

Appendix A



# Central Bedfordshire Housing Allocations Policy



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## 1. Introduction

- 1.1 In accordance with the Housing Act 1996 Part VI (as amended by the Homelessness Act 2002), Local Authorities and/or agents administering the Local Authorities duties must provide an allocations scheme. The Bedfordshire Homefinder Partnership has chosen to operate a Choice Based Lettings (CBL) Scheme.
- 1.2 The CBL Scheme aims to provide applicants with as much choice as possible in where they live by openly advertising vacancies and inviting applicants to express interest in vacancies they would like to be offered and for which they are eligible. CBL also aims to simplify existing allocations procedures and provide an open and transparent service to applicants. For the purposes of this CBL scheme, an applicant includes anyone seeking housing through the scheme, including existing tenants of the Partner Landlords (see below) wishing to transfer.
- 1.3 Bedfordshire Homefinder is a sub-regional scheme and encompasses the county of Bedfordshire which is governed by 3 unitary authorities (Bedfordshire Borough Council, Central Bedfordshire Council and Luton Borough Council). Bedfordshire consists of both rural and urban areas and the demand for social housing in the county far outweighs the available supply.
- 1.4 The CBL scheme set out in this document is a joint allocation scheme between:
- Aragon Housing Association Ltd  
Bedford Borough Council  
Bpha  
Central Bedfordshire Council  
Luton Borough Council
- The above organisations are referred to throughout as “the Partners”. The partners who own social housing in Bedfordshire are referred to as “The Partner Landlords” and are:
- Aragon Housing Association Ltd  
Bpha  
Central Bedfordshire Council  
Luton Borough Council
- 1.5 This CBL scheme aims to provide as much consistency as possible across Bedfordshire in the letting of affordable bricks-and-mortar housing. The scheme takes account of both the geographical and demographic make up of the sub-region as well as the diversity of Bedfordshire’s population.

- 1.6 The purpose of this scheme is to set out how the Partners will assess an applicants' eligibility for housing, their housing need and the types of property applicants can apply for. The policy sets out:
- Eligibility to join the scheme
  - How to apply for housing
  - Who is given preference - assessment
  - Preference Bands 1 - 4
  - The definitions of each of the 'needs' categories in Bands 3
  - How homes will be let
  - Expressing choice for vacant properties through 'bidding'
- 1.7 Due to high demand for affordable housing and a comparatively limited supply, not everyone who is eligible to express interest in vacant properties will be housed from the Register. Applicants can obtain advice about other housing options from any of the Partners.

## **2. Scheme Objectives**

- To meet the legal requirements for the allocation of affordable housing under Part VI of the Housing Act 1996 (as amended by the Homeless Act 2002). This includes the allocation of:
  - Affordable housing owned by the Partner Landlords,
  - Affordable housing owned by Registered Social Landlords with whom the Partners have nomination agreements allowing the Partners to nominate an applicant for housing using this scheme. (A nomination agreement is a formal agreement between a Local Authority and a Registered Social Landlord governing the allocation of some or all of the Provider's vacancies to applicants from the Local Authority's housing register. A nomination is the provision to a Registered Social Landlord, by the Local Authority or its Agent, of details of an eligible household which has bid successfully for a vacancy advertised on behalf of the Registered Social Landlord.)
- To ensure appropriate levels of priority are afforded to applicants
- To ensure priority status on the scheme for applicants with an urgent/high housing need
- To offer as much choice to applicants as is reasonably possible
- To let properties in a fair and transparent way
- To support vulnerable applicants
- To provide feedback to applicants about homes let through the scheme
- To promote mobility across the Sub-Region
- To encourage and support sustainable communities and social inclusion
- To ensure applicants are treated fairly, individually and in accordance with the Partners' commitment to Equality and Diversity.

- To make best use of affordable housing, including the use of targets and/or quotas by local authority partners, to meet the needs of the local community.

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

3.1 The following are types of tenancy or changes to tenancy that are not an allocation under this scheme:

- Mutual Exchanges
- Assignments of tenancy
- Successions of tenancy
- An Introductory Tenancy becoming a Secure Tenancy
- A Starter Tenancy becoming an Assured Tenancy
- Provision of non-secure interim accommodation in discharge of any homelessness duty
- Service Tenancies

Further information about each of the above types of lettings is available from each of the Partner Landlords.

### **4. Allocations Made Outside the CBL Scheme**

4.1 The following allocations will be made outside of the CBL scheme:

- Direct Lettings
- Extra Care Retirement Property Lettings

#### **4.2 Direct Lettings**

Where there are exceptional circumstances, or overriding management requirements, the Partner Landlords may occasionally make an offer of accommodation outside of the CBL scheme by way of a direct let.

Examples of which are:

- Where a tenant's property has become structurally unsafe
- Where a tenant is unable to return to their property due to fire or flood
- Where a tenant or a member of their household is in immediate, serious danger if they remain in the property
- Where an applicant requires a property with specific adaptations and such a property is available and no other applicants require the same

The above list is not exhaustive.

Where a property is allocated by direct let the property will not be openly advertised.

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

## 5. Local Variations

- 5.1 Each Partner may have individual variations to this scheme in order to meet the local requirements. For details of each Partner's local variations see Appendix B.
- 5.2 Local Variations will be presented for approval to the Partnership Board in accordance with the Memorandum of Understanding which formalises the working relationship between the Partners in respect of the development and successful operation of "the scheme".
- 5.3 The Partnership Board undertakes to monitor and review the impact of Local Variations to ensure that they meet the objectives set out in paragraph 2 of "the scheme". Where it can be demonstrated that Local Variations do not meet the objectives of "the scheme" The Partnership Board will make recommendations to the Partner regarding changes to the Local Variation to ensure the objectives of "the scheme" are met.
- 5.4 Each Partner seeking approval of a Local Variation by the Partnership Board is responsible for ensuring that the Local Variation has been firstly approved through its own governance structure.
- 5.5 All Local Variations will be subject to review by the Partnership Board no less than annually.

## 6. Who is Eligible to Apply?

- 6.1 Any applicant over the age of 16 years old will be eligible to register on the Choice Based Lettings Scheme **unless** one or more of the following applies:
- 6.1.1 The applicant, or a member of his/her household, has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant of the authority; and/or
- 6.1.2 The applicant is subject to immigration control, unless they are re-included by order of the Secretary of State:

**Please see Appendix A for Guidance**

6.2 A fresh Housing Register application will be considered in the following circumstances:

6.2.1 Where an applicant has been guilty of unacceptable behaviour, the applicant can demonstrate good behaviour for at least 2 years since the unacceptable behaviour,

**or**

6.2.2 Where an applicant has been subject to immigration control, the applicant has been given the right to remain in the UK and recourse to public funds.

**or**

6.2.3 Where the applicant can show he/she is habitually resident and has recourse to public funds

6.3 Unacceptable behaviour is defined as:

behaviour which would (if the applicant were a secure tenant of a Local Authority) entitle the Authority to a possession order under section 84 of the Housing Act 1985 on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8), or behaviour of a member of his/her household which would (if he were a person residing with a secure tenant of the Authority) entitle the Authority to a possession order.

Examples include:

- being convicted of using the home for immoral or illegal purposes
- harassment e.g. racial, sexual, religion etc
- acts of domestic violence
- acts of violence in relation to forced marriages
- persistent, serious anti-social behaviour
- persistent failure to pay the rent/mortgage when it became due
- making a false statement to obtain a tenancy.

The above list is for illustrative purposes and does not include all types of unacceptable behaviour.

6.4 Where a Partner decides an applicant is ineligible, by reason of their immigration status or serious unacceptable behaviour, it must notify them of the decision and grounds for it in writing. An applicant has the right to request a review of such a decision (see section 7.16).



## 7. Applying to the Scheme

7.1 Eligibility to apply to the CBL scheme will not be restricted on the grounds of tenure. Applicants can be people renting from Councils and Housing Associations; owners and part owners of properties, including mobile homes and caravans; and applicants in the private rented sector.

7.2 Vulnerable applicants who may experience difficulty in applying to or using the scheme will be given as much support as possible by the Partners. Difficulties may include:

- Not having English as a first or main language
- Difficulty reading and/or writing
- Disabilities, including sight or hearing difficulties
- Learning difficulties
- Health, including mental health issues

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

7.3 Any person aged 16 or over can apply to join the Register.

7.4 Applicants aged 16 and 17 years will require a rent guarantor and /or a Tenancy Trustee before commencing a tenancy on any property to ensure that the tenancy is conducted in accordance with the terms and conditions of the tenancy agreement. The relevant Partner landlord will advise who may be considered as a suitable guarantor.

