



# **Bedford Borough Allocation Scheme**



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**Contents**

1.	Introduction	4
2.	Scheme Objectives	5
3.	Types of Tenancy Changes that Are Not an Allocation under this Scheme	5
4.	Allocation to Lettings Not advertised through MyHomeOptions	6
5.	Eligibility for the Housing Register	6
6.	Qualifying for the Housing Register Local Connection Criteria Additional Qualifying Criteria	7
7.	Reasonable Preference	12
8.	Additional Preference	16
9.	The Banding Scheme Emergency Band Band A – Urgent Housing Need Band B - High Housing Need (multiple needs) Band C - Housing Need Band D - Reduced Preference Band S - Qualify for Sheltered Housing Only	17
10.	Applying to the Scheme	19
11.	Assessment of Applications & Requesting a Review Legal Requirements Specific Needs Divided Households Time Waiting - Effective Date Cancelling an Application Requesting a Review	23

12.	Suitable Properties Restrictions Bedroom Eligibility	25
13.	Bidding  What is Bidding? How to Bid Suitable Bids Bidding requirements and restrictions Auto bidding	26
14.	Advertising	29
15.	Quotas	30
16.	Shortlisting	30
17.	Viewing a Property	31
18.	Offers of Tenancy – types of tenancy	32
19.	Refusals of Offer	33
20.	Withdrawal of Offer	33
21.	Feedback	34
22.	Other Housing Options	34
23.	Confidentiality, Data Protection & Access to Information	35
24.	Equality and Diversity	36
25.	Legislation & Statutory Guidance	36
26.	Decision Making	37
27.	Monitoring, Reviewing	38
	Appendix A: Quotas	39
		40

## 1. Introduction

The housing allocated through this Allocation Scheme includes social housing and affordable rented housing owned and managed by **Bedford Borough Council** and Registered Housing Providers (housing associations).

The Allocation Scheme sets out how applications for social rented housing are prioritised. The Scheme also describes how vacant properties are advertised and allocated. The Scheme operates in partnership with Bedford Borough Council and Registered Housing Providers with stock in the Local Authority area.

The Allocation Scheme seeks to offer choice, while giving reasonable preference to those in the greatest housing need and those with a local connection to Bedford Borough.

By joining the housing register, those in housing need can be considered for vacant properties to which Bedford Borough Council has nomination rights. In framing this Allocation Scheme, Bedford Borough Council has consulted all Registered Providers with which it has nomination rights.

The Allocation Scheme sets out how we decide who can join the register; how applicants are prioritised for available properties and the processes we follow when registering applicants and allocating properties through the MyHomeOptions Website.

This Allocation Scheme meets the requirements of Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002, The Housing and Regeneration Act 2008 and the Localism Act 2011. Further, the Allocation Scheme takes account of

- Statutory guidance on social housing allocations for local authorities in England
  - Allocation of accommodation: Guidance for local housing authorities in England (Communities and Local Government: June 2012)
  - Providing social housing for local people (December 2013)
- Bedford Borough Council's Homelessness Strategy
- Bedford Borough Council's Tenancy Strategy.
- Bedford Borough Council's Public Sector Equality Duty

References to the Housing Act 1996 (as amended) throughout this document will be deemed to include amendments brought about by the Homelessness Act 2002, The Housing and Regeneration Act 2008 and the Localism Act 2011.

The purpose of the Allocation Scheme is to set out how an applicants' eligibility for housing is assessed; the priority given to their housing need and the types of property applicants can apply for. For the purpose of this Allocation Scheme, an applicant includes anyone seeking housing through the Scheme, including existing tenants wishing to transfer. The Allocation Scheme sets out:

- Eligibility to join the scheme;
- Qualifying for the scheme
- How to apply for housing and who can be included in an application
- Who is given preference –Banding assessments

- How homes will be let
- Expressing choice for vacant properties through 'bidding'.

Due to high demand for affordable housing and a comparatively limited supply, not everyone eligible to express interest in vacant properties will be housed from the Register. Applicants can obtain advice about other housing options from the MyHomeOptions website (<http://myhomeoptions.org.uk>).

## **2. Scheme Objectives**

The objectives of this Allocation Scheme are:

- To meet the legal requirements for the allocation of affordable housing under Part VI of the Housing Act 1996 (as amended) and the statutory codes of guidance. This includes the allocation of affordable housing owned by Registered Housing Providers with which Bedford Borough Council has nomination agreements allowing it, or its agent, to nominate an applicant for housing using this scheme.

A nomination agreement is a formal agreement between a Local Authority and a Registered Housing Provider governing the allocation of some or all of the Provider's vacancies to applicants from the Local Authority's housing register. A nomination is the provision to a Registered Housing Provider, by the Local Authority or its agent, of details of an eligible and qualifying applicant who has bid successfully for a vacancy advertised on behalf of the Registered Housing Provider.

- To ensure appropriate levels of priority are afforded to applicants
- To offer as much choice to applicants as is reasonably possible
- To let properties in a fair and transparent way
- To support vulnerable applicants
- To provide feedback to applicants about homes let through the scheme
- To encourage and support sustainable communities and social inclusion
- To ensure applicants are treated fairly, individually and in accordance with the Equality Act 2010.
- To make best use of the available social housing stock and meet housing need.

## **3. Types of Tenancy or Tenancy Changes that Are Not an Allocation under this Scheme**

The following are types of tenancy or changes to tenancy are not an allocation under this Scheme:

- Mutual Exchanges
- Assignments of tenancy
- Successions of tenancy
- A Starter Tenancy converting to an Assured Tenancy
- Provision of non-secure interim accommodation in discharge of any homelessness duty

Further information about each type of letting is available from Bedford Borough Council's Housing Options Team.

## 4. Allocation to Lettings not Advertised through MyHomeOptions

Allocations will be made to lettings not advertised through the MyHomeOptions website as follows:

### 4.1 Extra Care Retirement Housing

Retirement housing schemes are included in the CBL scheme, with the exception of vacancies in extra care schemes designed for frail elderly people requiring significant personal care. These vacancies will be allocated according to needs assessments by the relevant care agencies, scheme managers and landlords where appropriate.

### 4.2 Direct Lettings

Where there are exceptional circumstances, or overriding management requirements, **Bedford Borough Council** may make an offer of accommodation by way of a direct let. Examples of such circumstances may include:

- Where a tenant's property has become structurally unsafe
- Where a tenant is unable to return to their property due to fire or flood
- Where an applicant requires a property with specific adaptations and such a property is available and no other applicants require the same.
- Where an applicant cannot succeed to a tenancy, but there are overriding welfare considerations which indicate an allocation of accommodation is required.
- Where a property has been advertised for at least two bidding cycles and no suitable bids have been placed properties may be offered direct to applicants threatened with homelessness or with an accepted homelessness duty.

The above list is not exhaustive.

## 5. Eligibility for the Housing Register

The following groups of people are not eligible for social housing and cannot therefore join the Housing Register

- Any applicant under the age of 16 years
- Any applicant who is subject to immigration control, unless they are re-included by order of the Secretary of State. This is a complex area of Law and applicants seeking to challenge a decision in respect of eligibility are advised to seek independent advice.
- Any applicant not habitually resident in the UK
- Any applicant without recourse to public funds in the UK

## **6. Qualifying for the Housing Register**

Where an applicant is eligible for social housing, s/he must still fulfil the qualification criteria to join the Housing Register. In order to remain registered an applicant, or joint applicant, must continue to meet the qualification criteria until they become a tenant through this scheme. The applicant's circumstances will be verified when an applicant is shortlisted for a vacancy (see paragraph 16.10)

### **6.1 Local Connection Criteria**

In order to qualify to join the housing register, an applicant or joint applicant must have a local connection to the Local Authority as follows:

#### **6.1.1 Residence**

An applicant, or joint applicant, must currently live in the area, in settled accommodation, and must have done so continuously for three years prior to the date the application was received. Settled accommodation does not include, for example, Bed and Breakfast or other night stop accommodation, staying temporarily with family, friends, etc. A period of residence outside of Bedford Borough Council will be disregarded for accepted homeless households only for the period where the household has been placed by Bedford Borough Council in accommodation outside of the Borough area.

