

Allocation Policy

in partnership with
Stafford and Rural Homes



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1 Introduction and Background

Every local housing authority in England is required to have an allocation policy which determines who is eligible for social housing and how social housing will be allocated and prioritised between applicants in housing need within the area. The purpose of this document is to set out how Stafford Borough Council will allocate properties, it explains who is eligible and qualifies for social housing in Stafford, how people are prioritised and the process for nominating people to properties. The aim of this Policy is to ensure that affordable housing is allocated fairly to those with greatest housing need, in accordance with legislative requirements.

Stafford Borough Council is the strategic housing authority for the Borough but does not own any housing stock. The local authority has duties in accordance with Part 6 and Part 7 of the Housing Act 1996 (as amended) to provide housing advice and assistance and to prevent and relieve homelessness. The local authority works closely with all Housing Associations who own social housing within Stafford in order to discharge these duties and to increase the supply of affordable housing through new developments. This includes affordable housing for rent and low cost home ownership, in particular shared ownership. The Council also works closely with private landlords to increase access to the private rented sector for people in housing need where appropriate.

The Allocation Policy can be viewed online <https://www.staffordbc.gov.uk/housing>. A copy of the full policy can be made available upon request. The Policy takes effect from **3 August 2020**.

2 Local Housing Context

In framing an allocation policy it is important to reflect the local housing context. Stafford is a predominately rural Borough within the County of Staffordshire; it is located just south of Stoke on Trent and between the main cities of Birmingham to the south and Manchester to the north. It has excellent north south transport links with two M6 motorway junctions and a station on the West Cost Mainline.

Stafford Borough is resident to approximately 135,000 people, with the population expected to grow by 3% by 2027. The Borough has two main towns, the county town of Stafford and a smaller market town of Stone. A third of the population live in smaller rural settlements.

Although a relatively affluent area it contains some neighbourhoods experiencing social and economic deprivation, with 5% of Stafford residents living within the most deprived national quintile. Employment rates are high at 8.3% above national figures however Stafford has an aging population, with those aged 65 and over forecast to increase by 35% by 2040 making this the fastest growing age group in the Borough.

Stafford is a military town and home to a Ministry of Defence base at Beaconsfield Barracks which has expanded considerably since 2015.

Stafford Borough Council does not own any housing stock. In 2018, there were 7970 social rented properties in the Borough, with Stafford and Rural Homes being the largest provider of social housing and owning approximately 80% of social housing stock within the Borough. In October 2019 Stafford and Rural Homes merged and has become a member of the Housing Plus Group. As part of its current Local Plan (2014 – 2031), Stafford Borough Council has made a commitment to deliver 210 affordable homes per annum up to 2031. Since the local plan was adopted in June 2014, this target has been exceeded, but is expected to level in forthcoming years. The majority of these affordable homes have been delivered in the urban areas in line with the local plan, but equally there has been a significant number provided in the rural areas to meet the local need.

The social letting turnover rate in Stafford is less than the national average. Although Stafford has had a healthy supply of affordable housing; if this were to reduce, and assuming demand remains constant, this will impact on access to the social housing sector and potentially impact on the ability to respond quickly to emerging housing need. Stafford is the least affordable district in Staffordshire for house prices (based on median house price to income ratio),

with average house prices 6.7 times average salary¹; making home ownership out of reach for some residents.

Similar pressures are also faced in the private rented sector which has up to a 21% shortfall between lower quartile rent prices and local housing allowance rates which can make the private sector difficult to access for individuals in receipt of benefits. Demand for private sector properties remain buoyant with a healthy supply of private sector housing, the sector having doubled in size between 2001 and 2011, making it a similar size to the social sector. In 2016 the University of Staffordshire campus relocated to Stoke-on-Trent which has significantly reduced the demand for student accommodation and increased the supply of houses in multiple occupation and single occupancy lets in Stafford town.

Long term empty homes in the Borough are higher than the national and regional average and equate to just over 3% of dwelling stock. The Council are committed to reducing both long, and short-term, empty homes and work closely with the Housing Options Team to explore sustainable solutions for homeowners and the wider housing market.

Stafford has a small number of residents living in short term supported accommodation, including Eagle House and properties run by the League of Hospital Friends, amongst others, for individuals who are at risk of homelessness. ForWard House, is a purpose build refuge in the Borough for women and families who are experiencing domestic abuse. The supply of supported accommodation is limited and the local authority aims to facilitate move on as quickly as possible for those residents who are ready to move into general needs accommodation. Supported accommodation provision for those at risk of homelessness is currently low to general needs. The Housing Options Team are seeing increasing numbers of individuals (49%) who are homeless, or at risk of homelessness, approaching the service with support needs. Increasingly individuals are presenting with multiple and complex needs and requiring additional support in order to sustain tenancies.

In recent years, Stafford Borough Council has seen increases in homeless applications in line with national trends. In 2018, homeless applications spiked to 417 following the introduction of the Homeless Reduction Act 2017 which significantly expanded the legal duties placed on local housing authorities to both prevent, and address homelessness. The increase in homeless applications, and individuals approaching with multiple and complex needs, has resulted in increased use of temporary accommodation which is in line with both national and regional figures.

¹ Housing rates (Public Health England / Stafford District Data Pack, Staffordshire County Council, September 2018)

Stafford Borough Council remains committed to preventing homelessness at the earliest opportunity and work with partner agencies in order to sustain accommodation or, where this is not possible, to arrange a planned move into suitable alternative accommodation. Households who require temporary accommodation are closely case managed by the Housing Options Team in order to find suitable long-term properties at the earliest opportunity.

3 Aims and Objectives

The aim of the Allocation Policy is to ensure that best use is made of all affordable housing in Stafford Borough by allocating housing in a fair and transparent way, to applicants in most housing need within the Borough. The Allocation Policy recognises that those who are most vulnerable and in most housing need can often be excluded from housing registers and endeavours to provide such households with the opportunity for additional support in order to secure sustainable accommodation as outlined in our Homelessness and Rough Sleeper Strategy.

The Scheme has been developed with a view to meeting the following principles and key objectives:

To have a clear, transparent and accountable system for assessing applicants and to allocate homes in a way that is easy to understand and administer.

To award preference for those in most housing need in order to make best use of limited social housing stock.

To take into account local priorities and support our Homelessness and Rough Sleeper Strategy, along with our Housing Strategy.

To provide applicants with the best opportunity of creating a long – term, sustainable tenancy by assessing a households housing and support needs.

To develop positive working relationships with local Housing Associations, and other agencies, in order to provide vulnerable households with the opportunity to create long-term sustainable tenancies.

To support the development of strong communities that promotes the health and wellbeing of households.

To meet the requirement set out in legislation, regulation and guidance and promote best practice.