7.5 Household makeup - An application may include anyone that may reasonably be expected to reside with the applicant as part of their household e.g. close family relative, partner etc. The desire to be part of the household is not sufficient reason for inclusion on the application:

7.5.1 Extended families (minors) - in cases where a minor is to be included in, or added to an application, but no parental responsibility exists within the household (e.g. grandchildren, nieces, nephews), proof must be provided of legal guardianship or confirmation from Social Services that this placement is necessary and permanent.

7.5.2 Carers - Applicants who require a full time residential carer may include the carer on their application. Proof of the requirement should be provided by Social Services or primary health care professional. The carer will be assessed as part of the household even if not resident (i.e. lack of bedroom priority may be due).

- 7.5.3 Fostering - Families undertaking fostering may be able to include foster children as part of their application to ensure that they are eligible for the appropriate sized property. Fostering is defined as fostering for a period in excess of two years (not necessarily involving the same child or children). It is essential that written confirmation of the fostering arrangement be obtained from Social Services.
- 7.5.4 Children in care –
- a) compulsory: children are treated as though at home, subject to written confirmation from Social Services that the children are to live with the parents on a permanent basis should they be allocated a suitable property. Failing such confirmation, children will not be included on the application;
  - b) voluntary: children are treated as though at home.
- No offer of tenancy will be made in either case without confirmation from Social Services that the children are to live on a permanent basis with their parent(s).
- 7.5.5 Adult children at university – can be included if they previously lived in the household and their intention is to return as their main and only home on completion of their course. Confirmation will be required from the student that they intend to return on a permanent basis.
- 7.5.6 Children of previous relationships - in determining whether a child can be considered as part of the household, the following will be considered:
- Does the child have accommodation available to them which it is reasonable for them to continue to occupy?
  - Does the child have a main residence?
  - Who predominantly cares for the child?
  - Existence of any order of the court pertaining to the child's residency.
- Although the above are relevant factors they do not guarantee that a child will be accepted as part of a household.
- 7.5.7 Adding new household members - Adults will not be added to an application where this results in the need for accommodation larger than that for which the applicant's household was originally eligible, unless an over-riding need such as ill health or disability can be shown (for example, where an applicant needs to look after an elderly parent). The desire to be part of the household is not sufficient reason for inclusion on the application. Adults requiring an extra bedroom will only to be added to an application if they have a demonstrable, permanent need to live with the applicant. All adults will need to supply details of their accommodation history for the previous 5 years.
- 7.6 Where two eligible applicants wish to have a shared application they will be known as joint applicants.

- 7.7 An applicant, joint applicant or household member can have only one active application, or be included in only one application to any of the partners, at any time.
- 7.8 To be considered for the CBL scheme, every applicant will need to complete the application process with the relevant partner. Where applicable forms are available from partners and details of how to apply for housing can be obtained from any of the following websites:

[www.aragon-housing.co.uk](http://www.aragon-housing.co.uk)  
[www.bedford.gov.uk](http://www.bedford.gov.uk)  
[www.bpha.org.uk](http://www.bpha.org.uk)  
[www.luton.gov.uk](http://www.luton.gov.uk)  
[www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk)

Applicants who would like help to complete the application can ask for this at their local office or by telephone from any of the partner organisations.

- 7.9 An application can be made to any one of the Partners Landlords who will then process the application and make an initial assessment of need. Applicants who wish to apply to more than one Bedfordshire local authority area will need to apply separately to each area:

Bedford Borough: bpha  
Central Bedfordshire: either Aragon HA or Central Bedfordshire Council  
Luton: Luton Borough Council

- 7.10 Where an applicant applies to one of the Partners as homeless, the responsibility to determine the duty owed to the applicant will be determined by that Local Authority, or their appointed agent.
- 7.11 The information given on the application must be correct and the applicant will be asked to provide evidence supporting the details supplied. The Partners reserve the right to disqualify any applicant from joining the register for a period of two years and/or, withdraw any offer of tenancy or recover possession of an existing tenancy if the applicant has knowingly given false information. All applicants will be asked to sign a declaration stating that the information provided is true.
- 7.12 Applicants who knowingly or recklessly give false information or withhold information relevant to their application may be guilty of an offence under section 171 of the Housing Act 1996. Under that Act, the Local Authority has the power to take action against an applicant which could result in a fine of up to £5000.

Where an applicant has obtained a tenancy by deception, the Partner Landlord will take possession action to recover the tenancy under the Housing Act 1985, Ground 5.

- 7.13 The Partners will make any enquiries necessary, including home visits, in order to determine an applicants' eligibility to join the housing register and their level of priority for housing. When signing the declaration form, applicants are authorising the Partner to make such enquiries as are required to complete the assessment. When signing the application applicants are also authorising the Partner to disclose this information to other parts of the council/housing association and other organisations, including, but not limited to, police, probation and social workers, in order to verify the application and complete a nomination processes.
- 7.14 Applicants and joint applicants will be asked to provide information about themselves, their household and their housing circumstances so that an accurate assessment of need can be made. Applicants will be required to provide evidence to support the application. Applications made without the requested evidence will not be accepted or assessed.
- 7.15 Where an incomplete application form is received and/or the requested information is not supplied within 28 days of being requested, the application will be cancelled. Any subsequent application will be treated as a new application.  
Partner Landlords will make every effort to assist vulnerable and/or disadvantaged applicants needing additional help and support in the application process and, where any applicant requires assistance to provide the information/evidence, help may be available from the partner landlord. Where any applicant can show good cause for failing to provide the requested information within the time period, the date the application was received will apply.
- 7.16 Upon completion of assessment the Partner landlord will write to the applicant to inform them of:
- Whether they are eligible to join the scheme and, if so:
  - Their unique reference number and PIN (personal identification number)
  - The Band in which they are placed
  - The date from which they are eligible
  - The size of property the applicant is eligible to bid for and any restrictions that may apply.
- 7.17 Where an applicant is assessed as not eligible to joint the scheme the Partner landlord will inform the applicant in writing of the reason/s and how to request a review of the decision. (See section 8.16)
- 7.18 Change of Circumstances: Where an applicant notifies a change of circumstances which may affect their priority or their eligibility for a particular type or size of home, the applicant will be unable to bid until the new information is assessed and verified. Examples would be;

- a change of address (including a move into interim accommodation following a homeless application),
- a change to household income,
- adding an additional household member,
- removing a household member.

This list is for example only and is not exhaustive.

## **8. Assessment of Applications**

### **8.1 Legal Requirements**

All applicants will be assessed according to their housing need. This is to ensure those with the most acute housing need are afforded the appropriate level of priority and that the Partners meet their legal obligations as set out in the Housing Act 1996 (as amended by the Homelessness Act 2002). This CBL scheme is a Banding scheme and the assessment of an application will include placing the application in one of 4 priority Bands, as described in Section 10.

### **8.2 The law requires reasonable preference to be given to the following households:**

- people who are homeless within the meaning of Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002 and Schedule 15 of the Housing & Regeneration Act 2008)
- people who are owed a duty to be housed by the Local Authority within the meaning of Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002)
- people occupying insanitary or overcrowded housing or otherwise unsatisfactory housing conditions
- households who need to move on medical or welfare grounds (including grounds relating to disability); and
- households who need to move to a particular locality in the district of the Local Authority, where failure to meet that need would cause hardship (to themselves or others)

### **8.3 Where an applicant applies as homeless under the Housing Act 1996 Part VII as amended by the Homelessness Act 2002 and Schedule 15 of the Housing & Regeneration Act 2008 they are restricted cases and as such will not be entitled to reasonable preference under the law.**

### **8.4 Other Considerations**

In addition to the legal requirements, the Bedfordshire CBL Scheme aims to extend preference to include the following households:

- people occupying housing accommodation which is temporary or occupied on insecure terms;

- households with dependent children; households where a person is expecting a child;
- those suffering domestic or sexual violence or harassment, racial violence or harassment, hate crime or any other discriminatory harassment.
- households occupying tenancies under the Rent Agricultural Act 1976 who can no longer continue to occupy;
- some households in social rented tenancies who are occupying accommodation larger than their needs.