Applicants will not normally be considered to meet the residence criteria if they have been placed in the Bedford Borough area;

- in temporary accommodation by another Council
- in residential or supported housing by another Council or statutory body or support agency
- in prison, a bail hostel or approved premises.
- by another Local Authority's Social Services (e.g. in foster care).

Or

#### **6.1.2 Employment**

An applicant, or joint applicant, must currently have, or have had within the last 24 months, full- or part-time (at least 16 hours per week) employment in the Bedford Borough area, excluding casual work, and must have done so for a period totalling 12 months out of 24 months prior to the date the application was received. Employment is defined as having a permanent contract, or working under contract as a temporary member of staff for one employer, not a recruitment agency. The applicant's normal place of work must be based in the Authority area; the existence of a company office will not by itself meet the criterion.

Or

### **6.1.3 Employment**

An applicant, or joint applicant, must have close family residing in the Bedford Borough area (i.e. mother, father, brother, sister, adult son or daughter) whom they wish to be near, and who live in the Borough and have done so for at least the last five years prior to the date the application was received; and there is a requirement to give or receive support. Evidence of the support needed must be provided.

Or

### **6.1.4 Move on From Supported Housing**

An applicant must have resided continuously for at least twelve months within a supported housing scheme; have engaged with the support; be ready to move to independent living and; have been nominated by the relevant supported housing provider, prior to the date the application was received. For the purposes of applying these criteria a supported housing scheme is a scheme which receives Supporting People funding from Bedford Borough Council.

### **6.1.5 Exceptions**

The following applicants, or joint applicants, are not required to meet the local connection criteria set out in paragraphs 6.1.1- 6.1.4.

- (a) Existing social housing tenants resident in Bedford Borough who apply to transfer because they have a housing need.
- (b) a person who would be a relevant person under The Allocation of Housing (Qualification Criteria for Armed Forces Regulations 2012 [SI 1869]
- (c) a person who is fleeing domestic violence who would qualify for reasonable preference due to homelessness and cannot reside safely in an area where they have a local connection.
- (d) a person who is required to be rehoused in another local authority area due to arrangements with other statutory bodies for example; Witness Protection Schemes; Multi-Agency Public Protection Arrangements.
- (e) In exceptional circumstances, where the applicant, or joint applicant, has a need for support or medical treatment which cannot be met in any other reasonable location,
- (f) a person who is an existing social tenant seeking to transfer from another local authority district in England who have reasonable preference under s.166 (3) (e) because of a need to move to the local authority's district to avoid hardship, and need to move because the tenant works in the district, or need to move to take up an offer of work. This is also known as 'Right.

- (g) households who meet the local connection criteria to a particular village or parish as set out in the Section 106 agreement in respect of properties developed on rural planning exception sites. These applicants will be permitted to bid only on vacancies in villages where they can demonstrate a strong local connection

## 6.2 Additional Qualifying Criteria

The following applicants or joint applicants who meet the local connection criteria will normally not qualify for the Housing Register. A fresh application will be considered if there is a relevant change in the applicant's circumstances

Due regard will be given to the applicant's circumstances in reaching a decision that an applicant does not qualify to join the housing register. If supporting information is provided which demonstrates there are exceptional circumstances these will be considered. Where an applicant is assessed as not eligible, or does not qualify to join the housing register, Bedford Borough Council will inform the applicant in writing of the reason/s and how to request a review of the decision.

### 6.2.1 People with enough income/assets to secure their housing privately

**Bedford Borough Council** will apply a threshold of income and/or assets, including equity from the sale of a property or equity held within an existing property where a household member has a legal interest in a property and/or occupation rights to it and is able to exercise those occupation rights. The threshold will not be applied to Social Housing Tenants resident in Bedford Borough who apply to transfer because they have a housing need. Applicants with a household income and/or assets above the threshold will not qualify for the Housing Register. Affordability of other housing options will be calculated on the basis of housing needs. Any lump sum payments made to a member of the Armed Forces on discharge will be disregarded.

Households will be deemed to exceed the thresholds if any of the following circumstances apply:

Where private rented accommodation is generally available at a cost not exceeding 35% of the gross household income (For the purposes of this calculation, Local Reference Rent rates calculated in April of each financial year will be applied) The rates will be kept under review throughout the year to ensure that where there is any significant increase or decrease, the new rate is applied).

Where a household has equity/investments/other assets as follows:

Needing 1 bedroom accommodation	£30,000
Needing 2 bedroom accommodation	£40,000

Needing 3 bedroom accommodation or larger £50,000

Where a household has unreleased equity within a property, 80% of that equity will be considered as an asset when applying the above threshold. Due regard will be given to household's ability to release equity.

Rents and house prices (open market and shared ownership) will be regularly reviewed to ensure calculations of income and asset thresholds remain reasonable. Current thresholds will be available on request.

However an application may be accepted onto the register and assessed accordingly, where the applicant, does not have the financial resources to secure appropriate accommodation and;

(a) The applicant or a member of the applicant's household has significant medical and/or support needs, rendering their current accommodation unsuitable. Guidance will be sought from a medical practitioner. Where a homeowner is in accommodation determined as unsuitable for the household due to medical needs (for example, poor mobility) but resources are available (privately or through Disabled Facilities Grant) to provide necessary adaptations, medical needs will not be applicable.

Or

(b) The Household is facing imminent eviction (due to a Court Order for Possession having been granted) as a result of mortgage arrears accrued through no fault of their own.

Or

(c) The Household is Statutorily Overcrowded as defined by the relevant legislation.

**Bedford Borough Council** may re-assess these cases where the applicant can provide evidence of a temporary loss of income through no fault of their own. The temporary period will normally only be considered where it exceeds or is likely to exceed 6 months, e.g. loss of income due to ill health.

### **6.2.2 People assessed as having insufficient income to afford rent and bills and people who are residing in an institution or in prison and who are not expected to be discharged or released within 3 months**

Applicants, or joint applicants, who are assessed as having insufficient income to meet the costs of an independent tenancy may reapply once they have secured employment and/or obtained a decision on entitlement to welfare benefits. Applicants accepted onto the Housing Register who have significant debt repayment liabilities may be referred for money advice before a tenancy is offered.

Applicants who are residing in a prison or institution and who are not expected to be discharged/ released for at least 3 months may reapply when they have evidence that their release or discharge date is within 3 months

### **6.2.3 People with no housing need as set out in the Allocation Scheme**

Applicants, or joint applicants, who are found not to meet any of the criteria for an award of reasonable preference under this Allocation Scheme, will not qualify to join the Housing Register. Exceptions will be made for applicants aged 60 or more who wish to be considered for sheltered (retirement) housing schemes only.

The following applicants, or joint applicants, who meet the local connection criteria also will normally not qualify for the Housing Register for the period specified.

### **6.2.4 People who have breached the terms of a previous tenancy and the landlord has taken legal action against them**

An applicant, or joint applicant, who is, or has been, a tenant of a Registered Housing Provider or a private sector landlord and has been served a Notice to Quit for any breach of tenancy by a landlord, or other body, within the past two years prior to receipt of the application, will not qualify to join the Register for two years from the date of the Notice to Quit

Where an applicant, or joint applicant, can demonstrate significant improvement in the management of their tenancy and have adhered to their terms and conditions for a period of not less than 12 months they may make a fresh application.

### **6.2.5 People who owe any debt from a current or former tenancy**

Applicants, or joint applicants, who owe a housing-related debt, Types of debt can include:

- rent arrears (former & current);
- rechargeable repairs in current social tenancy;
- dilapidations from a former social tenancy;
- housing benefit debts/overpayments;
- outstanding charges against the Local Authority's Rent Deposit Scheme

Where, at the date of application, an applicant, or joint applicant, has, or incurs, housing related debts relevant to a property they are currently legally liable for, and/or a property they were legally liable for in the last 2 years, the applicant will not qualify to join the Housing Register.

A blanket policy is not operated in relation to housing debt and each case will be considered on its own merit. Applicants, or joint applicants, are invited to provide evidence of a change of behaviour. Regular payments towards a previous housing debt; a reference from a support agency; undertaking training to develop the skills necessary to manage a tenancy or being ready to move on from supported housing will be considered as evidence of a change in behaviour.

