

# 2019

## Homesearch Allocation Scheme



Housing Services

Bath and North East Somerset Council

HOMESearch



---

## Tenancy Fraud

---

Tenancy Fraud is unlawful and in some cases is also a criminal offence. Under section 171 of part 6 of the Housing Act 1996, it is an offence to provide false information or withhold information relevant to a housing application; this could result in a fine of up to £5,000. In partnership with local registered housing providers, we are committed to identifying and dealing with Tenancy Fraud. Fraud may include giving false information or withholding information to obtain housing as well as sub-letting of properties.

If you have information about social housing within Bath and North East Somerset that you believe is unlawfully occupied please let us know by contacting us below, or your own social landlord.

---

By phone: 01225 396118 or by email: [Homesearch@Bathnes.gov.uk](mailto:Homesearch@Bathnes.gov.uk) or writing to us at:

Housing Services, Bath and North East Somerset Council

PO Box 3343, BATH BA1 2ZH

---

Minicom: 01225 477815  
[Homesearch@Bathnes.gov.uk](mailto:Homesearch@Bathnes.gov.uk)  
[www.Homesearchbathnes.org.uk](http://www.Homesearchbathnes.org.uk)

This document can be made available in a range of languages, large print and Braille.



# CONTENTS

---

INTRODUCTION TO HOMESearch.....	- 4 -
APPLYING TO HOMESearch .....	- 8 -
THE GROUP STRUCTURE.....	- 15 -
ASSESSMENT OF APPLICATIONS .....	- 17 -
ASSESSMENT OF HOUSING NEED .....	- 22 -
APPLYING FOR A PROPERTY 'BIDDING' .....	- 31 -
SPECIFIC PROPERTY LETTING CRITERIA.....	- 36 -
ALLOCATIONS OUTSIDE PART 6 OF THE HOUSING ACT 1996.....	- 41 -
HOMESearch ADMINISTRATION.....	- 45 -
IMPORTANT INFORMATION.....	- 49 -
APPENDIX 1 .....	
Acceptable reasons for a Registered Provider to refuse to offer a property to an applicant ..	- 52 -
APPENDIX 2.....	
Quotas and targets .....	- 53 -
APPENDIX 3.....	
Shared Ownership Eligibility, Qualification and Priority Criteria .....	- 54 -
INDEX.....	- 56 -
TABLE OF AUTHORITIES.....	- 57 -

# INTRODUCTION TO HOMESearch

---

Homesearch is the name of Bath and North East Somerset Council's Housing Allocation Scheme. It sets out the way social housing is allocated within the district and how priorities for those registered with the scheme are determined.

Homesearch is based upon the principles of Choice Based Lettings. The scheme offers people a choice about where they would like to live and gives priority to those people with the most housing need. Those who wish to be considered for social housing will be required to apply to join the scheme, and once registered can be considered for properties advertised through Homesearch. Applicants can decide whether they wish to formally express an interest in available properties (a process which is referred to as 'bidding'). After the bidding process has closed, a shortlist of applicants is provided to the registered provider, but only one applicant will be successful.

Homesearch is administered by Housing Service, part of Bath and North East Somerset Council and offers a range of housing options and advice services to the public. Teams within Housing Services can be contacted by telephone through the Council's switchboard on 01225 477000.

To apply for supported housing, please visit:

[www.housingsupportgatewaybathnes.org.uk](http://www.housingsupportgatewaybathnes.org.uk)

To view mutual exchanges, please visit:

[www.Homesearchbathnes.org.uk](http://www.Homesearchbathnes.org.uk)

To view low cost ownership, please visit:

[www.Homesearchbathnes.org.uk](http://www.Homesearchbathnes.org.uk)

To view extra care housing, please visit:

[www.Homesearchbathnes.org.uk](http://www.Homesearchbathnes.org.uk)

To speak to an adviser about housing options, please visit an One Stop Shop

## Homesearch aims

Homesearch aims to:

Provide a simple, clear and fair allocation scheme

Promote greater choice and provide information on housing options

Provide support for those in greatest housing need, including people who are experiencing homelessness

Create mixed and sustainable communities

Make the best use of the housing stock

Promote greater mobility for existing social tenants

Ensure the scheme complies with legislation

## The Homesearch Partnership

Homesearch is a partnership between Bath and North East Somerset Council and registered providers (commonly known as registered social landlords or housing associations), non-registered affordable housing providers and managing agents that offer discounted market rent tenancies and social housing tenancies in the area. In 1999, Bath and North East Somerset Council transferred its housing stock to Somer Community Housing Trust (now known as Curo Places) and as a result no longer owns or manages any social housing properties. Homesearch allows applicants to access social housing from the following providers:

Alliance Homes

Anchor Hanover Group

Aster Group

Bristol and Bath YMCA

Bromford (formerly Merlin Housing Society)

Curo Places

English Rural Housing Association

Elim Housing Association

Flower and Hayes Development Ltd

German Lutheran Housing Association

LiveWest (formerly Knightstone)

Methodist Homes Housing Association Ltd

Riverside

Sanctuary Housing Association

Selwood Housing

Sovereign

St Johns Hospital

United Housing Association

The Guinness Partnership

Wiltshire White Horse Housing

Urbanbubble

Five Nine Living

## Statement on choice

Homesearch is committed to Choice Based Lettings. CBL allows applicants to have a degree of choice on the property they wish to live in. There are, however, occasions when it is not advisable, or practicable, to offer a choice of housing to a particular applicant or categories of applicants. This can apply when an:

- Applicant is owed a homeless duty under section 189B, 193 and 195 of the Housing Act 1996, Part 7
- Applicant needs a large property and limited housing stock of that size is available
- Allocation would result in the poor use of housing stock. For example, a property could be statutorily overcrowded or under occupied
- Applicant is a sexual, or violent, offender and there is a need to manage the risk which they pose to other individuals and the community.

Applicants, in these circumstances, are not necessarily excluded from having choice. It may in some cases be sufficient to restrict the properties they can bid for; impose a time limit for bidding; reject their bid, or only allow a professional, such as a probation officer, to bid on their behalf.

## Fairness

We have engaged fully with the wider community in the development of this allocation scheme in order to allocate properties fairly. We will continue to provide regular, accurate and generalised information about how social housing is being allocated. This information will be published on the Homesearch Scheme website [www.homesearchbathnes.org.uk](http://www.homesearchbathnes.org.uk) and made available for inspection in Council offices.

## Tenancy types

Introductory (Starter tenancies)	These tenancies are offered by housing providers for a trial period of usually twelve months. They give similar rights as an assured shorthold tenancy and at the end of the trial period if a tenant has kept to the terms of their tenancy agreement the trial period ends and can become an assured tenancy.
Assured (Lifetime tenancy)	These tenancies are offered by housing providers and are available for as long as the tenant keeps to the terms of their tenancy agreement.
Fixed Term (with an end date)	These tenancies will end on the last day of the fixed term period unless a new tenancy is granted. The Council's Tenancy Strategy provides a guide to help housing providers decide the length of their fixed term. The tenancy can be ended during the fixed term if the tenant breaches their tenancy conditions.

## Rent Levels

Properties will be let at either a social rent, affordable rent or market rents.

Social rent	Social rent is based on a rent formula set by the regulator of social housing and is commonly less than a market or affordable rent.
Affordable rent	Affordable rent will be set at up to 80% of the local market rent.
Market rent	Market rent (or intermediate market rent) offers new build homes at less than the market rent currently they must not exceed 80% of local market rent.

DRAFT

# APPLYING TO HOMESearch

---

## Eligibility and qualification criteria

Every application to join Homesearch will be considered. We will establish whether the applicant and their household are eligible and qualify to join the scheme. We will comply with the eligibility criteria set out in the Housing Act 1996, Part 6 section 160ZA and any amendments made by such regulations and orders.

### Eligibility criteria

There are some people who will not be eligible to join Homesearch. They include:

- People from abroad who are subject to immigration control under the Asylum and Immigration Act 1996 and are ineligible for an allocation of housing accommodation
- People who are not habitually resident in the Common Travel Area
- People whose only right to reside in the UK is derived from their status as a jobseeker
- People whose only right to reside in the UK is an initial right to reside for a period not exceeding three months
- People whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned above.

The common Travel Area is: England, Wales, Scotland, Northern Ireland, Republic of Ireland, Isle of Man, and the Channel Islands.

The eligibility criterion does not apply to people who are already a secure, or introductory, tenant of a housing authority or an assured tenant of a registered provider.

### Qualification criteria

There are some people who will not qualify to join Homesearch. They include:

- People who are guilty of unacceptable behaviour serious enough to make them unsuitable as a prospective tenant or to be part of the household
- People who have assets, or income, above the financial resource limit
- People who own their own home and have no housing need
- People who do not have a local connection to Bath and North East Somerset
- People who are serving a prison sentence of longer than 6 months.

We will accept applications from people over the age of 16, but those aged 16 and 17 will need a guarantor and, where successful, accommodation will be provided to them on terms which reflect their inability to hold a legal tenancy.

In exceptional circumstances, we may accept people who do not meet the qualification criteria. The decision will be made by the Senior Housing Practitioner – Homesearch.

## Guarantors

A person acting as a guarantor will be required to sign a form of guarantee stating that they will be liable for the tenancy, such as rent payments, in the event of the tenant defaulting. The Registered Provider will consider whether the proposed guarantor is a suitable person and in considering suitability they may consider the guarantor's ability to meet rent payments, understand and accept the terms of the tenancy agreement. The decision will be made by the Registered Provider.

## Local connection to Bath and North East Somerset

We apply local connection criteria to ensure that, wherever possible, social housing goes to local people. An applicant without a local connection to Bath and North East Somerset will not qualify to join the scheme.

We will consider the applicant's individual circumstances when deciding if they have a local connection to Bath and North East Somerset, or, where they do not, whether their circumstances are such that it would be right, in the view of the Senior Housing Practitioner – Homesearch, for them to qualify. We will comply with statutory guidance and ensure that those in the armed forces will not be disadvantaged when we apply this criteria. A local connection to Bath and North East Somerset is defined as:

Residency	Living in the district for six out of the last twelve months or three out of the last five years. The residency will need to be permanent and of their own choice
Employment	Permanent paid employment or substantial voluntary work in the district
Support	A need to move to the area to receive, or provide, essential support to, or from, a close relative
Special circumstance	For example: Applicant who receive specialist medical services within the district which cannot be provided elsewhere. Applicants who have established accommodation in refuge or other temporary accommodation commissioned by Bath and North East Somerset Council that is located within the local authority district
Asylum	Living in accommodation in the district under section 95 of the Immigration and Asylum Act 1999
Homeless	Accepted by Bath and North East Somerset as owed a duty under s193 (2) of the Housing Act 1996 Part 7 and not subject to a referral to another local housing authority under s198

More information about support is available on page - 19 - onwards.