#### 8.5 Specific Needs

Applicants requiring a specific type of accommodation or adaptations as a result of disability/health issues will be given preference for vacancies more suited to their needs. Together with any other relevant agencies, the Partner landlord will work with the applicant to carry out a full assessment of the household's property needs, eg. need for wheelchair access, ramps, level access shower etc.

Applicants with specific needs will not be excluded from expressing interest on general needs accommodation advertised through the CBL scheme. However, where an applicant successfully bids on a property that does not contain the necessary adaptations, the partner landlord will assess whether it is reasonable to carry out the adaptations. Each landlord has an Aids & Adaptations policy. The applicant will be informed of the likelihood of new adaptations being carried out and what length of time an applicant may have to wait.

#### 8.6 Divided Households

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

#### 8.7 Time Waiting

Time waiting in a Band will count when considering more than one applicant with the same level of priority for a vacant property. Therefore, applicants will be placed in each Band in date order according to the "effective date" of application. For applicants placed in Band 3, the number of needs accrued (the Need) will be taken into account first, and then time waiting.

#### 8.8 The effective date for new applications will be the date a completed application is received by one of the Partner landlords.

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

#### Increased priority

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

#### Reduced priority

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

- 8.9 Where a partner landlord is asking tenants to move as part of a refurbishment or redevelopment of their property, the effective date will be the date of the original commencement of tenancy at that property.
- 8.10 Where an applicant is accepted as homeless and placed in Band 1 or Band 2 the effective date will be the date the homeless decision was made.
- 8.11 Where an applicant has applied for management transfer priority and is placed in Band 1 or Band 2 the effective date will be the date the transfer priority was confirmed.

#### 8.12 Cancelling an Application

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

- 8.13 An application will be cancelled from the housing register in the following circumstances:

- At the applicant's request
- Where an applicant does not respond to an application review, within the specified time limit
- If the applicant becomes ineligible for housing
- When the applicant has been housed by a local authority or housing association
- When a tenant completes a mutual exchange
- Where an applicant moves and does not provide a contact address
- Where the applicant has died.

- 8.14 When an application is cancelled, the partner landlord will write to the applicant. Where an applicant has been identified as needing assistance to use the scheme, the Partner will contact the applicant to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision.

- 8.15 Where an applicant wishes to re-join the housing register at a later date the application will then be assessed as if it were a first application.

#### 8.16 Requesting a Review

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

- Decisions about the facts of the applicants case which are likely to be, or have been taken into account in considering whether to allocate housing accommodation to the applicant.
- Ineligibility for an allocation or lack of any reasonable preference based on previous unacceptable behaviour.
- Ineligibility for an allocation due to immigration status.

Decision letters issued in respect of housing applications will advise the applicant of their right to request a review and provide appropriate guidance on how to do this.

A request for a review of a decision can be made in writing or verbally to a member of staff at the relevant Partner organisation. The request should be made within 21 days of the notification of the decision. The Partner who made the decision will deal with requests for a review. Reviews will be considered within 28 days of the request being received and the applicant will receive a written response outlining the result of the review.

An applicant will only be entitled to one internal review. If an applicant disagrees with the outcome of the review, on the basis that material facts have not been taken into account, s/he can make a complaint through the Partner's complaints procedure, contact the Local Government Ombudsman or seek to challenge the decision via a judicial review. Disagreement with aspects of the Policy itself will be noted and considered as part of the annual Policy review process.

Reviews will be carried out by an officer who was not involved in the original decision, and who is senior to the original decision making officer.

See Appendix B for details of the officer(s) responsible for making these decisions locally.

## **9. Suitable Properties**

### 9.1 Restrictions

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

- Where a medical assessment recommends ground floor or lifted accommodation only
- Where a risk assessment indicates an allocation would put a vulnerable person at risk



- Where there is an order of court such as an exclusion order preventing a person from residing in a locality

The above list is not exhaustive.

Where a restriction applies an applicant will be informed and any bids placed on unsuitable properties will be overlooked (see section 12).

## 9.2 Bedroom Eligibility

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

- single or joint applicants
- a couple
- an adult where that adult has no same sex sibling with whom they can share
- two children of the same sex, (regardless of age)
- two children of opposite sex where both are under 10 years
- child aged 10 years or over where the child has no same-sex sibling with whom s/he could share

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

- 9.3 Due to local variations in available property types and sizes, applicants with 2 children, regardless of sex, will be eligible to bid on 2 or 3 bedroom accommodation in Bedford and North Central Bedfordshire. Applicants assessed as needing 3 bedrooms that have 3 or 4 children will be eligible to bid on 3 or 4 bedroom accommodation when bidding on properties within Bedford or North Central Bedfordshire. Applicants assessed as needing 2 bedrooms will only be eligible to bid on 2 bedroom properties in Luton and South Central Bedfordshire. Applicants assessed as needing 3 bedrooms will only be eligible to bid on 3 bedroom properties in Luton and South Central Bedfordshire. (See table in section 9.5)
- 9.4 Landlords may also exercise discretion in order to facilitate transfer of tenants under-occupying family accommodation and willing to move to a smaller property, or where the landlord requires the tenant to permanently vacate their home due to planned refurbishment or redevelopment, or where permitted by the provisions of a local lettings plan. (See Appendix B for Local Variations)
- 9.5 Applicants will be eligible to bid on the following property sizes dependant on where the property is located. The following table is a guide and eligibility will also be dependant on whether the property can accommodate a household size, for instance properties with very small bedrooms may not accommodate larger households.

	Bedford & North Central Bedfordshire Properties					South Central Bedfordshire & Luton Properties						
Number of Bedrooms	0	1	2	3	4	5	0	1	2	3	4	5
Single with no children	✓	✓					✓	✓				
Couple with no children		✓						✓				
Single/Couple with 1 child			✓						✓			
Single/Couple with 2 children of same sex			✓	✓					✓			
Single/Couple with 2 children of opposite sex both under 10			✓	✓					✓			
Single/Couple with 2 children of opposite sex, where one child 10years or more				✓						✓		
Single/Couple with 3 children				✓						✓		
Single/Couple with 4 children assessed as needing 3 bedrooms				✓	✓					✓		
Single/Couple with 4 or 5 children assessed as needing 4 bedrooms					✓	✓					✓	
Single/Couple with 6+ children assessed as needing 5 bedrooms						✓						✓

## 10. Banding Assessment

### 10.1 Priority Bands

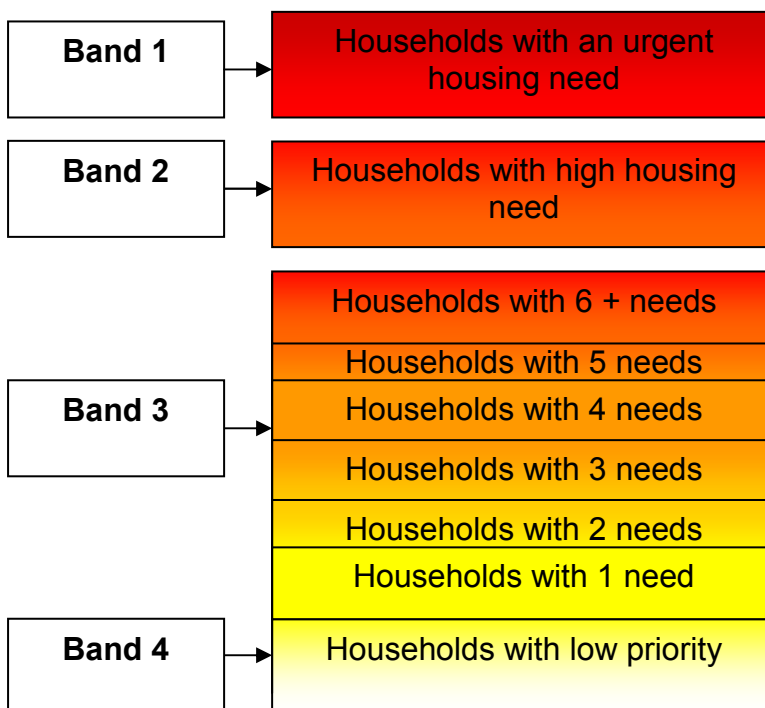
The scheme consists of 4 Bands:

Band 1 = urgent housing need

Band 2 = high housing need

Band 3 = medium housing need

Band 4 = low priority



## **10.2 Band 1 - Urgent Housing Need**

To ensure the scheme meets the needs of particularly vulnerable groups and gives appropriate priority to any applicants with an urgent need to move. Band 1 priority will be awarded to the following applicants:

Tenants of social landlords requiring an urgent Management Transfer where the tenancy is within Bedfordshire.