#### **6.2.6 People who have been guilty of antisocial behaviour, domestic violence, hate crime or who have been violent or aggressive to Council's or housing provider's staff**

Where an applicant, joint applicant, or a member of the applicant's household, has been subject to a formal sanction by a landlord or other body due to antisocial behaviour. Can include Notices, ASBOs, ASBNs, ABCs, convictions, injunctions, etc. (the list is not exhaustive) Disqualification will be for an initial period of two years from the action for ASB. The applicant may reapply after the disqualification period, and will be required to provide evidence of improvement in the behaviour, e.g. successful maintenance of a tenancy.

The following categories of people will also be regarded as guilty of antisocial behaviour.

- Perpetrators of domestic violence – evidence will be sought from the Police and/or other supporting agencies
- Perpetrators of Hate Crime – evidence will be sought from the Police
- Applicants, or joint applicants, who have provided false information in order to obtain a tenancy
- Applicants, or joint applicants, who have behaved in a violent or aggressive manner to employees of the local authority or its agents

#### **6.2.7 People who have been evicted because they have abandoned a social tenancy**

Any applicant, joint applicant, or member of the applicant's household who has previously abandoned a social tenancy will not qualify to join the Housing Register for a period of two years from the date of repossession.

#### **6.2.8 People who have sublet a social tenancy**

Any applicant, joint applicant, or member of the applicant's household who has had property recovered from them as a result of subletting a social tenancy will not qualify for the Housing Register for a period of seven years.

## **7. Reasonable Preference**

The law requires reasonable preference to be given to the following. Any reasonable preference will be given where an applicant or joint applicant meets the qualifying criteria set out in Section 6:

- 7.1 People who are homeless or threatened with homelessness within the meaning of the relevant legislation, whether or not a duty is owed by the local authority. In terms of this Allocation Scheme, this means:
- 7.1.1 People who are homeless within the meaning of Part VII of the Housing Act 1996 (as amended);
- 7.1.2 People who are owed a duty to be housed by the Local Authority within the meaning of Part VII of the Housing Act 1996 (as amended);
- 7.1.3 People who are threatened with homelessness because they have been served with a legal or valid notice, including a possession order, requiring them to vacate accommodation they are currently occupying. Reasonable preference will be applied a maximum of 2 months prior to the expiry date of the notice. If the notice has not been enforced within 2 months of the expiry date of the notice, applying reasonable preference will be reviewed and will be withdrawn if accommodation continues to be available.
- 7.2 People occupying overcrowded housing or otherwise unsatisfactory housing conditions. In terms of this Allocation Scheme, this means:
- 7.2.1 Overcrowding: where the Local Authority (Environmental Health) has determined that the property poses a Category 1 hazard A, B or C under the Housing Health & Safety Rating System (HHSRS) due to lack of space for the household and/ or where the property is statutorily overcrowded in accordance with the provisions of Part X of the Housing Act 1985, or where there are insufficient bedrooms for the applicant and their household.
- 7.2.2 Unsatisfactory conditions: where the Local Authority (Environmental Health) has determined that the property poses a Category 1 hazard A, B or C under the Housing Health & Safety Rating System (HHSRS); and where the Local Authority is satisfied that the problem cannot be resolved by the landlord within 6 months; and, as a result, continuing to occupy the accommodation will pose a considerable risk to the applicant's health.
- 7.3 People living in insanitary accommodation lacking essential facilities. This means accommodation which lacks indoor sanitation and/or a water supply.
- 7.4 People whose household is lacking one or more bedrooms in their current accommodation. Subject to paragraph 10.2, which sets out who can be included in the household, an applicant will be deemed to be lacking a bedroom if a separate bedroom is not available for each of the following:
- Single applicant
  - Joint applicants who are a couple
  - A couple (not joint applicants)
  - An adult (aged 18 and over)

- Two children of the same sex (aged under 18)
- Two children of opposite sex where both are aged under 10 years
- A child aged 10 or over where the child has no same sex sibling with whom s/he can share.

Overriding medical and welfare factors will be taken into account when determining any additional bedroom requirements. Guidance may be sought from a medical practitioner or involved professionals. To avoid causing financial hardship to tenants due regard will also be paid to affordability of the accommodation where recommendations for additional bedrooms conflict with eligibility for welfare benefits. Reasonable preference for lacking a bedroom will not be awarded to applicants who fall within paragraph 7.1.2 above (applicants with an accepted statutory rehousing duty) as reasonable preference is conferred through the application of letting quota's (see Section 15 Quota's)

7.5 People who need to move on medical or welfare grounds (including grounds relating to disability). In terms of this Allocation Scheme, this means:

7.5.1 Medical Grounds: A medical assessment will be undertaken in order to determine whether priority should be awarded to an application where the applicant's health is either detrimentally affected by their current housing or where it is likely to affect their future housing need. Guidance may be sought from a medical practitioner.

Where an applicant is in accommodation determined as unsuitable for the household due to medical needs (for example, poor mobility) but resources are available (privately or through the award of a Disabled Facilities Grant) to provide necessary adaptations, the applicant will not qualify for the Housing Register unless they meet other qualifying criteria. Only where an applicant's medical condition is exacerbated, or directly attributable to, the current accommodation, will priority on medical grounds be awarded.

In exceptional circumstances the application may be awarded additional preference. (see paragraph 8.5)

Applications may only be re-assessed for medical priority for the following reasons:

- Upon a change of circumstances where this would affect the type of accommodation required (such as an applicant previously awarded medical priority for a bungalow, now requiring sheltered accommodation);
- Deterioration or improvement in medical condition of applicant;
- On the death of one party who had a medical award;
- The party who had the medical award is no longer a member of the household

- A move to a different address (any medical award would be made on the applicant(s) current accommodation);
- Where additional information that was not previously available is provided.

### 7.5.2 Welfare Grounds

Preference on Welfare grounds will be awarded if the circumstances of the applicant meet the following criteria:

- Move on from Supported Housing Projects, in accordance with local protocols in place at the time of application and/or allocation of accommodation
- Move on from Care, in accordance with local protocols in place at the time of application and/or allocation of accommodation
- Planned hospital discharges
- Adoption or Fostering
- Welfare grounds due to infirmity caused by old age

These applicants will have their welfare need recognised and reasonable preference awarded should their current housing be inadequate. An assessment of the applicant's need to move due to infirmity caused by old age will be made taking into account information provided by one or more of the following:

- GP or consultant
- Social services
- OT
- other specialist agency representing the applicant

7.6 People who need to move to a particular locality in the district of the Local Authority, where failure to meet that need would cause hardship (to themselves or others). This means for support or employment, for example where:

- The applicant needs to give or receive substantial and on-going care.
- The applicant needs to access social services facilities and is unable to travel across the borough
- The applicant needs to take up or continue employment where public or private transport is unavailable.

Preference would normally only be awarded to applicants who require on-going support from relatives or friends where there is severe mental health, medical or welfare issues relating to this person or a member of the household and exceptional reasons why this support cannot be made available through a reliance on private or public transport.

7.7 People who need to move where failure to meet that need would lead to harm to themselves or others:

Tenants of Registered Housing Providers will be placed in the Emergency Band (Band E) and will be made an offer of accommodation in accordance with the provisions applying to this Band (see Section 9). Evidence of the risk of harm must be provided. Applicants residing in other forms of tenure should seek advice from the Bedford Borough Council Housing Options Team.

## **8. Additional Preference**

To meet housing need in the local area and make best use of the available social rented stock, additional preference will be afforded to the following groups of applicants.

### **8.1 Under-occupying tenants**

Households under-occupying accommodation (or accommodation to which Bedford Borough Council has nomination rights)

Where there is a shortage of particular types of property and where there is a high demand for that type of property, additional preference will be given to applicants wishing to vacate this type of property in favour of smaller accommodation. This includes where an occupant succeeds to the tenancy of a property which is larger than their household needs, and where a tenant wishes to downsize due to reform of welfare benefits and a consequent reduction in entitlement to housing benefit.

Local housing providers may operate an incentive scheme to encourage the release of high demand accommodation. Details will be available from the Registered Housing Provider.

