

# Housing Allocations Policy

2023



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

# 1. Contents

Introduction	2
Aims and Objectives	3
The Legal Framework	4
Registration	5
Eligibility and Qualification	6
Assessment of Need	7
Allocating and Eligibility of Properties	8
Management of Scheme	9
Reviews, Complaints and Compliments	10
General Provisions	11
Appendix 1 - Property Eligibility table	

## 2. Introduction

All local housing authorities are required by law to have a scheme for determining priorities and procedures when allocating social housing. This document sets out the housing allocation scheme for South Kesteven District Council (the Council). The scheme sets out who is eligible and qualifies for social housing, and how the Council decides who should have priority for those properties that are available.

The scheme supersedes the previous schemes covered. South Kesteven, like many areas nationally, is facing increasing demand for social housing that far outstrips supply. In that context, the housing allocation scheme offers households with a housing need (as defined by the scheme) some choice in bidding for a home while giving reasonable preference to those in the greatest housing need and with a local connection to South Kesteven.

This housing allocations scheme applies to:

- a) New applicants
- b) Existing social rented housing tenants who have a need to transfer from one tenancy to another with their current landlord.
- c) Existing social rented housing tenants who need to transfer from one tenancy to another with a different social landlord.

The accommodation allocated through this scheme includes housing for social and affordable rent which is owned and managed both by the Council and by housing associations operating in the area. The Council's choice-based lettings scheme provides a single access point to good quality, affordable housing for people in housing need and aims to make the task of applying for social housing as simple as possible. On a day-to-day basis, landlords advertise their vacant properties on the website and applicants, who would like to live in those properties, register their bids on the website. Properties are then allocated in accordance with the procedures and priorities set out in the allocations scheme.

Properties are then allocated in accordance with the procedures and 6 priorities set out in the housing allocations scheme. As well as operating a housing allocations scheme, the Council also provides a housing options service which works to prevent or relieve homelessness and provides housing applicants with advice on a range of alternative housing options including:

- a) Mutual exchange
- b) Renting in the private rented sector
- c) Options to remain in the current home.

## **Scope of the Scheme**

The following are defined as allocations within this scheme:

- a) The selection of a person to be a secure or introductory tenant of council accommodation or
- b) The nomination of a person to be a starter or assured tenant of Registered Provider accommodation

The housing allocation scheme does not apply to the following lettings:

- a) Succession of tenancy
- b) Assignment of a tenancy through mutual exchange
- c) Assignment of a tenancy to a person who would be qualified to succeed to the tenancy.
- d) Assignment of a tenancy in pursuance of a relevant court order
- e) Progression from an introductory to secure tenancy
- f) Sole to joint tenancy changes and vice versa
- g) Temporary decants to complete repairs.
- h) Lettings made by Registered Providers outside of the South Kesteven nomination agreement.
- i) Properties leased to a partner agency (e.g., support provider)

### 3. Aims and Objectives

In addition to meeting the Council's statutory duties, the aim of this housing allocation scheme is to provide good quality, affordable housing to those in the most need whilst promoting sustainable tenancies and communities.

The objectives are:

- a) To provide clear, and transparent information to people who need to find a home about the social housing that is available so that they can make realistic, informed, and affordable housing choices.
- b) To support all landlords in making the best use of their housing stock in South Kesteven, ensuring that larger homes, specialist housing, and homes adapted for disabilities, are made available to those who need them most.
- c) To support other landlords in managing their homes effectively, by ensuring properties can be let quickly and that tenants are given the best chances of maintaining their tenancies in the long term.
- d) To help prevent homelessness and enable the discharge of the Council's statutory homelessness duties, minimising the use of temporary accommodation.
- e) To ensure and promote equality of opportunity in accessing safe, secure and affordable housing, both to local people in housing need and to other categories of people that do not satisfy a local connection to South Kesteven including those that have served in the armed forces, care leavers, those fleeing domestic abuse and people who are looking to continue or take up employment.

This housing allocation scheme will be monitored and reviewed, when necessary (at least annually), to ensure that it continues to meet local needs, responds to changes in the local housing market, meets the council's strategic objectives and remains legally compliant.

As part of the development of this the Council has consulted with existing social housing tenants in the South Kesteven area, applicants on the Housing Register, landlords, and other interested client groups and partner agencies.

## 4. The Legal Framework

The Council's housing allocations scheme sits within a tight legal framework which is summarised in this section. The legislative framework applies to the Council directly and requires Registered Providers to 'cooperate to such an extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's scheme'.

The primary legislation governing the allocation of social housing is Part 6 Housing Act 1996 (as amended). Any reference to legislative sections contained within this scheme are sections contained within the Housing Act 1996 (as amended). This legislation requires councils to make all allocations and nominations in accordance with a published housing allocation scheme which determines priorities between applicants for housing and sets out the procedure to be followed when allocating housing.

Part 6 of the Housing Act 1996 (as amended) requires local authorities to frame their housing allocation schemes to give "reasonable preference" to certain categories of people namely:

- a) People who are homeless as defined in Part 7 of the Housing Act 1996 (as amended).
- b) People who are owed a particular statutory duty by any local housing authority under certain provisions of homelessness legislation.
- c) People occupying insanitary, overcrowded or otherwise unsatisfactory housing.
- d) People who need to move on medical or welfare grounds, including grounds relating to a disability.
- e) People who need to move to a particular locality within the district to avoid hardship to themselves or others.

In addition to the primary legislation, South Kesteven's housing allocation scheme takes full account of the associated statutory codes of guidance and statutory instruments. In developing the scheme, the Council has also had regard to its Homelessness Strategy, Tenancy Strategy, and the Lincolnshire Rough Sleeping Strategy.

The housing allocation scheme has been developed to be compatible with other relevant legislation, regulations and guidance including, but not restricted to:

- a) The Equality Act 2010
- b) The Human Rights Act 1998
- c) The Data Protection Act 2018
- d) The Freedom of Information Act 2000
- e) Children (Leaving Care) Act 2000
- f) The Localism Act 2011
- g) Armed Forces Covenant
- h) Armed Forces Act 2021
- i) Domestic Abuse Act, 2021
- j) Welfare Reform Act 2012
- k) Public Sector Accessibility Regulations 2018
- l) Homelessness Reduction Act 2017
- m) Allocation of accommodation: guidance for local authorities (as amended January 2022)

A summary of this housing allocation scheme is available free of charge to any person who asks for a copy. It can be downloaded free of charge from the South Kesteven website. If requested a hard copy can be provided on payment of a reasonable fee (to be confirmed at time of request).

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## 5. Registration

### How to Apply

Applicants can apply for an allocation by completing a housing application form online at [www.SKhomechoice.org.uk](http://www.SKhomechoice.org.uk). Should applicants require assistance in completing the form or require the form to be made available in other formats this can be requested by telephone or by prior arrangement from the Council offices. Applicants will be required to provide supporting documentation. Once a fully completed application form has been received along with any required supporting documentation, the form will be assessed to determine if applicants are eligible and qualify for an allocation (see section 6), followed by an assessment of their housing need (see section 7), and a determination of property eligibility (see section 8).

### How it Works

South Kesteven housing advertises available social and affordable housing throughout the South Kesteven District. All available properties are advertised online at [www.SKhomechoice.org.uk](http://www.SKhomechoice.org.uk). Properties will be advertised at the point we know they will be available to allocate for a period of 7 days. This means new properties will be added to the bidding list on any day.

Applicants who are on the housing register are then able to express interest in properties that they wish to be considered for. This process is called 'bidding'.

Applicants can bid on up to three properties that are being advertised at any one time (different rules apply for homeless applicants). The system will only allow applicants to bid on properties that are the right size and type for their household requirements. Bidding on a property means that the applicant will be included on the shortlist for that property.

Applicants should only bid on properties after reading all the attributes and locality details in the advert. Bids on suitable properties which are later refused by the applicant may incur a penalty. If applicants do not express an interest in a property, they will not be considered for the allocation of that property.

Some South Kesteven housing applications may be set to auto bid. This means that the housing system will automatically place their bids after midnight on a Wednesday when all other bids have been placed. Applicants who are owed a statutory homeless duty (i.e., main duty, relief, or prevention) will be subject to an auto bid process whereby up to five bids will be made automatically on their behalf.

When a property is shortlisted, it is usually offered to the applicant with the highest band and who has been waiting in that band for the longest time (determined by an effective date). Applicants can view their bid queue position and bid outcome on their online account. Only successful applicants are contacted directly.

South Kesteven will publish information on accepted offers of accommodation from previous bidding cycles at [SKhomechoice.org.uk](http://SKhomechoice.org.uk). The following information will be published on advertised properties:

- a) Property address
- b) Property type
- c) Closing date for bids
- d) The band of the successful bidder
- e) The date they were placed in that band.
- f) The number of bids received.

Please note, under no circumstances will any personal details of the successful bidder be published.

### **'Any Time' Adverts**

South Kesteven housing also has the functionality to create 'any time adverts' which will sit outside of the weekly advert cycle and bidding process described in this scheme. 'Any time adverts' can be added on any date and for any length of time. The Council will utilise this facility for properties that are regarded as difficult to let to avoid multiple and repeated duplicate adverts week on week. In South Kesteven this applies mainly to some sheltered properties. Bidding opportunities in respect of 'any time adverts' will be in addition to the core bidding opportunities described in this scheme. An applicant that has three bids per bidding cycle will therefore have three bids plus any additional bids that are eligible to be placed on 'any time' adverts. In addition to difficult to let properties, the Council may utilise the 'any time advert' facility in other circumstances including but not limited to adverts and lettings that need to be fast-tracked. Decisions to utilise the 'any time advert' facility for any reason, other than for a difficult to let property, will be made by the Service Manager.