4 Nominations

In 2006, Stafford Borough Council transferred housing stock to Stafford and Rural Homes (a Housing Association). Despite not owning any housing stock, the Council retains its duty to provide housing advice and assistance and to prevent and relieve homelessness in accordance with Part 6 and 7 of the Housing Act (as amended).

In order to fulfil this duty, the Council works in close partnership with Stafford and Rural Homes, and other Housing Associations who own and manage social housing in the Borough (see Appendix A for a list of social housing providers in Stafford).

Housing Associations have a duty to cooperate with the Council in offering accommodation to people in housing need under the Council's Allocation Policy. The Council have entered into nomination agreements with Stafford and Rural Homes, and other local Housing Associations that mean that a percentage of properties will be made available to the Council to offer to applicants from our waiting list in accordance with this Allocation Policy. Stafford and Rural Homes advertise these properties via their HomeChoices website whereas other Housing Associations provide their empty properties for direct nomination from the Council.

Applicants who are registered with Stafford and Rural Homes, who are eligible and qualify for a priority banding in accordance with our Allocation Policy will receive a nomination which will allow households to apply for properties via Stafford and Rural Homes with the same priority banding that they would receive on our waiting list. Stafford and Rural Homes have the final decision as to who is suitable for housing in accordance with their own Allocation Policy. In situations where housing need is clear and identifiable, such as overcrowding, Stafford and Rural Homes may provide a banding increase on behalf of Stafford Borough Council. Stafford and Rural Homes will inform the Housing Options Service of any banding increase provided in line with this Allocation Policy to promote access to social housing within the Borough.

For other Housing Associations within the borough, the Council will put forward (nominate), a suitable applicant, in accordance with the Allocation Policy. The Housing Association, who own and manage the property, will consider the nomination against their own allocation criteria and make the final decision as to whether that household will be suitable for the property.

The Council, along with local Housing Associations, will work in close partnership to deliver the policy and maximise the potential rehousing options available for applicants.

5 Accessing the Housing Register

Households can access the housing register by contacting Stafford Borough Council for a housing needs assessment. The Council does not operate an open Housing Register therefore applicants must be assessed as eligible and qualify for a housing need, as outlined by this Allocation Policy before they are accepted onto a waiting list for social housing.

Households can approach the Council in a number of ways including telephone, in person, via email and also via our online self-assessment tool that provides a detailed and immediate housing options assessments. A Housing Options Officer will assess the application and explore suitable options for eligible applicant with a focus on enabling a household to remain at home where it is safe and reasonable to do so. Depending on the household's circumstances, the Council may ask for additional information from the applicant in order to assess their housing need, taking into consideration all housing options including other tenures such as shared ownership or the private rented sector. The Council may take steps to discuss options with current Landlords to allow households to remain in their existing property (such as repayment agreements for rent arrears) or consider adaptations to properties or a Sanctuary Scheme where suitable. Depending on the household's circumstances, the Council may consider other tenures of housing including private sector and shared ownership (among others).

Households who are most vulnerable and would otherwise struggle to access social housing may be offered targeted support that can include budgeting advice and assistance, signposting to training and employment opportunities, referral to relevant supporting agencies and practical help with activities such as setting up bank account.

Where additional housing-related support is required to access and sustain accommodation, the Council can tailor an ongoing support package to enable the tenancy to start on a stable footing and provide additional housing options for vulnerable households. The length and intensity of the support is case dependent and agreed with the Landlord at the outset of the tenancy.

Support packages will be tailored in conjunction with other supporting agencies, including existing tenancy management functions of the Housing Associations, or other Landlords, with a view to empowering the household to live independently.

If the applicant meets the eligibility and qualification rules they will be registered and will then receive a registration letter that contains details for the Band they have been placed into according to their housing need; the size of property they are eligible for, and their case reference.

All applicants will be required to sign a declaration, or to give informed consent, to:

- (a) Confirm that the information given is correct and that they will notify the Council of any change in their circumstances.
- (b) Give consent to allow enquiries to be made concerning their eligibility for housing and level of priority.
- (c) Give consent to allow information to be provided to another partner organisation in the scheme.

It is the responsibility of the applicant to provide the Council with all the information requested to assess their circumstances, and to provide any supporting information or documents that are required. Incomplete applications will not be made active until such time as the Council is satisfied that it has in its possession all of the information it requires to complete its assessment. All incomplete applications will be closed after a period of 28 days of inactivity from the applicant from the date information has been requested if it has not been provided. This cancellation does not prevent the applicant making a subsequent application at a later date, although all applicants should note that in such cases the effective date of registration would not be backdated to the earlier application date.

The Council may request information or a reference from an applicant's current or previous social landlord and may, depending on whether the application gives rise to any concern, request a reference from the most recent private sector landlord if there has been a private sector tenancy. Where a landlord does not reply a reminder will be sent and if still not forthcoming any other information or records available will be checked to try to determine whether there have been any concerns over the way an applicant may have conducted their tenancy. An applicant should not be disadvantaged if, despite every effort, it is not possible to obtain a reference from their current or previous landlord.

Applications are subject to verification checks and may be assessed:

- At the point of initial application
- Following any change of circumstance notified to the Council by the applicant
- Following routine validation audits
- Following an annual review of the application
- By a housing provider, at the point of an offer of accommodation
- By a housing provider, at the point of letting

Checks into any court cases or unspent criminal convictions

In the interests of assessing an applicant's eligibility to join the register all applicants and members of their prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

The Council may use any information disclosed, or any other information obtained during the assessment or following registration, to ascertain whether the applicant should be disqualified from joining, or remaining on the register, due to serious unacceptable behaviour and/or because depending on the facts they may pose a serious risk to a community where they might be housed. Where a criminal conviction is spent the Council will not take into account that an applicant had received a criminal conviction in assessing that person's eligibility to join the register. The assessment will reflect whether there is evidence of any current serious unacceptable behaviour regardless of whether a person has been convicted in the past for that behaviour.

Information gained will not automatically exclude an applicant from the register. It may also be used to make informed decisions about any nomination for vacant property.

All assessments will be carried out in accordance with the data protection and information sharing policies and legal requirements.

In Appendix B the policy sets out the rules on spent and unspent conviction rehabilitation periods that apply under national legislation.

How joint applications will be considered

Joint applications will be accepted and will be treated as one application. The housing need of the full household will be considered in assessing housing need. However, in relation to the Housing Associations that are part of this policy the individual association will decide whether to allow a joint tenancy depending on their own rules.

Households with children who do not permanently live with them

Social housing allocation does not provide a child with more than one bedroom allocation in situations where custody is shared between two parents. Bedroom allocation will only be provided to children whose primary residence is with the applicant and this will be assessed as the parent who receives the Child Benefit or Child Tax Credit award(s).