**or**

Households where the Partner Local Authority, or its agent, has accepted a duty to re-house as homeless

**and**

where continued occupation of the applicants home would place the household at serious and immediate risk of harm due to one or more of the following:

- Racial violence
- Domestic violence
- Hate crime
- Sexual violence
- Other violence
- Being a witness of crime and referred under Witness Protection provisions by the Police

Evidence to support the applicant's claim to be at risk of violence will be sought by the Partners. Evidence required may include:

- Risk Assessment by MARAC (Multi Agency Risk Assessment Conference)
- Evidence from the Police
- Medical evidence of assault
- Referral received by CAF (Common Assessment Framework)

10.3 Bidding requirements or restrictions will apply to Band 1 applicants (see section 12.4.1).

10.4 Where an applicant is accepted as statutory homeless or a tenant is awarded Band 1 priority and the applicant refuses a suitable and final offer of accommodation, their priority will be removed and the application re-assessed. Their application will be reassessed.

## **10.5 Band 2 - High Housing Need**

To meet the needs of other vulnerable groups and to make best use of the Partners' housing stock, the following applicants will be treated as households in high housing need:

- Households accepted, by the Partner Local Authority or its agent, as statutory homeless, not at serious and immediate risk of violence
- Households subject to a Demolition/Closing Order/Emergency Prohibition Order (excluding Suspended Orders)
- Some tenants under occupying the Partners' accommodation in the Local Authority area, or accommodation to which the Partners have nomination rights,
- Tenants occupying tenancies under the Rent Agriculture Act 1976 where the Agricultural Dwelling House Advisory Committee confirms the tenant must leave.
- Tied tenants in Local Authority tenancies where the employment is ending and a contractual obligation to re-house exists.
- Tenants of a social Landlord, where the tenancy is within Bedfordshire, requiring an urgent Management Transfer, not at serious and immediate risk of violence.

#### 10.5.1 Statutory homeless households not at serious and immediate risk of violence

Households accepted by the Partner Local Authority or its agent, as homeless, eligible, in priority need, unintentionally homeless and with a local connection to the Local Authority area will be considered as a household in high housing need, except where the applicant has been provided with suitable accommodation in the private sector by a private landlord i.e. rent deposit or rent bond scheme.

#### 10.5.2 Households subject to a Demolition/Closing Order/Emergency Prohibition Order (excluding Suspended Orders)

Where the Local Authority confirms the property is subject to the above and requires that the household must move within a set time period.

#### 10.5.3 Households in the area under-occupying Partners' accommodation (or accommodation to which the Partner has nomination rights)

Where the Partner landlord is experiencing a shortage of particular types of property and where there is a high demand for that type of property, the partner landlord may exercise their discretion to give additional preference to applicants wishing to vacate this type of property in favour of smaller accommodation. The partner landlord may also give additional preference where an occupant succeeds to the tenancy of a property which is unsuitable for their needs.

Each social landlord may operate an incentive scheme to encourage the release of high demand accommodation. Details will be available from the social landlord concerned.

#### 10.5.4 Tenants occupying tenancies under the Rent Agriculture Act 1976

Where the Agricultural Dwelling House Advisory Committee confirms in writing that the tenant must leave.

10.5.5 Tied tenants in Local Authority tenancies where the employment is ending and a contractual obligation to re-house exists.

10.5.6 Households requiring a management transfer

Where there are management problems and a move to alternative accommodation is appropriate, or where it is in the interest of the landlord to do so in order to facilitate best use of its housing stock. Approval will be at the discretion of the Partner landlord. These provisions will also apply to tenants in Bedfordshire of other social landlords. These provisions will not apply to tenants of social landlords where the tenancy is outside of Bedfordshire.

Transfers will be considered in the following circumstances:

- Statutory Overcrowding – as defined in the Housing Act 1985 Part X
- Housing Health and Safety Rating System (HHSRS) where a category 1 hazard A, B or C has been identified.
- Racial harassment
- Sexual harassment/victimisation
- Other discriminatory harassment or abuse
- Other violence that does not pose a serious and immediate risk
- Landlord requires decanting for refurbishment/redevelopment etc of the property/site
- Where as a result of acute medical needs, the tenant or a member of the tenant's household cannot reasonably reside in the property and where because of this the landlord has a statutory ground for possession.

Management transfers on medical grounds must be supported with medical evidence. Guidance on the medical assessment will be sought from a qualified medical practitioner.

10.6 Bidding requirements or restrictions may apply to band 2 applicants (see section 12.4.1).

10.7 Where an applicant is accepted as statutory homeless or a tenant is awarded priority for a management transfer and the applicant/tenant refuses a suitable and final offer of accommodation, their priority status will be removed and the application re-assessed.

**10.8 Band 3 – Medium Housing Need**

Band 3 includes households who have multiple housing needs (for example, bedroom deficiency and a medical need). Therefore applicants can have varying levels of priority in this Band depending on their level of housing need. Priority for offers of accommodation to applicants in Band 3 will be determined by the number of housing needs accrued (the Need). Where there is more than one applicant

with the same level of Need, the successful applicant will be determined by the earliest effective date.

10.9 Where an applicant meets one or more of the criteria for Band 4, they will not be eligible to accrue Needs in Band 3. See section 'Band 4 – Low Priority'. Owner occupiers will only be able to accrue needs in band 3 in certain circumstances (see section 10.13).

10.10 To ensure the scheme meets the needs of vulnerable groups and households in significant housing need, the following categories will accrue needs as outlined in the Table below:

a	Bedroom deficiency - 1 bedroom	2 needs
b	Bedroom deficiency - 2 or more bedrooms	3 needs
c	Overcrowding	3 needs
d	Households assessed as homeless non priority	3 needs
e	Households ready to leave residential Hostel/Mother & Baby Care unit or leaving care	3 needs
f	Where legal notice to quit/possession order has been served – priority need households	4 needs
g	Where legal notice to quit/possession order has been served – non priority need households	3 needs
h	Households in Tied tenancies/private sector lodgings/ living with family or friends (not including Rent Agricultural Act 1976 tenancies) other licensee	2 need
i	Households with dependant child/children aged 0 – 18 years and/or pregnant	1 need
j	Households without a water supply and/or indoor sanitation either in the property or on site.	2 need
k	Medical	2 or 4 needs (dependant on severity)
l	Support/Resettlement	2 need
m	Harassment: racial/sexual/domestic abuse where the applicant is not eligible for Bands 1 or 2	3 needs
n	Households in Assured Shorthold tenancies in the private sector	1 need
o	Households in assured shorthold tenancies who are owed a duty under part VII of the housing act 1996 (as amended by the Homeless Act 2002)	2 needs

The following definitions provide further information on the levels of need which may be accrued as set out in the table above:

a)&b) Bedroom Deficiency - A bedroom is required for: -

- (i.) single or joint applicants
- (ii.) a couple

- (iii.) an adult where that adult has no same sex sibling with whom they can share
- (iv.) two children of the same sex, (regardless of age)
- (v.) child aged 10 years or over where the child has no same-sex sibling with whom s/he could share

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

c) Overcrowding

Either:

Where a property occupied solely or in part by an applicant, not a current tenant of a social landlord is overcrowded as defined by Part X of the Housing Act 1985 – confirmed in writing by the Local Authority.

or:

Where a category 1 hazard A, B or C in relation to crowding and space has been confirmed by the Local Authority Environmental Health Officer under the Housing Health and Safety Rating System (HHSRS). HHSRS takes account of available living space, condition and the particular needs of the occupants.

d) Households assessed as homeless non priority

Where a household is assessed as homeless, is eligible for assistance but is not a priority need as defined by the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

e) Households ready to leave residential Hostel/Mother & Baby Care unit or leaving care

Households occupying residential supported hostel/mother and baby units or in care requiring independent living accommodation. The application must be supported by the Social Services and/or support provider. This need will not be applied until a referral is received from the supported accommodation stating that the applicant is ready to move on into independent living accommodation.

f) Where legal notice to quit/possession order has been served (priority need households)

Households under legal written notice to quit or in receipt of a court order requiring the household vacate the property who are in priority need as defined by the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

This need will be applied a maximum of 2 months prior to the expiry date of the notice/possession order. Where the notice/possession order has expired more than 2 months ago and has not been enforced, the need will be reviewed and may be removed if the tenancy/accommodation continues to be available.

g) Where legal notice to quit/possession order has been served (non priority need households)

Households under legal written notice to quit or in receipt of a court order requiring the household vacate the property who are not in priority need as defined by the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

This need will be applied a maximum of 2 months prior to the expiry date of the notice/possession order. Where the notice/possession order has expired more than 2 months ago and has not been enforced, the need will be reviewed and may be removed if the tenancy/accommodation continues to be available.

h) Households in Tied tenancies/private sector lodgings/ living with family or friends (not including Rent Agricultural Act 1976 tenancies)

Households in accommodation that is not an assured shorthold tenancy but is less secure than an assured / secure tenancy or owner occupation.

i) Households with child/children/pregnant

A maximum of 1 need is awarded to each household with child/children, or pregnant. A household with more than one child will not be awarded more than 1 need. Child is defined as aged 0 – 17years or 18years and in full time education. Evidence of the child's/children's identity will be required, as will evidence of main or principal residence. In the case of pregnancy, a maternity Plan with Expected Date of Delivery will be sufficient.