### **Tenancy Types**

Tenancies offered by South Kesteven can include introductory/starter tenancies, secure tenancies, affordable rent tenancies and fixed term tenancies. Applicants are responsible for deciding which properties and which types of tenancy they wish to express an interest in. However, in addition to the tenancy type advertised, the type of tenancy offered to applicants will often depend on several factors including:

- a) Their current tenure and landlord
- b) Their current circumstances
- c) The landlord of the property
- d) The type of property
- e) The location of the property

### **Verification**

To assess and verify housing applications, the following documentation will be required:

- One form of photographic ID for main and joint applicant such as a passport or driving licence
- One form of ID for all other household members such as passport, driving licence or birth certificate

- Proof of current address for all adults in the household dated within the last 3 months, such as a utility bill.
- 3 months proof of income for all adults in the household, such as wage slips or UC payments
- 3 months bank statements for all adults in the household, for all accounts held.
- Proof of child benefit (if applicable)
- Proof of pregnancy (if applicable)
- Proof of housing need, such as a doctor's letter or police incident number
- Any other information deemed necessary to process the application.

The council may make additional enquiries with current or former landlords or other relevant agencies, such as a GP. Council officers may also need to arrange a home visit or office interview. Where this is necessary, a council officer will contact the applicant to arrange a convenient appointment. If, after a 28-day period, applicants have not provided information that has been requested, the Council will cancel the application.

Verification includes checks on an applicant's full circumstances including their eligibility, qualifying criteria, housing need and property eligibility. Circumstances will be verified at the point of application and at the point of nomination prior to a formal offer. It is the applicant's responsibility to notify South Kesteven District Council of any significant changes to their circumstances which may affect their application. An applicant's circumstances can change at any point and accordingly can be reassessed by the Council at any time.

Prior to any formal offer of accommodation, South Kesteven landlords will also conduct a tenancy assessment and other checks to verify an applicant's circumstances. This will include an affordability assessment. Applicants that fail the verification checks and/or affordability assessments will not be offered the accommodation for which they have been nominated. The application may then be reassessed depending on the reasons for refusal.

### **Disability, Medical and Mobility Needs**

If an applicant or joint applicant, or other member of the household identified on the housing application have any of the following then it is the applicant's responsibility to provide any medical evidence that they would like to be considered in assessing their application:

- a) A permanent physical disability
- b) A mobility problem
- c) A medical condition, or
- d) A mental health condition.

The Council may need to contact the applicant for further information regarding the condition to help the Council to assess and establish in which band to place the application and what type of property is suitable. In some circumstances the Council may need to seek independent medical advice to help inform this decision and specifically to explore:

- a) Whether the applicant's current home is having a detrimental impact on the health or mobility of anyone in the household, and the extent of the detrimental impact.

- b) What type of accommodation would suit the needs of the households or if a move is necessary.
- c) What adaptations the household may require

If, after the Council's enquiries, it is established that the applicant requires specific adaptations to a property, the application will be amended to reflect this. Households that require specific adaptations will only be nominated to accommodation that is suitable for their needs.

It is recognised that applicant's circumstances are individual and that the medical banding criteria cannot specify every circumstance that might apply. Exceptional banding decisions pertaining to medical issues that sit outside of the normal banding criteria will be made by the manager that oversees the South Kesteven housing team or an officer of equivalent level.

### **Timescales**

When a South Kesteven housing application is received, the Council will:

- a) Contact the applicant within 15 working days of receiving the application to confirm if any additional supporting information is required.
- b) Contact the applicant to confirm that the application is active within 15 working days of receiving a fully completed application form including any relevant supporting information that is required.
- c) Let the applicant know if it cannot register the application within 15 working days of receiving the fully completed application form due to delays which may be caused by the Council requiring additional information from another agency or for other administrative reasons.

These timescales may vary depending on staff resources and are to be used as a guide only. Once all necessary enquiries have been made, and the application has been fully processed, the council will email/write to the applicant to inform them:

- a) If the applicant does not qualify to join the South Kesteven housing register, the reasons for this and their right to a review of the decision or.
- b) That we have accepted the application and the applicant can start to place bids for properties advertised on South Kesteven housing.
- c) The applicant's unique housing reference and log in details
- d) The South Kesteven housing band in which we have placed the application.
- e) The date on which the application was placed into the band – the effective date.

### **Band Effective Date**

The 'effective date' is used to prioritise between applicants within the same band. The 'effective date' of an application is normally the date that a complete application is accepted onto the housing register. If there is a change in circumstances after initial registration, then the application will be reassessed, and the applicant may:

<b>Change in circumstance</b>	<b>Effective date</b>
Gain greater priority and be placed in a higher priority band.	The date at which the higher band applies will be used.
Be assessed as being in the same band.	The original effective date will be used.
Lose priority due to their circumstances and be placed in a lower priority band.	The original effective date will be used.
Become ineligible or may no longer qualify for an allocation.	The application will be removed from the housing register. Applicants may reapply at a later date if circumstances change, and a new effective date will then apply.

### Suspension of Application

Once we have assessed an applicant's priority for rehousing, the Council may suspend the application if the applicant or a member of their household has done something that has deliberately made their housing circumstances worse. The applicant's application may be suspended if they have:

- a) Abandoned or terminated previous accommodation without securing suitable alternative accommodation first.
- b) Sold a property or given notice on a tenancy without securing alternative accommodation first.
- c) Accepted a property owned by a South Kesteven housing landlord which the applicant now claim is unsuitable despite there being no change to their circumstances.
- d) Moved into accommodation which is unaffordable when being aware of the associated financial implications.
- e) Previously had their application cancelled for failing to bid.
- f) Been found to have deliberately disposed of assets or capital that would have enabled them to secure suitable accommodation.
- g) Ending of any homeless duty due to a deliberate and unreasonable refusal to cooperate.

There may be other circumstances where an applicant has moved to new accommodation that is 'worse' than their previous accommodation and where this appears to be without good reason. South Kesteven District Council will consider the facts of such cases on an individual basis to determine whether an applicant's decision to move accommodation was made solely or largely to acquire a housing need for the purposes of securing accommodation via the housing allocation scheme. Decisions to move from suitable accommodation into accommodation that is overcrowded, insecure or lacks basic amenities for example, will be scrutinised.

When a decision is made to suspend the application, the Council will suspend for a period of twelve months from the date of the decision. Applicants may ask for a review of this decision.

## **Changes of Circumstances**

Applicants must inform the Council if the circumstances of any person included in the South Kesteven housing application changes as this may affect their eligibility or qualification status, band, or property eligibility. Changes in circumstances include, but are not limited to:

- a) A change in eligibility status
- b) A change in assets or savings including home ownership / beneficiary of a property.
- c) The accrual of new housing related debt
- d) New criminal convictions
- e) A change of address
- f) A change of contact details
- g) People leaving the household or new household members.
- h) A change in a household member's health or wellbeing

If the Council later discovers a change in circumstances that has not been disclosed to the Council, this may result in a housing application being cancelled, an offer of accommodation being withdrawn, or possession action being taken to recover a property allocated under this scheme.

The Council will endeavour to process changes of circumstance within 15 working days.

## **Annual Reviews**

Annually, all applicants are required to complete an online review. The review is to ensure:

- a) The number of applicants on the South Kesteven housing register reflects the immediate needs for social housing.
- b) Applicants still want to stay on the South Kesteven housing register and
- c) Applicants' details are accurate and up to date.

Applicants will be notified when a review is due. If an applicant fails to respond to the review within 28 days of notification, the application will be cancelled.

Should applicants require assistance in completing the form or require the form to be made available in other formats this can be requested by telephone or by prior arrangement from the Council offices.

## **Cancellation**

South Kesteven housing applications may be cancelled if, for example, the applicant:

- a) Becomes ineligible for an allocation.
- b) Requests their application is cancelled.
- c) Fails to respond to a review.
- d) Has been re-housed by a private landlord.
- e) Moved and did not inform the council of their new address.
- f) Fails to respond to a request for information within 28 days.
- g) Deliberately provides false or misleading information.

- h) Refuses offers of suitable accommodation.
- i) Fails to qualify for the housing register.
- j) Fails to place bids on suitable properties.

## Who Can be Included on an Application?

The applicant should include on their housing application other persons who normally reside with them or who would reasonably be expected to reside with them as a member of their household. All household members who will be living in the new tenancy must be included on the application in order that qualification checks can be conducted.

Applicants and household members can only be on one South Kesteven housing application.

The following can be included on an application if they normally live with the applicant(s) or could reasonably be expected to do so:

- a) Partner or spouse,
- b) Children dependent on the applicant / joint applicant
- c) Adult children
- d) Other adults who are dependent on the applicant / joint applicant

Other people will only be considered if there are demonstrable extenuating circumstances that require them to live with applicants; for example, to provide or receive ongoing and substantial care which can be evidenced.

In all circumstances, the Council may decide whether a person is normally resident as a member of the applicant's family and whether they will be considered for rehousing as a member of the applicant's household. The Council will consider each applicant's individual circumstances when deciding whether to allow persons to be included on the application.

## Dependent Children

A dependent child is defined as being aged 0-15 years or 16-18 years and attending or enrolled in full-time approved non-advanced education or training. The Council will usually expect that an applicant receives Child Benefit in respect of dependent children. In determining whether a dependent child can be considered as part of the household where there is shared parental responsibility, the Council will consider whether there is a sufficient degree of permanence or regularity to constitute normal residence as a member of the family. The Council may also consider the demand for and supply of accommodation, as well as any under occupation which may result where a child spends part of a week with one parent and part of a week with another.

Factors that the Council will consider include:

- a) Who has the main parental responsibility of the child / children?
- b) What is the child's main and principal home?
- c) What address is registered with GP/School/Nursery?
- d) Who predominantly cares for the child?
- e) What is the frequency and length of residence at the applicant's property?
- f) Does the child have other accommodation available to them which it is reasonable for them to occupy?

g) Is there an order of the court pertaining to the child's residency?

If a child has no suitable accommodation with either parent, then both parents can include the child on their South Kesteven housing application until such time as suitable housing for the child has been secured. At this time, the other parents' South Kesteven housing application will be reassessed accordingly. For clarity, only one social / affordable rented property with a garden will be offered for the children.