Applicants with shared custody will be considered on a case-by-case basis taking into account:

- (1) Shared residency or child arrangement orders;
- (2) The ability of the applicant to afford the rent with or without help from benefits;
- (3) The availability of family housing in any area that an applicant expresses a preference to live in. For example a Housing Association may be willing to be more flexible where a vacancy relates to a flat than a house if the flat is assessed as being affordable.

Housing Associations have their own Allocation and Lettings Criteria for children who do not permanently live with the household and will have the final decision on the number of bedrooms required by the applicant in accordance with their own Allocation Criteria.

The requirement to inform the Council of any change of circumstances

It is the responsibility of the applicant to inform the Council of any change of circumstances and, where requested, provide proof of that change.

Notification of a change in circumstances should be done without undue delay. Registered applicants should contact the Council to inform of any change of circumstances and, if requested, submit evidence. Examples of a change in circumstances include but are not limited to:

- (a) A change of address or contact details, for either themselves or members of their prospective household;
- (b) A change in their medical condition or disability (either existing or newly acquired);
- (c) Additional family members or other people they wish to add to their application (It will be for the Council to decide whether they will allow additional people to join the application);
- (d) Any family member or any other person on the application who has left the accommodation; and
- (e) Any significant changes in income, savings or assets, which may require a reassessment under the income and savings qualification rule.

It does not follow that every change in circumstance will result in a change in priority. However, a change may mean an applicant qualifies for additional priority and may move up a band or may mean that an applicant no longer qualifies for a higher band or in some circumstances will no longer qualify to be on the Housing Register. Applicants who move up a band will be provided with a new registration date which will be the date the change of circumstances was assessed by the Housing Options Officer. The Council will

verify and assess the extent of the change to ascertain whether this will result in a change in priority. Applicants will not actively be considered for housing whilst the change of circumstance is being verified and the Council will endeavour to assess the change of circumstances within a reasonable period of time to avoid any disadvantage to an applicant.

6 Eligibility

Everyone can apply to join the Housing Register but there are some groups of people, who regardless of their housing need or circumstances, cannot be accepted by law. These are people who:

- Come under the Government's 'persons from abroad' eligibility rules and cannot lawfully be given housing help;
- Do not live habitually in the Common Travel Area (UK, Channel Islands, the Isle of Man or the Republic of Ireland) for tax purposes;
- Do not have the right to live in the UK;
- Plus other categories of people who the Government may in the future, decide are not eligible for housing assistance.

To clarify the Council cannot nominate a person for housing if they are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control or a person from abroad who is prescribed as ineligible: (s.160ZA (1), (2) and 4): The relevant Regulations that the Council applies are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)'

The rules are complicated and anyone who is impacted or believes they may be impacted by the rules can approach the Council for advice on the rules or seek independent legal advice.

Age

Individuals under the age of 18 cannot by law be granted a tenancy. Individuals under the age of 18 may be considered for nomination in exceptional circumstances where:

- Stafford Borough Council recognises that they will owe a homeless duty in accordance with Part 7 of the Housing Act 1996 (as amended); and, or

- The individual is a young person who has been looked after, fostered or accommodated and has a duty of care accepted under the Children's Act 1989; and
- The individual is ready for independent living and has an agreed support package with partner agencies which includes pre-tenancy training and tenancy sustainment.

Any nomination to an applicant who is under the age of 18 will only be made after their ability to manage a tenancy has been fully assessed.

This assessment is to make sure that they can cope with being a tenant at a young age and that they do not risk losing that tenancy offered through a lack of support. Stafford Borough Council will work closely with Staffordshire County Council to arrange suitable packages of support.

This may include a referral and the need for an assessment to Staffordshire Social Services or other support services to ensure the appropriate support is in place. If a person who is 16 or 17 is granted a tenancy, this will be held in trust until they reach 18. This means that another suitable person (such as a parent, legal guardian, social worker or relative) will be responsible for the tenancy.

It is at the discretion of the relevant Housing Association to accept applicants under the age of 18. Individual Housing Associations may have their own requirements for individuals under the age of 18 to be granted a tenancy in accordance with their own Allocations and Lettings Policy.

Other persons who are incapable of holding a tenancy by law will be ineligible for the waiting list unless the person has an adult or adults who will act as a trustee(s) and hold a legal tenancy until the legal incapacity to hold a tenancy ends.

7 Qualifying Persons

In addition to being eligible for social housing (as outlined above), applicants must also qualify for allocation of social housing as set out in the criteria below. It is noted that Housing Associations have their own qualifying criteria in line with their Allocations and Lettings Policy. Applicants who qualify for the Housing Register with Stafford Borough Council will not automatically qualify for social housing with all registered providers with homes within the Borough.

Local Connection

Only those applicants with a local connection to Stafford Borough and also have an assessed housing need as defined by this policy, are eligible to be included on the Housing Register.

- (a) In order to demonstrate a local connection, one of the following must be satisfied:
- (b) Lived in the Borough for the last two years at the point of application;
- (c) Lived in the Borough for at least three out of the last five years;
- (d) Is currently subject to a Homeless Duty (in accordance with Part 7 of the Housing Act 1996) and have lived in the Borough for the last six out of 12 months.
- (e) Has been employed in the Borough for the last two years;
- (f) A care leaver under the age of 21 and normally living in a different area of Staffordshire County, and has done for at least two years, including some time before they turned 16.
- (g) Has a firm offer of permanent employment in the Borough, where failure to move into the Borough would result in that employment not being accepted. See Right to move criteria below in exemptions to the local connection rules for details of how a firm offer of employment will be assessed;
- (h) Receives support from close family members who have lived in the Borough for at least three years;
- (i) Has close family members in the Borough who they need to provide essential care for, or receive essential care from; or
- (j) Other specific circumstances that the local authority would wish to consider under a local connection criteria.

Applicants fleeing domestic abuse, or threats of violence or harassment, or placed in the Borough as a result of witness protection where it can be evidenced by a relevant professional will have the right to a local connection.

In addition, armed forces personnel currently serving in the regular forces, or who were serving in the regular forces in the last five years will have the right to a local connection. In the event of a bereaved spouse, or family separation, where one partner is a serving member of the armed forces, and the spouse or partner and family have no other local connection, the family will have the right to a local connection.

The Council recognises there may be exceptional circumstances where it becomes necessary to reconsider the qualification criteria in the case of individual applicants who would not normally qualify.

Further detail on local connection is found in Appendix C.

8 Nomination Ready

The Housing Options Service will put forward (nominate) households to suitable properties in accordance with this Allocation Policy. Housing Associations who own, and manage, the properties have their own lettings criteria that need to be satisfied – if not, the household is unlikely to be offered the property. The Housing Options Service work closely with Housing Associations so households on the waiting list are likely to satisfy their lettings criteria.