If a household has dependant child/children or pregnancy but meets no other criteria for Band 3 needs, this need will not apply.

j) Households without either a water supply or indoor sanitation

Where the household has no direct daily access to a water supply and/or sanitation either on site or in the property.

k) Medical

The medical assessment is used to make priority awards to applicants whose health is either detrimentally affected by their current housing or



where it is likely to affect their future housing need, and whose circumstances are not otherwise covered by the Banding Scheme.

The objectives are as follows:

- To make the best use of the social rented housing stock
- To make evidence based assessments of priority for housing where it is affected by health or disability

This process seeks to determine both housing requirements as well as relative priorities of applicants, and to consider whether any other options could address the issue. Guidance will be sought from a medical practitioner.

The following awards can be made in Band 3:

- (i) 2 needs = low medical needs
- (ii) 4 needs = high medical needs

Where a homeowner is in accommodation determined as unsuitable for the household due to medical needs (for example, poor mobility) but resources are available (privately or through Disabled Facilities Grant) to provide necessary adaptations, medical needs will not be awarded.

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

- Upon a change of circumstances where this would affect the type of accommodation required (such as an applicant previously awarded priority for 1 bedroom accommodation now requiring separate bedrooms; or an applicant previously awarded medical priority for a bungalow, now requiring sheltered accommodation)
- Deterioration or improvement in medical condition of applicant
- On the death of one party who had a medical award
- A move to a different address (any medical award would be made on the applicant(s) current accommodation).
- Where additional information that was not previously available is provided.

#### l) Support Resettlement

Where an applicant or a member of the applicant's household is particularly vulnerable and/or requires significant levels of long term support in order to sustain a tenancy, e.g.

- Where care support services are required to enable people to live independently in their own homes
- Where their current accommodation is unsuitable and means they are unable to live independently even with some support
- Young people leaving care, where other housing options are not suitable

- Where an applicant or a member of the applicant's household needs to be re-established within the community as part of their rehabilitation, for example, following long term hospitalisation

Social Services and/or the Health Authority must support the application in writing, i.e. details of support services required, a detailed care plan, details of disability/illness, etc. Need will not be awarded to applicants requiring temporary or limited floating support.

- m) Harassment: racial/sexual/domestic abuse or other harassment or exploitation of a vulnerable person

Where the circumstances are insufficient to determine the applicant at serious risk and/or homeless (see definitions Bands 1 & 2) but the partner is satisfied the household or a member of the household is being subjected to any of the above (and will continue to be as long they reside in their current home). The partner will seek evidence of the harassment from external agencies eg. Police, Social Services, GP (general practitioner/doctor) etc.

- n) Households in Assured Shorthold Tenancies

households who have an assured shorthold tenancy (that is not a starter tenancy in the social sector).

- o) Households in assured shorthold tenancies who are owed a duty under part VII of the housing act 1996 (as amended by the Homelessness Act 2002)

Households who have been provided with suitable accommodation by a Private Sector Landlord where the applicant has been notified by the Local Authority that they are owed a re-housing duty. This does not include households occupying Private Sector accommodation by way of Licence or Tenancy granted by the Local Authority.

#### **10.11 Band 4 - Low Priority**

Applicants meeting one or more of the following criteria will automatically be placed in the Low Priority Band and will not be eligible to accrue needs in Band 3, or eligible for Band 1 or 2 priority:

- Applicants with no local connection to Local Authorities' area
- Homeowners (see section 9.13 for exceptions)
- Bedfordshire RSL/LA/HA tenants where current property is suitable
- RSL/LA/HA tenants where the tenancy is outside Bedfordshire who have no local connection to Bedfordshire
- Tenants with an assured/secure tenancy where the property is suitable

- Households assessed as having sufficient financial resources to secure alternative accommodation (see section 10.16)
- Reduced preference as a result of behaviour

#### 10.12 Applicants with no local connection to Local Authorities' area

Where the applicant does not meet one or more of the following criteria, Band 4 will apply:

- That they currently live in the area in settled accommodation and have done so for not less than six months in the last twelve or three years in the last five. Settled accommodation does not include, for example, Bed and Breakfast, staying temporarily with family, friends, etc.
- That they have close family resident in the Local Authority area i.e. Mother, Father, Brother, Sister, Adult Son or Daughter whom they wish to be near and who live in the Local Authority area and have done so for at least the last five years.
- That they currently have permanent employment in the area excluding casual work

The Local Authority Area is the District or Borough to whom the applicant is applying.

Where an applicant is usually resident in the UK but has no local connection to anywhere in the UK, priority on the grounds of local connection will be afforded to the applicant by the Partner Landlord to whom the household has first applied.

In exceptional cases, where an applicant is unable to exercise their local connection to the district they live in (outside the partner landlord district), the partner landlord may relax these criteria. E.g. where an applicant would be in immediate danger by remaining in the area where they have a local connection. Evidence will be required.

#### 10.13 Homeowners

An applicant will be considered a home owner where they have a legal interest in a property and/or occupation rights to it and are able to exercise those occupation rights. This includes applicants who own homes purchased under low cost homeownership schemes such as Homebuy or Shared Ownership.

Except where one of the following conditions apply and the homeowner or a member of the household does not have the financial resources to secure appropriate accommodation (equity within the current property will be taken into consideration):

- a) The applicant or a member of the applicant's household has medical and/or support needs, rendering their current accommodation

unsuitable. (Guidance will be sought from a medical practitioner).  
Where a homeowner is in accommodation determined as unsuitable for the household due to medical needs (for example, poor mobility) but resources are available (privately or through Disabled Facilities Grant) to provide necessary adaptations, medical needs will not be applicable.

**or**

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

**or**

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

10.14 Local Authority or Housing Association tenants where current property is suitable

Where an applicant is accommodated by either a Local Authority, Registered Social Landlord or Housing Association and their property is suitable for their needs e.g. sufficient bedrooms, not overcrowded, not at risk of violence, accommodation has low or nil impact to health etc

10.15 Private sector Tenants with an assured/secure tenancy where the property is suitable

Households occupying secure accommodation where the property is suitable for their needs e.g. sufficient bedrooms, not overcrowded, not at risk of violence, accommodation has low or nil impact to health etc.

10.16 Households assessed as having sufficient financial resources to secure alternative accommodation

Partners will apply a threshold of income and/or assets, including equity from the sale of a property or equity held within an existing property. Applicants with income/assets above the threshold will be placed in Band 4. Affordability of other housing options will be calculated on the basis of housing needs.

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

- (a) Where private rented accommodation is generally available at a cost not exceeding 30% net (25% gross) of household income. (For the purposes of this calculation, Local Housing allowance rates in effect at 1<sup>st</sup> April each year will be applied. The rates will be kept under review

throughout the year to ensure that where there is any significant increase or decrease, the new rate is applied).

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

- |   |         |
|---|---------|
| • Needing 1 bedroom accommodation           | £30,000 |
| • Needing 2 bedroom accommodation           | £40,000 |
| • Needing 3 bedroom accommodation or larger | £50,000 |

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

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

However, where the applicant, or a member of the applicant's household has medical and/or support needs, and does not have the financial resources to secure appropriate accommodation, the application may be placed in Band 3 and assessed accordingly.