Single parents/couples with a housing need, with children who do not permanently reside with them can be considered for properties with up to two bedrooms (excluding family accommodation with its own garden), however they will only be offered a two-bedroom property if there is no demand from households who require that size of property. Household income may be assessed by the landlord of the property against their affordability criteria to ensure that the property is affordable before an offer of tenancy is made.

### **Adult Children and Other Non-Dependents**

Non-dependent children are defined as any children of the applicant or joint applicant who do not meet the definition of a dependent child. A non-dependent child is usually aged 18 years or over or aged 16/17 and who is not attending or enrolled in any full-time approved non-advanced education or training.

Where the household includes people aged 18 years or over that can live independently, the Council will assess the needs of the whole household and may refuse to allow them to be included on an application, for example if it is unable to meet the need through existing social housing in the South Kesteven. The Council may require such non-dependent members of the household (including adult children, or extended family members) to apply for housing separately.

The Council will allow adult children living with their parents who are serving in the armed forces or resident at university to be included on an application. In these circumstances their parental home will be considered as their principal home.

Where it is determined that an adult child, or other non-dependent is not capable of living independently, for example because of a disability or severe learning difficulties, family accommodation may be awarded if it benefits the wellbeing of the household.

### **Family Members Not Resident in the UK**

If applicants are applying to include family members who are not living in the UK, the application may be registered but the family members will not be part of the household until the family has been reunited in the UK.

### **Children in Care**

Children in compulsory or voluntary care can be included on an application subject to written confirmation from social services that the children are to live on a permanent basis with the applicant(s).

Households currently undertaking fostering may be able to include foster children as part of their application. Written confirmation from social services of the fostering arrangement will be required and considered to inform the decision.

### **Provision/Receipt of Care**

Applicants or applicant household members, who require a full-time residential carer which is evidenced by social services or a primary health care professional, may include the carer on their application.

People who provide substantial long-term care to another person which requires that person to live with an applicant to receive the care, may include that person on their application. Care needs which cannot be provided by visiting carers must be verified by social services. The care needs must be substantial, i.e., a need for personal care with basic daily activities (dressing, feeding, bathing, toileting), or an inability to live independently certified by a medical professional.

### **Split and Non-Traditional Households**

The Council will consider applications from households where the main and joint applicants do not currently reside at the same address, or applications from non-traditional households, e.g., friends sharing. In reaching a decision whether to accept applications from non-traditional households, the Council will consider, amongst other factors, the relationship between applicants and the demand for and availability of the property type and size required. If accepted, both applicants will need to meet the eligibility and qualifying criteria and the priority awarded to the application will be based on the housing circumstances of the applicant in the highest band.

## 6. Eligibility and Qualification

Any person can approach the Council for advice and assistance regarding housing however, due to the high demand for social and affordable rented housing in South Kesteven, the Council does not maintain an 'open' housing register. In considering an application, the Council will firstly assess if an applicant is eligible for accommodation, and secondly, whether an application qualifies for an allocation of accommodation. Any applicant assessed as either not eligible or who does not qualify will not be considered for an allocation and will therefore not have access to the housing register.

### Eligibility

The legislation and accompanying regulations regarding eligibility for housing are complex and subject to regular change. This section provides an overview of the main rules. The main law on eligibility in England is contained in the Housing Act 1996 (as amended) which allows the government to introduce regulations about eligibility for allocations. South Kesteven will determine whether applicants are eligible for housing assistance ensuring compliance with UK immigration and nationality regulations.

#### Applicants who are eligible

The following groups are eligible for an allocation of housing:

- a) British Citizens
- b) Certain Commonwealth citizens with a right of abode in the UK
- c) Irish citizens, who are not subject to immigration control in the UK.
- d) EEA nationals with an EEA 'right to reside' that qualifies for housing (including but not limited to those that are working or self-employed)
- e) Classes of persons subject to immigration control who are eligible for an allocation of accommodation as set out in Regulation 3 of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, as amended. These groups include but are not limited to:
  - people granted refugee status.
  - people granted exceptional leave to enter or remain without a 'no public funds' condition.
  - people granted humanitarian protection.
  - EEA nationals who have been granted settled status under the EU Settlement Scheme and who are 'habitually resident' in the British Isles or Ireland
- f) European Economic Area (EEA) nationals, and their family members, who have citizen's rights under the European Union (Withdrawal Agreement) Act 2020.

#### Applicants who are not Eligible

Some classes of people are not eligible to join the housing register, specifically those who are:

- a) Subject to immigration control (unless in a class re-included by regulations made by the Secretary of State – see reference to Regulation 3 in section above)
- b) Not habitually resident in the UK, Channel Islands, the Isle of Man, or the Republic of Ireland

- c) Other persons from abroad excluded by regulations made by the Secretary of State including:
  - EEA nationals whose only right to reside is derived from their status as an EEA jobseeker or as the family member of an EEA jobseeker.
  - EEA nationals whose only right to reside is the initial three-month period under Regulation 13 of the EEA Regulations
  - Non-EEA nationals whose only right to reside is as the parent of a UK citizen child who has no other rights to reside in the UK (known as a 'Zambrano carer')
- d) Persons granted limited leave ('pre settled status') under the EU settlement scheme where their only other right to reside is a non-qualifying right (i.e., as a jobseeker, is within his/her first three months or as a Zambrano carer)
- e) Required to leave the UK by the Secretary of State.
- f) Ineligible due to changes contained in the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020:  
<https://www.legislation.gov.uk/ukpga/2020/20/contents/enacted/data.htm>

## **Qualification**

The Localism Act 2011 enabled local housing authorities to decide which classes of persons are, or are not, qualifying persons for the purposes of allocating housing. This section sets out the classes of persons which are not considered to be qualifying persons and will therefore not be accepted to join the South Kesteven register for an allocation of housing.

In exceptional circumstances, an applicant who would not ordinarily qualify for the housing register but who has an urgent housing need (defined by being awarded Bands 1 or 2 under this housing allocation policy) may be allowed to join. The decision to allow a non-qualifying applicant to join the register, will be determined by a panel of senior housing officers. Other professionals, for example those with social care expertise, may be invited to contribute to the panel and decision making where relevant.

The council retains a discretion to deal with individual cases where there are exceptional circumstances, for example where such circumstances arise in relation to the wider Armed Forces community.

The Council works in partnership with the Police, Probation Service, Community Safety Partnerships, and housing providers to manage risk to the community. If there are any details pertaining to an applicant or application which leads the Council to believe there may be implications for community safety, the Council may refuse an applicant housing in certain areas.

## **Applicants who do not qualify**

### **1. Homeowners**

The definition of a home is a freehold or leasehold property, a static caravan situated on a site open all year round or a boat which has a mooring. Applicants who have a beneficial interest or home rights in a property will be classed as a homeowner and will therefore not qualify for the housing register.

All applicants must declare whether they own a home or have a legal interest in any land or property in the UK or abroad.

Homeowners (including joint homeowners) will not qualify for the housing register unless they have an urgent housing need to move (Bands 1 and 2) and have insufficient equity, capital, or assets to resolve their housing difficulties. (See income section). This will include the possibility of adapting their current home. A financial assessment will be required to assess the level of equity. An Occupational Therapists report will be needed to establish if adaptations are required.

Elderly homeowners who are accepted as eligible for sheltered housing will qualify to join the South Kesteven register but are exempt from bidding for bungalows and are eligible for sheltered complex properties only.

*Homeowners who have been awarded a duty under the homeless legislation may be exempt from these criteria. Each case will be decided on its own merit and will depend on the applicant's circumstances, amount of equity in the property and any medical needs which render the property unsuitable.*

## **2. Applicants with financial means**

Applicants who have the financial means to purchase a property within South Kesteven that meets their housing needs (and who do not meet any of the exemptions) or who could access the private rented market will not qualify for the Housing Register.

**Savings** - Applicants who have total household savings, investments and/or assets of £16,000 or more will not qualify for the housing register.

**Income** - Applicants who have a total annual household income of £25,000 (single persons / lone parents) or joint household income of £45,000 or more (couples / couples with children / other household types) will not qualify for the housing register. Passported benefits, and non-contributory disability benefits are not included for the purposes of income in this definition. Certain compensation payments may be disregarded as savings when assessing an applicant's financial resources.

**Exemptions:**

- Applicants who qualify for older person's sheltered accommodation schemes
- Applicants who have a need for specialist accommodation that is not available or affordable in the private sector within South Kesteven, for example wheelchair standard accommodation.
- Applicants who are unable to safely access their property or finances, for example because they are fleeing domestic abuse, and who are taking legal action to recover their funds/share of the funds.
- Other exceptional circumstances (such cases will be referred to a Senior Officer for consideration and if approved will require final authorisation from the Head of Housing Services).

*Homeless applicants who have been awarded a statutory duty under the homeless legislation will be exempt from these criteria however they will be given a reduced priority on the register.*

### **3. Persons with no Local Connection**

Applicants who do not establish a local connection to South Kesteven will not qualify to join the South Kesteven housing register. A local connection to South Kesteven will be established by virtue of any permanent member of the household (permanent meaning anyone who normally resides within the household and the accommodation is their only or main residence) meeting any of the criteria set out below:

- Residence – Applicants currently live in the district and have done for at least 6 out of the last 12 months or past residence of at least 3 out of the last 5 years. Residency may be verified by way of tenancy references, electoral roll, information held on any local authority or third-party database, such as Experian and will be verified at the point of application and at the point of allocation/nomination. This includes those people who currently live in an institution, hospital or are serving a custodial sentence outside of the area but were resident in the area for at least 6 out of the 12 months or 3 out of the last five years prior to entering that institution, hospital, or custody.
- Current employment – Applicants currently work in South Kesteven and have done for a minimum of 16 hours per week consistently for 6 out of the last 12 months. Regularly means 16 hours per week or more, and either have a permanent contact (and passed any probationary period) or be able to demonstrate they have worked for at least six months and there is no reason to believe this arrangement is due to cease.