## Members of the Armed Forces and the Reserve Forces

A local connection to Bath and North East Somerset does not apply to the following categories of people:

- Serving in the regular forces
- Served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act
- Serving, or has served in the reserve forces, and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service
- Recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where—
  - The spouse, or civil partner, has served in the regular forces; and
  - Their death was attributable (wholly or partly) to that service.

## Former relevant children

Former relevant children owed a duty by Bath and North East Somerset Council under section 23C of the Children Act 1989 will have a local connection. Children provided with accommodation under section 22A of the Children Act 1989 will also have a local connection if they are normally resident for a continuous period of at least two years some of which before the age of 16.

## Social tenants with a right to move

A local connection to Bath and North East Somerset does not apply to social housing tenants from another local authority that meets the following criteria:

1	They have a reasonable preference because of a need to move to the district to avoid hardship, and
2	They need to move because the tenant works in the district, or
3	They need to move to take up an offer of work

Most social tenants working in the district will meet the local connection criteria, but for those that do not the following factors are relevant:

- The distance and time taken to travel between home and work
- The availability of transport and the person's ability to afford travelling costs
- The nature of the work and if similar opportunities are available closer to home
- Relevant personal factors including medical conditions and child care
- The length of their work contract
- The impact on their employment and prospects if they do not move.

Work must not be voluntary, short-term (intermittent and for less than 12 months), marginal in nature (less than 16 hours per week), or ancillary.

The Senior Housing Practitioner will consider each case on its merits and have regard to the guidance issued by the Secretary of State.

## Financial resource limit

£60,000

The financial resource limit is £60,000 and people with sufficient financial resources available to meet their housing needs will not qualify to join the scheme. We will take into account any income, savings and investments when calculating the financial resources available. Capital money as a result of a previous disposal of assets, such as property, will be considered when calculating the financial resources available.

This can include disposals for nil (for example, transfer of ownership) or below market rate value. We consider a combined income, savings, investments or capital of £60,000 or more is sufficient to buy a home or pay market rent in the district.

The following exceptions apply:

- People in receipt of an income-based benefit
- Existing social tenants with the right to transfer may be excluded from the financial resource limit subject to an agreement we have with a registered provider
- Lump sum payments received by a member of the Armed Forces (including former service personnel) as compensation for an injury or disability sustained on active services, or similar awards made to civilian e.g. for industrial injury or redundancy
- People in need of supported housing (including sheltered housing) because they are elderly, have a disability or a medical condition.

## Property ownership

People who own a property  
will not qualify

The following exceptions apply:

- People in financial difficulty because their home is being repossessed or they are in significant and long-standing mortgage arrears
- People who need supported housing (including sheltered housing) because of their age, disability or medical condition.

We may request for a homeowner markets their property for sale before a register provider will consider them for a tenancy.

The decision to accept applications made by home owners will be made by the Senior Housing Practitioner – Homesearch.

## Joint applications

We will accept joint applications from people who are:

Married	Civil partnership	Cohabiting couples	Brothers and sisters who wish to live together.
---------	-------------------	--------------------	---

Friends and family members cannot have a joint application, but in exceptional circumstances, and subject to the criteria below, it may be permitted.

- They normally reside together as a member of the family, and
- Might otherwise reasonably be expected to reside together.

A child can be added to an application if they are substantially dependent on the applicant (including financially dependent), and there is, or will be, a degree of permanence or regularity in that residency. We will normally require an applicant to have 50%, or more, of the custody of the child; a temporary arrangement will be insufficient.

We will request details of the care and living arrangements and evidence that the child lives, or intends to live, with the applicant include (but is not limited to):

- Signed statement of fact
- Child benefit letter
- Court order
- Confirmation of the child's address from the child's GP, nursery or school.

We will seek information from Children Services for children returning to the family from the care of social services. The decision will be made by the Senior Housing Practitioner – Homesearch. The Senior Housing Practitioner may seek advice from the Wellbeing and Hardship Panel. The Wellbeing and Hardship Panel is explained on page - 24 -.

## Ineligible family members

We will not grant a joint application if any one of the applicants is a person from abroad who is ineligible for an allocation of social housing. A tenancy can be granted to the eligible applicant, as long as they do not fail the qualification criteria, and consideration will be given to family members when determining the size of the accommodation which is to be allocated.

The decision will be made by the Senior Housing Practitioner – Homesearch.

## Sharing a home to provide mutual support

Friends, and extended family members, will not be included on an application. We may, in exceptional circumstances, agree their inclusion subject to the following conditions:

- They provide mutual support which is required to create a sustainable tenancy
- Either has a significant medical condition which necessitates the needs to live together. We may request evidence of residency and support which can include (but is not limited to) a signed statement of fact, utility bills, support plans and information from social services.

The decision will be made by the Senior Housing Practitioner – Homesearch. The Senior Housing Practitioner may seek advice from the Wellbeing and Hardship Panel. See page - 24 -.

## Suspending applications

There may be circumstances when it is appropriate to suspend an application. We can suspend an application if the household is not tenancy ready, for example (but is not limited to):

Reason for suspension				
People who are guilty of unacceptable behaviour	People in rent arrears	People whose application needs further investigation as there is reasonable suspicion that the application is fraudulent	People who have refused two reasonable property offers	Unmanged housing related debt i.e. We lent money to prevent homelessness, such as a deposit and rent in advance.  i.e. We paid temporary accommodation costs, such as a bed and breakfast
Suspension period				
Decided on a case by case basis, but normally twelve months unless there are exceptional reasons	Until rent arrears clear or an agreed repayment plan has been satisfactorily maintained for a period of at least ten weeks	Until the outcome of the investigation. Twenty-four months if convincing evidence of fraudulent activity	Twelve months	Until defaulted amount cleared and a repayment plan has been maintained for at least ten weeks

The application will not accrue waiting time for the period of the suspension.

Upon request, the Senior Housing Practitioner – Homesearch can consider exceptional reasons why an application should not be suspended.

### **Applicants not ready to move**

We will suspend an application if the applicant is not considered able to live independently, or who does not wish to move until a future date. Their application will be unsuspended when they are ready to move.

### **Fresh applications**

We will consider an application afresh where their circumstances have changed since their last application. We will ask an applicant to provide evidence about how their circumstances have changed.

### **Eligibility and qualification considerations**

The Senior Housing Practitioner will ensure in making these decisions that there will be no adverse implications for the good use of the housing stock (and for the ability to continue to provide for housing need).

There are legal and financial implications to a joint tenancy which includes liability and succession rights which the applicant can discuss with the Registered Provider at the time of nomination.

The final decision, on whether to grant a tenancy, will rest with a registered provider at the time of nomination.

# THE GROUP STRUCTURE

---

Our Grouping Structure prioritises social housing to those people in greatest housing need. There are three Groups, A, B, and C. Applicants who are placed in Group A hold the greatest priority. Priority decreases from Group B to C. A summary is provided below.

Grouping Structure		
<b>Group A</b> Urgently need to be housed because there is a serious risk to health, safety, wellbeing and a specific statutory requirement.	<b>Group B</b> High or medium level housing need.	<b>Group C</b> Low housing need or simple wish to move.

The Grouping structure will take into account legal requirements and the Council's local strategic priorities. By law, we are required to give reasonable preference to certain categories of people. They are:

- People who are homeless within the meaning of the Housing Act 1996, Part 7
- People who are owed a particularly statutory duty by any local housing authority under certain provisions of the homeless legislation
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical, welfare or disability grounds, and
- People who need to move to a particular locality within Bath and North East Somerset where failure to meet that need would cause hardship to themselves or to others.

We expect an applicant to tell us about any changes in their circumstances which would affect their application. We will routinely review applications in Groups A and B to ensure their priority remains valid, but only frequently review Group C which will depend on the needs of the service.

## A CHART OF THE GROUP STRUCTURE

We will place an applicant in a group depending on their current circumstances. The assessment criteria are explained in more detail from page-22 - onwards.

### Group A is for an applicant who is:

Statutory homeless and owed the full housing duty by Bath and North East Somerset Council under s.193 (2) (65(2))	Under occupying social housing by two or more bedrooms	Statutorily overcrowded	In urgent medical, welfare or hardship need	Living in dangerous housing	Social housing tenants needing sheltered housing	Given discretionary housing priority
---	--	-------------------------	---	-----------------------------	--	--------------------------------------

### Group B is for an applicants who is:

Owed a relief duty under s.189B (2) and likely to be owed a full housing duty under s.193 (2)	Owed a prevention duty under s.195 (2) and likely to be owed a full housing duty under s.193 (2)	Under occupying social housing by one bedroom	Overcrowded (2 or more bedrooms short)	In high medical, welfare or hardship need	Needing to move from supported housing	Given prevention of homeless priority	Given discretionary housing priority
---	--	---	--	---	--	---------------------------------------	--------------------------------------

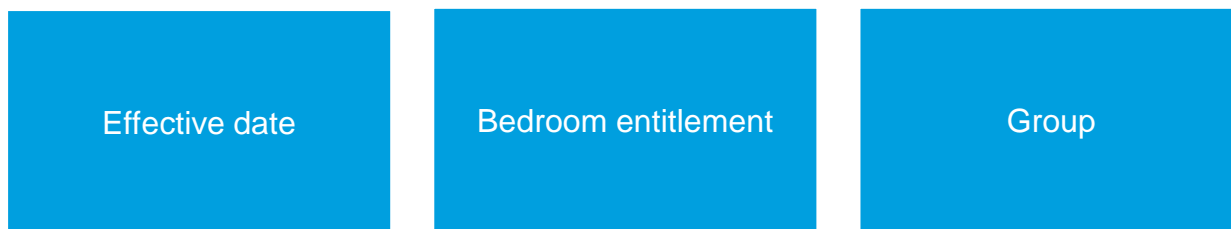
### Group C is for an applicant who:

Do not qualify for Groups A or B

# ASSESSMENT OF APPLICATIONS

---

We will assess all applications and will inform the applicant of their:



We will tell an applicant how to register their interest in advertised properties and how long they are likely to wait before being successful. If we suspend an applicant, we will provide reasons, so they can decide if they agree. We will also explain the reasons an applicant does not meet the eligibility or qualification criteria and their right to seek a review.

