

Lettings Policy



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1. Introduction

This is the allocation scheme (as required by the Housing Act 1996, as amended by the Homelessness Act 2012 and Localism Act 2011) for West Lindsey District Council. It sets out the framework within which the council operates in the assessment of housing need on the common housing register and the letting of social rented properties.

West Lindsey District Council will work with all registered providers who manage properties within the area. Properties owned by other housing providers, operate their individual nomination arrangements through this scheme

2. Statement of Choice

West Lindsey District Council is fully committed to enabling applicants to play an active role in choosing where they live, whilst continuing to accommodate those in the greatest housing need in the district. This Policy aims to be open and transparent.

It is important that applicants are aware that the demand for accommodation is higher in some areas than in others, as is property availability and turnover. In making a decision about the choices available, applicants need to consider their housing need against the availability of properties in any given area.

The main objectives of the Policy are to:

- Provide a fair, open and accountable framework in which everyone has equality of access when seeking an affordable home
- Prevent homelessness and reduce the use of temporary accommodation
- Assist applicants in the greatest housing needs, whilst ensuring the best use of limited housing resources and that balanced and stable communities are maintained
- Ensure quality and accessible advice and assistance about the scheme is freely available, to ensure applicant understand and can participate.
- Take account of the relevant legislation and statutory guidance
- Have due regard to the Lincolnshire Homelessness strategy

3. Equal Opportunities

West Lindsey District Council is committed to the promotion of equality of opportunity for all existing and potential application. No one will be treat unfairly due to gender, race, colour, ethic or national origin, religion, disability, marital status, age, sexuality, health or other reason. This list is not intended to be exhaustive but indicative of the council's intention and commitment to ensuring equality

4. Data Protection, Confidentiality and Sharing Information

West Lindsey District Council is known as a 'Controller' of the data you provide and we are registered with the Information Commissioner's Office. The council take your privacy

seriously and will not use the information you give for any other purposes than to administer your application, unless the law allows this.

If you provide your personal information on both the paper and online application, you are consenting to the council using this and any other information you provide as proof of your application, to process and consider your application. We will:

- keep your information accurate and up to date, with your assistance
- retain your information only for as long as necessary (minimum of 6 years from the end of the tenancy/application and longer in certain circumstances)
- store your information securely in accordance with the Data Protection Act 1998 at a level appropriate for its sensitivity. For further information see the council's Data Protection Policy

We will not share your personal information with third parties without your consent, unless they are processing your information on our behalf, or because the law allows this, for example to check the information provided by you or about you. This includes any sensitive personal information you provide for example regarding you or your family's health, although only where it is necessary.

We are also under a duty to protect the public funds we administer, and to this end may use the information you have provided for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

The third parties may include but are not limited to, passing your information and receiving information about you, with the agencies/services listed in the Statement and Declaration on the application form.

If after providing consent for us to process your personal information for this purpose, you decide to withdraw your consent, then you must contact us immediately to confirm this. However the consequences of this will be that your application will not be considered. We may also have already passed on your information, as the law allows, to other departments within council and organisations.

If you want to know more about the information we hold about you and how we process this or you have a complaint regarding the way we have handled your personal information please ask for the Data Protection Officer at our main offices at Guidlhall, Marshalls Yard, Gainsborough. If you however remain unhappy, then you have a right to complain to the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 01625 545 700 Website: www.ico.org.uk

5. Eligibility

Applicants should generally be aged 18 years or over. In the case of joint applications, at least one should normally be aged 18. Special provisions apply to 16-17 year olds, [see section XX](#).

Applications from the following groups will be considered.

- Persons not subject to immigration control taking account of nationality and immigration. The main customer groups to whom properties will be let to are:
 - All existing secure and introductory tenants of a Local Housing Authority and assured tenants of an RSL.
 - British nationals who are habitually resident in the Common Travel Area (CTA) i.e. United Kingdom, Channel Islands, Isle of Man or Republic of Ireland.
 - Commonwealth citizens who have the right of abode and are habitually resident in the CTA.
 - European Economic Area (EEA) nationals who have the right to reside in the UK and are habitually resident in the CTA.

- Persons subject to immigration control who have been granted:
 - Refugee Status
 - Humanitarian Protection or Discretionary Protection, provided that there is no condition that they shall not be a charge on public funds
 - Indefinite Leave to Remain, provided that they are habitually resident in the CTA and their Leave to Remain was not granted in the previous five years on the basis of sponsorship given in relation to maintenance and accommodation (or if their sponsor has died)
 - Persons subject to immigration control who are nationals of a country that has ratified the European Convention on Social and Medical Assistance (ECSMA) or the European Social Charter (ESC) provided that they are habitually resident in the CTA and lawfully present in the UK.

- In addition to European Nationals who are habitually resident in the UK, and can prove they have a current British National Insurance Number, applications from the following groups of people will also be considered: -
 - A person granted refugee status when his/her request for asylum is accepted.
 - Persons granted exceptional leave to enter or remain. This will be someone who has failed in the request for asylum, but has been given leave to remain where there are compelling, compassionate circumstances.
 - Persons granted indefinite leave to remain in the UK who are regarded as having settled status. Applicants still have to establish habitual residence.

Under the Housing Act 1996, local authorities must consider whether applicants are eligible for housing assistance. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK. Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. We reserve the right to seek independent advice and assistance to resolve the issue of eligibility.

5.2 16/17 year olds

Generally, applications from 16/17 year olds will also be accepted but will only be considered for vacancies in designated supported young person's schemes. However, the following will be accepted on to the list for general housing stock:

- A single woman aged 16 or 17 expecting a child.
- A single parent aged 16 or 17 with a dependent child.
- A couple, with one or both aged 16 or 17 who are expecting a child, or have a dependent child.

In the case of applicants who are aged 16 or 17 and homeless, a joint assessment with Children's Services will be required to identify appropriate housing and support needs. This process may include other agencies such as, Health, offender management, mental health teams, etc. Such applicants will usually only be considered for appropriately supported housing schemes and not general purpose accommodation.

Some housing providers require 16/17 year olds accepted for housing to have a guarantor and/or sign up for support from the housing provider where satisfactory support is not in place from statutory agencies.