Applicants who are self-employed, or their profession requires them from time to time to work outside the area, will need to demonstrate that their employment has mainly been based in South Kesteven for a minimum of six months prior to application and at the point of any allocation/nomination.

Applicants on leave due to maternity or sickness who remain employed will qualify for this criterion if there is no reason to believe their employment is due to cease.

- Family associations - Immediate family members currently resident in South Kesteven i.e., parent, sibling, or adult son or daughter who has lived in the area for a minimum of five years continuously prior to acceptance onto the South Kesteven housing register.

Residency may be verified by way of tenancy references, electoral roll or information held on any local authority database. Relationship may be verified by Birth Certificates or information held on any local authority database.

Family members would normally be parents (biological or adoptive), adult children, brothers, or sisters provided there are sufficiently close links in the form of frequent contact, commitment, or dependence.

Exemptions:

- Right to move - This applies to current social tenants in England who are employed, or who have been offered permanent employment in South Kesteven AND who need to move to avoid hardship.
- Armed Forces personnel - Certain members of the Armed Forces community are exempt from any residency / local connection requirements, by virtue of regulations made under section 160ZA (8) which prevent local authorities from applying a local connection test to disqualify such applicants.

These are:

- a) Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Forces at any time in the 5 years preceding their application for an allocation of social housing
- b) Bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
- c) Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- d) Divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence.

- Applicants owed a homeless duty by South Kesteven District Council - Applicants with the following duties:
  - S193(2) - Main Duty
  - S195(2) - Prevention duty
  - S192(3) - Power to secure for non-priority and not intentionally homeless.
  - S189B - Relief Duty
  - S190(2) - Intentionally homeless
- Other special circumstances as approved by a Service Manager - In some special circumstances, the Council will accept people onto the South Kesteven housing register who cannot demonstrate a local connection as defined above. These circumstances include:
  - Those needing to move to provide or receive essential care and support in South Kesteven
  - Applicants who were resident in the area for three years or more before moving to supported housing / care placements out of area to prevent homelessness.
  - Applicants who are leaving care (confirmed by Lincolnshire County Council)
  - Applicants who do not have a clear local connection anywhere which may include those under the Ukrainian Resettlement Scheme and the Afghan Resettlement Scheme
  - Applicants who cannot live in the area in which they have a local connection because of harassment, violence or abuse or the need to move elsewhere for reasons of rehabilitation or personal safety. This includes applicants subject to MAPPA, MARAC arrangements or the National Witness Mobility Scheme.

- Local Connection to a Section 106 / Village exception site - Applicants who satisfy an established local connection to a Section 106 or village exception site (as defined in relevant legal agreements) and that do not meet any of the other local connection qualifying criteria.

Verification of an applicant satisfying this criterion will be required at point of application and at point of nomination. Applicants accepted as qualifying due to this criterion will only qualify to bid on properties within the village development to which they satisfy a local connection.

#### **4. Persons who have behaved in an unacceptable way.**

Applicants who have previously behaved in a way which led to them losing a tenancy, or which could have led to such action being taken by a landlord, or who have behaved in an unacceptable way will only qualify for an allocation via South Kesteven if they can demonstrate that such behaviour is unlikely to occur again. Applicants may not qualify to join the register due to the behaviour of any member of the applicant's household, including partner and children. This includes existing South Kesteven tenants; new applicants and those who are reporting a change of circumstances. Behaviour which may lead to someone failing to qualify to join South Kesteven housing register includes (but is not limited to):

Outstanding housing related debt - Applicants with outstanding housing related debt within the last 5 years, totalling more than £1000 will fail to qualify for the housing register. Debt will be checked at application stage and again at allocation stage.

Housing related debt is defined as:

- Current and former rent arrears (owed to social or private landlords)
- Recharge arrears
- Court costs (against social or private tenancies)
- Homeless prevention loans or other similar schemes

The £1000 debt owed threshold will be defined utilising information obtained as part of the application to include the applicant's current or most recent address. Cumulative debt within a 5-year period more than this threshold, will fail to qualify.

Debt Relief Orders - Housing related debts included in a Debt Relief Order will remain as outstanding until 12 months from the date of issue, at which point the debts are formally written off by creditors and the debtor is discharged. Households owed a statutory homeless duty will be exempt from the 12-month criteria.

*Households owed a homeless duty will be exempt from this non-qualifying criteria, however, a suitable repayment plan (this depends on how much is owed, how much they have repaid and the consistency of payments) must be in place and strictly adhered to, to satisfy housing register requirements that applicants are proactively addressing past unacceptable behaviours. Repayment plans will be considered on a case-by-case basis.*

*If the homeless applicant fails to set up a plan or adhere to the conditions of a plan, they will be given reduced priority on the register.*

**Serious breaches of tenancy or unacceptable conduct within a tenancy** - Applicants will fail to qualify where there is evidence of a serious and deliberate breach of social or private tenancy within the last 5 years. Breaches of tenancy are considered serious when, had the applicant been a tenant of the local authority, the authority would have been entitled to a possession order under Section 84 of the Housing Act 1985 on any ground detailed in Part 1 of Schedule 2 of the Act, except for ground 8.

This includes:

- Rent arrears
- Breach of tenancy agreement
- Nuisance or annoyance to neighbours including anti-social behaviour
- Illegal or immoral use of the property
- Damage or neglect
- Conviction for an arrestable offence committed in the locality of the premises
- Domestic abuse
- Making a false statement to gain a tenancy

Applicants evicted from a social tenancy for sub-letting or abandoning a property within the last 5 years will also fail to qualify.

**Other breaches of tenancy** - The applicant has a history of other unacceptable behaviour relating to tenancy conduct including:

- Persistent / repeated breaches relating to property condition
- Persistent / repeated breaches relating to garden condition
- Not allowing reasonable access for statutory safety checks
- Other non-engagement in essential activities e.g., preventing housing officer visits and repairs

Existing tenants may be subject to an inspection of their property prior to being accepted onto the South Kesteven housing register. Applicants who fail the inspection, or do not engage with their landlord to complete the required actions will not be accepted onto the housing register.

**Guilty of criminal offences relevant to rehousing** - Any offence that is not spent under the Rehabilitation of Offenders Act 1974 (amended by the Legal Aid and Sentencing and Punishment of Offenders Act 2012) must be declared. Cautions should also be declared.

Relevant criminal offences include but are not limited to the following serious arrestable offences:

- Violence including ABH, GBH, terrorism, explosions, and riots
- Harassment, threats of violence or intimidation including racially motivated and domestic abuse offences
- Offences relating to offensive weapons (firearms and certain offences involving knives)
- Offences against property including offences under the Theft Act 1968 such as robbery and burglary, and offences under Section 1 of the Criminal Damage Act 1971 of destroying or damaging a property
- Drug-related offences under the Misuse of Drugs Act 1971 (restriction of production and supply of controlled drugs and possession of controlled drugs with intent to supply)
- Sexual offences
- Offences under Part 2 Serious Crime Act (encouraging or assisting one of the above offences to be committed)

Antisocial behaviour - Acts of antisocial behaviour are defined as acts where the applicant has been subject to some level of formal warning and/or enforcement action.

This includes but is not limited to:

- Closure Order granted because of antisocial behaviour in or near the applicant's current or previous property
- Civil Injunction such as injunctions preventing nuisance and annoyance
- Criminal Behaviour Order
- Notice or an Order to abate noise served under the Environmental Protection Act 1990
- Community Protection Warnings and Notices
- Convictions for breaching any of the above
- Any other enforcement action / prosecution under the Antisocial Behaviour, Crime and Policing Act 2014.

Antisocial behaviour also includes any act whereby an applicant has been proved to have interfered with security and safety equipment or landlord's electricity supply to communal blocks.

Demonstrated unacceptable behaviour towards any officer, official agent, or property of the Council or South Kesteven landlord forum - This includes having received any warning letters from the Council or any South Kesteven partner, and/or criminal or civil action. Unacceptable behaviour includes but is not limited to verbal and physical abuse, intimidation, violence and/or threats of violence by any form and harassment. Damage, defacing or graffiti upon any property is also included.

The Council does not operate a blanket policy in relation to the above considerations but will consider each case on its own merit. Applicants are invited to provide evidence of a change of behaviour. This will be presented to the Service Manager for overall sign off.

This could include, for example, evidence of regular payments towards a previous housing debt; evidence from a support agency of undertaking training to develop the skills necessary to manage a tenancy or being ready to move on from supported housing.

*Please note: Where the Authority owes a duty under the Homelessness Legislation, certain criteria relating to unacceptable behaviour listed in the table above, may be waived and applicants may be allowed on the register within the original banding as per the policy. Alternatively, applicants could be given a reduced priority. Each case will be looked at on its own merit and be presented to the Service Manager for overall sign off.*

## **5. Persons who are incapable in law of holding a legal tenancy**

Applications will not normally be accepted by a person under the age of 18. However, the following may be considered:

- a) The applicant is in the care of the Council or is a care leaver.
- b) The applicant has been defined as a child in need because of a S17 Children Act 1989 statutory assessment.
- c) The applicant is owed a full statutory homeless duty following a S20 Children Act 1989 statutory assessment.
- d) The applicant has an adult or adults who will act as a trustee(s) and hold a legal tenancy until the legal incapacity to hold a tenancy ends, and the Council accepts the adult as a suitable trustee.

## **6. Persons with no housing need**

Persons/households assessed as having no housing need as defined in the Bands will not qualify to join the housing register.

## **7. Refusals of offers of social housing.**

Applicants who have refused two offers of suitable accommodation in any 12-month period will fail to qualify for the South Kesteven housing register.

Households owed a homeless duty who refuse a suitable offer are discussed separately on page 43. Those who do not qualify by virtue of this category will not have a reapplication considered for 12 months from the date of non-qualifying decision.

Applicants can request a review of this decision if there has been a significant change in their circumstances through no fault of their own which adversely affects the household or would otherwise result in the South Kesteven housing band increasing.