We may ask an applicant to provide information to complete their assessment. We may make inquiries to help us assess their application including with their doctor, social worker, the UK Border Agency, Immigration Enquiry Bureau. We will obtain the consent of the applicant before making contact with a third party.

We may also ask for information from an applicant that includes (but is not limited to):

- Identification such as a birth certificate or photographic ID
- Passport and information from the Home Office
- Financial information
- Medical information
- Social information

We may also wish for an officer from the team to visit an applicant at home.

We will not make an application active until the assessment is complete, and a delay in providing, or receiving, the information may result in a longer wait for an assessment

## Effective date

We will consider how long an applicant has been waiting for a home when calculating their priority. We use the effective date which is the date we receive a complete application. The effective date will change if the applicant moves to a higher Group so that people in the higher Group have an effective date that is relevant to their situation and grouping at that time. If an applicant moves down a Group the original effective date will be used.

The following are examples of when an effective date will change

Application received on the 10<sup>th</sup> January 2008, but on the 21<sup>st</sup> June 2010 the applicant moved to Group B from Group C then their effective date would become the 21<sup>st</sup> June 2010.

If the applicant's situation improved and moved back to Group C their effective date would revert to the 10<sup>th</sup> January 2008.

The Housing Services Manager may award additional priority for housing by granting an applicant additional waiting time. Please see Discretionary Housing Preference on page- 29 -.and Homeless Priority Group C on - 28 -.

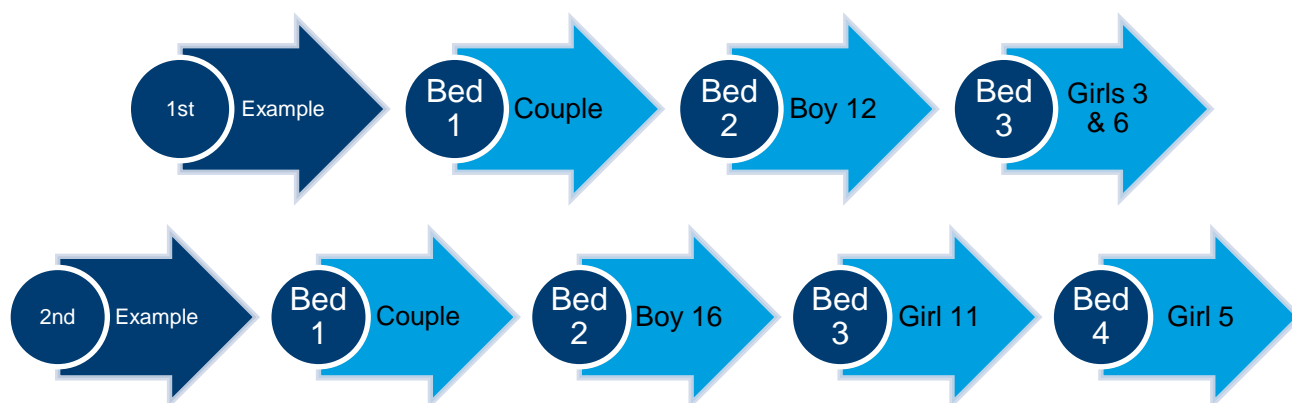
## Bedroom entitlement

This table shows the size of property a household can considered for.

Household type / No. of bedrooms	Studio	1	2	3	4	5 +
Single	✓	✓				
Couple		✓				
Two people (not in a relationship) <sup>1</sup>			✓			
Family with one child (or pregnant)			✓			
Family with one child (under 10) and pregnant			✓			
Family with two children (eldest under 10)			✓			
Family with two children (same gender, eldest over 10)			✓	✓		
Family with two children (different gender, eldest over 10)				✓		
Family with two children and expecting third child				✓	✓	
Family with three children				✓	✓	
Family with four or more children				✓	✓	
At the discretion of Homeseach						✓

<sup>1</sup> Subject to criteria

We expect children under the age of 10 to share a bedroom. Children of the same gender can also share a bedroom up to the age of 16. Below are examples of a family with three children. Example 1 will be considered for three-bedroomed properties, but example 2 will be considered for three and four-bedroomed properties because of the ages of the children.



## Extra bedrooms

We will only grant an extra bedroom in exceptional circumstances. For example, an applicant requires the bedroom for medical reasons. We will seek confirmation from a suitable professional, such as a doctor, occupational therapist or social worker, and will grant only where failure to meet this need will significantly affect the health and wellbeing of the applicant.

The following are examples of cases that could qualify for an extra bedroom:

In need of 24 hour care	In need of large, and essential, medical equipment which cannot be stored elsewhere in a property	Adopting, or fostering, a child
-------------------------	---	---------------------------------

The decision will be made by the Senior Housing Practitioner – Homesearch and in making a decision consideration will be given to:

- The risk the extra bedroom will not be used leading to a property being under occupied
- The wider benefits which would be realised by the household
- An applicant's ability to afford the rent on a larger property.

## Assessment of support or care needs

We will liaise with statutory and voluntary agencies, as necessary, to assess and allocate accommodation to people with support and care needs. Agencies include (but are not limited to) social services, supporting people and registered providers.

We will assess an applicant's housing and support needs before allocating appropriate accommodation to ensure the property meets their needs and is delivered at the right time for the tenancy to be successful and sustainable. Consideration can be given to the applicant's individual circumstance, their views and preferences, and any educational or employment opportunities or needs. Support and care needs can include (but are not limited to) the following factors:



We will consider the impact of the applicant's medical and social needs on their ability to carry out personal care and activities of daily living.

## **Support Plan**

We understand that some support needs can have an impact on the lives of the community and, in the interests of everyone, we will request a plan of the support the applicant will receive.

The support plans should be person-centred, aim to identify areas where an applicant needs support with their life and put in place strategies to provide that support. We will consider plans from statutory and voluntary agencies working with an applicant. If an applicant who does not have a support plan, or their support plan is not adequate, their application will be suspended until a suitable plan is in place. We can refer an applicant for support services if required and requested by them to do so.

## **Applicants aged 16 or 17**

We believe homeless young people and lone parents under the age of 18 are likely to benefit from a period in supported accommodation before moving on to a tenancy of their own. We will also ensure an appropriate support plan is in place before the applicant is considered for a tenancy, and if the applicant is not ready for independent accommodation they will be suspended until a suitable plan is in place.

We will require a guarantor for any applicant under the age of 18 (please see eligibility and qualification criteria).

## **Separated families**

We consider a separated family to be a household who is forced to live in separate properties. We will assess all properties occupied by the family and consider if each member meets the eligibility and qualification criteria. We will consider if they intend to

live together as a single-family unit and if there is a good reason why the family must currently live in separate properties.

We will not consider people who fail the eligibility and qualification criteria, or do not intend to live as a single-family unit, as part of the application. In severe cases, a separated family can be considered for additional priority by the Welfare and Hardship Panel.

DRAFT

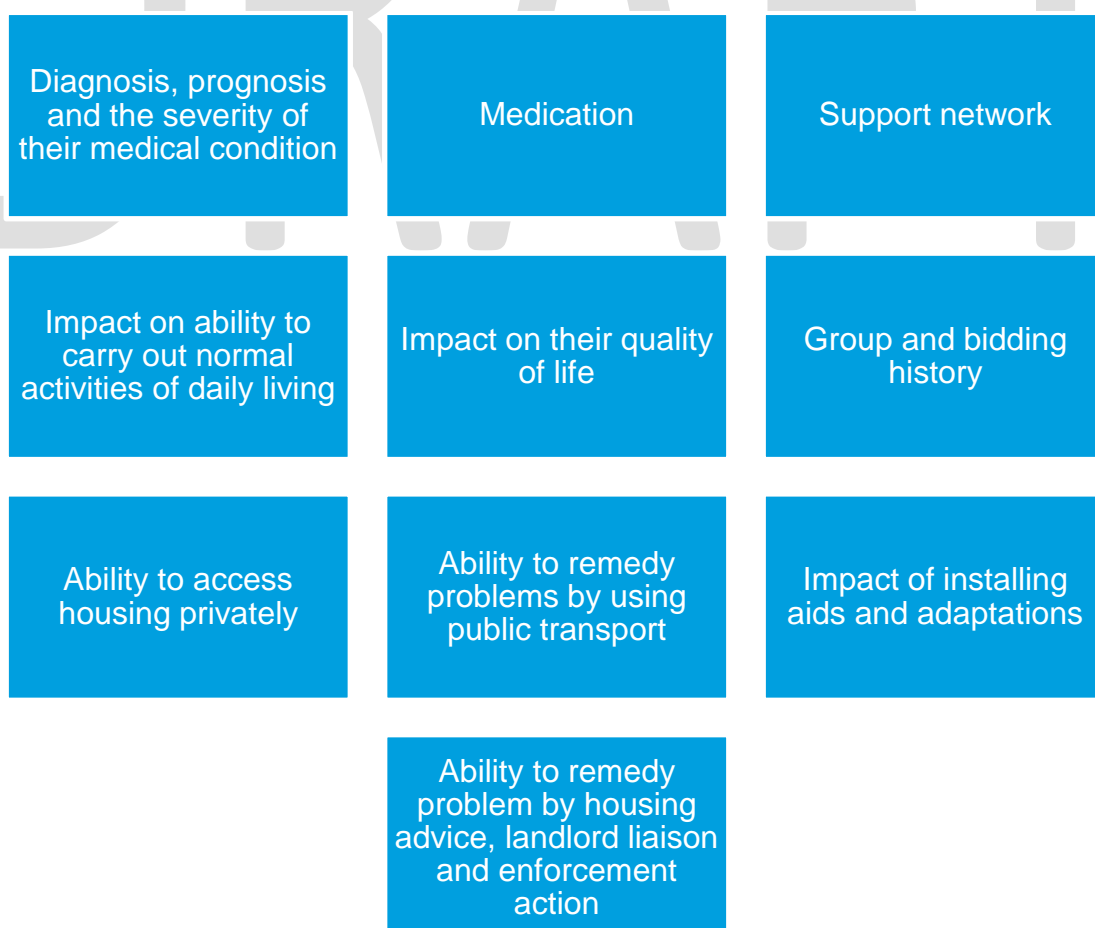
# ASSESSMENT OF HOUSING NEED

We would like to support people who are in the greatest housing need. This section sets out how priority is awarded and reflected in the Grouping Structure.