To be accepted onto the Housing Register the below must be provided:

- Identification must be provided for all members of the household (passport, driving licence, birth certificate);
- Proof of residency for children included in the household (child benefit award, child tax credit, court order or residency order);
- Proof of income must be provided for all non-dependents in the household (Wages, Universal Credit Journal or Benefit Entitlement letter, self employed tax returns and bank statements);
- Bank statements must be provided for all non-dependents in the household for a minimum period of three months prior to application;
- Last five years address history;
- Income and Expenditure;
- Information regarding unspent criminal convictions;
- Details of how rent in advance is going to be paid.

Once this is provided, the application will be assessed and the relevant banding awarded in line with this Allocation Policy. Households accepted onto the waiting list will only be put forward for a property if they will satisfy the letting criteria for the relevant Housing Association.

This may include the following:

- A Landlord Reference from previous settled accommodation;
- Information regarding outstanding debts, including rent arrears and details of re-payment plans;
- Details of ongoing support or care plans from relevant agencies including substance misuse services, community mental health, probation or care leavers services amongst others.

Depending on an individual household's circumstances the criteria for being ready for a nomination may differ. For example those with a history of failed tenancies may be required to demonstrate that they are engaging with support services to address the underlying causes of homelessness. The Housing Options Service will make clear what is required to enable a household to be

considered for a nomination by using an online personalised housing plan that will be published within seven days of initial contact with the service. Households who do not have access to the internet will be provided with a paper copy of the personalised housing plan.

In exceptional circumstances, where households are vulnerable and unable to access key information (for example, individuals on nil income, fleeing domestic abuse or those with a history of entrenched rough sleeping), applicants may be nominated for a property whilst additional information is still being collected. Such nominations will be discussed with the relevant housing provider.

Although the Council may consider a household ready for a nomination, the Housing Association who manages the property will have the deciding factor in accordance with their own Allocations and Lettings Policy.

The Housing Register will be subject to a six monthly review. Applicants who are not taking steps outlined in their Personalised Housing Plan may be disqualified and not considered for nomination.

Applicants with previous failed tenancies or serious unacceptable behaviour

Stafford Borough Council does not operate a blanket exclusion for households with a history of unacceptable behaviour, for example, failed tenancies, anti-social behaviour, criminal convictions or rent arrears.

Households who are working with the Housing Options Service to address the underlying causes of the unacceptable behaviour outlined above and demonstrate a change in behaviour will be considered for the Housing Register. Applicants who have a history of failed tenancies as a result of rent arrears or anti-social behaviour will be provided with a personalised housing plans and clear steps to take in order to address the causes for concern, for example, to enter into regular and consistent rent arrears repayments for a specified period of time or to attend appointments with relevant support agencies. Households who do not take steps outlined in their Personalised Housing Plan may be disqualified from the Housing Register and will not be nominated for a property. See Appendix E for specific guidelines relating to applicants with previous failed tenancies or serious unacceptable behaviour.

When assessing whether an applicant with previous unacceptable behaviour will qualify for the Housing Register, the Housing Options Service will liaise with other agencies (with the consent of the applicant) including probation, the police, housing providers and substance misuse services. This information may be shared with relevant housing providers in accordance with the information disclosure agreement that is agreed and signed by the applicant

at the point of application. Applicants who do not agree to disclose such information will not be able to receive a full housing assessment and may not be accepted onto the Housing Register in accordance with our Data Protection Statement.

Applicants may qualify for the Housing Register but may still be taking steps to resolve previous failed tenancies or unacceptable behaviour, for example, by demonstrating commitment to rent arrears repayment plans or by attending substance misuse programmes. Applicants who are taking steps to resolve previous unacceptable behaviour or outstanding rent arrears, will be accepted onto the Housing Register and placed into a relevant band but will not be nominated for an offer of accommodation. Steps required to be considered for nomination will be agreed with the applicant and outlined in their Personalised Housing Plan. Applicants will continue to accrue waiting time on the Housing Register despite not being able to be considered for a nomination or an offer of housing.

Where an applicant is disqualified for previous failed tenancies or unacceptable behaviour they will be told in writing the reasons why and informed of the actions they are expected to take to resolve the problem. They will also have a right to ask for a review of the decision made to disqualify them.

It is not the responsibility of Stafford Borough Council to make enquiries to an applicant as to whether they have resolved issues relating to previous failed tenancies or serious unacceptable behaviour.

Housing Associations have the final decision as to whether to accept an applicant with a history of tenancy breaches or unacceptable behaviour for example, some Housing Associations may require rent arrears to be cleared in full before applicants can be offered social housing.

Disqualification Rules - Those who do not qualify for the Housing Register

(a) Disqualification for refusing 3 reasonable offers

An applicant who refuses 3 reasonable offers will be disqualified from the Housing Register for a period of 12 months. This policy is intended to tackle the problem of applicants refusing the property offered. Refusals can result in higher re-letting times for vacant homes and can result in the withdrawal of a nomination from the housing provider. The Council will determine whether the offer was reasonable for an applicant to accept and the criteria used is set out in Appendix D.

Households owed a statutory homeless duty under the Housing Act 1996 (as amended) will only be provided with one offer of suitable accommodation. If the offer of suitable accommodation is refused, they will lose the relevant homeless priority banding awarded to them. Unless they have another reason to be awarded a banding under this Allocation Policy, they will no longer qualify to remain on the register. If they have another reason to be awarded a priority banding, the offer will count as their first offer out of the 3 reasonable offers allowed in accordance with this Allocation Policy.

All offers of accommodation made in accordance with the Allocations Policy that are subsequently refused by the applicant, without a justification that is accepted by the Officer who made the offer, will be treated as a reasonable offer. This includes:

- An offer made as a result of the applicant applying for a property advertised by Stafford and Rural Homes or any other Registered Housing Association and where a refusal of the property offered is not accepted as reasonable by the Council;
- An offer made as a result of a direct offer made through the Council or by Stafford and Rural Homes, or any other Registered Housing Association and where a refusal of the property offered is not accepted as reasonable by the Council;
- Any circumstances where an applicant has refused to view a property offered

Any decision to waive the '3 reasonable offer disqualification rule' because of a claim that there is an exceptionally urgent and immediate need to be housed, will be made by the Lead Officer for Housing Options.

(b) Disqualification for withholding information or giving false information

Under section 171 of the 1996 Housing Act it is a criminal offence for anyone applying for housing from a housing authority to knowingly give false information or to withhold information relevant to their application. An offence is also committed if a person allows a third party to provide false information on their behalf.

Applicants who are found to have withheld or given false information may be removed from the register and will not be able to reapply for a period of 12 months. Decisions to remove the person from the register will be made based on the seriousness of the false information given and an assessment of why the information was withheld.

(c) Disqualification for owner-occupiers or applicants with sufficient financial resources

Applicants who own their own home will not be allocated social housing other than in exceptional circumstances, for example, where it is not safe or reasonable to remain in owner occupation or where they require sheltered accommodation and are no longer able to remain in their own home.