## **8. Exceptional circumstances**

In exceptional circumstances, an applicant who would not ordinarily qualify for the housing register but who has an urgent housing need (defined by being awarded Bands 1 or 2 under this housing allocation policy) may be allowed to join. The decision to allow

a non-qualifying applicant to join the register, will be determined by a panel of senior housing officers. Other professionals, for example those with social care expertise, may be invited to contribute to the panel and decision making where relevant.

The council retains a discretion to deal with individual cases where there are exceptional circumstances, for example where such circumstances arise in relation to the wider Armed Forces community.

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## 7. Assessment of Need

Only applicants who have been assessed as eligible and who qualify will have their housing need assessed.

### Reasonable Preference

The Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important as the demand for social housing is greater than the availability of homes.

The law, as it applies to local housing authorities, requires that reasonable preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). Applicants with reasonable preference must be given a reasonable head-start in terms of accessing housing over those who do not have reasonable preference. Reasonable preference does not mean that applicants will have an absolute priority over all other applicants.

The statutory reasonable preference categories in section 166A (3) (a) to l of the Housing Act 1996 (as amended) are:

- a) People who are homeless (within the meaning of Part VII of the 1996 Act)
- b) People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3)
- c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- d) People who need to move on medical or welfare grounds, including grounds relating to a disability.
- e) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others).

### Additional Preference

The following applicants will be given additional preference over other applicants who are within the same Band:

- Applicants who are former serving members of the regular armed forces
- Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service.
- Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner.

## Other Specified Groups

The Council includes other local priorities alongside the statutory reasonable preference categories. Local priorities can be included providing:

- a) That they do not dominate the housing allocation scheme, and
- b) Overall, the scheme operates to give reasonable preference to those in the statutory reasonable preference categories over those who are not.

## The Banding System

The Council awards each housing application a level of priority for housing using Bands: 1, 2, 3 and 4. Applications in Band 1 have the highest of priority for rehousing.

### **Band 1**

Band 1 is only awarded with the documented approval of the Service Manager. Homeless applicants awarded a Band 1 will be authorised by a senior officer or above.

#### Homelessness

Main duty. The applicant is homeless and owed a S193(2) Main Homeless Duty because they are assessed as being in a priority need, unintentionally homeless and establish a local connection as outlined in Part VII of the Housing Act 1996.

#### Medical Needs

Examples include:

Severe medical need. The applicant or a member of the household must have a permanent medical condition or disability AND remaining in the current property is a major and direct contributory factor to pose a severe and life-threatening risk to the member of the household. It will only apply where the current property cannot be made suitable or adapted within 3 months. It is expected that these criteria apply to those few exceptional cases only specifically where:

A household member is receiving palliative care.

A household member is unable to escape their current property in an emergency due to being permanently housebound. Households will only be considered for properties which meet all their housing needs and improve their condition / qualify of life.

Included in this category will be household members currently receiving ongoing treatment from primary or secondary mental health services for a diagnosed severe mental health condition and there is evidence to suggest that remaining in the property will have a severe detrimental effect on their mental health and recovery and a need to move to alternative accommodation is paramount.

Hospital discharge. The applicant or a member of the household cannot be discharged from hospital or a rehabilitation centre because they have no accommodation, or their

current accommodation has been deemed hazardous to their health and the situation cannot be rectified to enable them to continue to live there, and they are accepted by South Kesteven District Council as being able to sustain their own independent accommodation (with or without tenancy support).

## Housing Conditions/Needs

Examples include:

Category 1 hazard. The applicant is a private sector, housing association tenant or owner occupier and South Kesteven District Council has determined that their current accommodation poses a Category 1 Hazard (excluding overcrowding) under the Housing Health and Safety Rating Scheme, the problem cannot be rectified within a reasonable period i.e., six months and by continuing to live there poses a significant risk to health.

Major repairs. The applicant is a tenant of a social or affordable rented property living in South Kesteven who needs to move because their accommodation needs major renovation or extensive repairs. This only applies when all decent options have been exhausted and it is deemed that a permanent move is the most cost effective and practical option.

Statutory overcrowding. The applicant is living in accommodation that is defined as statutorily overcrowded using the room and space standards under the Housing Act 1985 [legislation.gov.uk](http://legislation.gov.uk).

Demolition. The applicant needs to move because their home is about to be demolished or redeveloped. This only applies when the demolition or redevelopment is beyond the applicant's control.

Natural disaster. The applicant's home is uninhabitable due to flood, fire, or natural disaster through no fault of the applicant and there is no prospect of the problems being remedied within a reasonable period i.e., six months.

Releasing an adapted property. The applicant is occupying a social or affordable rented property in South Kesteven that is either fully wheelchair accessible or offers a level access shower/wet room and is willing to transfer to suitable non-adapted accommodation. This band will not apply where the adaptation does not offer a realistic solution to others i.e., a level access shower in a first floor flat.

Releasing a large family property. The applicant is under occupying family sized social or affordable rented accommodation in South Kesteven. Family sized is defined as either 3 or 4 bed properties. and is willing to transfer to suitable smaller accommodation. Households awarded this band will only be considered for properties that offer fewer bedrooms than their current accommodation.

Supported move on, with local authority nomination rights. The applicant is ready to move on from an approved supported accommodation provider or care in South Kesteven, where there is a formal arrangement in place that enables South Kesteven District Council nomination rights to vacancies. The applicant must have been accepted as ready for independent living by a relevant support provider. This band will not apply to those applicants who do not have sufficient awareness and/or mental capacity to be able to accept and manage a tenancy and live in a reasonably independent way. Where the

supported accommodation or care is out of South Kesteven, this band will not apply, unless the placement in that accommodation was due to it being the only suitable specialist placement (e.g., residential care or refuge) available to meet the needs of the applicant at the time, and the applicant has a local connection to the South Kesteven housing partnership area.

### **Welfare Needs**

Risk of harm. The applicant or a member of the household is at serious risk of harm (physical or emotional trauma) resulting from violence or threats of violence, or other abuse or serious trauma and needs to relocate to ensure their safety. This will be verified by the Police and/or other agencies as necessary. This may include a move to protect a witness of criminal acts under the National Witness Mobility Scheme. Any offer of accommodation from this criterion will have restrictions attached in terms of eligible areas to minimise any risk as far as is reasonably practical.

In addition to the Band 1 criteria above, the Council may also award Band 1 status to households in emergency circumstances not covered by the groups above. In such exceptional circumstances, the Head of Housing Services or their delegated representative has discretion to determine whether an applicant has a need to move which is sufficient to warrant placing an application in Band 1.

## **Band 2**

### **Homelessness**

Relief duty. The applicant is homeless and owed a S189B Relief Duty.

Prevention duty. The applicant is threatened with homelessness and owed a S195 Homeless Prevention Duty.

### **Medical Needs**

Examples include:

Current accommodation is unsuitable on medical grounds. The applicant or a member of the household has a permanent medical condition or disability which is seriously adversely affected by their current accommodation. This band will apply in the following circumstances for example:

A household member requires ground floor accommodation (or a stairlift) AND requires alternative bathing facilities to that in their current accommodation.

A household member is a permanent wheelchair user, and their current property is ground floor with suitable bathing facilities, however, it does not have suitable floor space, widened door frames or ramp access and the property cannot be made suitable or adapted.

A household member requires medical equipment supplied by a health authority/hospital and the current property/living conditions cannot be altered to make sufficient space (this does not include mobility scooter storage).

A household member is currently receiving treatment from primary or secondary mental health services for a diagnosed serious mental health condition, and there is evidence to suggest that continuing to live in their accommodation is adversely affecting their mental health and a move to alternative accommodation would assist in their recovery.

### **Housing Conditions/Needs**

Overcrowding. The applicant's household has been assessed as being overcrowded by 2 or more bedrooms based on the Council's minimum bedroom standard as defined in Section 8 of this policy.

South Kesteven may consider certain households as being overcrowded where one or more members of the household require their own room due to medical needs, for example a child with autism who is unable to share with a sibling. In these circumstances evidence would be required from a medical professional to show that they are unable to share and need their own room.

Under occupying. The applicant is under occupying a two or three bedroom social or affordable rented property in South Kesteven and is willing to transfer to suitable smaller accommodation. Households awarded this band will only be considered for properties that offer fewer bedrooms than their current accommodation.

Supported move on. The applicant is ready to move on from an approved supported accommodation provider or care in South Kesteven, but the local authority cannot make use of the supported accommodation that will result from the applicant moving on. The applicant must have been accepted as ready for independent living by a relevant support provider. This band will not apply to those applicants who do not have sufficient awareness and/or mental capacity to be able to accept and manage a tenancy and live in a reasonably independent way.

As well as applying to those in supported accommodation schemes and to young people leaving care who are in local authority accommodation, this band criteria also applies to vulnerable applicants who live in a supportive home environment which is not sustainable in the medium to long term, for example, a vulnerable applicant who lives with elderly parents who are their carer's.

Where the supported accommodation or care is outside South Kesteven, this band will not apply, unless the placement in that accommodation was due to it being the only suitable specialist placement (e.g., residential care or refuge) available to meet the needs of the applicant at the time, and the applicant has a local connection to South Kesteven.

Succession. The applicant is a successor or non-statutory successor of social rented accommodation, approved for an offer of alternative suitable accommodation. If after six months from the date of qualification as a successor, the applicant has not secured alternative accommodation, the Council reserves the right to bid on the applicant's

behalf, or to make a direct offer, to ensure that the applicant receives one reasonable offer of accommodation within the twelve-month statutory time limit.

### **Welfare Needs**

Essential care and support. The applicant or a member of their household needs to give or receive essential care and support that is substantial and ongoing and that cannot be provided from or in their current accommodation. Applicants must either be in receipt of Carers Allowance or have a carer who is in receipt of Carers Allowance or have had an assessment by social services or similar support agency, so it can be established that care and/or support is substantial / essential.