### **8.2 Tenants requiring or occupying adapted properties**

8.2.1 Tenants occupying properties adapted for a tenant with a disability and where the adaptation is no longer required

8.2.2 Tenants requiring major adaptations to their homes and where the need can be more readily met elsewhere in the social housing stock

### **8.3 Management transfers (not at risk of violence)**

Additional preference will be awarded where a move to alternative accommodation will alleviate management problems and it is appropriate for the tenant of a Registered Housing Provider, with which Bedford Borough Council has nomination rights, to be moved to alternative accommodation. Registered Housing Providers will be required to demonstrate why additional preference should be awarded.

### **8.4 Armed Forces personnel**

To comply with the Armed Forces Regulations 2012, households with a

housing need which would qualify for priority in Band B or Band C (see section 9) and where:

- A member of the household is serving or has served in the regular or reserve forces (as defined in the Armed Forces Act 2006) and has a serious injury, illness or disability incurred through that service;
- or
- A household who is, or is becoming, homeless from Ministry of Defence accommodation following the death of a spouse or partner as a result of their military service;

will be given additional preference. This means that when additional preference is applied, the application will be placed in the band above that for which the applicant would normally qualify.

Former service personnel will be awarded the additional priority where the housing application is made within five years of discharge.

Any lump sum payments made to the applicant on discharge will be disregarded for the purposes of assessing qualification for the Housing Register.

#### 8.5 Exceptional medical circumstances

In exceptional circumstances the application may be awarded additional preference where it is deemed that an urgent move is required because of a life threatening illness or sudden disability where the applicant's property is directly contributing to the deterioration of an applicant's health, or where the applicant cannot reasonably reside in the property, for example, where the applicant is wheelchair-bound and the property can only be accessed by means of stairs or steps.

#### 8.6 Accepted homeless households with exceptional medical or welfare needs

In exceptional circumstances additional preference on medical or welfare grounds may be awarded to applicants who are homeless or threatened with homelessness and a duty is owed by Bedford Borough Council or, exceptionally, by another local authority and Bedford Borough Council has agreed to fulfil an obligation to provide rehousing

## 9. The Banding Scheme

Applications will be placed in one of the following six Bands, dependent on their current housing circumstances. Definitions of the criteria can be found at Section 7 and 8.

### **Emergency Band - Band E**

Social housing tenants in immediate and serious danger if they remain in their current accommodation. Proof of the risk will be required, normally from the

Police and/or other relevant agencies. Applicants in this band will not be required to bid for properties through MyHomeOptions, but will be given one offer of accommodation in a location which would remove the immediate risk (7.7)

### **Band A – Urgent Housing Need**

- Tenants who are under-occupying a tenancy where the landlord is a Registered Housing Provider (e.g. a housing association)(8.1)
- Tenants in properties adapted for a person with a disability where the property is no longer required; or where moving to an adapted property would meet the needs of a tenant requiring property adaptations.(8.2)
- Tenants of a Registered Housing Provider where there is an urgent need to move, e.g. for management reasons, structural problems with the property etc.(8.3)
- Applicants or their families where the Armed Forces Regulations apply and where the applicant's housing circumstances fulfil the criteria for Band B.(8.4)
- Severe Medical need: where there is life threatening condition or severe disability and where the current property is directly detrimental to the applicant's health/wellbeing. (8.5)
- Applicants who are homeless or threatened with homelessness and a duty is owed by Bedford Borough Council or, exceptionally, by another local authority and Bedford Borough Council has agreed to fulfil an obligation to provide rehousing and additional preference has been awarded on exceptional medical or welfare grounds(8.6)

### **Band B– High Housing Need (multiple needs)**

- Applicants whose housing circumstances fulfil more than one category in Band C.
- Applicants who are homeless or threatened with homelessness and a duty is owed by Bedford Borough Council or, exceptionally, by another local authority and Bedford Borough Council have agreed to fulfil an obligation to provide rehousing.
- Applicants or their families where the Armed Forces Regulations apply and where the applicant's housing circumstances meet the criteria for Band C.

### **Band C – Housing Need**

- Applicants who are homeless within the meaning of Part VII of the Housing Act 1996 or who are threatened with homelessness because a legal or valid notice has been served.(7.1)
- Applicants living in overcrowded accommodation or unsatisfactory conditions.(7.2)
- Applicants living in accommodation which is insanitary lacking essential facilities.(7.3)
- Applicants whose household is lacking one or more bedrooms in their current accommodation (7.4)
- Applicants who need to move on medical or welfare grounds.(7.5)
- Applicants who need to move to a locality where failure to meet that need would lead to hardship.(7.6)

## **Band D – Reduced preference**

- Applicants who are homeless or threatened with homelessness, that meet the qualifying criteria for the Allocation Scheme, but have been found to be Intentionally Homeless by Bedford Borough Council
- Applicants who have knowingly worsened their circumstances (for example, by giving up accommodation which they could have continued to occupy; by moving into accommodation which could not meet their household needs; or by not complying with the terms of a tenancy or licence agreement, causing them to be asked to leave the accommodation).
- Applicants who do not meet the qualification criteria set out in paragraphs 6.2.1 and 6.2.3 of the Allocation Scheme and who meet the criteria set out in a Section 106 agreement in respect of accommodation developed on a rural planning exception site.

Planning exceptions can be granted to develop schemes in rural areas to meet the needs of households to reside in villages or Parishes where they have a strong local connection. This Allocation Scheme recognises that people with a strong local connection to a particular village or parish may not have been able to secure affordable accommodation in or near that village within the Bedford Borough border and whilst they may have secured accommodation elsewhere there may be a strong need to reside within the relevant village or parish.

These applicants will be permitted to bid only on vacancies in villages where they can demonstrate a strong local connection.

## **Band S – Qualify for sheltered accommodation only**

This Allocation Scheme recognises that older people may sometimes have a need for additional support but may not otherwise meet the qualifying criteria for inclusion on the Housing Register. Therefore, applicants / joint applicants aged 60 or more who meet the local connection criteria but do not fulfil the qualifying criteria in paragraphs 6.2.1; 6.2.2 or 6.2.4 can be accepted onto the Housing Register for sheltered (retirement) housing. These applicants will be permitted to bid only on vacancies in retirement housing schemes (excluding extra care schemes – see paragraph. 4.1 above).

## **10. Applying to the Scheme**

- 10.1 Vulnerable applicants who may experience difficulty in applying to or using the scheme will be given as much support as possible by **Bedford Borough**. Difficulties may include:
- Not having English as a first or main language
  - Difficulty reading and/or writing
  - Disabilities, including sight or hearing difficulties
  - Learning difficulties
  - Health, including mental health issues.

**Bedford Borough Council** will also work with other agencies to ensure that applicants are supported to use the scheme. An applicant may choose to nominate another person to act on their behalf for the purpose of applying to and using the scheme. This person will be known as a nominated representative.

- 10.2 Household makeup - an application may include anyone that may reasonably be expected to reside with the applicant as part of their household e.g. close family relative, partner etc. The desire to be part of the household is not sufficient reason for inclusion on the application:
- 10.2.1 Extended family (minors) - in cases where a minor is to be included in, or added to an application, but no parental responsibility exists within the household (e.g. grandchildren, nieces, nephews), proof must be provided of legal guardianship or confirmation from Social Services that this placement is necessary and permanent.
  - 10.2.2 Carers - Applicants who require a full time residential carer may include the carer on their application. Proof of the requirement should be provided by Social Services or a primary health care professional. The carer will be assessed as part of the household even if not resident (i.e. lack of bedroom priority may be due).
  - 10.2.3 Fostering - Families undertaking fostering may be able to include foster children as part of their application to ensure that they are eligible for the appropriate sized property. Fostering is defined as fostering for a period in excess of two years (not necessarily involving the same child or children). It is essential that written confirmation of the fostering arrangement be obtained from Social Services.
  - 10.2.4 Children in care –
    - a) Compulsory: children are treated as though at home, subject to written confirmation from Social Services that the children are to live with the parents on a permanent basis should they be allocated a suitable property. Failing such confirmation, children will not be included on the application;
    - b) Voluntary: children are treated as though at home. No offer of tenancy will be made in either case without confirmation from Social Services that the children are to live on a permanent basis with their parent(s).
  - 10.2.5 Adult children at university can be included if they previously lived in the household and their intention is to return as their main and only home out of term time. Confirmation will be required from the student that they intend to return on a

permanent basis.