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

#### 10.17 Reduced Preference as a result of behaviour

The following applicants, provided they are eligible to join the scheme (see section 6), will be placed in band 4 and their situation reviewed at twelve monthly intervals to determine whether or not their priority should be re-assessed. Due regard will be given to the household's circumstances when applying reduced preference to an application.

- a) Households subject to an Acceptable Behaviour Contract (ABC), Anti Social Behaviour Notice (ASBN), Anti Social Behaviour Order (ASBO) or other order
- b) Households where the applicant or a member of the applicants household has been abusive towards either Council or Housing Association staff
- c) Households who have knowingly worsened their housing circumstances
- d) Households who have been found to be intentionally homeless under the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002)

e) Households who have breached the terms/conditions of their tenancy

- a) Households subject to an Acceptable Behaviour Contract, Anti-Social Behaviour Order, Anti-Social Behaviour Notice, Injunction or other Order

Where an Order/Injunction is served as a result of the applicant's behaviour or the behaviour of a member of the applicant's household or their visitors, their application will automatically be moved to or placed in Band 4, for a period of not less than 12 months from the date of the most recent incident of antisocial behaviour. The application will be reviewed after 12 months, and where the applicant can demonstrate adherence to the terms of the Order/Notice/Injunction and the partner landlord is satisfied they will no longer behave in an antisocial manner, the application may be reassessed.

Due regard will be given to the household's circumstances when applying a penalty to an application.

- b) Households where the applicant or a member of the applicants household has been abusive towards either Council or Housing Association staff

Where an applicant or a member of the applicant's household is verbally, physically or sexually intimidating or abusive, their application will automatically be moved to or placed in Band 4, for a period of not less than 12 months from the date of the most recent incident. The application will be reviewed after 12 months to assess whether or not the offender and/or household members have improved their behaviour and no longer present a threat. In order for the application to be reassessed there will have been no further incidences of abusive behaviour during the previous 12 months.

Due regard will be given to the household's circumstances when applying a penalty to an application.

- c)&d) Applicants who have knowingly worsened their housing circumstances or have been determined as intentionally homeless

Where in the last three years prior to application, or during the life of an application, an applicant has knowingly worsened their housing circumstances, or been determined as intentionally homeless, the application will be moved to or placed in Band 4 for a period of not less than 12 months. The application will be reviewed after twelve months to determine whether or not the applicant has secured more suitable/secure accommodation from which the application can be reassessed.

Due regard will be given to the household's circumstances when applying a penalty to an application.

e) Households who have breached the terms/conditions of their tenancy

Where the applicant, a member of the applicant's household, or a visitor of the household has breached the terms/conditions of the tenancy the application will be moved to or placed in Band 4. (This does not apply to breaches of tenancy in regards to housing related debt, for debt see section 11). The application will be reviewed after twelve months. Where the applicant can demonstrate significant improvement in the management of their tenancy and have adhered to the terms/conditions for a period of not less than twelve months, their application will be reassessed.

Due regard will be given to the household's circumstances when applying a penalty to an application.

## **11. Households with Housing Related Debt**

11.1 Where the applicant or a member of the applicant's household has been guilty of unacceptable behaviour as defined in section 6 of the allocations scheme, they will be ineligible to join the housing register.

11.2 Households with housing related debt who have been determined as eligible to join the housing register will be assessed according to the allocations scheme as outlined in section 10. However applicants with housing related debt will not be permitted to bid on advertised properties until the debt is cleared.

Due regard will be given to the household's circumstances and the criteria below when determining whether they will be permitted to bid.

11.3 Housing related debt refers to:

- Rent or mortgage arrears
- Dilapidation charges
- Court costs
- Arrears of service charges included in rent or mortgage

11.4 In respect of an applicant's current accommodation:

Where at the point of application, or during the lifetime of an application, an applicant or member of the applicant's household has, or incurs, housing related debts relevant to a property they are currently legally liable for, the applicant will not be permitted to bid on advertised properties.

Due regard will be given to the household's circumstances when determining if these bidding restrictions should apply.

If all the housing related debts are cleared, the applicant will be able to bid on advertised properties. Evidence that the debt has been cleared will be required and it will be the applicant's responsibility to provide this evidence.

- 11.5 In respect of an applicant's previous accommodation:  
Where at the point of application an applicant or member of the applicant's household has any housing related debts relevant to a property they were legally liable for in the last 3 years, the applicant will not be permitted to bid on advertised properties for a period of 6 months.  
After the six month period the application can be reviewed. If all the housing related debts have been cleared, the applicant will be permitted to bid on advertised properties. Evidence that the debt has been cleared will be required and it will be the applicant's responsibility to provide this evidence.  
Applicants with a debt outstanding at the end of the six months but who have maintained an agreed payment plan for 6 months may be permitted to bid on advertised properties. Where there remains a debt outstanding they will be expected to enter into a further payment plan and adhere to it exactly. Breaches of this agreement will result in the applicant being unable to bid on advertised properties for a further period of six months from the date of the breach. Evidence that the payment plan has been adhered to will be required and it will be the applicant's responsibility to provide this evidence.  
Due regard will be given to the household's circumstances when determining if these bidding restrictions should apply.
- 11.6 If during the life of the application it becomes apparent that the applicant has accrued a housing related debt, the application will be reassessed accordingly. If the applicant has successfully bid on a property the bid will be automatically overlooked.  
Due regard will be given to the household's circumstances when determining whether restrictions to bidding should apply.
- 11.7 Where the relevant Partner applies one of the above bidding restrictions to an application, the applicant will be informed of the restrictions and the reasons for this decision.

## **12. Bidding**

- 12.1 What is Bidding?  
'Bidding' refers to an applicant expressing an interest in an advertised property.  
Bidding does not involve any form of payment.  
A 'bidder' is a person registered on the scheme who expresses an interest in a property advertised through the scheme.  
Applicants will be able to place 3 bids each bidding cycle.
- 12.2 How to Bid  
Applicants or their nominated representative will be able to bid using the following methods:
- The internet at [www.bedfordshirehomefinder.co.uk](http://www.bedfordshirehomefinder.co.uk)



- An automated telephone line on 0845 293 0478
- In person at Partner offices
- By Text Message on 07786 203274
- By Proxy (A proxy bid is a bid placed by a friend or family member of the applicant, or another person or representative that the applicant has requested to act their behalf)

When placing more than one bid applicants will be asked to place their bids in order of preference from 1<sup>st</sup> to 3<sup>rd</sup>.

Where an applicant has difficulty placing bids by one of the above methods assistance may be available from one of the Partners.

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

### 12.3 “Suitable” Bids

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

For applicants placed in Band 1 or 2, properties of an appropriate size will be considered as suitable properties unless, prior to any bidding by Band 1 or 2 applicants, the Partner Landlord has agreed that certain properties may not be regarded as suitable. This may include the type of property and the location.

Applicants assessed as having a medical need may be advised of the type of property that would be considered as suitable, for example ground floor or adapted.

Some properties will have restrictions about who can live in them (for example properties for older persons). These restrictions will be clearly indicated in the advert notes (see section 13 Advertising). If an applicant does not meet specified restrictions, any bid placed on such a property will not be considered ‘suitable’ and will be automatically overlooked.

### 12.4 Bidding Requirements and Restrictions

12.4.1 Applicants in Bands 1 or 2 (except households under occupying the Partner landlord’s accommodation or accommodation to which the Partner has nomination rights to).

- a) Applicants placed in Bands 1 and 2 will be expected to use all 3 bids to bid on all suitable vacancies from the date they are placed in either Band. Failure to do so may result in the Partner placing a bid on the applicant’s behalf for the next suitable vacancy/vacancies.

(Property types and locations deemed suitable will be determined prior to verification of the application).

- b) Where a bid is placed by either the applicant or Partner and the bid is successful, this shall be regarded as a 'final offer' and fulfilment of the Partner's duty to assist. Any duty accepted by, or on behalf of the Local Authority, to assist a homeless household, will be discharged.

#### 12.4.2 Applicants in Bands 3 and 4

Applicants in these bands can choose to whether or not to bid each cycle and can use 1, 2 or 3 of their bids each cycle. However, where an applicant has not placed any bids in a 12 month period the partner landlord will write to the applicant to see if they wish to remain on the housing register (see section 8.12).