## **Band 3**

### **Homelessness**

Non-priority. The applicant has received a S184 decision finding them to be homeless but have no priority need as outlined in Part VII of the Housing Act 1996.

Demotion – Those homeless applicants who have refused a suitable offer of accommodation and therefore have been demoted.

### **Medical Needs**

Examples include:

Non urgent medical need. The applicant or a member of the household must have a permanent medical condition or disability which is adversely affected by their current accommodation. The band may apply in the following circumstances:

A household member requires ground floor accommodation (or a stairlift) OR requires alternative bathing facilities to that available in their current accommodation.

A household member is currently receiving ongoing treatment from primary or secondary mental health services for a diagnosed mental health condition which is made worse by their current accommodation and would be resolved by moving to alternative accommodation.

Households will only be considered for properties which meet all their housing needs and improve their conditions/quality of life.

### **Housing Conditions/Needs**

Low level overcrowding. The applicant's household has been assessed as being overcrowded by 1 bedroom based on the Council's minimum bedroom standard as defined in section 8 of this policy.

For the purposes of assessing overcrowding, single parents are regarded as requiring 1 bedspace and can utilise a single bedroom.

Accommodation that may be unsuitable. For example, an upper floor flat for families with small children (each case will be looked at on its own merit).

Insecure accommodation. This includes those who are sofa surfing, of no fixed abode, asked to leave by family/friends or have received a notice from their landlord.

Sharing with others (with dependents). The applicant's household has at least one dependent child or a pregnant woman with a confirmed due date, sharing accommodation with their family or another household and is otherwise adequately housed.

### **Welfare Needs**

Examples include:

Ongoing care and support. The applicant or a member of their household needs to give or receive care and support that is ongoing and that cannot be provided from or in their current accommodation. Ongoing care and/or support does not have to be substantial in that applicants may not be in receipt of qualifying care benefits or have social services involvement. It may include practical and/or emotional support that is essential to the physical or mental wellbeing of the person receiving the care/support.

Employment hardship/right to move. The applicant or a member of the household needs to move to take up or continue permanent employment in South Kesteven for 16 hours a week or more, and to avoid hardship. Hardship because of employment includes commuting distance, the availability and affordability of transport and other factors such as medical conditions or childcare. A commute between home and work of 60 minutes each way is considered reasonable. The applicant's circumstances must be able to be improved to qualify under these criteria.

## **Band 4**

### **Homelessness**

Intentionally homeless. The applicant has received a S184 decision finding them to be homeless but intentionally so within the definition of the Housing Act 1996, Part 7 as amended 2002.

Reduced priority. Reduced priority due to rent arrears (with no repayment plan in place or being adhered to); sufficient financial resources; unacceptable behaviour or any other reason the Council deem it necessary to reduce a homeless applicant's priority.

### **Housing Conditions/Needs**

Examples include:

Sharing with others (without dependents). The applicant (or a couple) has no dependents and is sharing accommodation with their family or another household and is otherwise adequately housed. This will also apply when applicants have experienced a relationship breakdown where a move would prevent the homelessness of any dependent children.

Local Connection to a S106/Village Exception Site. The applicant has no housing need but establishes a local connection to a S106 or village exception site whether the connection is to the specific village where the development is located, or a neighbouring

village. Local connection to such sites will be verified at the point of application and at the point of nomination.

### **Welfare Needs**

Seeking sheltered accommodation. The applicant and any other members of their household have no housing need but are eligible to be considered for, and are seeking, sheltered, supported, or assisted living accommodation. The applicant's current housing tenure will determine which property type they are eligible for. Homeowners are exempt from bidding for sheltered bungalows and are eligible for properties in sheltered housing complexes only.

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## 8. Allocating and Property Eligibility

### Statement of Choice

The Council operates a Choice Based Lettings system. To support choice, available social and affordable rented housing vacancies within the South Kesteven local authority area will be advertised on [www.SKhomechoice.org.uk](http://www.SKhomechoice.org.uk) website. Applicants can register a bid for properties that are deemed suitable for their needs. There are some circumstances in which this will not apply, and the Council will restrict access to bidding, make bids on behalf of an applicant, or make direct offers.

Private landlords are committed to offering the greatest choice possible in the allocation of social and affordable rented housing within South Kesteven. The amount of choice that the Council can offer is limited by the fact that the demand for social housing in South Kesteven, far outstrips supply, and the legal responsibilities owed to some groups of applicants in housing need.

The amount of choice available to applicants will also be affected by the priority given to applicants under the scheme, the type of property the applicant is eligible for, and the availability of suitable properties. The Council will aid applicants with identified support needs in using the Choice Based Lettings system.

Where an applicant is on multiple shortlists, the Council reserves the right to determine which property is offered to an applicant.

### Household Composition

The size and type of property for which applicants are eligible will depend on the individual household composition and needs.

If an applicant's household composition or circumstances fall outside the rules detailed in this section, a senior housing officer will determine what size and type of property the household is eligible for. Circumstances where this might apply include where there is an evidenced need for an additional bedroom on urgent medical grounds, to discharge homelessness duties and make best use of stock.

As a minimum, the applicant's household is entitled to one bedroom each for:

- a) A single person (aged 16 or over)
- b) A married or co-habiting couple
- c) Two children both aged under 10 years regardless of gender
- d) Two children of the same gender up to the age of 16 years

This is referred to as the Council's minimum bedroom standard. Some applicants will also be eligible to bid for properties that offer an additional bedroom to the minimum entitlement detailed above, although they will receive a lower preference for this larger accommodation.

Please note there may be exceptions to the above. Each case will be discussed on its own merits.

The table below explains what size properties applicants can bid for:

	Minimum bedroom entitlement	Maximum bedroom entitlement
Single person	0 (bedsit)	2
Couple	1	2
1 child	2	2
2 children	2 or 3	3
3 children	3 or 4*	3 or 4*
4 children	3 or 4 or 5*	4 or 5*

*\*Depending on the age and gender of the children – see rules above*

For the purposes of property eligibility, the term 'children' refers to both dependent and nondependent children. Extended family members that are considered as members of the applicant household (e.g., stepsiblings, cousins) are expected to share bedrooms.

### **Pregnancy**

Households will only qualify as having a housing need based on pregnancy (i.e., overcrowding) when the pregnancy has reached 20 weeks. Applicants who apply prior to pregnancy reaching 20 weeks, and have no other identified housing need, will not qualify for the register at that stage. It is the applicant's responsibility to then re-apply when pregnancy reaches 20 weeks.

Households who have an identified housing need, not related to pregnancy, but who are expecting their first child will only be considered for family accommodation, and the pregnancy considered, once the pregnancy reaches 20 weeks.

### **Family Accommodation**

Where a three-bedroom property offers two reception rooms, this is referred to as a parlour type property. Households with a minimum need for 3 or 4 bedrooms are eligible to bid for parlour-type properties. Households with a minimum 4-bedroom need can utilise the second reception room as a fourth bedroom.

Where applicants are occupying and wish to downsize from a property in high demand and/or short supply such as 3-bed parlour, 4 bed or 5 bed social / affordable rented property, they may be able to bid for properties larger than that defined above in the household composition section. Such decisions will be made by the Service Manager.

### **Adapted Properties**

Properties advertised on South Kesteven housing may have the following adaptations:

- a) Full Mobility Adaptations
- b) Wet room
- c) Level Access Shower
- d) Stairlift
- e) External Ramp
- f) Shower Over Bath
- g) Minor Adaptations
- h) Lift

Where a property has been adapted, the Council reserves the right to let the property directly rather than advertising on South Kesteven housing in the first instances. This is to make best use of specialist social housing stock.

Where an adapted property is advertised on South Kesteven housing, households with a need for all the adaptations and who will utilise all other property attributes will be identified via a filtering process first. If no household meets this criterion, the Council will filter the shortlist according to which household will make best use of the adaptations and/or other attributes (such as utilising all the bedrooms) taking into consideration band and effective date.

This may mean a household requiring a three-bedroom family home is offered a three-bedroom house with a wet room over a household requiring a two-bedroom property with a wet room.

Properties situated on the ground floor with an adaptation will first and foremost be offered to households requiring ground floor accommodation due to a disability.

### **Bungalows**

General need bungalows (not sheltered accommodation) offering no adaptations have a minimum age preference of 60 years of age applied in the first instance. Such properties will be allocated in the following order:

- a) Households over 60 years of age with a ground floor need
- b) Households of any age with a ground floor need
- c) Households over 60 without a ground floor need

General need bungalows (not sheltered accommodation) offering disabled adaptations will be allocated in the following order:

- a) Households of any age with a ground floor need requiring adaptations
- b) Households over 60 years of age with a ground floor need
- c) Households of any age with a ground floor need
- d) Households over 60 without a ground floor need

Where there are joint applicants, the minimum age preference of 60 years referred to in this section need only apply to one applicant. For example, if an application is received from a couple with one individual aged under 60 years and one individual over 60 years, these joint applicants will be eligible to receive a preference for general need bungalows as described in this section.

### **Sheltered Accommodation.**

Sheltered accommodation is usually only available to older people with a support need. Dependent on the sheltered scheme the advert may stipulate an age criteria. While sheltered housing provides some support, it is not suitable for people with high care and support needs. Sheltered housing is a form of independent living, so residents must be able to leave the building unaided in the event of an emergency.

Depending on an applicant's circumstances, some applicants such as homeowners and those with no housing need are restricted to bidding for properties in sheltered housing complexes only.

Applicants who bid for sheltered accommodation will be subject to further eligibility assessments conducted by the specific landlord / provider if they are nominated for sheltered accommodation. This is to check factors such as support needs, suitability, and risk issues in line with the individual provider's policies. Landlords of sheltered accommodation reserve the right to refuse nominations if their criteria are not met.