6. Ineligible Applicants

Those who **CANNOT** join the Choice Based Letting Scheme are: -

- Persons who are ineligible to reside in the United Kingdom.
- Persons granted exceptional leave to enter or remain but do not have recourse to public funds.

There may be cases where an ineligible person forms part of a household with others who are eligible. It is important to note that whilst the ineligible person cannot be granted a tenancy they may be taken into account in the size of accommodation to be offered, but the tenancy will only be granted to the individual who is eligible.

7. Non-Qualifying Persons

The following will be considered to be non-qualifying persons, and therefore unable to join this Choice Based Lettings Scheme:

- Existing social housing tenants who have not been in their current home for 12months. .
- Serious unacceptable behaviour

7.1 Existing Social Housing Tenants

West Lindsey District Council aims to promote settled and sustainable communities, therefore social housing tenants who have not been in their current home for 12months will be considered non-qualifying and not accepted on to the scheme.

A reviewing officer will consider any exceptional cases where an applicant's circumstances have significantly changed and the applicant was not aware or anticipating the change prior to taking their current tenancy

7.2 Serious Unacceptable Behaviour

The council is committed to tackling anti-social behaviour and enabling our communities to become safer places to live. We are also committed to reducing the level of rent arrears and ensuring that rent and other housing related debts are paid promptly. We have a duty to have regard to the financial consequences of their actions and to balance their budgets.

The council believes they are entitled, when deciding whether or not to allocate a property to an applicant, to take into account the previous record of the applicant (and/or a member of his/her household), whether as a rent payer or in any other respect.

The behaviour of applicants will be a factor to be taken into account as part of the assessment process. This applies to transfer applicants as well as new applicants.

In the case of new applications, we expect applicants to provide us with some proof that they have behaved responsibly. We would normally ask for a reference from the applicant's current or last landlord confirming whether or not the applicant has behaved as a responsible tenant. We may also consider references from an employer or any other professional person. It will be the applicant's responsibility to obtain the reference. We would also normally ask applicants to produce a rent book and/or other documentation (for example, a bank statement) to show us whether or not they were up to date with their rent payments. Failure to provide some proof that they have behaved responsibly will not necessarily prevent an applicant from proceeding with his or her application for accommodation but the applicant would have to have a good reason for not being able to do so. Where it is apparent that an applicant has not behaved responsibly, the applicant will be given the opportunity to explain. Each case will be decided on its own merits.

It is the responsibility of an applicant to provide reasonable information to enable their application to be assessed. Applications will not be registered until we have received all the required information and we are satisfied that an applicant qualifies for accommodation.

The following two sections contain examples of where we may disqualify applicants from housing because of their serious unacceptable behaviour, or where we may for a period of time prefer applicants **who are not guilty** of poor behaviour over applicants **who are guilty** of such behaviour.

We may disqualify applicants from the Housing Register if we have evidence they have behaved in an unacceptable way and we consider this makes them unsuitable to have a tenancy.

7.3 Examples of poor behaviour

This will be undertaken with reference to s160A of the Housing Act 1996 s160A

A local housing authority may decide that an applicant is to be treated as ineligible for an allocation of housing accommodation by them if they are satisfied that—

(a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the authority; **and**

(b) in the circumstances at the time his application is considered, he is unsuitable to be a tenant of the authority by reason of that behaviour.

The only behaviour which may be regarded by the authority as unacceptable for the purposes of subsection (7)(a) is—

(a) behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the authority to a possession order under section 84 of the Housing Act 1985 (c. 68) on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8); or

(b) behaviour of a member of his household which would (if he were a person residing with a secure tenant of the authority) entitle the authority to such a possession order.

Actions that may result in your disqualification include (but are not limited to)

- Failing to pay the rent or other charges
- Breaching a condition of the tenancy agreement
- Causing or likely to cause a nuisance or annoyance to people who live, visit or work in the locality of the home; (as landlord), or any person employed in connection with the exercise of the council's housing functions, and that the conduct affects those functions (either directly or indirectly).
- Being subject to (or having previously been subject to) an Anti-social Behaviour Injunction, an Anti-social Behaviour Order, a Criminal Anti-social Behaviour Order, a Criminal Behaviour Order, a Community Protection Notice, a Closure of Premises Order; or having been in breach of any those orders.
- Using their home for immoral or illegal purposes
- Being convicted of an offence (which carries with it a custodial sentence, whether or not custody was imposed) committed in, or in the locality of, their home, or committed elsewhere against a person with a right to reside in, or occupy housing accommodation in the locality, or was committed elsewhere against the landlord of the home, or a person employed in connection with the exercise of the council's housing functions, and that the conduct affects those functions (either directly or indirectly).
- Causing the condition of the property to deteriorate by a deliberate act, or by neglect
- Making a false statement to obtain a tenancy

The council will consider whether people it has found to be guilty of poor behaviour are, at the time they apply, suitable to be tenants. Persons who are found to be unsuitable will normally be disqualified from joining the housing register.

We will act reasonably when we decide to disqualify an applicant. We will consider all the relevant information before we make our decision. Where the council has reason to believe that poor behaviour is due to a physical, mental or learning disability, the person will not be determined as disqualified without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support. In such cases the council will consult as appropriate with any relevant agencies, including Social Services and providers of support services. We will consider the interests of the applicant and their household but we will also consider the interest of the people who live and work on our estates.

In determining the issue it is not necessary for the applicant to have actually been a tenant of a registered provider who receive allocations via West Lindsey Homefinder when the poor behaviour occurred - for example an applicant who previously had a tenancy with a private landlord and was in arrears of rent, or had been guilty of anti-social behaviour, will be subject to this part of the Policy. Furthermore, the poor behaviour is not limited to behaviour caused by the applicant - it extends to behaviour caused by a member of the applicant's household and visitors to the applicant's home.

For the purpose of rent arrears or other charges this would be any amount above £800.

If at any time the council obtains information that leads it to believe that an applicant already on the housing register is ineligible, it will inform the applicant in writing. The applicant will be given 28 days to provide information showing that they are eligible, their application will be suspended for that period and unable to place bids, bids already placed may be bypassed. If they do not reply within this period, or if they reply but the council remains of the view that they are ineligible, they will be removed from the housing register ie: their application will be cancelled.