## Applicants who need to move on medical and disability grounds

We can award priority if a member of the household needs to move on grounds of a medical condition or a disability. Medical priority will only be given in cases where a move to alternative accommodation would significantly improve, or alleviate, the problems the applicant is experiencing. We may share and seek advice from our medical professional to help us to better understand the applicant's condition. We may also contact professionals working with the applicant who have direct knowledge of the condition. We will take into account relevant medical advice and use this information to help us decide whether to award the applicant priority.

We would expect the applicant to complete a medical assessment form to help us determine whether to give medical priority. The decision will be made by a Homesearch Advisor who will have regard to the following factors (but are not limited to):



The table provides examples of circumstances where medical priority could apply.

Group A URGENT medical priority is when:		
Their health is so severely affected by their accommodation that it is likely to become life threatening	The accommodation is directly contributing to the deterioration of their health, and there is no method of improving the situation whilst in the accommodation	They are unable to access facilities within the property, such as a bathroom, toilet and kitchen which they otherwise would if the property was accessible.
Group B HIGH medical priority is when:		
The accommodation has a significant negative affect on the health and activities of daily living, and there is no method of improving the situation whilst in the accommodation	Living in a 3 <sup>rd</sup> floor flat without access to a lift, and has significant medical problems which affects their mobility, and a move to alternative accommodation will alleviate these problems	

### **Applicants who need to move on welfare or hardship grounds**

We will consider an applicant, or a member of their household, for priority if they are experiencing problems relating to welfare and hardship which is relevant to their home. Circumstances, when this could apply, includes racial violence, domestic violence, harassment, financial difficulties and a need to move to the district to give, receive, or access specialised medical treatment and care.

We will not give priority where a move to alternative accommodation would not significantly improve the problems the applicant is experiencing.

We may contact professionals working with the applicant who have direct knowledge of the problem. We will take their view into account to help us decide whether to refer the case to the Welfare and Hardship Panel. We will prepare a report, in agreement with the applicant, for the Panel to consider. The report can equally be written by someone working professionally with the applicant in a social care, housing or support environment.

The table below gives examples of when priority could apply.

Group A URGENT welfare and hardship priority is when:	
Their safety is seriously affected by their social circumstances and moving home is vital, and the only way, to resolve the problem.	They are prevented from adopting, or fostering, a child because their housing circumstances are unsafe.
Group B HIGH welfare and hardship priority is when:	
Their independence and quality of life is seriously affected by their social circumstances and moving home is vital, and the only way, to resolve the problem.	Experiencing financial difficulties, through no fault of their own, and their home is at imminent risk of repossession.

The decision to award priority will be made by the Senior Housing Practitioner – Homesearch in partnership with the Welfare and Hardship Panel.

## Welfare and Hardship Panel

The Panel will consider reports on a monthly basis and make a recommendation to the Senior Housing Practitioner about whether the applicant should receive priority. The members usually work for the Council, a Registered Provider, Virgin Care or the NHS in the housing, care or medical field so are well placed to give advice. The list of panel members is available from the Senior Housing Practitioner upon request.

We will consider the following factors, as relevant, to help us determine whether to give an applicant priority:

- Severity of their circumstances and prospects of the situation improving
- The relative scale of the problem (no. of incidents, frequency and nature of those incidents)
- Where applicants have moved from another area into refuge accommodation, consideration of the lasting effects of domestic abuse experienced at a previous address should be considered
- Ability to manage their own circumstances
- Impact their housing has on their quality of life
- Ability to stay in their current home with the provision of other services
- Impact on enforcement action or legal advice
- Their suitability as a tenant
- Welfare of children
- Group and bidding history
- Ability to access housing privately
- Financial circumstances and their employment, education or training opportunities
- Ability to remedy problems by using public transport

### **Applicants needing to leave care**

An applicant can be awarded priority if they are in the care of Bath and North East Somerset Council, and they are ready to live independently. Former relevant children as defined by the Children (Leaving Care) Act 2000 who are leaving foster care can be given priority in Group B. This could include an applicant living in a children's home. It would not include any other housing tenure unless there are exceptional circumstances.

The following criteria will apply:

- They are ready and prepared to move to independent settled accommodation
- They have the life skills to manage a tenancy
- They have a support package and appropriate Pathways Plan
- They have not, or have not previously, been a tenant of a registered provider as a result of being granted this priority.

In exceptional circumstances priority may be given to:

- Former relevant children are owed a duty by another local authority
- Former relevant children (up to the age of 25) who have completed higher education funded by Bath and North East Somerset Council.

### **Applicants living in a supported housing project**

There are a variety of supported housing projects in Bath and North East Somerset which provide both a home and support to people in housing need. This includes housing projects which help people recover from drugs and alcohol abuse and support the management of mental health and learning difficulties. We help move people into their own home and can give priority in Group B if their housing provider is part of our Assisted Move on Scheme (AMOS).

The applicant will first need to be selected for the priority by their housing project. There are a limited number of spaces, so not all applicants in supported accommodation can

be awarded the priority. The project will nominate a given number of residents to the scheme as per the rules contained in a separate document. A list of organisations participating in the scheme is available from the Senior Housing Practitioner – Homesearch.

The following criteria will apply:

- They have been resident in the housing project for a minimum of six months
- They wish to build a stable life and are ready to move to independent accommodation
- They have the life skills to manage a tenancy, such as paying rent
- They have an appropriate support package
- They have a clear rent account.

The Senior Housing Practitioner may agree under exceptional circumstances for an applicant in rent arrears to qualify if the arrears were accrued through no fault of the applicant and a repayment plan is being maintained.

### **Applicants living in dangerous (insanitary or unsatisfactory) housing conditions**

We can award priority in Group A if it can be shown that an applicant needs to move because their home is insanitary or in an unsatisfactory condition. We will seek assistance from the Council's Housing Standards Team using the Housing Health and Safety Rating System (HHSRS). Priority will be given if the following factors are relevant:

- The property is assessed to have a category 1 hazard, or equivalent for 'non-bricks and mortar' accommodation, (this excludes category 1 hazard for overcrowding), and
- The problem cannot be resolved within a reasonable period defined as within 6 months, or
- Living in the property will pose a considerable risk to the applicant's, or a member of their household's, health and safety.

We will have regard to whether there is an imminent risk as set out in the Housing Act 2004.

### **Applicants living in social housing and needs to move to a smaller property**

Social housing tenant, living in Bath and North East Somerset, needing to move because their home is too large can qualify for Group A or B. The applicant's landlord will need to be a member of the Homesearch Partnership and agree to re-let their existing property through the scheme. We may waive the later criteria in exceptional cases.

The following criteria will apply:

### Group A URGENT priority is when:

An applicant is under occupying their property by two or more bedrooms

### Group B HIGH priority is when:

An applicant is under occupying their property by one bedroom

Rules governing bedroom entitlement is set out in the table on page - 18 -. We may, if there is good reason, allow an applicant to be considered for a larger property if they are significantly under occupying their current home, such as by more than three bedrooms.

We may also unsuspended applications in the interest of the good use of housing stock, and their existing home is in high demand. We may decide not to award priority if the property is classified as 'hard to let'.

The decision will be made by the Senior Housing Practitioner - Homesearch.

### **Applicants needing to transfer to sheltered accommodation**

We can award social tenants living in Bath and North East Somerset who need to move to sheltered housing Group A. The applicant's landlord will need to be a member of the Homesearch Partnership and agree to re-let their existing property through the scheme. We may waive the later criteria in exceptional cases. Their current property must be classified as general needs housing, and this priority cannot be used for the applicant to bid for general needs properties. We will withdraw any bid placed.

### **Applicants living in an overcrowded property**

We will award Group A or B if an applicant is living in an overcrowded property. We will seek assistance from the Council's Housing Standards Team. Priority will be given if the following factors are relevant:

### Group A URGENT overcrowding priority is when:

An applicant is statutorily overcrowded as defined by the Housing Act 1985, Part 10

## Group B HIGH overcrowding priority is when:

An applicant is two, or more, bedrooms short in relation to the maximum bedroom entitlement set on page 18

Reception rooms, such as a dining room or study, can be used as a bedroom when calculating overcrowding. Please also refer to section - 48 -

## Applicants who are homeless or threatened with homelessness

We will award homelessness priority subject to the following criteria:

### Group A URGENT homeless priority is when:

Full housing duty is owed under the Housing Act 1996 Part 7 s.193 (2) (65(2))

We will, from the first day of our duty, look to identify a suitable property to directly let to the household and discharge our duty.

### Group B HIGH homeless priority is when:

Relief duty is owed under s.189B (2) and likely to be owed a full housing duty under s.193 (2)

Prevention duty is owed under s.195 (2) and likely to be owed a full housing duty under s.193 (2)

Homelessness prevention advice and likely to be owed a main homeless duty

We will direct let a suitable property to households owed a prevention or relief duty

### Group C homeless priority is for:

Homelessness, but not owed, or likely to be owed, a full housing duty under s.193 (2).

We will give three months waiting time to the applicant's effective date.

We comply with the Housing Act 1996 Part 7. We would not give a homeless applicant homelessness priority if they would only qualify by taking into account a 'restricted person'. A restricted person is defined by s 184 (7) of the Housing Act 1996.

A full housing duty means that an applicant is eligible for assistance, homeless, in priority need, not homeless intentionally and has a local connection to Bath and North East Somerset.

## Applicants who require homeless prevention advice

An applicant can be awarded this priority if they are:

- Considered to be at risk of homelessness, and
- Have a priority need for accommodation under the Housing Act 1996 Part 7, and
- Homelessness can be prevented by this priority, and
- Advice is being provided by the Housing Options and Homelessness Team.

Circumstance which will affect whether an applicant will be given this priority includes (but is not limited to):

- If an applicant is at risk of homelessness as a result of a deliberate act or omission
- Their ability to resolve their housing situation.

The decision will be made by a Housing Advisor, in conjunction with a Senior Housing Practitioner.

## Discretionary housing preference

We can award Discretionary Housing Priority for a strategic, management or legal reason. Applicants can qualify for Groups A, B or C. Group C is the lowest group and priority is awarded by granting additional waiting time through an applicant's effective date. Priority can be awarded in exceptional circumstances, this includes (but is not limited to) the circumstances below.