#### 12.4.3 Households under-occupying partner landlord accommodation or that to which the partner landlord has nomination rights

These applicants can choose to whether or not to bid each cycle and can use 1, 2 or 3 of their bids each cycle. However, where an applicant has not placed any bids in a 12 month period the partner landlord will write to the applicant to see if they wish to remain on the housing register (see section 8.12).

#### 12.4.4 Other Restrictions

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

#### 12.5 Auto-Bidding

The auto-bid function places bids on any available properties that match the applicant's requirements at the beginning of each bid cycle. This is done by automatically by the computer system. The requirements that the applicant is able to specify are:

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

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

Auto-bidding may also be used by Partners when placing bids for applicants in bands 1 and 2.

## **13-19 Allocating Properties**

### **13. Advertising**

13.1 The Partner landlord will advertise vacant properties using some or all of the following methods:

- Internet ([www.bedfordshirehomefinder.co.uk](http://www.bedfordshirehomefinder.co.uk))
- Automated telephone line
- Partner's reception areas
- Other public access points e.g. libraries

Properties will be advertised every two weeks. Applicants will be invited to bid for properties for which they would like to be considered.

13.2 The properties advertised will be the Partner Landlord's own properties and properties owned by other social housing providers.

13.3 Occasionally, the landlord may allocate a property outside of the Allocations Scheme by means of a direct let. This will be due to exceptional circumstances or to ensure best use of the housing stock. In these circumstances, the property will not be advertised through the CBL scheme.

13.4 Properties in each local authority will be available to applicants on the housing registers in that area unless otherwise stated (see section 20).

13.5 Property adverts will contain clear details of any applicants restricted from bidding on the property.

13.6 Property adverts will contain clear details of applicants who will be given preference for a property (for example people requiring adaptations contained in a property, decanting tenants, homeless households etc). Where preference is given to specific applicants but no eligible bids are received from these applicants, the criteria may be relaxed and the property offered to the highest priority bidder who does not meet the preference criteria.

13.7 Some properties may be subject to a local lettings policy (LLP). In these cases it will be clearly stated in the advert and this will include details of any restrictions on households who are eligible for the property (for example minimum/maximum ages of children).

13.8 Some properties are built specifically to give preference to households with a connection to a parish or village (section 106 planning

agreement: Rural Exception Sites). Preference will be given to households who meet these connection criteria. Where a section 106 planning agreement is in place it will be clearly stated in the advert.

- 13.9 Where a property has not been let within 6 weeks of being advertised due to refusals by applicants or the shortlist being exhausted, the property will be re-advertised.
- 13.10 Where a property has been advertised and received no eligible bids, the landlord may re-advertise the property and relax the eligibility criteria.
- 13.11 Where the property size indicates that restrictions must be placed on the number of persons who can be accommodated, this will be stated on the advert, e.g. very small bedrooms.
- 13.12 There may be occasions when the Partner landlord may need to withdraw an advertised property. Reasons for withdrawal may include:
- An error in the advertising details
  - Extensive works are required to the property
  - The existing tenant has withdrawn their notice

This list is not exhaustive.

## **14. Shortlisting**

- 14.1 Applicants may only bid on vacant properties if they are eligible for the type of property advertised. Of those eligible bidders, the order of priority will be determined as follows:
- 14.2 Priority will be afforded first to applicants with the greatest housing need as assessed in accordance with the Bedfordshire Homefinder Allocations Scheme, (i.e. the applicant in the highest Band/Need), who meet preference criteria stated in the property advert (e.g. transfer applicants, cross border applicants, households requiring adaptations).
- 14.3 Where two or more applicants bid on a vacant property and have equal priority, preference will be given to the applicant who has the earliest effective date of application.
- 14.4 Where two or more applicants with exactly the same level of priority and effective date on the scheme bid for the same property, a senior officer of the Partner landlord will make the allocation based on best use of the housing stock and needs of the applicants.
- 14.5 Where an applicant bids successfully for more than one property, the applicant will be offered one property only, in accordance with the order of preference of their bids.

- 14.6 Where a property is subject to restrictions as part of a section 106 planning agreement, preference will be given to applicants who meet specific connection criteria to the parish.
- 14.7 Where a property has specific adaptations (e.g. wheelchair access, ramps, level access shower), priority will be given to applicants who require the adaptation in the property. Details of adaptations and criteria of applicants who will be given preference will be contained in the advert to allow applicants to make an informed decision whether the adaptation is suitable for their needs.
- 14.8 Between the period of being successfully shortlisted for an offer of tenancy up to the point of tenancy sign up, the applicant will not be permitted to bid on other advertised properties.
- 14.9 The partner landlord will contact applicants who have been shortlisted for an offer of tenancy. It is the applicant's responsibility to ensure that the partner landlord holds their up to date contact details and that they respond within 1 working day to any contact made by the partner landlord. If an applicant does not return contact they will be overlooked for the offer.
- 14.10 At the point of shortlisting an applicant's circumstances will be verified by partner officers to ensure that there have been no changes to the applicant's circumstances since assessment of the application that would alter the priority awarded to the application or the household's eligibility for the specific property they have bid on. If any changes have occurred that would alter the priority awarded or eligibility, the application may be overlooked for the offer of tenancy. The applicant will be informed of this using the most appropriate method of communication for that applicant.
- 14.11 Where an applicant refuses a property (see section 17) the property will be offered to the applicant who has the next highest priority (Band/Need) on the shortlist who meets the eligibility and preference criteria of the property. Where a property has not been offered and accepted within 6 weeks of being advertised due to refusals by applicants or the shortlist being exhausted, the property will be re-advertised
- 14.12 Certain accommodation (e.g. sheltered accommodation) will only be let to people who meet the age criteria for the specific property or housing scheme, and/or have a disability which means they require this type of housing. Applicants who do not meet the criteria clearly included in the property advert (e.g. age restrictions) will automatically be overlooked without contact from the partner landlord.
- 14.13 Where a property has been advertised and received no eligible bids, the landlord may re-advertise the property and relax the eligibility criteria.

## **15. Viewing A Property**

- 15.1 Upon completion of the shortlist, up to 3 applicants may be offered an accompanied viewing of the property. Viewings with multiple applicants may be used to ensure that if the highest priority applicant refuses the offer, the property can be offered to the next highest priority applicant and so on.
- 15.2 The applicant offered the property will be given 1 working day after viewing to either accept or refuse the tenancy. Failure to respond within 1 working day of the viewing will be treated as a refusal (see section 17). After this period the property will be offered to the next highest priority eligible applicant, or will be advertised again if more than 6 weeks have passed since the property was first advertised.

## **16. Offers of Tenancy**

- 16.1 A formal offer of tenancy will be made in writing to the successful applicant.
- 16.2 Applicants will be offered one of the following types of tenancy:
- Introductory
  - Starter
  - Assured
  - Secure
  - Assured Shorthold
  - Tenancy held in trust
- 16.3 Introductory & Starter Tenancies  
Introductory and Starter Tenancies provide increased management and support for new tenants during the first twelve months of a tenancy. This initial period also provides reduced security of tenure, though progression to a full secure or assured tenancy is automatic at the end of the period, provided there have been no breaches of tenancy resulting in the commencement of possession proceedings. Starter or Introductory tenancies will not be offered to existing secure and assured tenants of any of the five main Partner landlords if they are accepting a transfer of tenancy to another Partner Landlord. Other housing providers in Bedfordshire have different policies regarding the types of tenancy offered to transferring tenants, applicants will need to seek advice from the Landlord of the property.
- 16.4 Assured Tenancies  
Assured tenancies are offered by social housing providers other than local authorities. Details of terms and conditions will be contained in the tenancy agreement.

- 16.5 Secure Tenancies  
Secure tenancies are offered by local authorities. Details of terms and conditions will be contained in the tenancy agreement.
- 16.6 Assured Shorthold Tenancies  
Assured shorthold tenancies are fixed term tenancies which can become a periodic tenancy and provides less security of tenure than an assured or secure tenancy.
- 16.7 Tenancy Held In Trust  
16 & 17 year olds will be offered a tenancy held in trust and will require a suitable guarantor.