10.2.6 Children of previous relationships - in determining whether a child can be considered as part of the household, the following will be considered:

- Does the child have accommodation available to them which it is reasonable for them to continue to occupy?
- Does the child have a main residence?
- Who predominantly cares for the child?
- Existence of any order of the court pertaining to the child's residency.

Although the above are relevant factors they do not guarantee that a child will be accepted as part of a household.

10.2.7 Adding new household members - Adults will not be added to an application where this results in the need for accommodation larger than that for which the applicant's household was originally eligible, unless an over-riding need such as ill health or disability can be shown (for example, where an applicant needs to look after an elderly parent). The desire to be part of the household is not sufficient reason for inclusion on the application. Adults requiring an extra bedroom will only be added to an application if they have a demonstrable, permanent need to live with the applicant. All adults will need to supply details of their accommodation history for the previous 5 years.

- 10.3 Where two eligible and qualifying applicants apply as a household they will be known as joint applicants.
- 10.4 An applicant, joint applicant or household member can have only one active application.
- 10.5 To join the Housing Register, every applicant will need to complete the application process with **Bedford Borough**. Applications are made online by visiting the MyHomeOptions website <http://myhomeoptions.org.uk>
- 10.6 An application can be made to **Bedford Borough Council** who will then process the application and make an initial assessment of need.
- 10.7 Where an applicant applies to Bedford Borough Council as homeless, the duty owed to the applicant will be determined by Bedford Borough Council.
- 10.8 The information given on the application must be correct and the applicant will be asked to provide evidence supporting the details supplied. **Bedford Borough Council** reserve the right to disqualify any applicant from joining the register for a period of two years and/or, withdraw any offer of tenancy or recover possession of an existing tenancy if the applicant has knowingly given false information. All applicants will be asked to sign a declaration

stating that the information provided is true.

- 10.9 Applicants who knowingly or recklessly give false information or withhold information relevant to their application may be guilty of an offence under section 171 of the Housing Act 1996. Under that Act, the Local Authority has the power to take action against an applicant which could result in a fine of up to £5000.
- 10.10 **Bedford Borough Council** will make any enquiries necessary, including home visits, in order to determine whether an applicant, or joint applicant, is eligible or qualifies to join the Housing Register and their level of priority for housing. When applying through the MyHomeOptions website, applicants are authorising **Bedford Borough Council** to make such enquiries as are required to complete the assessment. When applying through the MyHomeOptions website, applicants are also authorising **Bedford Borough Council** to disclose this information to other parts of the council/housing association and other organisations, including, but not limited to, police, probation and social workers, in order to verify the application and complete nomination processes.
- 10.11 Applicants and joint applicants may be asked to provide information about themselves, their household and their housing circumstances if it is assessed that they have a housing need. Applicants will be required to provide evidence to support the application where it is assessed that they have a housing need. Where an applicant fails to provide any requested evidence then this may result in their application being suspended or rejected
- 10.12 Where an incomplete application is made online and the applicant has supplied the required evidence, any further clarification will be requested by **Bedford Borough Council** in writing. If the requested information is not supplied by the applicant within 28 days, the application will be cancelled. Any subsequent application will be treated as a new application. **Bedford Borough Council** will make every effort to assist vulnerable and/or disadvantaged applicants needing additional help and support in the application process. Where any applicant can show good cause for failing to provide the requested information within the time period, the date the application was received will apply.
- 10.13 Upon completion of assessment **Bedford Borough Council** will write to the applicant to inform them of:
- Whether they are eligible or qualify to join the scheme and, if so:
  - Their unique reference number and PIN (personal identification number)
  - The Band in which they are placed
  - The date from which they are eligible
  - The size of property the applicant is eligible to bid for and any restrictions that may apply.
- 10.14 Where an applicant, or joint applicant, is assessed as not eligible, or does not qualify to join the housing register, **Bedford Borough Council** will

inform the applicant in writing of the reason/s and how to request a review of the decision. Due regard will be given to the applicant's circumstances in reaching a decision that an applicant, or joint applicant, does not qualify to join the housing register.

10.15 Change of Circumstances: where an applicant notifies a change of circumstances which may affect their priority; whether they qualify to join the housing register; or their eligibility for a particular type or size of home, the applicant will be unable to bid until the new information is assessed and verified. Examples include:

- A change of address (including a move into interim accommodation following a homeless application)
- A change to household income
- Adding an additional household member
- Removing a household member.

This list is for example only and is not exhaustive. If the change in circumstances mean that the applicant, or joint applicant no longer qualify to join the housing register, the application will be cancelled from the date that the change occurred. (see paragraph 11.15)

## 11. Assessment of Applications & Requesting a Review

### 11.1 Legal Requirements

All applicants will be assessed according to their housing need. This is to ensure those with the most housing need are afforded the appropriate level of priority and that **Bedford Borough Council** meet their legal obligations as set out in the Housing Act 1996 (as amended). This Allocation Scheme uses bands to determine the priority of an application.

The assessment of an application will include placing the application in one of six Bands, as described in section 9.

### 11.2 Specific Needs

Applicants requiring a specific type of accommodation or adaptations as a result of disability/health issues will be given preference for vacancies more suited to their needs. Together with any other relevant agencies, **Bedford Borough Council** will work with the applicant to carry out a full assessment of the household's property needs, for example; need for wheelchair access; ramps; level access shower etc. Applicants with specific needs will not be excluded from expressing interest on general needs accommodation advertised through MyHomeOptions. However, where an applicant successfully bids on a property that does not contain the necessary adaptations, **Bedford Borough Council** will assess whether it is reasonable to carry out the adaptations. Other landlords in Bedford Borough Council may have different Aids & Adaptations policies. The applicant will be informed of the likelihood of new adaptations being carried

out and what length of time an applicant may have to wait.

### 11.3 Divided Households

Where a household is living apart only one application can be registered. In order to determine which property provides the basis of the housing needs assessment, the circumstances at both addresses will be considered. A notional housing needs assessment will be carried out of both properties as if the household were residing together. The lowest needs assessment will then be applied to the application.

### 11.4 Time Waiting – Effective Date of Application

Time waiting in a Band will count when considering more than one applicant with the same level of priority for a vacant property. Therefore, applicants will be placed in each Band in date order according to the “effective date” of application.

The effective date for new applications will be the date a completed application is received by **Bedford Borough Council**.

When applicants move up or down through the Bands due to a change in their circumstances affecting their priority, the following changes to the effective date for time waiting will apply:

#### 11.4.1 Increased priority:

The effective date will be the latest date the applicant moved into the higher Band.

#### 11.4.2 Reduced priority:

Where an applicant is moving down a band the effective date will be the original effective date of the application.

Where **Bedford Borough Council** asks tenants to move as part of a refurbishment or redevelopment of their property, the effective date will be the date of the original commencement of tenancy at that property.

Where an applicant is accepted as homeless the effective date will be the date the homeless application was taken or the date that the Housing Register application was received, whichever is the later date.

### 11.5 Cancelling an Application

When an applicant has not expressed an interest in any available properties for one year, **Bedford Borough Council** will write to them to advise them that their application will be cancelled unless they confirm that they wish to remain on the register. This will be known as a review of non-bidders. The applicant will be given 14 days to respond before the cancellation takes effect.

An application will be cancelled from the Housing Register in the following

circumstances:

- At the applicant's request
- Where an applicant does not respond to an application review, within the specified time limit
- If the applicant becomes ineligible for housing
- If, at any time, the applicant ceases to fulfil the qualification criteria to join the housing register.
- When the applicant has been housed by a Registered Provider (Housing Association)
- When a tenant completes a mutual exchange
- Where an applicant moves and does not provide a contact address
- Where an applicant has been identified as needing assistance to use the scheme, **Bedford Borough Council** will contact the applicant to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to request a review of the decision.

Where an applicant applies to join the Housing Register at a later date, the application will then be assessed as if it were a first application.

#### 11.6 Requesting a Review

An applicant has the right to request a review of decisions made under part VI of the Housing Act 1996 (as amended), in particular:

- Decisions about the facts of the applicants case which are likely to be, or have been taken into account in considering whether to allocate housing accommodation to the applicant;
- Ineligibility for an allocation due to immigration status.
- Not qualifying to join the Housing Register

A request for a review of a decision can be made in writing or verbally to a member of staff at **Bedford Borough Council**. The request should be made within 21 days of the notification of the decision. Reviews will be considered within 28 days of the request being received and the applicant will receive a written response outlining the result of the review. Reviews will be carried out by an officer of **Bedford Borough Council** who was not involved in the original decision, and who is senior to the officer who made the decision.