Households who have sufficient means to find their own housing will not be accepted onto the Housing Register, for example owner occupiers who have recently sold their property and have equity of £30,000 or more. Equity that has been used to pay debts, excluding charges over the property, or used for other purposes within twelve months of selling the property will still be counted for these purposes. Households found to deprive themselves of capital to meet this threshold will be excluded from the Housing Register.

Applicants who are considered to have sufficient financial resources to buy or easily rent suitable accommodation in Stafford Borough will not qualify for the Housing Register, including households with gross income of over £60,000 and/ or savings or assets totalling over £16,000. Assets may not be immediately available to the applicant, such as any residential or non-residential property that is owned, or part owned, elsewhere in the world. The Housing Options Service may ask for valuation evidence of any capital or assets.

Monies that can be evidenced as received as a compensation payment as a result of serving in the regular or reserved armed forces will be disregarded for these purposes.

The above limits do not apply to individuals, or households, who are applying for specialised sheltered accommodation only. Although this qualification rule will mean an applicant cannot join the Housing Register it does not prevent applicants from receiving advice on any 'Buy to Rent', Low Cost Home Ownership/Shared Equity schemes. Advice can be given on request regarding which Housing Associations or developers are currently operating any of the above schemes and how applications can be made directly to any provider.

Applicants who do not qualify under the 'sufficient financial resources or ownership rules' set out above may be considered as an exception if:

- (a) They own or part own accommodation or have a legal interest in accommodation; and
- (b) They are over state pension age or have a substantial disability; and their current home is not suitable for their specific needs and cannot be adapted, and

- (c) They have insufficient financial resources to buy accommodation that meets their particular housing needs in the private market in Stafford Borough despite owning a property, or having income or savings above the 'sufficient resources' thresholds set out in this policy

The possible exemption is intended to cover situations where a person owns their own home but where it is agreed by the Council that they are no longer able to manage in it due to their advancing years, or due to developing a substantial disability that makes living in their home impracticable. This would be the circumstances where selling would not provide sufficient funds to purchase a more suitable alternative in the area.

How the Council will consider exceptional circumstances when applying qualification and disqualification 'rules'

The Council retains the ability, in exceptional circumstances, to exercise its discretion when making decisions with regard to the qualification and disqualification rules. Such cases will be considered by the Lead Officer for Housing Options.

The Lead Officer responsible will consider:

Whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that the qualification rules should be waived, and if so

- (1) Whether the application would result in the applicant being awarded reasonable preference Band A-D, under the Allocation Policy.

Please note that the Council cannot waive the eligibility rules for applicant's who are legally not allowed to access social housing under the eligibility rules set by law.

In deciding whether an applicant's circumstances are exceptional the Lead Officer will fully consider the Equality Act duties placed upon the Council and will specifically consider

- (a) Whether the person, or a member of their household that they wish to be housed with them, meets the definition for one or more of the 9 protected characteristics in listed in the Equality Act 2010
- (b) If the Council agrees that the applicant or a member of their household comes under the definition for a protected characteristic it will fully comply with section 149 of Equality Act 2010 and ensure that it has obtained all relevant information relating to the applicant's protected characteristic and will consider, if they were not able to qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with the protected characteristic.

- (c) Any decision that the applicant's circumstances are not exceptional and that the applicant does not qualify for the Register will be a decision that is a proportionate means of achieving a legitimate aim.

Decisions on Eligibility and Qualification

Where an applicant is deemed either ineligible or not to qualify for nomination they will be notified in writing and entitled to request a review (see section 14). Such a review will consider if there is any evidence to support that the behaviour or circumstances upon which the decision was made have changed.

Applicants who have previously been deemed not to qualify may make a fresh application if they consider they should now be treated as qualifying, but it will be for the applicant to demonstrate a change in circumstances.

9 Suitability and Offers of Accommodation

When nominating for a property, the Council will take into account:

The number of bedrooms required;

- Any essential requirement concerning the type or location of housing, including requirements relating to the medical needs of the household relating to property type, essential facilities and number of bedrooms required;
- The housing band into which the applicant has been assessed;
- The Suitability of Accommodation Order 1996 (as amended) where the applicant has been accepted as homeless or threatened with homelessness in accordance with relevant legislation;
- Current permanent employment of the household and relevant transport links; Essential support links required by the household.

An offer of accommodation can be made in any area of the Borough that the Council and if appropriate, partners (such as the police) has assessed is suitable and safe for the applicant to live in. Criteria setting out what will be considered to be, and not be, a reasonable offer is set out in Appendix D. A refusal of an offer of the correct size and type will normally be considered unreasonable.

Applicants must disclose information relating to essential support links, or requirements for particular areas at the point of application. The Housing Options Service will ask all applicants to state those areas where they believe they cannot live due to fear of violence, harassment or domestic abuse. The Housing Options Service will use its discretion, along with supporting information received, to consider whether support is essential or that a particular area is either required or not suitable.

If the Council considers that the applicant has unreasonably refused three offers of suitable accommodation the applicant will no longer qualify for the Housing Register. The applicant will not be entitled to apply again within 12 months of the date of disqualification. Offers of accommodation include those offered directly by a **relevant housing provider** and those that are arranged by way of a nomination to a registered provider. The Council reserves the right to place an application on behalf of an applicant (management application) and, if successful, this would amount to an offer of accommodation.

Applicants will be notified of such decisions and the applicant has the right to a review of any decision that is made (See Section 13).

Management Application with Stafford and Rural Homes

Households are able to apply for properties with Stafford and Rural Homes. In certain circumstances, Stafford Borough Council may place applications on behalf of households where suitable properties become available. Where possible, the offer will take into account customer's preferences, for example, property type and area. In some circumstances this will not be possible, for example, where an applicant has expressed a preference for a house over a flat, or where households have expressed a preference for a particular area where there is a short supply of social housing. Suitable and reasonable offers of accommodation resulting from a management application with Stafford and Rural Homes will count as one offer of accommodation for the purposes of this Allocation Policy.

Offers of Accommodation for Applicants who are Homeless or Threatened with Homelessness

Applicants who have been accepted as homeless, or threatened with homelessness, in accordance with Part 7 of the Housing Act (as amended) will be actively case managed and receive one suitable offer of accommodation.

Those applicants who have been accepted under the Prevention Duty (Section 195 of the Housing Act, as amended) may be offered the same property under the Relief Duty (Section 189B of the Housing Act, as amended). If the same offer of suitable accommodation is subsequently refused this will bring the relief duty to an end and result in the applicant not being owed any further homeless duty (Section 193(2) of the Housing Act, as amended) which would end the homeless application. Applicants who we are working with Housing Options Team to prevent homelessness, may be offered alternative accommodation under this provision if it is unlikely that the Council will be able to secure the existing accommodation that is currently available to occupy.