We will write to an applicant explaining why we have decided to disqualify him/her from the Housing Register. Any applicant notified that they are being treated as non-qualifying may request a review of the decision.

If the review confirms that the applicant is to be treated as non-qualifying, the applicant may still make a fresh application at a future date, when the applicant feels they should no longer be treated as non-qualifying. The council will consider this fresh application on its merits. However, unless there has been a considerable lapse of time, it will be for the applicant to show that their circumstances or behaviour have changed substantially. For the purpose of rent arrears or other charges, the applicant needs to demonstrate they have cleared the account or maintained a suitable repayment plan to reduce the debt for a minimum of 13 weeks.

7.4 Poor Behaviour - Passover of Application

In certain cases, we may register an applicant onto the Housing Register but may not offer them accommodation until they pay off a debt or improve their behaviour. This applies to behaviour that makes us concerned about an applicant's ability to maintain a tenancy, but is not serious enough for us to disqualify them.

In these circumstances the application will be registered and will be awarded the appropriate banding. However, until the applicant has proved that they have remedied their behaviour, normally over a period of six months, then other applicants who have not been guilty of poor behaviour will be preferred over them ie: any bids placed will be passed over.

The council considers that poor behaviour would include the following:

- Housing Debt under £800 - By "Housing Debt" we mean (1) rent arrears owed to a landlord (including the Council, another Local Authority, a Registered Social Landlord or a Private Landlord), (2) costs of repairing damage to Council housing property or housing property

belonging to another Local Authority, a Registered Social Landlord or a Private Landlord, (3) mortgage arrears owed to the Council or any other lender and (4) other debts including Housing Benefit overpayments and rent advance or deposit payments.

We expect applicants in debt to either pay the debt in full or make an agreement with the landlord or other creditors as the case may be, to pay off the debt over a set period.

They must then keep to the agreement and make regular payments to reduce the debt, until either (1) they have repaid 50% of the debt or (2) they make and maintain regular acceptable payments for a minimum of 13 weeks. When the applicant meets either of these 3 conditions, we will then consider them for accommodation and no longer Passover their bids placed. If, once we have made the application active, the applicant does not keep to their agreement to make regular payments off their debt we will not offer them any accommodation, until they have maintained their agreement for a minimum of 13 weeks, with any bids being passed over.

- Breaching a condition of the tenancy agreement - We may visit tenants before we offer another tenancy. If we find that the tenant is breaking their tenancy conditions we may not offer accommodation until the breach has been remedied. Breaking tenancy conditions includes: damaging the property; making structural alterations without our consent; allowing the garden to become seriously neglected or overgrown; poor internal decorative and cleanliness standard. We will write to the applicant to tell them why we will not offer accommodation to them. We will also tell them what they need to do before we will offer them accommodation. This applies to applicants whose landlord is either a Local Authority, Registered Provider or a Private Landlord.
- Anti-Social Behaviour - Where there is evidence of anti-social behaviour at the applicant's present address or a previous address, but the behaviour is not serious enough for us to consider the applicant non-qualifying, until the applicant has proved that they have remedied their behaviour we will not offer them accommodation and will prefer other applicants who are not guilty of anti-social behaviour, ie: their bids will be bypassed. This also applies to any member of the applicant's household. The period of time in which we will prefer other applicants by bypassing bids, will be for a set period, which will usually be a minimum of 6 months. During this set period, the applicant will have to show that their behaviour has improved and they are capable of being a responsible tenant. We would expect them to do this by providing us with a reference from their landlord. The reference should show that the applicant has behaved as a responsible tenant over the set period. We may also consider references from an employer or any other professional person. We may make direct contact with the person who wrote the reference. If it is clear that the applicant or a member of their household is presently causing anti-social behaviour, we may not offer them accommodation.
- Making a false statement to obtain a tenancy - where we consider that the false statement was not so serious as to justify disqualifying the applicant from the Housing Register, then we may prefer other applicants over them for a set period, which will usually be a minimum period of 6 months, during that time any bid placed will be bypassed.

We will act reasonably, when we decide that an applicant has been guilty of poor behaviour, we will consider all the relevant information before we make our decision. For example, where an applicant has housing debts this will not automatically prevent him or her from being offered a tenancy but it will be one of the things taken into account when deciding whether or not to make that offer. Where the council has reason to believe that poor behaviour is due to a physical, mental or learning disability, the person will not be considered non-qualifying without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and/or support. In such cases the council will consult with any relevant agencies. We will consider the interests of the applicant and their household but we will also consider the interest of the wider community.

We will write to applicants explaining the reasons why we have made the decision. We will tell them what they have to do before we will consider them for accommodation. We may ask them to do this within a set period of time. The applicant may request a review of the decision.

8. Processing Applications

8.1 Providing Information and Documentation

Applicants are required to provide acceptable evidence of their identity e.g. their Driving licence, Passport and proof of residency for themselves and anyone they wish to be rehoused with. They must also provide their National Insurance Number in order for the application to proceed. Without this information an application will not be processed. Any delay in providing the required documents may affect an application's registration date

In accepting any application which includes anyone from abroad, proof of identification, nationality and immigration status will be required. Verification may be sought from the Immigration Service to safeguard the use and allocation of public funds.

In order to determine the priority an application receives, it is the applicant(s) responsibility to provide any and all information reasonably required by the council . Such information may extend beyond that requested on the Application Form. Until all required information is provided the application will not be registered and/or will NOT be eligible to bid.

8.2 Dating of Applications

The initial registration date of an application form will be the date the fully completed housing application form is received at any of the council offices. All relevant documentation requested by the council should be provided within 28 days of initial contact. Failure to provide relevant documentation may result in a later registration date, or cancellation of application.

Applicants will be placed within a band in date order.

- **new application** - the banding date will be the same as the applicant's registration date.
- **change in circumstances which results in a higher band assessment** - the banding date will be the date the applicant provides satisfactory evidence of the change in circumstances.