An applicant will only be entitled to one review. If an applicant disagrees with the outcome of the review, on the basis that material facts have not been taken into account, s/he can apply to **Bedford Borough Council** to request that the decision is reviewed by the Review Panel. The Review Panel will consist of Senior Officers from **Bedford Borough Council**. If the applicant is dissatisfied with the decision reached by the Review Panel the applicant can contact the Local Government Ombudsman or seek to challenge the decision via a judicial review. Disagreement with aspects of the Allocation Scheme will be noted and considered as part of the annual

## **12. Suitable Properties**

### **12.1 Restrictions**

Applicants will be restricted from being allocated properties in certain circumstances. Examples may include:

- Where a medical assessment recommends ground floor or accommodation with a lift only;
- Where a risk assessment indicates an allocation would put a vulnerable person at risk;
- Where there is an order of court such as an exclusion order preventing a person from residing in a locality.

The above list is not exhaustive.

Where a restriction applies an applicant will be informed and any bids placed on unsuitable properties will be bypassed.

### **12.2 Bedroom Eligibility**

A separate bedroom will be allocated to a household for the following:

- Single applicant
- Joint applicants who are a couple
- A couple (not main applicants)
- An adult (aged 18 and over)
- Two children of the same sex (aged under 18)
- Two children of opposite sex where both are aged under 10 years
- A child aged 10 or over where the child has no same-sex sibling with whom s/he can share.
- Subject to assessment of affordability

Overriding medical and welfare factors will be taken into account when determining any additional bedroom requirement. Guidance may be sought from a medical practitioner or involved professionals.

Eligibility will also depend on whether the property can accommodate a household size, for instance properties with very small bedrooms may not accommodate larger households.

## **13. Bidding**

### **13.1 What is Bidding?**

'Bidding' refers to an applicant expressing an interest in an advertised property. Bidding does not involve any form of payment. A 'bidder' is a

person included on the Housing Register who expresses an interest in a property advertised through MyHomeOptions. Applicants will be able to place two bids in each bidding cycle. Available properties are advertised for six days every other week; this is referred to as the “bidding cycle”.

### 13.2 How to Bid

Applicants or their nominated representative will be able to bid using the following methods:

- The internet at <http://myhomeoptions.org.uk>;
- In person at **Bedford Borough Council's** Customer Service Centre;
- By Proxy (A proxy bid is a bid placed by a friend or family member of the applicant, or another person or representative that the applicant has requested to act their behalf);
- Auto bidding (The auto-bid function permits Officers to place bids on any available properties that match the applicant's requirements at the beginning of each bid cycle).

Where an applicant has difficulty placing bids by one of the above methods, assistance may be available from **Bedford Borough Council's** Housing Options team.

Where a bid is placed by a nominated representative or a family member or friend on behalf of an applicant, this will be considered as a bid made by the applicant.

### 13.3 “Suitable” Bids

When applying to the scheme applicants will be informed of the size of property for which they are eligible. Only bids for this size of property will be considered.

Properties of an appropriate size will be considered as suitable properties unless, prior to any bidding by any applicant, **Bedford Borough Council** has agreed that certain properties may not be regarded as suitable. This may include the type of property and the location.

Applicants assessed as having a medical need may be advised of the type of property that would be considered as suitable, for example ground floor or adapted. Bids placed not meeting this criteria are likely to be overlooked.

Some properties will have restrictions about who can live in them, for example, properties for older persons. These restrictions will be clearly indicated in the advert notes (see Section 14 - Advertising). If an applicant does not meet specified restrictions, any bid placed on such a property will not be considered 'suitable' and will be automatically overlooked.

Some properties will have restrictions about who can bid on them due to

quotas being applied (see Section 15)

#### 13.4 Bidding Requirements and Restrictions

##### 13.4.1 Applicants Required to Bid

Applicants placed in Band A and homeless applicants in Band A & B with an accepted statutory rehousing duty will be expected to use both bids in each bidding cycle and to bid on all suitable vacancies from the effective date of their application. Failure to do so may result in bids being placed on the applicant's behalf for the next suitable vacancy/vacancies. Property types and locations deemed suitable will be determined prior to verification of the application.

Homeless applicants in Band A & B with an accepted statutory rehousing duty will be considered for any suitable property available as a direct let if they have not been successful in being allocated accommodation after 3 bidding cycles.

Available properties will be considered against the applicant's circumstances to ensure that best use is made of suitable properties. Where a property is suitable for more than one applicant the Council will identify the applicant whose need is best met by the property in terms of:

- The location of the property;
- Care received or provided by the applicant;
- Educational establishments attended by the applicant and their household;
- Specialist medical treatment being received by the applicant or a member of their household;
- Support and the well-being of the household;
- Access to local services required by the household.

##### 13.4.2 Other Bidding Restrictions

Some applicants may have other restrictions on the types and locations of property they can bid on, e.g. where an applicant may pose a risk to others or themselves. Where this is the case at the point of application or during the life of an application, the applicant will be informed by **Bedford Borough Council**.

#### 13.5 Auto Bidding

Auto bidding places bids on any available properties that match the applicant's requirements at the beginning of each bid cycle. This is done by Officers operating the Housing Register. The requirements that the applicant is able to specify are:

- Type of property
- The area in which the property is located
- Floor level.

Auto bidding is available to applicants who are unable to access any methods of bidding and do not have a representative who can place bids on their behalf.

Auto bidding may also be used by **Bedford Borough Council** when placing bids for applicants required to bid (see 13.4.1)

## 14. Advertising

- 14.1 **Bedford Borough Council** will advertise vacant properties using the internet and their own Customer Service Centre. MyHomeOptions can be accessed at various information points. Available properties are advertised for six days, this is referred to as the “bidding cycle”. Applicants are able to bid for properties for which they would like to be considered
- 14.2 The properties advertised will be **Bedford Borough Council’s** own properties and properties owned by other Registered Housing Providers. **Bedford Borough Council** may charge an advert fee to any agent advertising properties on MyHomeOptions. This fee will be agreed with the Council in order to cover the cost of administration. The fee is currently £70 per advert but will be reviewed in line with costs incurred.
- 14.3 Property adverts will contain clear details of applicants who will be given preference for a property, for example, people requiring adaptations contained in a property, decanting tenants, homeless households, etc. Where preference is given to specific applicants but no suitable bids are received from these applicants, the criteria may be relaxed and the property offered to the highest priority bidder who does not meet the preference criteria.
- Bungalows will be advertised as preference given to applicants aged 55 and over where there is no competing demand from applicants aged 60 or over or from applicants with a medical need for such accommodation
  - New build properties will be advertised as preference given to Housing Register Applicants who are Social Housing Tenants in housing need. Quota’s as set out in appendix A will not be affected.
- 14.4 Some properties may be subject to a local lettings policy. In these cases it will be clearly stated in the advert and this will include details of any restrictions on households who are eligible for the property (for example, minimum/maximum ages of children).
- 14.5 Some properties are built specifically to give preference to households with a connection to a parish or village (section 106 planning agreement: Rural Exception Sites). Preference will be given to households who meet these connection criteria. Where a section 106 planning agreement is in place it

will be clearly stated in the advert.

- 14.6 Where a property has not been let within 6 weeks of being advertised due to refusals by applicants or the shortlist being exhausted, the property will be re-advertised.
- 14.7 Where a property has been advertised and received no suitable bids, **Bedford Borough Council** may re-advertise the property and relax the preference criteria unless there is a Local Lettings Policy or section 106 planning agreement in place. Properties which receive no suitable bids after 2 bidding cycles will be offered as a direct let (see paragraph 4.2)
- 14.8 Where the property size indicates that restrictions must be placed on the number of persons who can be accommodated, this will be stated on the advert, e.g. very small bedrooms.
- 14.9 There may be occasions when a Registered Housing Provider may need to withdraw an advertised property. Reasons for withdrawal may include:
- An error in the advertising details
  - Extensive works are required to the property
  - The existing tenant has withdrawn their notice.

This list is not exhaustive.