## **17. Refusals of Offer**

- 17.1 Applicants in Bands 1 or 2  
If an applicant in Bands 1 or 2 refuses a suitable offer of a tenancy, the application re-assessed, which may result in the priority banding being removed.
- 17.2 Applicants in Bands 3 or 4  
After 3 refusals, an applicant in Band 3 will be placed in Band 4 for a period of 6 months.  
After 3 refusals, an applicant in Band 4 will be contacted to discuss their exact requirements. Any subsequent bids not meeting the applicants more detailed specification will automatically be overlooked.  
Due regard will be given to the individual's circumstances and the reason for refusal of the property.
- 17.3 Where an applicant fails to attend an arranged accompanied viewing of a property, they will not be permitted to make further bids until they have contacted the partner landlord.
- 17.4 Failure to attend an arranged accompanied viewing will be treated as a refusal and paragraphs 17.1 or 17.2 may be applied.

## **18. Withdrawal of Offer**

- 18.1 There may be occasions when the Partner landlord may need to withdraw an offer of tenancy. Reasons for withdrawal may include:
- A change in the applicant's circumstances
  - The applicant is found to be not eligible for the property
  - An error in the advertising details
  - Where the offer might put a vulnerable person at risk
  - Extensive works are required to the property
  - The applicant has attempted to obtain the property by deception

This list is not exhaustive and withdrawal will be at the discretion of the landlord.

## **19. Feedback**

- 19.1 In the interests of providing an open and transparent service, the Partners undertake to give regular feedback to applicants, to enable applicants to determine the likelihood of future bids being successful. Partners will provide this information by:
- Information about lettings in printed documents available at partner offices or on request
  - Information about lettings on the web-site
- 19.2 Information about successful lets will include:
- Property size and area
  - Band/Need and effective date of the successful bidder
  - Number of bids received on each vacancy
- 19.3 Applicants receive feedback about each bid they place through their personal login to the website. Information includes:
- Position of bid on the final shortlist
  - If the applicant has been shortlisted for or offered a property
  - If the applicant has been overlooked for a property and the reason for this

## **20. Moving Around Bedfordshire (Cross Border Mobility)**

- 20.1 The Partners are committed to helping people to move across the County. 10% of all vacancies (except accommodation subject to certain restrictions such as section 106 rural planning agreements) will be made available to applicants registered on another local authority's register within Bedfordshire.
- 20.2 Where a vacancy is advertised giving preference to applicants on other partner landlords' housing registers, the property will be offered to the highest priority eligible bidder from the named housing registers who does not live in the local authority area of the property. Where no bidders meeting these criteria bid on the property the partner landlord may relax the criteria and offer to the highest priority bidder from their own register (or that of the local authority).
- 20.3 Where a property is advertised giving equal preference to applicants from any of the housing registers in Bedfordshire, the property will be



offered to the highest priority eligible bidder regardless of the register they are on.

- 20.4 Properties advertised as detailed above will be allocated in accordance with each landlord's local practices (see Appendix B).

## **21. Other Housing Options**

21.1 In recognition of the extreme pressures on social housing in Bedfordshire, advice and assistance about a range of housing options is available from the Partners. Each Partner may offer slightly differing schemes as part of their housing options service. These may include the following:

- Rent Bond scheme to assist households in securing private rented accommodation
- Other affordable tenures such as intermediate rent
- Under occupation incentives – financial incentives may be available to Partner landlord tenants who are under occupying family accommodation and wish to move to smaller more suitable accommodation e.g. couple or single person household occupying a 2 or 3 bed house and wishing to move to a 1 bed property. (see Appendix B for details)
- Low cost home ownership
- Mutual Exchange - The Partners will actively support applications for mutual exchanges from tenants who wish to exchange with another tenant or a tenant of another Housing Association or Local Authority.

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

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

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

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

- a) How their application is likely to be treated under the Allocations Scheme including whether they are likely to be given reasonable preference
- b) Whether housing accommodation appropriate to their needs is likely to be made available to them.

- c) Details of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

## 22.2. Data protection

When an applicant applies to the Housing Registers, the Partners will seek only information that they require to assess the applicant's application and housing needs.

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

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than necessary
- Processed in a way which maintains the data subject's rights to privacy
- Not transferred to countries without adequate protection

## 22.3. Confidentiality

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

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

## 22.4. Freedom of information

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

# 23. Equality and Diversity

- 23.1 The Partners operate in diverse areas, providing homes for a wide range of needs. Particular emphasis will be given to developing good practice to ensure that all applicants are enabled to use the scheme, and that it does not discriminate against any applicant seeking housing from the Partners.

- 23.2 The Allocations Scheme aims to recognise and support diversity to ensure that no sections of society are excluded and that the service meets the needs of those who may require additional care and support. This policy seeks to meet the needs of all applicants regardless of race, ethnicity, faith or religious belief, gender, sexual orientation, age or disability and to comply with all relevant legislation.
- 23.3 Use, operation and outcomes will be monitored to ensure no sections of the community are excluded or disadvantaged.

## **24. Legislation**

The scheme complies with the requirements of The Housing Act 1996 (as amended by the Homelessness Act 2002) and takes into account the following codes of guidance;

- Allocation of Accommodation: Code of Guidance for Housing Authorities 2002
- Homelessness Code of Guidance for Local Authorities 2006
- Allocation of Accommodation: Choice Based Lettings Code of Guidance for Housing Authorities 2008
- Fair & Flexible: Statutory Guidance of Social Housing Allocations for Local Authorities in England 2009

The scheme operates in accordance with the following acts;

- Housing Act 2004
- Equality Act 2010
- Rehabilitation of Offenders Act 1976
- Housing & Regeneration Act 2008
- The Childrens Act 1989
- Rent (Agriculture) Act 1976
- Housing Act 1985

## **25. Decision Making**

- 25.1 For details of the decision making structure of individual Partners please see Appendix B.

## **26. Accountability, Monitoring & Reviewing**

- 26.1 The Bedfordshire Homefinder Partnership between Aragon Housing Association, bpha, Bedford Borough Council, Central Bedfordshire Council and Luton Borough Council has the following governance structure:

- 26.2 The Partnership Board

A group of senior officers, with one member from each Partner, who have been given delegated responsibility from their Executives or Boards to make decisions relating to Bedfordshire Homefinder and the CBL scheme. The members of the Partnership Board are accountable to the Bedfordshire Homefinder Partnership for matters relating to allocations and CBL in addition to being accountable to their respective Executives and Boards.

26.3 The Operational Management Group

A group of officers, with one member from each Partner, who are responsible for overseeing the management of the CBL scheme and making improvements where the need is identified. This group will regularly review the scheme through monitoring of letting and bidding activity. The members of this group are accountable to the Partnership Board for matters relating to allocations and CBL.

26.4 Monitoring & Reviewing

The allocations, lettings and bidding activity made through Bedfordshire Homefinder will be regularly monitored and reported. The monitoring will ensure that scheme is achieving the desired outcomes of housing those in most need whilst ensuring lettings are fair, transparent and in accordance with the allocations scheme. The scheme will also be monitored to ensure that it is accessible to everyone and meets the standards of equality and diversity stated in section 23.

## APPENDIX A

The following categories of household are deemed eligible to apply:

British Citizens who are habitually resident;

Those prescribed by the Allocation of Housing and Homelessness (Eligibility) (England) Regulations;

Classes A-E

The following categories are also eligible;

1. A worker as defined by the European Union Treaty
2. A self employed worker as defined by the treaty
3. An Accession State worker, requiring registration under the Accession Regulations
4. Family members of those in 1-3 above.
5. Those with permanent rights of residence by virtue of regulation 15, c,d or e of the EEA Regulations
6. Those leaving Montserrat after 1/11/1995 due to the volcanic eruption

The following categories are deemed NOT eligible to apply;

- a) Persons who are subject to immigration control within the meaning of Asylum and Immigration Act 1996, unless requalified by regulations
- b) Those not subject to immigration control as defined by the above Act who are prescribed by regulations

The following are NOT eligible;

- I. Persons not Habitually resident
- II. If the right to reside in the UK is solely dependant from the status of being a job seeker or a family member of a job seeker **or** has an initial right to reside for a period not exceeding 3 months **or** those whose only right to reside is determined by the EU Treaty

The Nationality, Immigration and Asylum Act 2002 also defines groups of persons those, with both refugee status from abroad and failed asylum seekers, who are not eligible, which also includes their dependants.

***The guidance above is not wholly prescriptive nor is its intention to fully explain the law. It is important that all applicants' seek the advice of the Authority where they apply or seek independent legal advice in these matters***

## **APPENDIX B – LOCAL VARIATIONS**