- **change in circumstances which result in a lower band assessment** - the banding date will revert to the original application date.

For example: birth of a child may cause a household to be lacking 1 bedroom and may therefore move up a band. The banding date is the date that the birth certificate was provided to the council (leading to the re-assessment) not the child's date of birth.

8.3 Cancellation of Applications

The council may cancel applications where:

- An applicant is housed as a result of that application,
- An applicant fails to respond to the annual review within the set timescale,
- An applicant has moved and failed to notify the council ,
- An applicant persistently fails to respond to the council's communication or requests for information over a reasonable timescale.

Should an applicant subsequently wish to re-join the register they will be required to complete a new application which will be processed based on their current circumstances and with the subsequent registration date.

8.4 Suspension or pending of Applications

We may suspend (put "on hold") your housing application if, for example:

- You have been asked, in writing, by telephone or email for key information in relation to your application and we are waiting for your reply
- We have asked another support agency or worker, to provide additional information about you and are waiting for a reply from them.
- if we are unable to contact you following multi attempts
- whilst awaiting the outcome of a referral to the LHF Review Panel
- whilst awaiting response to annual review
- where requested, and an applicant refuses a home visit

8.5 Right to Buy, Disabled Facilities Grants and Adaptations

Where an applicant(s), or member of the moving household has benefited from either a Right to Buy, disabled facilities grant/adaptation or renovation grant they may be accepted onto the housing register and placed in the appropriate band. However, their application will be passed over, for a period of 5 years from when the RTB sale was completed or the work was undertaken, unless the household's circumstances have substantially changed to make the property unsuitable.

In the event that an application is passed over by the council for these reasons, applicant(s) would be notified in writing and of their right to review of that decision. Applicants must be aware that the letting of a property will not be delayed pending a review, the outcome of the review will only be applicable for future vacancies.

8.6 Landlord References

The council may contact an applicant's current or former landlord(s) for information on how that tenancy was conducted. This will cover payment of monies due, condition of property, anti-social behaviour and other tenancy conditions. This information will be used to determine eligibility and banding, of which applicants will be informed.

In the event that an applicant disputes the contents of a reference, an officer will make a decision taking into account individual circumstances and supporting information available to them.

8.7 Home Visits

It is sometimes necessary to carry out home visits to assist with the assessment of housing applications and also to provide an alternative way for customers to discuss their particular requirements.

- They will only be carried out by prior appointment, unless in exceptional circumstances.
- The council reserves the right to suspend applications where access to the home is denied and until such time as this can be given. The council reserves the right to decline the request for a home visit where this may place a member of staff at risk or is otherwise considered unnecessary

8.8 Housing Related Debts

Where an applicant(s) has any current/former rent arrears or other housing related debt, and are not considered to be a non-qualifying person, they may be accepted onto the housing register and placed in the appropriate band, but will have their application status set as "Passover". This means if an applicant makes a bid, their application may be passed over, until an acceptable repayment agreement has been made and maintained for 13wks, having regard to the following criterion:

Current and/or former rent arrears:

- Reasons given for which the arrears have incurred
- the age of the debt

Other housing related debt:

- the amount of debt outstanding,
- the age of the debt
- reasons given for why monies owed
- the applicant's commitment to repay,
- current housing circumstances,

In the event that an application is passed over by the council for these reasons, applicant(s) would be notified. Applicants must be aware that the letting of a property will not be delayed pending a review, the outcome of the review will only be applicable for future vacancies.

8.9 Financial Capacity

Households applying to this Scheme may be assessed for their ability to buy/rent a suitable property within the area, or improve/adapt their own home to meet their assessed needs. This includes applicants who have been accepted under homelessness legislation to whom the Local Authority owes a duty under sections 193(2) or 195(2) as well as general applications.

Assets that may be taken into consideration when assessing financial capacity may include but are not limited to savings, shares, bonds, commercial property, residential property,

property abroad and money apportioned through the proceeds of a divorce settlement, inheritance or any form of cash windfall.

Applicants assessed as having the financial resources to resolve their own housing difficulties, may have their housing priority reduced.

The council reserves the right not to make an offer of tenancy to an applicant who has the financial capacity to reasonably resolve their housing situation when taking the above into account. This criteria may be reviewed where a property is deemed to be in a 'low demand area' or at the discretion of the registered provider who manages the relevant property.

8.10 Change of Circumstances

Applicants are required to inform the council if their personal circumstances change and it may reasonably be expected to have an effect on their Housing Register application. This includes any change in their address or household composition or contact details.

A specific form may be available for this purpose and this must be signed by each of the applicants. Examples of this include:

- Housing circumstances have improved
- Recovered from an illness which previously gave medical priority

When a child is born and a copy of the birth certificate has been provided there will be a re-assessment of the banding and if the banding results in a higher band it will have a band date of when the council received confirmation of the child's birth.

Changes in circumstances that lead to re-banding will be dealt with in accordance with this policy. The council will re-assess an application where there has been a change of circumstances and will notify the applicant in writing that this has been done. If the change results in the applicant's priority changing this will be explained in writing to the applicant.

It is the applicants responsibility to ensure they provide up to date contacts, failure to do so may lead to their application being suspended or cancelled and could mean their bids on vacancies are bypassed, after reasonable attempts to contact them are unsuccessful.

8.11 Annual Review of Applications

The council will undertake an annual review of applications on the common housing register. This helps to ensure that those on the register are still interested in applying and circumstances are up to date.

Each applicant will be contacted, in writing, on the anniversary of their application to ascertain if they still wish to be registered. Should there be no response to this letter **within 4 weeks**, the application will be suspended. A further letter will be sent to the applicant notifying them their application is suspended and should they not respond, within 14 days, their application will be cancelled.

Applicants who subsequently decide they wish to rejoin the Register will need to re-apply in the normal way.

8.12 Assisted Persons List

Some applicants may require help to ensure that they have the same opportunity to access the scheme. Where possible we will enable applicants to access the scheme themselves or by a family member or other advocate. For those who have no other support available to them, the council offers an “Assisted Persons List” to allow those who cannot participate fully without assistance, easy access to the scheme. This list will also extend to those who require help with applications for Registration.