## 15. Quotas

In order to ensure a balanced approach to meeting competing housing needs from transferring tenants, applicants from the Housing Register and homeless households with an accepted statutory rehousing duty, letting quotas will be applied as set out in appendix A. Letting quotas may be amended from time to time to ensure competing demands are met.

## 16. Shortlisting

- 16.1 Applicants may only bid on vacant properties if they are eligible for the type of property advertised. Of those eligible bidders, the order of priority will be determined as follows:
- 16.2 Priority will be afforded first to applicants with the greatest housing need as assessed in accordance with the Bedford Borough Allocation Scheme, (i.e. the applicant in the highest Band), who meet preference criteria stated in the property advert.
- 16.3 Where two or more applicants bid on a vacant property and have equal priority, preference will be given to the applicant who has the earliest effective date of application.
- 16.4 Where two or more applicants with exactly the same level of priority and effective date on the scheme bid for the same property, a senior

officer at **Bedford Borough Council** will make the allocation based on best use of the housing stock and needs of the applicants.

- 16.5 Where a property is subject to restrictions as part of a section 106 planning agreement for rural exception sites, preference will be given to applicants who meet the criteria specified in the agreement.
- 16.6 Where a property has specific adaptations (e.g. wheelchair access, ramps, level access shower), priority will be given to applicants who require the adaptation in the property. Details of adaptations and criteria of applicants who will be given preference will be contained in the advert to allow applicants to make an informed decision whether the adaptation is suitable for their needs.
- 16.7 Between the period of being successfully shortlisted for an offer of tenancy up to the point of tenancy sign up, the applicant will not be permitted to bid on other advertised properties.
- 16.8 **Bedford Borough Council** will contact applicants who have been shortlisted for an offer of tenancy. It is the applicant's responsibility to ensure that **Bedford Borough Council** holds their up-to-date contact details and they respond within 1 working day to any contact made by **Bedford Borough Council**. If an applicant does not return contact they will be overlooked for the offer.
- 16.9 At the point of shortlisting, an applicant's circumstances will be verified by **Bedford Borough Council**. This is to ensure that the application has been correctly assessed and there have been no changes to the applicant's circumstances since assessment of the application that would alter the priority awarded to the application, qualification for the Housing Register or the household's eligibility for the specific property for which they have placed a bid. If any changes have occurred that would alter the priority awarded, qualification for the Housing Register or eligibility, the application may be bypassed for the offer of tenancy. The application will be cancelled from the date of the change of circumstances if the applicant or joint applicant ceases to fulfil the qualification criteria to join the housing register. The applicant will be informed of this using the most appropriate method of communication for that applicant.
- 16.10 Where an applicant refuses a property (see section 19) the property will be offered to the applicant who has the next highest priority on the shortlist and who meets the eligibility and preference criteria of the property. Where a property has not been offered and accepted within 6 weeks of being advertised due to refusals by applicants or the shortlist being exhausted, the property will be re-advertised.
- 16.11 Certain accommodation, for example; sheltered accommodation, will only be let to people who meet the age criteria for the specific property or housing scheme, and/or have a disability which means they require this type of housing. Bungalows may be allocated to applicants aged 55 and over where there is no competing demand from applicants aged 60 and

over or with a medical need for such accommodation. Applicants who do not meet the criteria clearly included in the property advert, for example, age restrictions will automatically be bypassed without contact from **Bedford Borough Council**.

## **17. Viewing a Property**

Upon completion of the shortlist, up to 3 applicants may be offered an accompanied viewing of the property. Viewings with multiple applicants may be used to ensure that if the highest priority applicant refuses the offer, the property can be offered to the next highest priority applicant and so on. The property will be advertised again if more than 6 weeks have passed since the property was first advertised.

## **18. Offers of Tenancy**

18.1 A formal offer of tenancy will be made in writing to the successful applicant, or joint applicants. However, in some circumstances, the Registered Provider may make an offer of accommodation to a single applicant where there are good reasons why the joint applicant may not become a joint tenant, for example; where the property is an adapted property and the joint applicant does not require the adaptations.

18.2 Applicants will be offered one of the following types of tenancy:

- Starter
- Assured
- Assured Shorthold
- Tenancy held in trust.
- Fixed Term Tenancy

### 18.3 Starter Tenancies

Starter Tenancies provide increased management and support for new tenants usually during the first twelve months of a tenancy but may be extended beyond this. This initial period also provides reduced security of tenure, though progression to a full secure or assured tenancy is automatic at the end of the period, provided there have been no breaches of tenancy resulting in the commencement of possession proceedings. Applicants with a debt may be required to maintain a payment plan as a condition of a new tenancy.

### 18.4 Assured Tenancies

Assured tenancies are offered by social housing providers other than local authorities. Details of terms and conditions will be contained in the tenancy agreement.

### 18.5 Assured Shorthold Tenancies

Assured shorthold tenancies are fixed term tenancies which can become a periodic tenancy and provide less security of tenure than an assured or secure tenancy.

#### 18.6 Tenancy Held in Trust

16 & 17 year olds will be offered a tenancy held in trust and may require a suitable guarantor.

#### 18.7 Fixed term tenancies

We will generally offer fixed term tenancies for a period of five years however we reserve the right to offer a term of two years when required. The Fixed Term Tenancy may be offered as an Assured Shorthold Fixed Term or as an Affordable Assured Shorthold Fixed Term.

Fixed Term Tenancies will be offered for larger properties for example, with four or five bedrooms. At the end of the five year fixed term period the tenancy will be reviewed taking account of the tenant's circumstances. This review will take into consideration the economic, social and health situation in addition to the size of the household. The review could result in the tenancy being terminated (upon service of 6 months' notice) or being renewed for a further five year Fixed Term.

### 19. Refusals of Offer

19.1 A refusal will include both verbal and written refusals, including those made prior to a formal written offer being issued.

19.2 Where an applicant fails to attend an arranged accompanied viewing of a property, they will not be permitted to make further bids until they have contacted **Bedford Borough Council**

19.3 Failure to attend an arranged accompanied viewing will be treated as a refusal.

#### 19.4 Applicants in Band A

If an applicant refuses a suitable offer of a tenancy, the application will be re-assessed, which may result in the priority banding being removed.

#### 19.5 Applicants with an accepted Statutory Rehousing duty

If an applicant refuses an offer of accommodation and they have been informed of the consequence of refusing or accepting the offer and Bedford Borough Council is satisfied that the accommodation is suitable for the applicant then the duty to provide accommodation under Part VII of the Housing Act 1996 (as amended) ceases. Applicants wishing to remain on the Housing Register may be considered to have knowingly worsened their housing circumstances by refusing suitable accommodation. (See Section 9 – Band D)

## 19.6 All Other Applicants

Refusal of three reasonable and suitable offers of accommodation will result in an application being disqualified from the register for 6 months and require a new application to be made.

No further application will be considered in this time although an applicant will have the right to request a review of the decision e.g. if there has been a significant change to their circumstances during the disqualification period

## 20. **Withdrawal of Offer**

There may be occasions the Registered Housing Provider may need to withdraw an offer of tenancy. Reasons for withdrawal may include:

- A change in the applicant's circumstances
- The applicant is found to be not eligible for the property or does not qualify for the Housing Register
- An error in the advertising details
- Where the offer might put a vulnerable person at risk
- Extensive works are required to the property
- The applicant has attempted to obtain the property by deception.

This list is not exhaustive and withdrawal will be at the discretion of the Registered Housing Provider.

## 21. **Feedback**

21.1 In the interests of providing an open and transparent service, **Bedford Borough Council** undertakes to give regular feedback to applicants, to enable applicants to determine the likelihood of future bids being successful. This information can be accessed through the Keys Newsletter sent to applicants on a quarterly basis

21.2 Information about successful lets will include:

- Property size and area
- Band and effective date of the successful bidder
- Number of bids received on each vacancy.

21.3 Applicants receive feedback about each bid they place through their personal login to the website. Information includes:

- Position of bid on the final shortlist
- If the applicant has been shortlisted for or offered a property
- If the applicant has been bypassed for a property and the reason for this.

## 22. **Other Housing Options**

**22.1** In recognition of the extreme pressures on social housing in Bedford, advice and assistance is available from the Housing Options Team at **Bedford Borough Council**.