### **Discretion**

The Council has discretion not to offer a property to the person who is at the top of the list when taking all circumstances into account. This discretion may be exercised when the Council decides that it would not be in the interest of the applicant, another party, or the good management of the housing stock to do so. Examples where this may happen include:

- a) Where there is a history of domestic abuse, and the property is deemed by the Council to be too close to the perpetrator so as not to resolve the applicant's housing need.
- b) Where the Council deems there to be implications for community safety
- c) Where the applicant cannot access or adequately use the property because of mobility problems, where their health and safety would be endangered.
- d) Where on completion of a financial assessment, the South Kesteven private landlord and Council has determined that the property would be unaffordable to the applicant.
- e) Where an offer of accommodation would be counter to an applicant's stated housing need. For example, where an applicant is awarded priority due to a need to move to a particular area to provide / receive care and support, they will not be considered for areas that do not resolve this housing need.
- f) Where an applicant's individual support needs are such that they are likely to severely impact upon other residents in a housing scheme and affect a landlord's ability to manage the applicant's needs / risk within that scheme.

Any decision to bypass will be made by a senior officer or above.

### **Direct Offers**

In some circumstances, the Council will not advertise available properties on South Kesteven housing register. Instead, a direct offer of accommodation may be made to an applicant. Any direct offer will constitute a formal and suitable offer, and if refused will be subject to the same sanctions for refusal as set out on page 43.

Decisions regarding direct offers will be made by two senior housing officers. A senior housing officer is defined in the glossary. The circumstances in which direct offers may be made include:

- a) Where the Council considers that it is inappropriate for the applicant to participate in choice-based lettings. For example, applicants who are placed in South Kesteven through the National Witness Mobility Scheme or are subject to Multi Agency Public Protection Arrangements (MAPPA). In these cases, applicants are considered on a case-by-case basis, and the full range of housing options will be considered.
- b) Where the Council makes a direct offer by way of discharging a housing duty.  
This may include but is not limited to statutory homeless households.

- c) Where it is necessary for the Council or a private landlord to move (decant) one of its tenants on a permanent basis to carry out major modernisation or rehabilitation works to the property.
- d) Where it is necessary for the Council to provide an alternative property to a successor tenant within the 12-month statutory time limit.
- e) Where a joint social tenant has given notice to quit, and the property is suitable for the remaining tenant to continue to occupy, and this allocation is supported by the landlord.
- f) Where the property offers a specialist housing solution and/or is in particularly short supply e.g., large properties / disabled adapted properties.
- g) In cases where South Kesteven District Council or a private landlord requests an urgent move due to serious antisocial behaviour issues that cannot be resolved via any other housing management intervention
- h) Where the Council considers it necessary to suspend choice-based lettings for a period of time, for example due to a public health emergency or another similarly significant event. Such decisions will be taken by the Head of Housing Services, or an officer of equivalent or higher seniority within the Senior Housing Management Team.
- i) Any other circumstance that enables the Council to make best use of housing stock and/or to respond to emerging local housing needs.

### **Local Lettings Policies**

South Kesteven District Council may from time to time agree a local lettings policy for specific areas or developments to reflect local circumstances. Local lettings policies allow the Council to support communities to become or remain safe, cohesive communities where people want to live.

Some local lettings policies giving a preference to residents with a local connection to a specific town or village may also be applied. This is usually because there is a legal requirement to do so because of the original planning consent for the property. Advertisements for these properties will highlight that preference will be given to applicants who fulfil the criteria set out in the legal agreement.

For existing communities, any local lettings policy will be drawn up in consultation with existing tenants and residents and will have regard to housing management considerations such as the social mix of tenants, density, age range, vulnerability of tenants, for example, because of insufficient facilities for vulnerable people, as well as community stability.

Once implemented, local lettings policies will remain in force for a fixed period specified within the policy. Upon expiry, the allocation of properties in the area will be made in accordance with the normal housing allocation scheme, unless there is an evidenced need for a further local lettings policy.

Any local lettings policies in place will be advertised in the property advert on South Kesteven housing. Please see the South Kesteven housing website [www.SKhomechoice.org.uk](http://www.SKhomechoice.org.uk) for current local lettings policies applicable in South Kesteven.

## **Property Advert Details**

To help applicants choose the properties that would best suit their needs, South Kesteven District Council will advertise all properties with information on size, location, and property features. The adverts will also include:

- a) At least one image of the front of the property
- b) Which South Kesteven private landlord owns the property
- c) Weekly rent and any other applicable charges
- d) If known, an estimated date that the property will be available to move in to
- e) The closing date for applicants to express an interest.
- f) Other available information such as the type of heating supply, adaptations, number of steps leading to the property, priority floor level and restrictions on pets.
- g) Whether a local lettings policy is applicable

At times, similar properties may be grouped together and advertised with one property identification number. In these cases, applicants only have to express an interest once to cover all the properties grouped within the adverts. This may happen when advertising a new build development which includes a number of the same size and type of property.

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## 9. Management of Scheme

### Bidding and Auto Bidding

Most applicants on the housing register are entitled to select which properties they will bid for. However, applicants are expected to place bids regularly. If bids have not been placed within a six-month period and suitable properties have been advertised during this time, their housing application may be cancelled.

Auto bid means that the South Kesteven housing system software will place bids on an applicant's behalf. The system places bids on suitable properties which provide the best possible chance of a nomination i.e., the best queue position as at the end of the advertising period. Auto bids are placed at the end of advertising period once all other bids have been placed.

Any successful bid will be classed as a formal offer of accommodation and the refusal sanctions set out on page 43 will apply.

### Band 1 and band 2 homeless applicants

Applicants awarded band 1 or 2 priority due to homelessness (main duty, prevention, or relief) will receive additional support to ensure a timely resolution of their emergency housing needs. All applications accepted as band 1 or 2 homeless are placed onto auto bid.

Main duty and relief – applicants can choose either the North or South of the District only. All other choice will be taken away on area and property type.

Prevention – applicants can choose the area (i.e., specific areas within the district, not specific roads) but not the property type.

The table below summarises the bidding mechanism and number of bids that different categories of applicants are entitled to:

<b>Band and criteria</b>	<b>Bidding mechanism</b>	<b>Number of bids permitted</b>
Band 1, 2 where a Statutory homeless duty is owed (main duty, prevention, and relief duties)	Auto bid (no choice)	Up to 5
Band 1 where a statutory homeless duty is not owed	Manual bidding – Choice	Up to 3
Bands 2, 3 and 4	Manual bidding – Choice	Up to 3

### Households Owed a Homeless Duty

South Kesteven District Council can end any statutory homeless duty (prevention, relief and main duty) by providing an offer of suitable accommodation of any tenure to homeless households. This includes a Private Rented Sector Offer (PRSO) that the

Council deems to be suitable with a fixed term of at least 12 months for those who are owed the main housing duty.

If an applicant believes any offer to be unsuitable, they are entitled to ask for a review. The applicant may ask for a review whether or not they accept the offer of accommodation, but the Council may require the household to vacate any temporary accommodation provided whilst the review is conducted. Any applicant considering refusing an offer should first discuss this with a Housing Options Officer.

When reviewing an offer and before making a final decision, the Council will check that:

- a) The property is the right size and type for the applicant's household.
- b) The property is safe for the applicant's household to live in
- c) The property is affordable for the applicant.
- d) Consideration has been given to the location of the property.
- e) Consideration has been given to any special needs the applicant and their household members may have.

Consideration is given to any other relevant circumstances that the applicant has told the Council about.

A failure to engage in the nomination, viewing, or verification process which results in a property offer being withdrawn, will be regarded as an implied refusal of a final offer.

Where applicants may be successful on more than one property shortlist the Housing Options team will determine which property will constitute the applicant's offer. This is likely to be based on the individual circumstances of the applicant, which property is ready to let soonest and/or a decision that allows the council to maximise the number of allocations to homeless households in that period.

## **Offers**

If applicants are successful with a bid, they will be contacted by the South Kesteven Housing team directly. If the Council is unable to contact an applicant within 24 hours, they will no longer be considered for the property and will be bypassed on the shortlist. Homeless applicants will be demoted, and duties discharged.

If an applicant verbally accepts the offer, the South Kesteven private landlord that owns the property will then contact the successful applicant with details of the potential offer. Each South Kesteven Housing landlord may have a different process that they follow.

All South Kesteven private landlords reserve the right to:

- a) Request suitable identification for all household members.
- b) Carry out checks on the information the applicants have provided as part of the South Kesteven housing application. Usual checks include whether the applicants have rent arrears or criminal convictions. If the applicant's circumstances have changed and they did not inform the Council of the change(s), they may not receive an offer until the changes have been fully assessed.
- c) Withdraw an offer if checks reveal issues that are not included in the South Kesteven housing application.
- d) Withdraw an offer of sheltered accommodation if an applicant does not meet the landlord's own eligibility criteria.

- e) Withdraw an offer if a notice to vacate a property is withdrawn or the property becomes unavailable for letting.
- f) Withdraw an offer if verification checks confirm that the applicant(s) would be a nonqualifying person.
- g) Carry out a financial assessment of the household to establish if the rental payments will be affordable.
- h) Withdraw an offer if, following a financial assessment, it is established that the household cannot afford the required rental payments.
- i) Carry out a property inspection of the household's current home.
- j) Withdraw an offer if the applicant has failed a property inspection.
- k) Withdraw a property from advertisement if advertised incorrectly.
- l) Request up to 4 weeks rent in advance.
- m) Request rent payments are paid by direct debit only.
- n) Request the applicant(s) complete a tenancy workshop / pre-tenancy training or equivalent.

Applicants must tell the South Kesteven private landlords whether they wish to accept an offer of a tenancy. The time limit for responding to offers may differ between landlords. If the applicant does not contact the landlord or the Housing Options Team within the timescale given, the Council will assume that the applicant does not wish to accept the tenancy and the offer will be withdrawn.

### **Refusals**

Specific rules apply to homeless applicants who refuse an offer of accommodation:

Those owed a prevention duty will be allowed two offers of accommodation, meaning if they refuse the first offer (or fail to engage with the process), no sanctions will be imposed. If they refuse their second offer, they will be demoted to a band 3 and their prevention duty discharged under the homeless legislation.