The “Assisted List” seeks to provide a number of services for vulnerable applicants, such as;

- Assistance in accessing information relating to the scheme
- Assistance to complete an application
- Contact to advise of available vacancies
- Referral to the appropriate local agency or support worker to enable proactive support for bidding, or bidding on the applicant’s behalf,
- Regular contact will be made to ensure needs are being met in terms of bidding support.

9. How we Prioritise Applications

9.1 Bandings

This scheme uses Bandings to prioritise the housing needs of applicants, taking into account the above groups and local housing issues to ensure the schemes objectives are met, these include but are not limited to physical and mental health, affordability, employment, social wellbeing etc and whether a move to more appropriate accommodation will alleviate these housing needs

There are 4 Bands, with band 1 for those with the highest priority. Applicants are placed in the band in accordance with their housing needs assessment [APPENDIX A](#).

9.2 Reasonable Preference

The law states that certain groups of people have reasonable preference within any housing allocation scheme operated by a Local Housing Authority, these groups are:

- People who are homeless (within Part 7 of the Housing Act 1996 as amended by the Homelessness Act 2002); this includes people who are intentionally homeless, and those who are not in priority need;
- People who are unintentionally homeless or threatened with homelessness and who are in priority need who are owed a duty by any housing authority under section 193 (2) or 195 (2) of the Housing Act 1996 (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) ;
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds;
- People who need to move to a particular locality in the area, where failure to meet that need would cause hardship (to themselves or to others).
- Those leaving the Armed Forces who are in housing need

10. Local Connection

A local connection with West Lindsey will prioritise your bids over applicants who do not have a local connection. To qualify for a local connection to the West Lindsey the applicant must provide supporting evidence that demonstrates:

- Be currently resident in the district and have been so for at least the last SIX months,
- Have previously lived in the West Lindsey area for a continuous period of TWELVE months (whilst aged 18 or over) in the last FIVE YEARS,
- Have family members who are currently resident in the West Lindsey area. Family members are defined as parents or guardians, adult children or brothers or sisters who have lived here continuously for the last FIVE YEARS,
- Have their current main place of permanent work in the West Lindsey area for a continuous period of TWELVE months

In exceptional cases the council has the discretion to award a local connection to their area.,

10.1 Other local connection circumstances

These circumstances include:

- applicants who have been accepted by West Lindsey District Council under the homeless law
- applicants who have been accepted for priority re-housing as a reciprocal arrangement with another local council
- HM Armed Forces applicants through Section 315 of the Housing and Regeneration Act (2008) who have established a local connection with West Lindsey before they joined the services
- members of the Armed Forces, former service personnel applying within five years of discharge, bereaved spouses and civil partners of members of the Armed Forces and serving or former members of the Reserve Forces who need to move for medical reasons
- refugees who have been granted leave to remain and have been dispersed within the West Lindsey area
- applicants who have been accepted from outside West Lindsey as part of a Witness Protection recommendation
- applicants from outside West Lindsey who are victims of domestic abuse or fleeing other violence and/or harassment, who cannot return to the area where they were living for fear of harm

10.2 What does not give you a local connection?

- People living in bail hostels or approved premises
- Occupying a mobile home, caravan or motor caravan which is not placed on an official mobile home or caravan park
- Hostel residents from outside West Lindsey who have not lived in the area for six months

10.3 Local Letting Plans

Local Lettings Policies are usually introduced to meet a particular local need and have an overall positive effect on estates. For example, if an estate had a high level of anti-social behaviour, applicants who bid for the advertised property may enhanced checks on their

previous behaviour, or in areas of low employment status priority may be given to those in current employment, or households of a certain age .

There are a number of Local Lettings Policies throughout the West Lindsey area. To be considered for a property subject to local lettings criteria, applicants would need to meet the usual eligibility criteria AND the additional local lettings criteria, failure to meet both criteria may lead to the bid being bypassed.

10.4 Unacceptable Behaviour

West Lindsey will take into account all relevant negative behaviour of the applicant or member of their household. Where that behaviour is not sufficient to consider the applicants as non-qualifying, such applications may have their priority reduced by one band.

Worsened Circumstances

Where the council determines that an applicant has deliberately worsened their circumstances and gained additional priority, they reserve the right to reduce the priority awarded by 1 band for up to 6 months. Examples include, but not limited to:

- Giving up suitable accommodation that was available to them
- Moving into an unsatisfactory arrangement eg: sharing facilities or overcrowded

The council will take into account the current needs of the household before reducing any priority and in setting the period of time. Where priority has changed applicants will always be informed in writing stating the reasons, any time restrictions and their right to review of that decision.

Homelessness

In cases where the council, has accepted a main housing duty under homelessness, applicants will be placed into the appropriate band and are required to bid for suitable properties for which they are eligible. .

Homeless cases will be monitored, and if applicants fail to make bids, the council will then bid on their behalf for the next suitable property they are eligible for. If an applicant refuses a successful bid that is considered suitable and reasonable, the homelessness duty to them may be discharged. In such cases the application will be re-assessed.

The council reserves the right to make direct lets to homeless households, where they consider a property is suitable and reasonable for the household.

Managing Risks

The council recognises that all people have a right to a home that is more than just somewhere to live. However, there are people who are more difficult to integrate into mainstream housing.

It is important to manage the needs of individual applicants with the needs and rights of neighbours and the local community. In order to manage risks to individuals and communities

a multi-agency approach must be taken, the council will therefore work closely with the Police, Social Care, Probation, Health and voluntary agencies.

For example, securing accommodation for a high-risk offender will be done in consultation and with the approval of the appropriate agencies and special arrangements may apply in cases where an applicant is considered by the Multi Agency Public Protection Panel Arrangements (MAPPA). In order to achieve this there may be occasions when the applicant with the highest priority in the scheme may not be offered a particular property. In such cases they will be written to by the council explaining the reasons why this has happened.

The council actively works with the Local Community Safety Partnership in addressing a range of issues that impact upon community safety. These issues include drugs misuse, anti-social behaviour and domestic abuse amongst others. The council reserves the right to liaise with the Local Community Safety Partnership when considering any exclusion, letting or other issues which have an impact upon community safety.