Group A URGENT discretionary housing priority is when an applicant is:		
Assisted through the Multi-Agency Public Protection Arrangements (MAPPA) as in need of accommodation	Assisted through the National Witness Protection Scheme	
Group B HIGH discretionary housing preference can be given when a:		
Social housing tenant's home is being developed*	Social housing tenant needs to move because of a management reasons	Legitimate expectation given by B&NES that they will be nominated to a registered provider

The property must be within Bath and North East Somerset and rented by a member of the Homeseach Partnership to be granted the preference in Group B.

Group C discretionary housing preference of six months waiting time can be given when a:			
An applicant is in Groups A or B, and:	Are serving in the regular forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service, or	Formerly served in the regular forces, and has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse, or civil partner, who has served in the regular forces and whose death was attributable (wholly or partly) to that person's service, or	Serving, or has served, in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

The decision will be made by the Housing Services Manager.

# APPLYING FOR A PROPERTY 'BIDDING'

---

## Advertising available properties

We will advertise vacant properties on the Homesearch website and include as much information as possible, such as:

- Type of property
- Number of bedrooms
- Location
- Floor level and whether the property has a lift
- Whether the property is adapted for an applicant with disabilities
- Type and length of tenancy
- Type and amount of rent or other applicable charges
- Photographs of the property, buildings or general area

We may attach restrictive lettings criteria where there are restrictive covenants arising from planning condition or a local letting policy.

Letting criteria will help an applicant decide whether they are entitled, and wish, to 'bid' for a property. Properties will be advertised in key locations across the district, so information can be widely accessible.

### Online

Our website [www.homesearchbathnes.org.uk](http://www.homesearchbathnes.org.uk) allows an applicant to view and bid for available properties.

Applicants that do not have access to a computer at home can use one at any Council Connect reception or a library.

### Council Connect

Property adverts will be available in the reception areas of some registered providers and local parish councils. A list of locations is available from Homesearch.

## Letting criteria

Lettings criteria, in relation to individual properties, is attached to an advert where necessary. Letting criteria can be used to:

- Make the best use of housing stock
- Give effect to a local lettings policy or allocate to a new housing development
- Meet targets and quotas (see appendix 2 on page- 53 -)
- Match applicants with medical needs to appropriate accommodation
- Assist registered providers when operating alternative eligibility criteria
- Promote mobility for existing social tenants.

The adverts will clearly set out the letting criteria which apply to each property. This can include, but not restricted to:

- Size of family
- Age of children
- Age of the applicants
- Support needs of the applicant which will, or will not, be considered
- Percentage of applicants in work
- Applicants requiring adaptations
- Applicants who have a connection to a parish
- Whether pets are prohibited
- Applicants who are tenants of a partner registered provider
- Social housing tenants who have a clear rent account and their property has been inspected by their Registered Provider as in reasonable condition.

We expect registered providers to evidence the reasons for applying the lettings criteria and understand that sometimes there may be a good reason to minimise future housing management issues, however their decision must comply with the requirements of the Equality Act 2010. The decision to agree letting criteria will be made by the Senior Housing Practitioner - Homesearch.

## **Bidding for a property**

An applicant has five days to bid for a property (Friday to midnight Tuesday). The time frame can be shorter, or longer, for exceptional reasons or as a result of bank holidays.

The Council may decide to change the bidding cycle in the future.

To register a bid, applicants can apply:

Online:

[www.homesearchbathnes.org.uk](http://www.homesearchbathnes.org.uk)

By phone:

01225 396118

Council  
Connect:

Lewis House, 3 – 4 Manvers Street, Bath, BA1 1JQ  
The Hollies, High Street, Midsomer Norton, BA3 2DP  
Keynsham Civic Centre, Market Walk, Keynsham, BS31 1FS

The number of bids per cycle (weekly) is restricted to a maximum of 3 per application.

## **Assisted bidding**

We understand an applicant may need support to participate with the scheme if the following circumstances apply:

- English is not a first language
- Literacy problems
- Learning difficulties
- Mental illness
- Long-term disability
- Live a chaotic lifestyle, such as misuse of drugs or alcohol
- Are undergoing a crisis, such as a victim of domestic violence
- Are socially excluded, such as rough sleepers.

Help is available in the Council Connect offices, but if more intensive support is required a friend, relative or support worker can help with bidding and correspondence, subject to the applicant's written permission. If there is no-one available to help the applicant, we can elect a personal Homesearch Advisor to support them through the process.

## **Reassessing applications and removing bids**

After close of bidding, an applicant's circumstances will be reassessed to decide if they are eligible for the property. The registered provider, or Homesearch, will verify an applicant's situation this can include:

- The size of the applicant's household matches the property advertised
- An applicant meets the letting criteria as set out in the advert
- An applicant has the appropriate priority under the Grouping structure
- An applicant meets the eligibility and qualification criteria
- An applicant's effective date is correct
- The property is affordable.

If an applicant does not meet these requirements, or has failed to keep their application up to date, their bid maybe removed and they will not be considered for the tenancy.

We can also remove a bid in the following situations:

- Failure to co-operate with a registered provider
- Failure to reply to telephone calls or correspondence about the property
- Failure to make a decision on whether to accept a tenancy within a reasonable timescale
- Suspicion of making a fraudulent or misleading application.

We will write to the applicant to explain the reasons for any changes to their group, effective date or entitlement to join the scheme, as a result of the reassessment.

## **Assessment of bids**

Properties can be advertised to one, or a combination, of groups. More properties will be allocated to people in the higher priority groups to recognise those applicants in the greatest housing need.

As a general rule, properties which have been advertised will be allocated to the applicant with the earliest effective date within the highest group.

The following is an example of a nomination.

Applicant 1 was in Group A with an effective date of 15/01/2007, and  
Applicant 2 was in Group B with an effective date of 20/06/2000.  
Applicant 1 would be offered the property because he is in the highest Group.

The following is an example of a nomination

Applicant 3 was in Group B with an effective date of 01/05/2010, and  
Applicant 4 was in Group B with an effective date of 28/05/2012.  
Applicant 3 would be offered the property because the Group is the same, but they applied first.

Where there is more than one application with the same effective date and Group, the applicant with the earliest Homeseach reference would be selected for the property.

The following are examples of when a Homeseach reference would apply.

Applicant 3 was in Group B with an effective date 20/11/2006 and Homeseach ref.123,  
and  
Applicant 4 with an effective date 20/11/2006 and Homeseach ref. 415.  
Applicant 3 would be offered the property.

We will not normally contact an unsuccessful applicant following an assessment. We publish information about lettings on-line at [www.Homeseachbathnes.org.uk](http://www.Homeseachbathnes.org.uk)

## Offering a property

The Registered Provider may decide to interview the first, or a number of the applicants, who meets the letting criteria to decide whether they would be a suitable tenant. They may contact professionals working with an applicant, such as a landlord or support worker, if their advice would be relevant to the applicant's suitability to become a tenant. The Registered Provider may refuse to offer a property to an applicant, but must write to an applicant to explain their reasons.

## Viewing a property

The Registered Provider will contact the applicant to arrange to view the property. They will give reasonable notice to allow the applicant to view and to make a decision about whether to accept the tenancy. Registered providers will make reasonable adjustments for disabled applicants, and in some instances, longer periods can be granted if an applicant is in hospital, needs to travel a long distance or is a vulnerable person in some

form of temporary accommodation. The decision will be made by the Registered Provider upon request. The applicant does not have to sign the tenancy agreement until they have viewed the property.

The Registered Provider may decide to arrange a group viewing. The applicant's chance of being successful is determined by their position on the register in relation to other applicants who have bid on the particular property. This information is available on-line at [www.homesearchbathnes.org.uk](http://www.homesearchbathnes.org.uk), from the Registered Provider or Homesearch.

## **Applicant property refusal**

The applicant can refuse the property after viewing, but it will be classed as an offer. And refusing two reasonable offers will result in the applicant's application being suspended for twelve months.

We remind applicants that they should only bid on properties they are willing to consider because their refusal will negatively impact on other applicants and registered providers.

We will, upon request, consider the applicant's reasons for refusing the property. They must ask for a review to the Senior Housing Practitioner – Homesearch within 21 days if they disagree with the decision to suspend their application.

## **Registered Providers refusal of an applicant**

Property should be given to the first bidder in line for nomination, but sometime the registered provider will refuse to offer the property to the applicant. The Registered Provider must tell Homesearch if they wish to reject an applicant.

The Registered Provider may believe the applicant, or a member of their household, is considered unsuitable to live in the property or the general vicinity of the property. The Registered Provider will offer the property to the next person in line for nomination. Acceptable reasons for refusing an applicant can be found in appendix 1 on page - 52 -.

The Registered Provider will write to the applicant to:

Explain their reasons for refusing

Inform the applicant of the properties they can be considered for

Include information on how to appeal to a senior officer

Properties will not normally be kept available during an appeal period.

The Registered Provider will, if an applicant's appeal is successful, work in partnership with Homesearch to directly allocate the next suitable property. The property will be considered suitable if it is the same size and in the general area of the property the applicant was originally refused for. If the property is refused, no further allocation will be made, but the applicant can continue to participate in the bidding system, subject to normal scheme rules.

## SPECIFIC PROPERTY LETTING CRITERIA

---

We may impose special letting conditions to some properties which will be displayed in the property advert. Examples of properties which are subject to special conditions are listed below and explained on page - 31 -.

### **Properties reserved for existing social housing tenants**

When a registered provider moves their tenant to a new home it is commonly called a transfer. Moving someone by way of a transfer does not generally fall within Part 6 of the Housing Act unless the tenant has a reasonable preference as defined by the Act. Allocating some properties to existing social tenants will ensure we can make the best use of housing stock.

Often registered providers hold their own waiting list for transfers, but others decide to advertise these properties through Homesearch, and in this instance, we will apply letting criteria which gives priority to their social housing tenants. Registered providers who advertise their transfers through Homesearch are set out on page - 53 - and the Transfer Agreements can be obtained from the Senior Housing Practitioner – Homesearch.

Rural properties, in high demand, will not be advertised for transfer, but will be subject to the rural connection criteria. We will not allow transfer tenants who do not have a reasonable preference to dominate the overall letting scheme.