Those owed a relief or main duty will be allowed one offer of accommodation only, meaning if they refuse an offer (or fail to engage with the process) they will be demoted to a band 3 and their relief/main duty discharged under the homeless legislation.

All other applicants are entitled to:

- a) place up to three bids on any properties advertised at any one time.
- b) refuse one suitable offer of accommodation without any sanctions.

Applicants who refuse two offers of suitable accommodation within any 12-month period will fail to qualify for the South Kesteven housing register. For the purposes of this scheme, an offer of accommodation can include a formal written offer of accommodation from a South Kesteven private landlord or a verbal offer of a nomination from the South Kesteven Housing Options team. In the case of joint applications, the main or joint applicant can refuse the offer, and this will constitute as a refusal (i.e., agreement of both is not required).

A failure to engage in the nomination, viewing, or verification process which results in a property offer being withdrawn, will be regarded as a refusal for the purposes of this section, albeit an implied refusal.

All applicants that refuse their final offer of accommodation will not qualify for the South Kesteven housing register for a period of 12 months. The Council may consider a re-application within the 12-month non-qualifying period if there has been a significant change in their circumstances through no fault of their own which adversely affects the household or would otherwise result in the housing band increasing.

### **Landlord Rejection**

In some circumstances landlords may refuse to offer a tenancy to a nominated applicant in accordance with their own policies. If a landlord rejects an applicant, they will inform the applicant in writing how they have reached decision and if the applicant wishes this to be reviewed, the applicant or their representative must make a written request directly to the landlord concerned within 21 days of receipt of the decision.

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# 10. Reviews, Complaints and Compliments

## Reviews

If an applicant does not agree with a decision made by the Council in respect of their application, they have the right to request a review of the decision. Circumstances in which an applicant may request a review include:

- The Council has decided that an applicant is not eligible or does not qualify for the Housing Register.
- The applicant believes their application has been assessed incorrectly and placed in the wrong band.
- The applicant believes they should be eligible to bid for a size or type of property that they have not been permitted to bid for.
- The Council has decided to withdraw an offer of accommodation.
- An application has been cancelled and the applicant's request to have the application reinstated has been refused.

The applicant, or the applicant's representative, must make a request to the Service Manager at South Kesteven District Council in writing within 21 days of receiving a written decision. The applicant, or the applicant's representative, may give the reasons for requesting a review in person, if it is difficult to tell the Council these reasons in writing.

The Service Manager or someone who has been designated by the Service Manager not involved in the original decision, will review the decision and consider the reasons for the review being requested. If the applicant submits new information or evidence that was not available when the original decision was made, such as information relating to a change in circumstances, the application may be referred for a reassessment rather than a review. If the applicant does not agree with the decision made following the reassessment, they have the right to request a review. In some cases, the Service Manager or equivalent may need to request more information from the applicant to inform a decision.

The Service Manager or equivalent will provide the applicant with written confirmation of the outcome of the review and reasons for the decision within eight weeks of the request for the review. A longer period may be agreed with the applicant. The Council's decision on review is final and can only be challenged by way of a judicial review or by contacting the Local Government Ombudsman.

In some circumstances, South Kesteven private landlords may refuse applicants the offer of a tenancy. Reasons for this may include if an applicant fails the verification checks or it is demonstrated that the applicant cannot afford the rental payments following a financial assessment conducted by the landlord. If an applicant wishes for this decision to be reviewed, the applicant or the applicant's representative must make the request in writing direct to the given South Kesteven housing landlord within 21 days of receiving their written decision.

## **Compliments, Comments and Complaints**

Applicants who wish to give a compliment, comment, or complain about South Kesteven District Council should use the contact 01476406080 or email [customerservies@southkesteven.gov.uk](mailto:customerservies@southkesteven.gov.uk).

South Kesteven District Council's Customer Compliments, Comments and Complaints policy is available at [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk).

Applicants who remain unhappy can make a complaint to the Local Government Ombudsman or the Independent Housing Ombudsman. They are independent services run by central government to make sure that local authorities and housing providers provide a certain standard of service to their customers (see below for contact details):

The Local Government Ombudsman for complaints about councils:

- Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH  
Telephone: 0300 061 0614  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)

The Independent Housing Ombudsman for complaints about Registered Providers:

- Housing Ombudsman Service  
Exchange Tower  
Harbour Exchange Square  
London  
E14 9GE  
Telephone: 0300 111 3000  
Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)  
Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

# 11. General Provisions

## Data Protection and Information Sharing

The General Data Protection Regulations 2018 (GDPR) and the Data Protection Act 2018 (known as information legislation) provide a statutory framework which sets out the responsibilities of the Council as a data controller when it is collecting and processing applicants' personal data. It also defines applicants' rights in relation to their data and provides them with control over how their information is used in various circumstances.

The Council will, through appropriate management, ensure compliance with information legislation, the Housing Act (1996), and the Council's Privacy and Data Protection Policies. More information on the Council's data protection and privacy policies can be found at [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk). The Council will process applicants' data within the confines of the law and will only share applicants' data where there is a lawful basis to do so.

Below are the seven key data protection principles that will be followed when processing personal data. Applicants' personal information will be:

- a) Processed lawfully, fairly and in a transparent manner.
- b) Collected for a specified, explicit, and legitimate purpose and not further processed in a manner that is incompatible with that purpose.
- c) Adequate, relevant, and limited to what is necessary.
- d) Accurate and kept up to date.
- e) Not kept for longer than is necessary.
- f) Processed securely, using technical and organisation measures.
- g) The Council will demonstrate accountability with principle.

The information that the Council collects from applicant's, together with information that is gathered from third parties during an application will be used to assess and administer a request for housing. Applicants' information may also be used for other purposes where the law permits such as those relating to child protection, public protection, and preventing and/or detecting fraud or other criminal activities. The privacy notice for the housing register can be found on the Council's website at [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk).

Applicants have the right to access their personal data processed by the Council including electronic and hard copy files. Applicant's personal data is information that relates to an applicant as an identifiable individual.

## Fraudulent Activity and Withholding Information

Applicants must supply full information about their circumstances and must provide supporting evidence where required to do so. It is a criminal offence for applicants and/or anyone providing information in relation to this scheme to make false statements knowingly or recklessly or knowingly withhold reasonably requested information relevant to their application (section 171, Housing Act 1996). An offence is also committed if a third party provides false information whether or not on the instigation of the applicant. This would apply at any stage of the application process.

Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be excluded from being considered for offers during the investigation and until an outcome is reached.

In addition, the Council reserves the right to take legal action including prosecution under any relevant legislation including fraud where it possesses the evidence. If the outcome of any investigation is that an applicant did not provide false information or did not withhold information or was not found to be withheld knowingly, then the application will be reinstated from the date of registration, meaning the relevant applicant should not suffer prejudice.

If the Council determines that an applicant directly, or through a person acting on his or her behalf, has given false information or withheld required information it may result in an applicant being disqualified from an allocation.

Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by the 1996 Act, S146) enables the landlord to seek possession of a property where it has been granted because of a false statement by either the tenant or a person acting at the tenant's instigation. Where this is the case, the Council will actively pursue recovery of possession.

### **Councillors, Board Members, Employees, and their Close Relations**

Councillors, board members and employees of South Kesteven District Council, landlords and their close relatives, can apply to the Housing Register. However, applicants must make their position or relationship with the Council known at the point of application. If the applicant does not do this and it is discovered later that such a relationship exists, the application/tenancy may be adversely affected. Applicants who declare an interest will neither be advantaged nor disadvantaged. Any application assessment, banding decision or allocation of accommodation must be done with prior approval from the Head of Housing.

### **Equality and Diversity**

South Kesteven District Council and partner landlords are committed to promoting equality of opportunity in housing services. We aim to implement, maintain, and deliver quality services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age, or sexual orientation, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law. Allocations will only be made to those persons who are eligible.

The policy fully complies with the Equality Act 2010 and an Equality Impact Assessment has been undertaken and is available to view on the Council's website. For more information on South Kesteven District Council's Equalities policy and scheme, please visit [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk).

## **Monitoring of the Scheme**

The Council recognises that it is important for applicants for housing and the wider community to understand how social housing is allocated and who is getting social housing. Therefore, information on the Housing Register and lettings outcomes will be published and made available on the South Kesteven District Council website.

The Council will also regularly monitor to ensure that the scheme remains relevant and continues to prioritise the allocation of affordable rented housing to those people in the most need. Reviews of this policy will be undertaken by the Council annually in response to any policy issues identified and/or changes in legislation / national guidance.

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# Appendix 1

## PROPERTY ELIGIBILITY TABLE

	BS	1BB	1BF	1BH	2BB	2BH	2BF	3BH	4BH	5BH
Single person	X	X	X	X	X	X				
Couple without children		X	X	X	X	X				
Household expecting their first child (from 20 weeks)					X	X	X			
Household with 1 child					X	X	X			
Household with 2 children					X	X	X	X	X	
Household with 3 children								X	X	X
Household with 4 children								X	X	X
Household with 5 children or more								X	X	X

Please note:

- Minimum and maximum age and occupancy criteria may apply to some properties.
- Age and gender of the children will be taken into consideration when determining the size of the property needed. The table above shows the property types they may be eligible for.
- Applicants who have a confirmed medical or welfare need for additional bedrooms will be permitted to bid for properties with the required number of bedrooms.
- Applicants with 4 or more children may be considered for a 3-bed property where there is a large dining room available which can be utilised as a separate bedroom.
- If a household's circumstances do not fit any of the criteria outlined in this matrix, the Service Manager will decide what size and type the household will be eligible for
- Applicants bidding for a property with more bedrooms than their minimum need will receive a reduced preference.
- Applicants that will be under occupying any property defined in this matrix can be refused on the grounds of affordability.
- Bungalows may have additional age or disabled adaptation eligibility restrictions.

# Contact Details

**Alternative formats are available on request:  
audio, large print and Braille**

**South Kesteven District Council**

**01476 40 60 80**

 [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)

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**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**