An integral part of managing risks is to ensure that appropriate support networks are in place and are regularly monitored and reviewed by the council. Any successful bid will be declined if the relevant agencies have not provided a relevant Care Plan/Risk Assessment to manage the risk.

Property Eligibility

Applicants, upon acceptance to the common housing register, will be notified in writing of the properties they are eligible to bid for. Property eligibility is based upon a household's composition and their needs, [See Appendix B](#). The Policy covers the letting of a range of property types throughout the area. These properties range from bed-sitting rooms to five bedroom houses.

It is important to note that property eligibility may differ between landlords, individual Housing Providers endeavour to make the best possible use of their stock in terms of size and suitability when setting the criteria for eligibility. For example, ground floor flats may be reserved for people with a physical disability. Housing Providers may also choose to exercise some discretion and invite bids particular household compositions to contribute to sustainable communities. The advert will clearly state which applicants can bid for each property and which applicant will have priority for the vacancy.

The council reserves the right, in exceptional circumstances, to offer applicants accommodation not usually considered for their household type or size, for example where availability of properties in a certain area are scarce or those with no medical need may be considered for level floor accommodation..

The council can amend the bid criteria of previously advertised properties to widen the eligibility and enable successful bids to be made.

Access to children

For the purposes of this policy, we consider that access to children must be regularly and for at least three nights a week. Single people or couples with access to children may be eligible

for a two bedroom flat opposed to a one bed flat, but the council may give preference to applicants who would fully occupy the vacancy on a permanent basis.

Single people or couples with children living with them permanently and with access to children may be able to bid for properties with an extra bedroom. However, we may give preference to large families who would fully occupy the property permanently

Carers

Applicants with a disability or other need who require an additional bedroom to accommodate a carer are required to provide a suitable Care Plan that demonstrates that ongoing need.

Advertising Vacancies and Bidding

Advertising Cycle

Once applicants are registered they are able to start looking for a suitable vacancy across the West Lindsey area. Vacancies will be advertised on a weekly basis from Wednesday to 12noon on the following Monday (6days). Adverts will include key property attributes, local facilities and eligibility criteria.

Vacancies will be advertised in the following ways:

- **West Lindsey Homefinder Website** – [INSERT WEBSITE HERE](#). This will allow applicants to view available properties and apply 'on-line' for properties of their choice. Access to the website is available in the council's reception areas. Links to this website will be available on the council's own website.
- **Reception Areas** – The council will advertise all properties available within the Scheme in their reception areas.
- **Dispersed office locations** – a list of the vacancies in the advertising will be circulated by email to such locations, should any applicant approach them for information

Withdrawing Adverts

Occasionally, the council may be required to withdraw a property advert, for instance:

- if it becomes apparent that the property may be let through direct lets in accordance with this policy (*see section 3.16*) or
- The current tenant of the property being advertised has withdrawn their notice terminating their tenancy of that property, so the property is no longer available,
- Significantly incorrect information had been advertised in respect of the property or applicants eligibility for that property.

Reasons for the withdrawal of any property adverts will be available

Bidding for a Vacancy

Applicants are restricted to making 2 bids in each cycle. Where an applicant meets the property eligibility, bids can only be placed during the bidding cycle, and should be placed through the applicants individual online account by themselves or their advocates. Applicants unable to do so may be considered for the assisted persons list see [section XXXX](#)

Where a vacancy has been advertised and no bids have been received, or been successful, the vacancy may be re-advertised and may be allocated on a first come first served basis subject to the usual eligibility criteria.

Bids for individual vacancies are ranked by banding and banding date. If both of these are the same, this will then refer back to the original application date.,

Shortlisting and Offers

At the end of the advertising cycle, applicants who have bid will be shortlisted according to their eligibility criteria and any local lettings criteria. Verification checks will be undertaken at this stage to ensure applicants still qualify and circumstances have not changed

Bypassing Bids

Bids may be bypassed for several reasons. It is not possible to provide an exhaustive list, but the following are common:

- Household doesn't require ground floor property and vacancy is ground floor
- Household does require ground floor property and vacancy is upper floor
- Applicant is now under offer or first nomination to another vacancy
- Household has housing related debt (Passover status)
- Household has experienced a change of circumstances
- Unable to contact
- Does not meet specific criteria for the vacancy ie: additional local letting criteria

Making an Offer

The successful candidate will be contacted by an officer from the landlord whose vacancy they have bid for, to be offered an accompanied viewing of the property which could then turn into an offer of a tenancy.

If an applicant cannot be contacted following three attempts, their application will be suspended pending further action in accordance with [section XXXX](#), the next eligible person on the shortlist will then be contacted and offered the tenancy. It is important to note that all applicants ensure they are contactable as their bid may be bypassed after reason attempts to contact them have been unsuccessful.

In exceptional circumstances the council may not make an offer or may withdraw of an offer to a successful bidder, this may included but is not limited to :

- it is clear that an applicant is not capable of understanding the responsibilities associated with being a tenant or they do not clearly understand what they are signing
- the current tenant of the property being advertised has withdrawn their notice terminating their tenancy of that property, so the property is no longer available
- an applicant has failed to respond to three contacts from the council
- The council or landlord believes the property is unaffordable from the onset.

Tenancies

Joint tenancies will be offered to:

- a) Married couples, unmarried couples and same sex partnerships, provided that both are named on the application form, unless both parties request the tenancy to be granted in a sole name, stating their reasons
- b) Adults wishing to live together as friends, both names have been included on the application form
- c) Applicants and their live-in carers, where the Council considers it to be justified.

Joint tenancies are not usually given to a parent and adult child, unless there are formal caring responsibilities.

In all other circumstances sole tenancies will be offered to the eligible lead applicant. In cases relating to persons from abroad who are subject to immigration restrictions, the tenancy will only be granted to the individual who is eligible, whilst the ineligible person can still be taken into account in respect of size and type of accommodation offered.

Refusals

If an applicant refuses 3 offers, they will be contacted to discuss their housing needs and circumstances. If the council considers such refusals were made unreasonably by the applicant, it reserves the right to change the banding date to the date of the most recent unreasonable refusal.