The transfer agreement may include a decision on:

- An applicant's effective date
- Percentage of properties which will be designated for transfer tenants
- The properties to be put forward for transfer in terms of location and size
- Any housing management issues which the tenant must comply with before being considered for nomination, such as repairing their property and clearing rent arrears.

### **Adapted and accessible properties**

Properties adapted for people with disabilities, such as wheelchair accessible, low level kitchen, walk in shower or other significant adaptations will be matched to applicants who require these facilities.

Disabled applicants can also bid for property adverts and make inquiries about having the property adapted for their need. We will work with the Occupational Therapy Service and consider whether it is reasonable, and practical, to adapt the property for an applicant's needs.

## Sheltered or older person properties

Sheltered properties are for elderly and disabled applicants who need support. Properties are typically one-bedroom self-contained bungalows and flats within a complex with other properties of this type. The tenants are provided with support from a sheltered housing officer.

Tenants need to be over a certain age to live there; typically, 50+, 55+ or 60+. Applicants in receipt of Disability Living Allowance at middle or high rate may also qualify, subject to the criteria of the registered provider.

## Under occupation of a property

Under-occupying is when a property is allocated to a person who does not meet the bedroom eligible criteria. This criterion is set out on page - 18 -.

Circumstances when a property could be under-occupied include:

A property is subject to the rural connection provision

A property is on a rural exception site

A property is hard to let

The decision to under-occupy a property will be made by the Housing Services Manager and the registered provider.

## Local lettings policies

We use local lettings policies (LLP) to address housing management issues and public policy concerns. Letting criteria will be more restrictive than what is stated on page 32, and only applicants who meet the letting criteria will be entitled to bid for the properties. We will not permit these schemes to dominate the overall letting scheme, and decisions to allow a scheme will be made by the Team Manager, in consultation with the Cabinet Member.

LLP will be time limited, monitored and reviewed regularly to ensure they are effective. If they are no longer effective it will be revised, or revoked, in agreement with the registered provider and the Team Manager.

LLP can be agreed in the following circumstances:

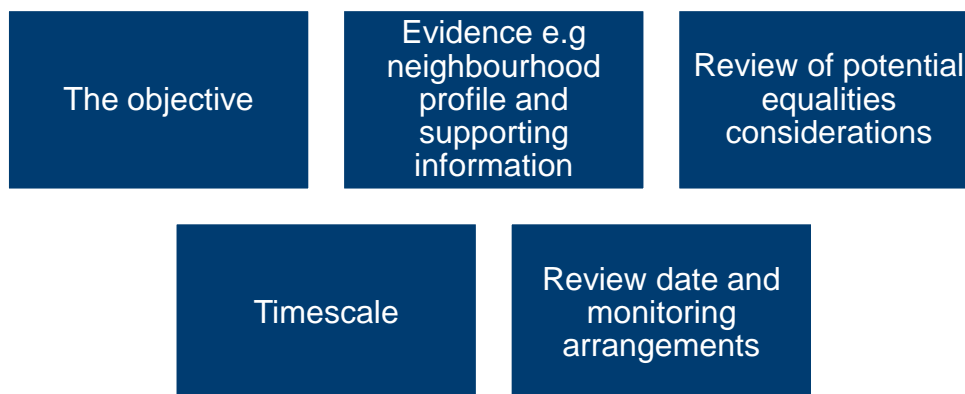
To create, or protect, balanced and mixed communities

To meet housing need of a particular cohort

To create community cohesion on newly developed housing estates

To tackle low-demand areas or reduce incidents of anti-social behaviour

The Registered Provider will evidence the need, in particular:



LLPs will be published on the Homeseach website.

## New housing developments

We may apply additional letting criteria on new developments of nine or more units of affordable rented housing. We do this to create a balanced and sustainable community.

The criteria will aim to achieve:



Registered providers must have regard to the Equality Act and any letting criteria must be clearly set out on the property advert.

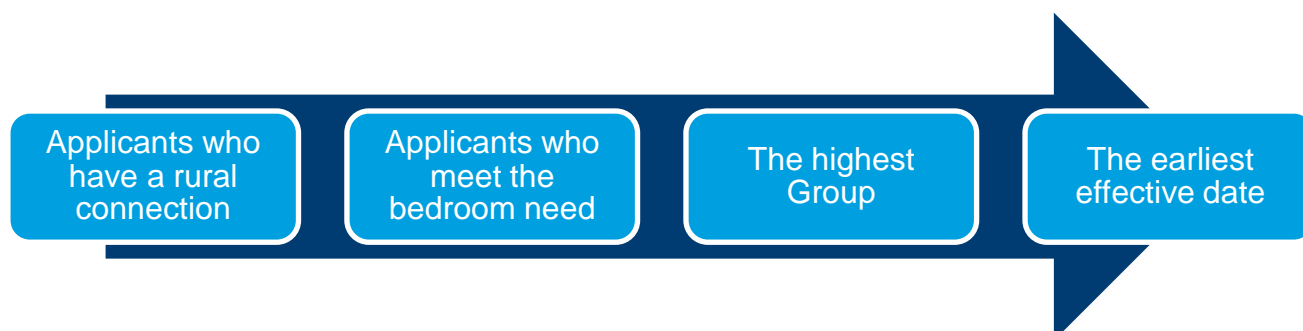
## Rural connection

We will give priority to people with a connection to a rural community where there is a population of less than 3000. The applicant must meet one, or more, of the following criteria to have a rural connection:



\* Relatives are limited to mother, father, adult brother or sister, or adult child over 18 where there is an on-going positive contact.

We will allocate properties in rural communities in the following priority order:



The following is an example of nomination for a 3 bedroom property

Applicant 1 had a rural connection to the parish and needed a 3 bed property, and Applicant 2 had a rural connection to the parish and needed a 2 bed property. Applicant 1 would be offered the property regardless of Group and effective date.

We may override the rural connection criteria where the property has been significantly adapted for a disabled person.

### **Under occupation of rural properties**

We will consider under-occupy a rural property, by up to 1 bedroom, to help local people remain living in their rural communities. The decision to allow under occupation will be made by the Senior Housing Practitioner – Homesearch in agreement with the Registered Provider.

The following is an example of a nomination for a 3 bedroom property which can be under-occupied

There are no applicants with a 3 bed need (and a rural connection) then an applicant with a 2 bedroom need (a rural connection) would be offered the property.

If the applicant had a rural connection to the parish and a 1 bedroom need they would not be offered the property.

If there is no interest from applicants with a rural connection to the parish, we will consider applicants who have a connection to surrounding parishes.

### **Rural exception sites**

Rural exceptions sites are new-built affordable housing which is developed on land outside of the parish development boundary where normally housing is not permitted. It is primarily for people with a connection to the parish, and priority will be to applicants that meet one, or more, of the local connection criteria in the legal agreement.

The Rural Exception Site Legal Agreement says:

## 4.2

- *The Developer covenants with the Council, at all times, not to occupy, or allow or cause to be occupied, any Affordable Housing Unit other than by anyone in need of Affordable Housing and who in priority order (with the greatest priority being given to the occupant described in 4.2.1:-*

### 4.2.1

- *Has immediately prior to occupation of the Affordable Housing Unit been resident in the Parish for five years, or*

### 4.2.2

- *Has a strong local connection with the Parish based upon any one or more of the following criteria (with the greatest priority being given to the occupant described in (i)):*
  - *(i) Prior to the time of commencement of occupation of the Affordable Housing Unit has lived in the Parish for three years*
  - *(ii) Has family associates in the Parish who are currently resident and have lived continuously within the parish for at least five years, or*
  - *(iii) Has been permanently employed in the Parish for a minimum of one year.*
  - *(iv) Prior to the time of commencement of occupation of the Affordable Housing Unit has lived in the Parish*

### 4.2.3

- *Has immediately prior to occupation of the Affordable Housing Unit been resident in the adjoining parishes for a period of five years, or*

### 4.2.4

- *Has a strong local connection with a parish in paragraph 4.2.3 above based upon the factors set out in paragraph 4.2.2.*

As with rural connections, in certain circumstances, applicants may be able to under-occupy in areas where there is a shortage of a particular bedroom need.

# ALLOCATIONS OUTSIDE PART 6 OF THE HOUSING

## ACT 1996

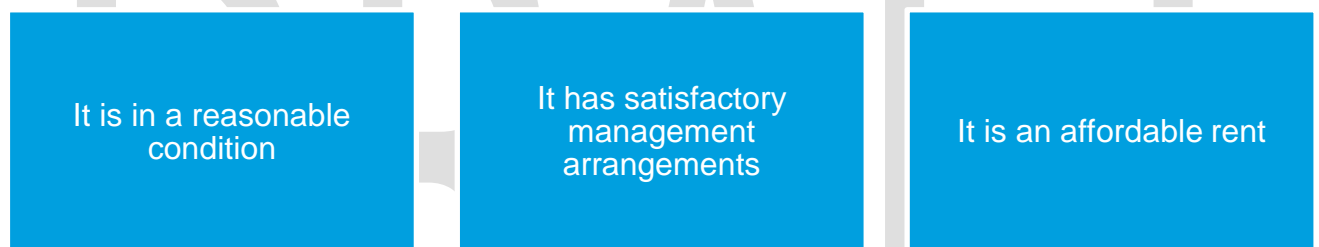
---

Most social housing will be allocated in accordance with Part 6 of the Housing Act 1996. This section lists circumstances when the Act does not apply and will impact on some sections of this scheme which will also not apply. Of particular note is the Group Structure, Assessment of Housing Need and Applying for Property 'Bidding'.

Part 6 of the Housing Act 1996 does not apply to the allocation of the following properties:

### Private rented properties

We may allow a private landlord to advertise a rented property, subject to fulfilling the following property criteria:



Private rented tenancies will not hold a secure tenancy like a tenant of a registered provider. They will likely have an assured shorthold tenancy and have less tenancy rights in comparison to a tenancy offered by a registered provider. We do not decide the successful tenant because this decision is made by the landlord applying their own criteria.

We may decide not to advertise a property where the following applies (but not limited to):

- A failure to comply with the law including equality issues
- A breach of the tenant's legal rights

### Mutual exchange properties

Properties available for mutual exchange within Bath and North East Somerset are advertised on Homesearch. A mutual exchange occurs when an existing social housing tenant decides to 'exchange' their property with another social housing tenant.

Tenants select another tenant to exchange their home with based on their own criteria, but will normally relate to whether they would like to live in the other tenant's home. Whether or not, an applicant is successful in exchanging their home will be decided between the tenants and their registered providers. Terms and conditions apply to mutual exchanges and are available by contacting registered providers.