In these circumstances, applicants will be informed in writing of the consequences of refusing a suitable offer of accommodation and have the right to request a review of the decision made to offer accommodation and end any relevant homeless duty.

This section sets out the procedure that will apply to making the offer of accommodation once an applicant has been selected from a shortlist of successful applicants made up of nominations made by Stafford Borough Council or as a result of applying for a property under a Housing Association's own choice based letting scheme.

Offers of Accommodation

Once selected and prior to an offer being made the Housing Association landlord for that property will carry out a further verification of the applicant's eligibility and priority. Housing Associations often have strict turnaround criteria for letting properties and it is important that applicant's respond to the Housing Options Team and the relevant Housing Associations in a timely manner otherwise the property may be offered to the next suitable applicant.

In certain situations the offer of accommodation will not be made, or if made may be withdrawn if:

- Since joining the Housing Register an applicant has become ineligible.
- On verification of the applicants' details, the priority band has been incorrectly awarded due to the information received by the applicant, or due to mistakes in the assessment of the application itself.
- The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.
- The landlord has good housing management reason not to offer a property.

All offers will be formally made in writing. Notification in writing may be made by letter, email or in an urgent situation by text.

If an applicant does not reply to an offer, invitation to view a property, or to supply additional information, within the time specified by the relevant housing provider, then the offer will be deemed to have been refused and the property will be offered to the next customer on the shortlist who qualifies for that offer. Time frames for a response will be specified at the time of offer.

In exceptional circumstances an offer may be withdrawn following notification of an invitation to view or following a viewing and before the applicant has signed a tenancy agreement. For example where the property is no longer available or where new information comes to light about an applicant's

circumstances that has either been withheld or has changed since the initial application date.

- The property is not suitable for the households needs
- The property fails to become available
- There is an issue and concern for community safety
- It comes to light that information has been withheld
- It comes to light that that the household or member of the household has a property related debt
- The offer has been made in error
- The households circumstances changed
- The property is required for an emergency It transpires that the rent would not be affordable

Allocation Criteria

The number of bedrooms allocated will be dependent upon the number and age of the people living as part of the household, in order to make best use of housing stock.

The bedroom standard states that a separate bedroom shall be required for the following persons:

- Each adult couple;
- Any other adult age 18 and over
- Two adolescents of the same sex aged 10 – 18
- Two children regardless of sex under the age of 10.

When determining the size of the property for which applicants are eligible, the bedroom standard will usually apply. However there may be exceptions such as where there is medical evidence to support that an applicant requires an additional bedroom, or level access accommodation, on health grounds, or where the applicant requires the support of an overnight carer who cannot reasonably be expected to share a bedroom with another member of the household. Other examples include applicants who have been approved as foster carers/adopters and require larger accommodation that would normally be required.

Households who are currently undergoing gender reassignment or require specific bedroom allocation as a result of gender reassignment will be considered on a case by case basis.

Decisions on bedroom allocation, and suitability of accommodation, will be made in conjunction with the applicant and the relevant housing provider (including supported accommodation and hostels) as to what would be suitable.

The Housing Options Service, in conjunction with the relevant housing provider, may decide to allocate a larger property than the applicant's household qualify if the applicant requests it and the association are satisfied that the applicant can afford the rent.

Specialist accommodation, such as sheltered or adapted accommodation will be let to households with specific needs taking into account age and disability.

Including a Carer in the application

A carer is someone who with or without payment provides help and support to a partner, relative, friend or neighbour, who would not manage without their help. This could be due to age, physical or mental health, addiction, or disability. In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care, and the need to live with them or near them.

Even if a carer is in receipt of Carer's Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer in a housing application will be considered if Staffordshire Council's Social Care and Health Service assess the carer as needing to provide overnight support. In these circumstances the applicant must provide supporting evidence that a carer is needed to provide overnight support, for example, from other agencies such as Social Care or a Health professional.

10 Priorities for Allocating Housing

The Allocation Policy intends to make best use of housing stock by prioritising social housing for those in most need, in a fair and transparent way, recognising that demand for social housing exceeds supply. There are 4 housing need bands with each band reflecting the level of assessed housing need. Stafford Borough Council does not operate an 'open housing register'. If an applicant is not assessed as having a 'statutory housing need as defined by Housing Act 1996 Part 6 reasonable preference categories they will not be able to qualify for the Housing Register.

Band A- Very urgent need to move (reasonable preference and are granted additional preference): These are applicants that are owed a statutory award of *reasonable preference* but whom the Council believes should also be awarded *additional preference* Band A based on their very urgent need to move.

Band B – Urgent Need to move (reasonable preference): These are applicants that are owed a statutory award of *reasonable preference* under the policy and have been awarded Band B priority based on their urgent assessed housing need.

Band C - Housing Need to move (reasonable preference): These are applicants that are owed a statutory award of *reasonable preference* under the policy and have been awarded Band C priority based on their assessed housing need

Band D – Lower Housing Need to move (reasonable preference): These are applicants that are owed a statutory award of *reasonable preference* under the policy and have been awarded Band D priority based on a lower level of assessed housing need

For applicants that are not assessed as having a statutory housing need (Bands A-D) they can still approach the Council to receive advice on their housing options.

The Council also has an on-line housing advice portal that all applicants can access via <https://www.staffordbc.gov.uk/housing>

The table setting out bands A-D and a description of the criteria used to award a Band

Band A – Very urgent need to move

Criteria	Description
Main Housing Duty, or likely to be owed the Main Housing Duty under Homeless Legislation	Applicants owed a main housing duty (section 193(2) duty) or the section 193C(4) 'reduced' section 193 duty ² who are priority need and not intentionally homeless. Applicants who are homeless and are owed the relief duty (section 189B duty) and would be owed, or be likely to be owed, the main housing duty (Section 193(2) duty) if the relief duty were to come to an unsuccessful end because they are, or would be likely to be found to be in priority need and unintentionally homeless.
Medical Emergency	Applicants who have nowhere to live, or have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptations within a reasonable period of time and the living conditions has such a serious impact on the applicants health that it is life threatening and/or they are unable to carry out daily activities in their accommodation or access facilities such as bathroom, kitchen, inside or

² Where the council has exercised its powers for homeless applicants who deliberately and unreasonably refuse to cooperate.