Non-bidding

All applicants in Band 1 will be monitored to establish if any suitable properties have been advertised. If suitable properties have been advertised the applicant may be contacted to establish why they have not bid. This will assist the council in ascertaining if any additional assistance is required to participate in the scheme. The council reserves the right to review such applications and reduced Banding priority.

Vacancies excluded from the Scheme

West Lindsey District Council reserves the right to exclude certain properties and housing schemes from this Scheme, but a majority of social housing vacancies in the West Lindsey area will be advertised and let through this scheme. Examples of where this may occur include (but are not limited to) where a property is needed urgently to deal with an emergency. Specialist accommodation may also be let outside this Scheme for example extra care schemes for the elderly.

In exceptional circumstances properties may be withdrawn from an advertising cycle or scheme, those applicants who may have already expressed an interest in any such property will be notified of the reasons why.

Direct Lets

In some circumstances it may be necessary to directly match an applicant to a suitable property. This means that the applicant may not be able to bid for properties. If this applies, we will notify the applicant direct.

Applicants subject to a direct letting will normally be made one offer of suitable accommodation. If they do not accept the property the council may decide to make no further offers to them, reduce their Banding or discharge a homeless duty. They will be able to request a review of any decision on the suitability of a property or a decision not to make a further offer.

Properties let through direct lettings may not be advertised through this scheme, but information will normally be made available to indicate that the letting took place. This may

not be done if there is good reason, such as the need to re-house someone threatened with violence.

Allocations to Employees and Relations

The Scheme's application form requires applicants to declare if they or a member of their household are either a member of staff/Councillor/Board Member or related to a member of staff/Councillor/Board Member of the council.

In such cases there will be stringent procedures and checks in place to ensure the application is processed in accordance with this Policy and other applications. A Senior Officer will check the processing and assessment. Prior to any offer of accommodation being made to such an applicant the council will notify their appropriate Director or Head of Service for approval.

Reviews and Complaints

Reviews of Decision

Initial decisions relating to an application will be made by the council. In exceptional circumstances, there may be a situation that is not covered by this policy. In such circumstances, the case may be referred to the West Lindsey Homefinder Panel for a decision.

All applicants have the right to request a review of a decision if they consider this policy has not been applied correctly, for example a decision about:

- Exclusion or removal from the Housing Register
- Type of property the applicant is eligible for
- Band awarded
- Application status and applicable dates
- Reasonableness of refusals

If an applicant wishes to request of a review of the initial decision, they should notify the council of the issue they would like to be reviewed. This will be dealt with by an officer not involved in the original decision making process.

If the applicant still considers their case has not been dealt with in accordance with this policy, and they can provide evidence that relevant information has not been considered, they may request that the case is passed to the West Lindsey Homefinder Panel.

If an applicant wishes to continue to pursue the matter following a decision by the West Lindsey Homefinder Panel they can approach the Ombudsman ([see section XXXX](#)).

Where an applicant wishes to provide new information that has not previously been available to the council for consideration, this will be dealt with as a 'change of circumstances' and subject to a reassessment and not considered as a review.

Complaints

If an applicant is dissatisfied with how they have been dealt with, and feel they have been unfairly treated, discriminated against and/or the council has failed to do something they should have done, then the applicant can make a complaint.

Complaints will be dealt with by the council and in accordance with their own Corporate Complaints Policy.

Ombudsman

The Local Government Ombudsman is independent of all government departments, councils and politicians. The Ombudsman examines complaints without taking sides. In most cases the complainant must have pursued the matter through the Council's own complaints procedure before a complaint can be considered by the Ombudsman

Contact details for the Local Government Ombudsman are

Email advice@lgo.org.uk

Telephone: 0300 061 0614

Text 'call back' on 0762 480 4299.

Fax us on 024 7682 0001.

Write to the **Local Government Ombudsman**, PO Box 4771, Coventry CV4 0EH.

Contact details for the Housing Ombudsman Service are

Email info@housing-ombudsman.org.uk

Telephone : 0300 111 3000

Fax : 020 7831 1942

Write to: **Housing Ombudsman Service**, Exchange Tower, Harbour Exchange Square, London. E14 9GE

Homelessness Reviews

Requests for reviews of decisions made in respect of an applicant's homeless application are subject to review procedures outside this scheme. Applicants should contact the local Authority responsible for their homelessness application for further information and assistance.

The West Lindsey Review Panel

The council aims to deal with individual enquiries at the initial point of contact including correspondence from Members of Parliament. Where necessary the council may meet to agree an appropriate response or decision(s). The West Lindsey Review Panel will be made up of an officer from the Home Choices team, the Customer Experience officer and a member of the Housing and Communities team. The panel will meet on a regular basis to consider the following:

- Requests for Reviews (once the Home Choices team has undertaken initial review)
- To award a Local Connection to West Lindsey in exceptional circumstances,
- All other exceptional cases that warrant consideration.

Policy Review

This policy will be reviewed annually to ensure it:

- a) meets legal requirements and is consistent with of related policies and strategies
- b) meets West Lindsey's needs and addresses local housing needs
- c) achieves its objectives

The council is responsible for ensuring all allocations within their organisation are made in accordance with this agreed Policy. The council will monitor the overall performance and effectiveness.

The council will consult with a wide range of stakeholders including existing and potential applicants on any proposed major changes to this Lettings Scheme and the implications of such changes.