## Low cost home ownership

We advertise low cost home ownership properties and guidance is set out in Appendix 3.

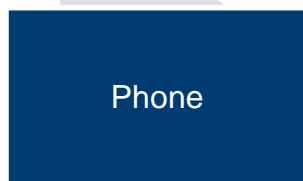
Anyone interested in exploring shared ownership opportunities needs to be registered with Help to Buy South and can contact them on:



[www.helptobuysouth.co.uk](http://www.helptobuysouth.co.uk)



[info@helptobuysouth.co.uk](mailto:info@helptobuysouth.co.uk)



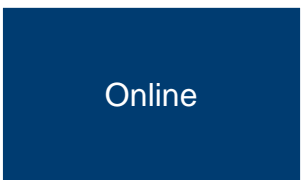
0800 4561188

## Supported housing 'commonly called the Gateway'

Supported housing is available to people with housing support needs and find it difficult to live independently. This includes people with:

- A mental illness or disability
- A drug or alcohol problem
- Fleeing domestic violence

To apply for supported housing, please visit:



[www.housingsupportgatewaybathnes.org.uk](http://www.housingsupportgatewaybathnes.org.uk)

## Transfer tenants

Allocations to existing social tenants, known as a transfer, only fall within Part 6 of the Housing Act 1996 if these special conditions apply:

- The transfer is made at the tenant's request, and

- The housing authority is satisfied that the tenant has reasonable preference for an allocation.

Transfers made by a registered provider for management purposes do not fall within Part 6. A transfer applicant in Group C would not fall within Part 6.

### **Direct property allocation ‘also known as a direct let’**

We may select a suitable property on behalf of an applicant; this is known as a direct let. A direct let gives an applicant limited and sometimes no choice about the property they will be allocated. We will only directly let in exceptional circumstances including:



We will assess the housing need of an applicant, and their household, before making a direct let to ensure the property would be suitable. The wishes and feelings of the applicant will be relevant but not decisive in concluding whether the property is suitable.

The decision will be made by a senior officer, and in making a decision regard will be given to the Equality Act 2010 and the view of the Registered Provider.

### **Hard to let properties**

We can classify a property as ‘hard to let’ if it has been advertised and we have been unable to offer the property to a suitable applicant. The Senior Housing Practitioner, in partnership with the Registered Provider, may allocate a hard to let property to an applicant on the basis of ‘first-come, first-served’.

### **Sheltered housing**

We may make a small number of direct offers of hard to let sheltered accommodation to persons aged 55 or over who do not have a local connection, and who request sheltered housing and who, in our view, should receive such an offer. We will retain relevant data on non-qualifying applicants (person aged 55 or over without a relevant local connection) and

share with registered providers when needed. We will ensure that the overall number of offers is low compared with those provided for under the main provisions of the scheme.

DRAFT

# HOMESEARCH ADMINISTRATION

---

Circumstances will change during the life of an applicant's application, such as moving home, a family member leaving home or a new addition to the family. Changes, like these, will affect an application, and an applicant must update their application if their circumstances change as this could affect:

- Their eligibility or qualification
- Their Group and effective date
- Their bedroom entitlement.

We will not remove an applicant from their application without their consent. If an applicant no longer wishes to be party to an application, they can ask for their name to be removed and make a fresh application. We will change their effective date to the date they joined the scheme. The application must be made on the same day they removed their name from their other application.

People who are residing with the applicant, or will be residing with the applicant, and decide they no longer wish to be part of the application will have no entitlement to the effective date.

## Group reassessment

We aim to reassess the circumstances of an applicant placed in Group A and B every six months to ensure they remain in high or urgent housing need. We may assess their circumstances sooner if the applicant's circumstances are likely to change before six months. We expect applicants in Groups A and B to bid and if they do not, or are unreasonable in restricting the properties they will consider, their Group will be reduced.

We will not reassess applicants in Group C routinely unless we identify a fault in how their circumstances have been assessed.

The decision will be made by the Senior Practitioner – Homesearch.

## Periodic review

We will review applications periodically because circumstances may have changed. We can also discuss other options for housing with the applicant. Periodic reviews are normally conducted every twelve months, and if an applicant fails to respond to the review their application will be cancelled.

## Cancelling an application

We will cancel an application for the following reasons:

An applicant asks to cancel their application

An applicant has been housed through Homesearch

A sole applicant has died

Returned correspondence

An application is deemed by Homesearch to be fraudulent

An applicant no longer meets our eligibility or qualification criteria

An applicant has not responded to the periodic review

If an application is cancelled the effective date will no longer be valid. We will write to an applicant to explain why their application has been cancelled if the following circumstances apply:

- An applicant does not respond to our correspondence
- An applicant does not bid for a property within four years
- An application is deemed by us to be fraudulent
- An applicant no longer meets our eligibility or qualification criteria
- An applicant has not responded to the periodic review.

Applications will not be cancelled if the applicant responds to the letter within 30 days. There is a right to request a review if their application is cancelled.

### Decisions which can be subject to review

We operate a review process which is fair and transparent. We can review an application if an applicant does not agree with a decision which we have made. They should write giving their reasons and enclose any documents supporting their claim.

Decision which can be subject to review fall into two categories:

- The facts of an applicant's case which are likely to be, or have been, taken into account in considering whether to allocate accommodation
- Whether the applicant is eligible, or qualifies, to join Homesearch

#### The table shows the decisions which can be reviewed:

Failure to meet the eligibility or qualification criteria
The applicant's effective date
The type of properties an applicant will be considered for
The application is cancelled
The applicant is suspended
The members of the applicant's household to be considered for housing
The applicant's entitlement to a reasonable, or additional, preference based on the facts of their case

The review request must be made within the prescribed time limit of 21 days of being notified. Only in exceptional circumstances will we agree a review beyond the limit.

We will comply with the following:

- The review will be carried out by an officer senior to the original decision maker. This will usually be the Senior Housing Practitioner - Homesearch
- The review will have regard to the housing allocation scheme, legal requirements and all other relevant information
- The review will be completed within 56 days unless an extension is agreed
- The applicant will be informed of the outcome, and reasons, for the review decision in writing
- Decisions will be based on the relevant facts of an applicant's case
- The decision will be available for collection at Bath Council Connect for 30 days if a contact address is not available.

The applicant can appoint a representative, such as a solicitor, to act on their behalf. They can make verbal and written representations. We will speak to the applicant in person if they have difficulties understanding the implications of a decision, but if this is not feasible, we can help arrange for the reasons to be explained to the applicant by someone else working with them. The applicant may wish to seek legal advice, or contact the Ombudsman, if they are unhappy with the outcome of the review.

## **Fraudulent applications**

We undertake random sampling of applications to ensure the information supplied is correct. It is a criminal offence, when making an application, or when giving us further information to:

- Knowingly, or recklessly, to make a statement which is false in a material particular
- Knowingly withhold information which we reasonably require an applicant to give.

Deliberately providing false, or misleading, information may result in an application being suspended or cancelled depending on the severity of the fraud. Giving fraudulent information may also lead to a summary conviction and a fine not exceeding level 5 on the standard scale and eviction from their social housing accommodation.

If there is reasonable suspicion of fraudulent activity, we will investigate the applicant's circumstances which can include (but is not limited to):

- Obtaining further documents to confirm identity, such as passport, birth certificate and driving licence
- Obtaining further documents to confirm residency, such as utility bills, bank statements and a tenancy agreement
- Obtaining further documents to clarify a child's residency, such as court order, letters from government agencies, schools and doctors
- Visiting an applicant's home announced or unannounced.

We may contact other professionals working with an applicant; this includes (but is not limited to):

- An employer
- A school, college or university
- A medical professional
- Another government department.

A decision to prosecute an applicant will be made by Homesearch in partnership with the Council's Legal Services Department.

### **Fraudulent employees**

We will monitor the scheme to detect fraud committed by employees of any organisation involved in the administration. Monitoring can be carried out through a random audit by a senior officer.

Employees found to be fraudulently benefitting from the scheme for themselves, or on behalf of others, will be dealt with through the organisation's disciplinary proceedings.

### **Deliberately worsening circumstances**

We will assess an application on the circumstances before their circumstance changed if we believe the applicant deliberately worsened their circumstances in order to qualify for reasonable, or additional, priority.

Circumstances could include (but are not limited to):

- An applicant sells an affordable property which is reasonable for their needs
- An applicant moves to insecure or an overcrowded home
- An applicant increases the number of people in their household for no good reason.

We will also consider whether an applicant has made a fraudulent application.

# IMPORTANT INFORMATION

---

## Equalities

We will comply with the Equalities Act 2010 and ensure that every application is assessed equitably and in a lawful and non-discriminatory manner. We will:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster good relations between people who share a protected characteristic and those who don't.

We will regular monitoring applications and nominations, and the evaluation of this will feed into service development.

## Monitoring

We will monitor the achievement of the following:

Aims set out on page - 4 -

Overall reasonable preference for allocations are given to applicants in the reasonable preference categories

All legal requirements have been met

Quotas set on page - 56 -

We will comply with any monitoring requirements in the Allocation Code of Guidance.

## Legal considerations

We have had regard to the documents listed in the table of authorities and will keep up to date with any further developments.

## Information sharing

We will consider the requirements of General Data Protection Regulation (GDPR), the Data Protection Acts (1998 and 2018) and other legislation, as necessary, in respect to personal data.

We may share personal information with other agencies including registered providers, private landlords, local authorities, the Home Office, Immigration and Nationality Directorate and other government departments and agencies. Privacy notices are available on the Council's website [www.Bathnes.gov.uk](http://www.Bathnes.gov.uk)

## **Letting outcomes**

We will publish the applicant's effective date and Group because this provides valuable information to help other applicants understand how long they are likely to wait for a property. We will not provide the information where it would put the applicant at risk of violence or intimidation.

We will not publish an applicant's personal information without consent.

## **Anonymous applications**

We may restrict access to applicant's personal data from some employees of Homeseach or registered providers in the following circumstances:

- An applicant is being assisted through the Multi-Agency Public Protection Arrangements (MAPPA)
- An applicant is being assisted through the National Witness Protection Scheme.

We may anonymise an applicant's personal data with a false name and address.

## **Security procedure**

We will not disclose confidential information without the applicant's consent. We will ask security questions before discussing their application. The security questions are:

- Confirm their name, address and date of birth, and
- Confirm their mother's maiden name, first school or password.

