the law and with at least 3 children. (This also includes 3 bed parlour houses not required for those households described in Note 1.)

Appendix 5 – Policy on Tied tenants

Current NCC and NCH tied tenants (Nottingham City Council and Nottingham City Homes employees) will be placed in band four and retained until they wish to be actively considered.

Tied tenants, as above, who are leaving their job for either reasons of retirement (age or ill health) or redundancy will be considered for urgent rehousing by way of a management recommendation to the Allocations and Management Panel. The recommendation should be compiled by the Area Office where the person lives, in liaison with the relevant Head of Service/Service Manager for the service area. The recommendation should be submitted to the Panel as soon as possible after notification has been verified.

Tied tenants, as above, who are leaving their job for reasons other than retirement or redundancy and gave up their council tenancy to take up their tied tenancy will also be considered for urgent rehousing in the same way.

Tied tenants as above who have given up their job through choice will not be considered for priority rehousing under the urgent needs band.

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.