Appendix A

Ref	Band 1	Ref	Band 2
1.1	Homeless Households – unintentionally homeless & priority need decision by the council	2.1	Homeless Households – likely to be assessed by the council as unintentionally homeless but not in Priority need
1.2	Urgent Medical – permanent condition & unable to continue to reside in current home	2.2	Threatened with homelessness within 12 weeks through no fault of their own with no legal redress, working through a Personal Housing Plan with the council and likely to be priority need
1.3	Urgent Welfare		
1.4	Approved ADHAC cases	2.3	Formal discharge notice of leaving the Armed Forces
1.5	Succeeded to a tenancy but current home not suitable	2.4	Medical need
1.6	Statutory overcrowding	2.5	Applicant(s) WITH dependant children or pregnant lacking access to essential facilities, or sharing facilities with a household not moving with applicant (if awarded 2.6 will not apply)
1.7	Lacking 2 or more bedrooms (permanent household & main residence)		
1.8	High level disrepair (not through wilful neglect/damage)		
1.9	Those with combination of 2 x “Band2” (exc those who have deliberately worsened their circumstances)	2.6	Applicant(s) lacking 1 bedroom (a medical need for additional bedroom, or with permanent residency of child)
1.10	Social housing tenants within the West Lindsey area under-occupying by 2 bedrooms, leaving vacant possession	2.7	Occupying supported accommodation with a positive notice to move on to more independent living
		2.8	Family living separately
		2.9	Financial Difficulties – that could be alleviated by moving
		2.10	Applicants with a combination of 3 “Band 3” Needs (exc intentionally homeless/ deliberately worsened circumstances)
		2.11	Band 1 housing needs but demonstrated unacceptable behaviour
		2.12	Applicants subject to NKDC Flexi-Secure tenancy review - whilst adequately housed have a need to move to more suitable accommodation

Ref	Band 3	Ref	Band 4
3.1	Homeless Household – decision by the council as intentionally homeless	4.1	Adequately housed
3.2	Threatened Homeless within 12wks through no fault of their own, no legal redress, completed a Personal Housing Plan with the council & unlikely to be priority need	4.2	Financially able to resolve their own housing needs
		4.3	Band 3 housing needs but have deliberately worsened their circumstances, time limited award (up to 6 months)
3.3	Medical Need	4.4	Band 3 housing needs but demonstrated unacceptable behaviour
3.4	Welfare Need – to provide/receive support, isolation		
3.5	Households with NO dependant children lacking access to essential facilities or sharing them with household not moving (if awarded 3.6 will not apply)		Band 5
3.6	Lacking 1 bedroom – inc those with regular overnight access	5.1	Those applicants with no local connection to West Lindsey
3.7	Social housing tenants within the West Lindsey area under-occupying by 2 bedrooms, leaving vacant possession		
3.8	Employment – to improve access to current permanent employment		
3.9	Level of disrepair – not caused by wilful damage/neglect		
3.10	Band 2 housing needs but have deliberately worsened their circumstances, time limited award (up to 6 months)		
3.11	Band 2 housing needs but demonstrated unacceptable behaviour		

Appendix B

Property Eligibility

Please note that eligibility may differ between landlords, please check individual vacancy adverts for full eligibility criteria for individual properties

Property Types: Bedsits, Flats, Maisonette, and Houses	Bedsit	Flat	House	Flat	Maisonette	House	Flat	Maisonette	House	House	House	House
	1			2			3			4	5	6
Single person	Y	Y	Y	Y								
couple		Y	Y	Y	Y							
Single/couple pregnant				Y	Y	Y						
Single/couple no children but access to children		Y	Y	Y	Y							
Household with 1 child				Y	Y	Y						
Household with 2 children same gender;												
-both under 10				Y	Y	Y	Y	Y	Y			
-both aged10-16					Y	Y	Y	Y	Y			
-one under 16 and one over 16				Y	Y	Y	Y	Y	Y			
-Both over 16				Y	Y	Y	Y	Y	Y			
Households with 2 children different genders;												
-both under 10				Y	Y	Y	Y	Y	Y			
-one under 10 and one over 10				Y	Y	Y	Y	Y	Y			
-both over 10							Y	Y	Y			
Households with 3 children							Y	Y	Y	Y		
Households with 4 children							Y	Y	Y	Y		
Households with 5 children										Y	Y	Y
Sharing adults (not partners) or families with adult children;				Y	Y		Y	Y				
2 people (2 adults or single person +adult child)				Y	Y		Y	Y				
-3 people (couple + 1 adult child)				Y	Y		Y	Y				
-3 people (single person + 2 adult children)							Y	Y				
-4 people (couple + 2 adult children)							Y	Y				
-4 people (single person + 3 adult children)							Y	Y				

Bedroom	1		2		3	
	Bungalow	Ground floor flat	Bungalow	Ground floor flat	Bungalow	Ground floor flat
single aged 18-55 with medical need		Y	Y	Y		
Single aged 18-55 with no medical need		Y		Y		
Single/couple aged 55-60 with no medical need	Y	Y	Y	Y		
Single aged 60+	Y	Y	Y	Y		
Couples aged 55-60 with no medical need	Y	Y	Y	Y		
Couples aged 60+	Y	Y	Y	Y		
Families			Y	Y	Y	Y

Appendix C

Glossary of Terms

Term	Explanation
ADHAC	Agricultural Dwelling House Advisory Committee
ASBO	Anti-Social Behaviour Order
Adequately Housed	Living in a property that is suitable for your needs
ADHAC	Agricultural Dwelling Housing Advice Committee
Applicant(s)''	A person(s), submitting an application, or member of household
Application	Form to be included in the scheme and considered for housing
Area	The area within the West Lindsey boundary
Banding	How applicants are prioritised in the scheme
Bid	Process stating which vacancy they are interested in
CBL	Choice Based Lettings
Complaints Procedure	What is a complaint, how to make a complaint and how it will be dealt with
The Council	West Lindsey District Council
Household	Individuals with intention of living together
Housing Related Debt	Works for which tenants are responsible, current or former rent arrears, rent advance/deposits payments, all other repayable payments
No Fixed Abode (NFA)	You have no fixed accommodation. Applicants who claim that they are of no fixed abode have to satisfy the council that they genuinely have no settled accommodation and are living at various locations for very short period of time.
West Lindsey Homefinder Panel	Group of representatives from within West Lindsey District Council.
Policy	This West Lindsey Homefinder Choice Based Lettings Policy
Registration	Method of applying for housing
Registered Provider	An organisation that lets social housing
Repayment Agreement	An agreement made between landlords and applicants to repay and reduce housing related debts
Rough Sleepers	Those sleeping, about to bed down or actually bedded down in the open air or those in buildings (or other places) not designed for habitation
Stakeholders	Other agencies/organisations with an interest or involvement in the scheme or individual applications