- Other affordable tenures such as near market rent
- Under occupation incentives – financial incentives may be available to **Bedford Borough Council** tenants who are under occupying family accommodation and wish to move to smaller more suitable accommodation e.g. couple or single person household occupying a 2 or 3 bed house and wishing to move to a 1 bed property
- Low cost home ownership
- Mutual Exchange - **Bedford Borough Council** will actively support applications for mutual exchanges from tenants who wish to exchange with another tenant or a tenant of another Housing Association or Local Authority.

Further details of the above schemes and any others operated by **Bedford Borough Council** including eligibility criteria, can be sought directly from **Bedford Borough Council**.

## **23. Confidentiality, Data Protection and Access to Information**

### **23.1 Applicant's Rights to Information**

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

- a) How their application is likely to be treated under the Allocations Policy, including whether they are likely to be given reasonable preference.
- b) Whether housing accommodation appropriate to their needs is likely to be made available to them.
- c) Details of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

### **23.2 Data protection**

When an applicant applies to the Housing Register, **Bedford Borough Council** will seek only information that they require to assess the applicant's application and housing needs.

The data protection principles which underpin the Data Protection Act 1998 are that data must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive

- Accurate
- Not kept longer than necessary
- Processed in a way which maintains the data subject's rights to privacy
- Not transferred to countries without adequate protection.

### 23.3 Confidentiality

Confidential information held about applicants will not be disclosed to third parties apart from:

- Where the individual who is the subject of the confidential information has consented to the disclosure
- Where Bedford Borough Council is required by law to make such disclosures
- Where disclosure is made in accordance with an information sharing protocol.

### 23.4 Freedom of information

The Freedom of Information Act is in two parts. The first part, the Publication Scheme, came into force in February 2003. The second part of the Act came into force on 1 January 2005 and from then **Bedford Borough Council** have been obliged to provide information to anyone who requests it, unless an exemption applies. The deadline for meeting requests is 20 working days. It is free to make a request, but **Bedford Borough Council** can charge for copying and postage. **Bedford Borough Council** cannot provide information about anyone else e.g. another applicant.

## 24. Equality and Diversity

- 24.1 **Bedford Borough Council** operates in diverse areas, providing homes for a wide range of needs. Particular emphasis will be given to developing good practice to ensure that all applicants are enabled to use the scheme, and that it does not discriminate against any applicant seeking housing.
- 24.2 The Allocation Scheme aims to recognise and support diversity to ensure that no sections of society are excluded and that the service meets the needs of those who may require additional care and support. This scheme seeks to meet the needs of all applicants regardless of race, ethnicity, faith or religious belief, gender, sexual orientation, age or disability and to comply with all relevant legislation. An Equality Impact Assessment has been carried out and is available on request.
- 24.3 Use, operation and outcomes will be monitored to ensure no sections of the community are excluded or disadvantaged.

## 25. Legislation & Statutory Guidance

The scheme complies with the requirements of The Housing Act 1996 (as

amended) and takes into account the following codes of guidance:

- Homelessness Code of Guidance for Local Authorities 2006
- Allocation of Accommodation: Guidance for Local Housing Authorities in England” (Dept. for Communities and Local Government: June 2012).
- The code of guidance: Providing Social Housing for Local People (December 2013)

The scheme operates in accordance with the following legislation:

- Housing Act 2004
- Equality Act 2010
- Rehabilitation of Offenders Act 1976
- Housing & Regeneration Act 2008
- The Children Act 1989
- Rent (Agriculture) Act 1976
- Housing Act 1985
- Localism Act 2011
- Armed Forces 2010

## 26. Decision Making

### 26.1 Bedford Borough

Decisions under the Allocation Scheme will be exercised by officers of **Bedford Borough Council** who have been given delegated authority to make those decisions. It is unlawful for the Council or its agent to fetter its discretion and officers are authorised to take into account individual circumstances and to depart from the criteria laid down where justified by special circumstances. In the rare case of extreme circumstances, the appropriate Chief Officer may authorise an immediate offer.

Where an existing applicant is at risk in their property and requires an urgent transfer, evidence will be provided to the Allocations Team and a decision made by a panel of two **Bedford Borough Council** managers, with delegated authority. At least one Manager will be from **Bedford Borough Council’s** Allocations Team.

### 26.2 Bedford Borough Council

Bedford Borough Council’s approved scheme of delegation to Officers sets out the Director who is authorised to deal with the following operational housing related matters:

- To carry out the functions of the Local Housing Authority under Part VI of the Housing Act 1996 (as amended) [Allocation of Housing Accommodation].
- To carry out the functions of the Local Housing Authority under Part VII of the Housing Act 1996 (as amended) [Homelessness].

- To authorise amendments to the Council's Scheme of Allocation of Social Rented Housing in respect of its nomination rights.

### 26.3 Reviews Panel

An applicant will only be entitled to one review. If an applicant disagrees with the outcome of the review, on the basis that material facts have not been taken into account, s/he can apply to **Bedford Borough Council** to request that the decision is reviewed by the Review Panel. The Review Panel will consist of Senior Officers from **Bedford Borough Council**. If the applicant is dissatisfied with the decision reached by the Review Panel the applicant can contact the Local Government Ombudsman or seek to challenge the decision via a judicial review.

## 27. **Monitoring & Reviewing**

The allocations, lettings and bidding activity made through MyHomeOptions will be regularly monitored and reported. The monitoring will ensure that the scheme is achieving the desired outcomes of housing those in most need, whilst ensuring lettings are fair, transparent and in accordance with the Allocation Scheme. The scheme will also be monitored to ensure that it is accessible to everyone and meets the standards of equality and diversity stated in section 24.

## Appendix A Quotas (see Section 15)

From 1<sup>st</sup> April 2015 lettings through the Bedford Borough Council Housing Register will be allocated by giving preference for a percentage of vacancies to the following groups on the housing register:

- 33% to Housing Register Applicants who are homeless and have an accepted statutory rehousing duty under Part VII of the Housing Act 1996 (as amended)
- 33% to Housing Register Applicants who are Social Housing Tenants in housing need
- 33% to Housing Register Applicants who do not fall within the above definitions.
- 1% to Housing Register Applicants who are seeking a 'Right to Move'

<b>Statutory Homeless acceptances 33% Lettings</b>	<b>Transfers 33% Lettings</b>	<b>Other Housing Need 33% Lettings</b>	<b>Right to Move 1% Lettings</b>	<b>Sheltered – No Housing Need</b>
<b>Band A</b> - Applicants with an accepted statutory homelessness duty with medical or welfare needs	<b>Band A</b> Tenants who:- are under-occupying; are occupying adapted properties which are no longer required; require adapted properties or who have an urgent need to move for management reasons;	<b>Band A</b> Applicants with a severe medical need; applicants or their families where the armed forces regulations apply and they meet the criteria in Band B	<b>Band A</b> Tenants who:- are under-occupying; are occupying adapted properties which are no longer required; require adapted properties or who have an urgent need to move for management reasons;	<b>Band S</b> Applicants who have no housing need but want sheltered accommodation.
<b>Band B</b> -Applicants with an accepted statutory homelessness duty	<b>Band B</b> Tenants whose housing circumstances fulfil more than one category in Band C	<b>Band B</b> Applicants whose housing circumstances fulfil more than one category in Band C (this would including <b>homeless</b> applicants who are homeless without accommodation i.e. those sleeping Rough; applicants or their families where the armed forces regulations apply and they meet one of the criteria in Band C.	<b>Band B</b> Tenants whose housing circumstances fulfil more than one category in Band C	
	<b>Band C</b> Tenants whose housing circumstances meet one of the criteria in Band C	<b>Band C</b> Applicants whose housing circumstances meet one of the criteria in Band C	<b>Band C</b> Tenants whose housing circumstances meet one of the criteria in Band C	
		<b>Band D</b> Applicants who have been found intentionally <b>homeless</b> ; applicants who have knowingly worsened their circumstances		

**Other Appendices to be embedded into document:**

Registered Providers to which Bedford Borough Council has Nomination Rights

Income/Capital Thresholds & Local Reference Rent rates in effect at 1<sup>st</sup> April each year will be applied

Section 106 Agreements which restrict lettings to applicants with a Local Connection to the village