## **Complaints, comments and compliments**

We aim to provide the best possible service, but sometimes we understand things can go wrong. We are committed to putting things right and preventing them from happening again. We will listen to an applicant and try to resolve their concerns and if necessary make them aware of our complaints procedure.

Comments and compliments can be made on the Council's website. Complaints about registered providers can be made through their own complaints procedure.

## **Health and safety**

We believe violence, aggression, threatening or abusive behaviour and harassment towards our employees is unacceptable, and no employee should be required to accept it as a part of their job.

We will comply with our policies and procedures and take remedial action to protect employees. We may, but not limited to, place an applicant's name on a database of potentially aggressive persons. We may tell an applicant that they are not welcome at Council offices and limit our method of communication to telephone, letter or a pre-agreed interview.

We may also consider the impact of an applicant's behaviour on their entitlement to join the scheme.

We may share information about an applicant who presents health and safety concerns with other agencies in the interest of the safety of the applicant, the public and members of staff.

### **People who present a risk of harm**

We will seek information from agencies, such as the Police and Probation Service, where an applicant is considered to pose a serious risk of harm to the public. The information obtained will form part of their assessment and, as such, their application will not be made active until the assessment is completed.

## Appendix 1 Acceptable reasons for refusing to offer a property to an applicant

---

Registered providers may refuse to accept an applicant in the following circumstances:



We expect registered providers to consider the application individually. They should comply with all legal requirements and, of particular mention, the Equality Act 2010. Decision to refuse an applicant should be evidence based and made in partnership with the Senior Housing Practitioner – Homesearch.

## Appendix 2 Quotas and targets

We recognise the importance of giving priority for social housing to those in the greatest housing need, but this does not mean that every property which is advertised will be allocated in this way.

We will set broad targets on an annual basis which will be monitored throughout the year. These targets will reflect the aims of the scheme and are subject to change.

We will ensure that people who do not have a reasonable preference do not dominate the scheme and undermine the Council's ability to ensure that reasonable preference is given to those prescribed by law in the reasonable preference categories.

This table shows the percentage of properties which will be allocated to each Group.

Group	Aim to allocate % of available properties
A	50%
B	30%
C	20%

This table shows the percentage of properties which will be allocated to transfer tenants.

Register Provider	Aim to allocate % of the Registered Providers available properties
Curo Places	25%

This table shows the percentage of properties which will be allocated to social tenants who need to move to the district for employment opportunities.

	Aim to allocate % of available properties
Social housing tenant with a right to move	1%

## **APPENDIX 3 Shared Ownership Eligibility, Qualification and Priority Criteria**

---

### **Guidance for registered providers and potential purchasers of shared ownership units delivered through s106 without government subsidy**

This Addendum sets out the eligibility, qualification and priority criteria for registered providers when approving an applicant for a shared ownership property in Bath and North East Somerset secured as part of planning gain and which has not received government subsidy or is not part of contracted provision with Homes England.

Providers must undertake appropriate checks on the applicant to ensure they are eligible to purchase a shared ownership property in Bath and North East Somerset.

All applicants are required to have a local connection to Bath and North East Somerset (with exception of members of the armed forces and the reserved forces) and an upper income limit of £80,000.

#### **Local Connection**

Local connection criteria will apply to initial and subsequent sales. Where the property is in a village with a population of under three-thousand or has been built outside of the parish boundary (usually known as a rural exception site) there is further eligibility criteria. The only exception is for members of the armed forces and the reserved forces. Eligibility and qualification criteria can be found in on page - 8 -

#### **Income and Assets**

The Homes England Capital Funding Guidance's threshold on maximum household income per application is £80,000, and applicants must be otherwise unable to purchase a property suitable to meet their housing needs on the open market. We will expect applicants to liquidate any capital assets which may include savings, bonds, shares, land and any other financial investments.

Every applicant needs to satisfy the following criteria to proceed with the purchase of a shared ownership property, and the Provider selling the share of the property may have further qualification conditions:

- Local connection to Bath and North East Somerset (with exception of members of the armed forces and reserved forces)
- Rural connection or rural exception site local connection (when applicable)
- Qualifying income and assets and be able to afford their purchase and sustain their housing costs

- Registered with Help to Buy South (or subsequent organisation)  
[www.helptobuysouth.co.uk](http://www.helptobuysouth.co.uk)

Priority will be given to:

- Household size in relation to the number of bedrooms (cascading to 1 then 2 spare bedrooms). The Provider may require documentary evidence to confirm the applicant is the principle carer for dependent children
- Households who can demonstrate that they are less able to buy an appropriate property locally on the open market
- Households with income less than £60,000.

The shared ownership property can be offered to an applicant without a local connection if, after the Provider has marketed the shared ownership property for four months (prior to it being ready for occupation), they are unable to identify an applicant with a local connection to Bath and North East Somerset.

DRAFT

## INDEX

<i>Adapted property</i>	
Accessible property .....	32 40 47
<i>Advertising scheme</i>	
Website / Adverts / Newspapers.....	31
<i>Aims</i> .....	5
<i>Anonymous applications</i> .....	50
<i>Armed Forces</i>	
Reserve Forces .....	9 10 32
<i>Assessment</i> .....	17
<i>Assessment of bids</i> .....	33
<i>Assisted Move on Scheme</i> .....	25
<i>Bedroom entitlement</i> .....	18
<i>Bidding</i> .....	32
<i>Cancellation</i> .....	45
<i>Complaints</i>	
Comments and compliments .....	50
<i>Council Connect</i> .....	32
<i>Deliberately worsening circumstances</i> ....	48
<i>Direct let</i> .....	28
<i>Direct property offers</i> .....	47 49
<i>Effective date</i> .....	17
<i>Equalities</i> .....	49
<i>Fairness</i> .....	6
<i>Fraud</i> .....	47
<i>Fresh applications</i> .....	14
<i>Group reassessment</i> .....	45
<i>Group structure</i> .....	15 16
<i>Guarantors</i> .....	9
<i>Hard to let properties</i> .....	43
<i>Hardship priority</i> .....	23
<i>Health and safety</i> .....	50
<i>Homeless</i> .....	28
<i>Homeless prevention</i> .....	29
<i>Homesearch Partnership</i> .....	5
<i>Information sharing</i> .....	49
<i>Legal considerations</i> .....	49
<i>Letting criteria</i> .....	31
<i>Local connection</i> .....	9
<i>Local lettings policy</i> .....	31 37 38
<i>Medical priority</i>	
Disability priority.....	22
<i>Mixed &amp; sustainable communities</i> .....	37
<i>Monitoring</i> .....	49
<i>Mutual exchange</i> .....	41
<i>New housing developments</i> .....	38
<i>Offering a property</i> .....	34
<i>Overcrowded home</i> .....	27
<i>Periodic review</i> .....	45
<i>Private renting</i> .....	41
<i>Property ownership</i> .....	11
<i>Property refusal</i> .....	37 38 58
<i>Qualification criteria</i> .....	8
<i>Quotas and targets</i> .....	53 54
<i>Reassessing applications</i> .....	33
<i>Reduced priority</i> .....	13
<i>Refusal of an applicant</i> .....	35
<i>Removing bids</i> .....	33
<i>Rent</i>	
Affordable rent / Social rent .....	7
<i>Review</i>	
Appeal .....	46
<i>Rural connection</i> .....	38
<i>Rural exception sites</i> .....	39
<i>Security procedure</i> .....	50
<i>Separated families</i> .....	20
<i>Sheltered housing</i> .....	27
<i>Sheltered properties</i>	
Older person properties.....	37
<i>Social housing</i> .....	26
<i>Social tenants</i> .....	10
<i>Statement on choice</i> .....	6
<i>Support or care needs</i> .....	19
<i>Support Plan</i> .....	20
<i>Supported housing</i>	
Gateway .....	42
<i>Table of authorities</i> .....	57
<i>Targets and quotas</i> .....	31
<i>Transfers</i> .....	4 11 29 39 46 59
<i>Two reasonable offers</i> .....	13 37
<i>Under occupation</i> ... 39 6 16 20 28 29 40	
41 42	
<i>Viewing a property</i> .....	34
<i>Welfare and Hardship Panel</i> .....	24
<i>Welfare priority</i> .....	23
<i>Young person</i> .....	20

# TABLE OF AUTHORITIES

---

## Statutes

Asylum and Immigration Act 1996  
Children Act 2004  
Data Protection Act 1998  
Environmental Protection Act 1990, Part 3  
Equality Act 2010  
General Data Protection Regulation (GDPR)  
Homelessness Act 2002  
Homelessness Reduction Act 2017  
Housing Act 1985, Part 10  
Housing Act 1996  
Housing Act 2004, Part 1  
Housing and Planning Act 2016  
Human Rights Act 1998  
Localism Act 2011  
Welfare Reform Act 2012

## Other Authorities

Homelessness Strategy  
Tenancy Strategy

## Regulations

Local Authorities (Contracting out of Allocation of Housing and Homelessness Function) Order 1996 SI1996/3205  
Allocation of Housing and Homelessness (Eligibility) (England) Regulation 2006 SI 2006/1294  
Allocation of Housing (Procedure) Regulation 1997 SI 1997/483  
Allocation of Housing (England) Regulation 1997 SI 2002/3264  
Allocation of Housing (Qualification for Armed Forces) (England) Regulation 2012 SI 2012/1869  
Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulation 2012 SI 2006/2989  
Allocation of housing (Qualification criteria for Right to Move) SI 2015/967  
Allocation of Housing and Homelessness (Eligibility) (England) (Amendment Regulations 2018 SI 2018/730

## Guidance

Allocation for Accommodation: Guidance for Local Housing Authorities in England 2012  
Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England 2013  
Right to move: Statutory guidance on social housing allocations for local housing authorities in England 2015  
Improving access to social housing for victims of domestic abuse in refuges or other types of temporary accommodation 2018

DRAFT

# DRAFT

Bath and North East Somerset Council, Housing Services, PO Box 3343, Bath, BA1 2ZH  
Telephone: 01225 396118  
Minicom: 01225 477815

[Homesearch@Bathnes.gov.uk](mailto:Homesearch@Bathnes.gov.uk)

[www.Homesearchbathnes.org.uk](http://www.Homesearchbathnes.org.uk)

*This document can be made available in a range of languages, large print and Braille.*



Printed on recycled paper