Criteria	Description
	<p>outside of their accommodation. See Appendix F for full details on how medical housing need will be assessed.</p> <p>Applicants who have urgent need to move due to them having medical problems or disabilities that are being worsened by their current housing situation which is having a life threatening impact on their health. This includes applicants:</p> <ul style="list-style-type: none"> a) Whose life is at risk due to their current housing conditions or who are housebound, effectively housebound or cannot access the essential facilities in their home and there are critical concerns about their safety, for example through falls due to difficulties with access. b) Whose condition is terminal and rehousing is required to provide a basis for the provision of suitable care c) Whose condition is life threatening and their existing accommodation is a major contributory factor or whose health is so severely affected by the accommodation that it is likely to become life threatening. d) With disabilities, who have restricted mobility and are limited by their accommodation such that they are unable to carry out day-to-day activities or have difficulties accessing facilities inside and outside of their accommodation and require rehousing into accommodation suitable for their use. e) In overcrowded accommodation which puts the applicant at risk of infection, for example, where an applicant is suffering from late-stage or advanced HIV infection. <p>Applicants ready to be discharged from hospital who: have somewhere to live but their accommodation is unsuitable due to their medical needs and cannot be made suitable through adaptations because of cost effectiveness or structural difficulties or the property cannot be adapted within a reasonable amount of time.</p>
Harassment	<p>Applicants where there is a threats to life of a member of a household or where the continued occupation of the household would pose a significant threat to the community and an approved risk assessment has been received by the police.</p> <p>For example:</p> <ol style="list-style-type: none"> 1. Applicants who are suffering extreme violence or harassment where there is strong police evidence that an urgent move is required to protect the life of an applicant or a member of their household and can demonstrate to the satisfaction of Stafford Borough

Criteria	Description
	<p>Council that it is not safe for the applicant (and or their household) to remain in their present home.</p> <p>2. Applicants who need to move immediately due to extreme violence, extreme harassment, or other extreme circumstances deemed to significantly affect a household's welfare and wellbeing.</p>
Domestic Abuse	Applicants where there is evidence of domestic abuse where the threat means it is imminently not safe for an individual to remain in their present home – verification by senior officers within the police, or other agencies or bodies such as MARAC, as necessary in conjunction with a Council approved risk assessment
Armed Forces	<p>Former, or serving, members of Her Majesty's Regular Armed Forces, or Reserves, who need to move because they are suffering from a serious injury, illness or disability which is attributable (wholly or partially) to their military service;</p> <p>Bereaved spouses or civil partners of members of Her Majesty's Regular Forces who have left or will be leaving services accommodation provided by the Ministry of Defence following the death of their spouse or civil partner and whose death was attributable (wholly or partially) to their military service.</p>
Disaster or Emergency	Applicants whose homes are damaged by fire, flood or other disaster and it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
Care Leavers	<p>A young person, who has been looked after, fostered or accommodated and has a duty of care accepted under the Children's Act 1989 who has been assessed as suitable for independent living with an agreed package of support from relevant support services.</p> <p>Note: Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002. The evidence to support this award will be provided by Staffordshire County Council's Leaving Care service and will consist of confirmation that:</p> <ul style="list-style-type: none"> a) The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living b) The care leaver possesses the life skills to manage a tenancy including managing a rent account. c) The care leaver has either long term or medium term tenancy support arranged, as required. d) Ongoing support needs have been assessed and,

Criteria	Description
	<p>where appropriate, a support plan is in place that meets the requirements of being Tenancy Ready as defined by this Policy.</p> <p>Note: If an application for housing is made before it has been determined that the individual is ready for independent living, taking into account information from the applicant's support worker and other agencies, the application will not be able to be nominated until the support worker presents the evidence to the Council that the individual is ready to move on and the council agree with that evidence.</p>
Entrenched Rough Sleepers	Applicants who have a history of entrenched rough sleeping and are being considered for immediate accommodation and are engaging with intensive floating support as the only means of being able to access accommodation provision within the Borough.

Band B - (Urgent) Need to move (reasonable preference)

Criteria	Description
Acute Overcrowding	Where an applicant household is severely overcrowded defined as being either statutory overcrowded or requiring 2 or more additional bedrooms to reach the bedroom standard. See Appendix G for the definition of statutory overcrowding and bedroom standard.
Under Occupancy	Applicant is under- occupying a property by two or more bedrooms in accordance with statutory bedroom requirements. The bedroom standard, outlined in Appendix 8, will be used to define under-occupancy.
Housing conditions including housing that poses a serious risk to health, safety or welfare	A property that has been assessed by a qualifying officer within the Council as having a serious health and safety hazard and the property is not suitable for occupation for more than a short period of time as a result, which has resulted in the Council taking enforcement action and the property condition, cannot reasonably be rectified by the owner within six months. This may include applicants who do not have access to essential bathing or cooking facilities or access to running hot water or electric or gas.
Demolition or Compulsory Purchase Order	Applicants whose property is subject to a demolition or Compulsory purchase Order for redevelopment.
Supported Accommodation Move On	Applicant is living in supported accommodation, including refuge and the Council has agreed a move on agreement with the housing provider. The applicant must demonstrate that they have the practical skills to sustain long-term independent accommodation and, where appropriate, have a support plan in place.

Criteria	Description
Foster Carers	Applicants approved as foster or adoptive parents who need to move to facilitate the placement of a child/children.
Releasing an Adapted Property	Transfer applicants residing in social housing that are releasing a property with major adaptations where the adaptations are no longer required and there is an identified housing need for the property. This excludes adaptations that do not alter the physical fabric of the building, for example, stair lifts, temporary ramping, ceiling track, hoists etc.
Homeless Relief	Homeless applicants who are owed the Section 189B Relief Duty for as long as that duty is owed to the applicant, and they would not be owed, or are unlikely to be owed, the main housing duty (Section 193(2) duty).
High Medical Need	<p>Applicants whose current housing situation is having a serious detrimental, but not life threatening, impact on their health so that they require re-housing based on medical grounds. The housing condition must directly contribute to causing serious ill health and the condition of the property cannot be resolved within a reasonable period of time. The applicant's accommodation is directly contributing to the deterioration of the applicant's health. See Appendix F for full details on how medical housing need will be assessed.</p> <p>The examples of when this will be awarded include:</p> <ul style="list-style-type: none"> a) The applicant's current accommodation to a significant extent directly exacerbates an existing medical condition, is the direct cause of a medical condition or impacts on the ease of use of the facilities within their home for a disabled person. b) Applicants who have mobility issues and it has been assessed need to move to ground floor or level access accommodation c) Applicants who have mobility issues and need to move to accommodation that has level access showering facilities d) Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition. Applicants who have a medical need for an additional bedroom (e.g. because they need an overnight carer or need to accommodate a substantial amount of medical equipment)
Domestic Abuse	Applicants who need to move due to threat of domestic abuse, violence or harassment but are not in immediate danger, as determined by an appropriate approved risk assessment by the referred agency.

Band C – Housing need to move

Criteria	Description
Overcrowding	Applicants who require one additional bedroom in accordance with statutory bedroom requirements. See Appendix G for the definition of statutory overcrowding and bedroom standard.
Under Occupancy	Applicants who are under occupying their property by one bedroom in accordance with statutory bedroom requirements. The bedroom standard defined in Appendix 8 will be applied to assess under-occupancy.
Homeless Prevention	Applicants who are owed a Section 195 Prevention Duty by Stafford Borough Council for as long as that duty is owed to the applicant.
Armed Forces	<p>Members of the Armed Forces persons who are serving in the regular forces who will be discharged within three months and have served for five years preceding their application as long as this has not been a dishonorable discharge and were previously resident within the Borough for at least six months or have close family that have lived in Stafford for at least three years.</p> <p>This includes those who are leaving the Armed Forces having received their notice of discharge date; or have left in the last five years, having been medically discharged in the last five years; or served the required minimum level of service. This does not include Discharge As Of Right (DAOR).</p>
Sharing Facilities	Applicants, who are sharing facilities, such as a kitchen or bathroom, following an offer of accommodation from the local authority and/ or where the applicant has medical, care or support need that would benefit from self-contained accommodation.
Planned Move from insecure accommodation	<p>Applicants who are living with family and friends whilst looking for alternative accommodation and would otherwise be at threat of homelessness or would be likely to be excluded.</p> <p>Note: Family and friends must agree that it is likely that the applicant can remain at the property for a minimum period of six months whilst they look for alternative accommodation or are waiting to see if they will be able to be nominated to a social housing property under this Policy.</p>
Care and Support	<p>Applicants who need to move to give or receive care and support that is substantial and on going.</p> <p>There must be demonstrable evidence accepted by the Council that the household, or an individual/s in that household, provides or receives substantial and on-going support to or from relatives or friends, This will only be</p>

Criteria	Description
	considered where there are significant medical or welfare issues including grounds relating to disability where moving would prevent significant physical or psychological hardship.
Affordability	Applicants whose current accommodation is not affordable for them to sustain. Applicants must engage with the Housing Options Team to complete a detailed budgeting exercise, including addressing priority debts, maximising income and reducing expenditure. Applicants housing cost must exceed one third of their net income and priority outgoings must exceed income following budgeting assistance. The Housing Options Team may refer to an external agency to provide budgeting advice before awarding priority under this banding.
Hardship	Applicants who need to move to a particular locality in the district of the housing authority where failure to do so would cause hardship as they would not be able to take up specialist employment. Priority will only be given in exceptional circumstances and applicants will need to show that they need to move to take up or continue an employment opportunity not available elsewhere. They will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer
Right To Move	Existing social tenants of accommodation in England who wish to exercise their Right to Move (using the Government's Right to Move regulations) to a social tenancy in Stafford Borough do not have to meet the Local Connection criteria set out in section 2 if they are an applicant who: <ul style="list-style-type: none"> a) Is already either a secure or introductory tenant of a local authority or an assured tenant of a private registered provider; and b) Needs to move to Stafford Borough where failure to meet that need would cause hardship (to themselves or others); and c) Needs to move because they work, or have been offered work, in Stafford Borough. In the case of an offer of work the Council must be satisfied that the Applicant has a genuine intention of taking up the offer of work. A need to move which is associated with work, or the offer of work, which is a short-term or marginal in nature, ancillary to work in another district, or voluntary work will not qualify for exemption under this paragraph. Applicants under the right to move criteria will be placed in Band C but will be given less priority than other Applicants in Band C who do have a local

Criteria	Description
	Connection to Stafford Borough. Allocation to those Applicants who qualify will be limited to a maximum of 1% of properties allocated each year. The Council considers this to be reasonable, taking into account the particularly high demand that exists from other Applicants who do have a Local Connection with Stafford Borough.
Sheltered Accommodation	Older or disabled applicants assessed as requiring retirement, extra care or sheltered housing.

Band D – want to move (no reasonable preference)

Non- Violent Relationship Breakdown	Applicants living separately with their ex-partner following a non-violent relationship breakdown.
Intentionally Homeless	<p>Applicants who have been found intentionally homeless in accordance with Part 7 of the Housing Act (as amended) and not owed a full homeless duty and meet the eligibility and qualification criteria.</p> <p><i>Note to clarify the award where an applicant is found to be homeless but not in priority need or found to be homeless but intentionally homeless by Stafford Borough Council.</i></p> <p><i>This applies where Stafford Borough Council assess that the relief of homelessness duty has come to an end and the applicant is intentionally homeless and owed a section 190(2) duty for being intentionally homeless. This award will only be for the period that the Council is under a section 190(2) intentional homeless duty. This is normally for no more than 1 month, this being the period that an intentionally homeless household is owed a temporary accommodation duty.</i></p>

When exceptions will apply to the 'allocation by band and time within band criteria'?

Priority within a Band will be determined by the length of time the application has been placed in that Band and most allocations will be made to applicants in the highest band, and then by the time they have waited within that Band. In some circumstances an offer will be made to an applicant outside of the priority band and 'time registered' procedure. This is where there is an urgent need for an individual household to be housed or where there is an operational or financial need to house certain categories of applicants.

For example, where an applicant has been given additional preference due to an exceptionally urgent need for housing the Lead Officer responsible for the Housing Allocation Scheme may decide to place them at the front of Band A and to make an offer of housing as soon as possible.

In addition there may be other circumstances where there are urgent operational or financial reasons to make a direct offer of housing outside of the band and date order criteria. Such as:

- People that need to move due to a fire or flood, or severe storm damage to their home.
- People who are at imminent risk of violence and are to be housed through a witness protection programme.
- People who it has been agreed must be housed urgently as part a multi-agency protocol such as a MAPPA, MARAC case or a protocol between Stafford Borough Council's Housing Service and Staffordshire Social Services Department, where there is a need agreed between housing and Social Services to provide a specific property for a vulnerable individual.
- Where an applicant is homeless and in temporary accommodation that would not be suitable for more than a short period of time or where the Council needs to move applicants out of temporary accommodation to manage the budgetary impact on the Council as a whole.
- Where a vacant adapted property or a property designed to disability standards becomes available it may be offered to those customers with a need for this property type regardless of the date they were registered.

In some circumstances, qualification criteria for a property will be restricted to households that meet specific criteria therefore an applicant may be by-passed for a nomination. Restrictions may apply to:

- Properties subject to a local lettings policy;
- Properties situated on rural exception sites;

- Properties subject to an agreement under Section 106 of the Town and Country Planning Act 1990.

Applicants who deliberately worsen their housing situation

Where there is evidence that a customer has deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their needs will be based on the circumstances before their situation changed through their deliberate worsening of their circumstances.

Examples of this are:

- Customers who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- Customers who have moved from previously suitable or more suitable accommodation which it were reasonable for them to continue to occupy, into a less suitable property.
- Homeowners who have transferred their property to another family member within the last 5 years from the date they make their application to the Register.
- Giving up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household;
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit

These are examples only. There will be other circumstances considered to decide whether an applicant has deliberately worsened their circumstances. Applicants will be informed in writing of this decision.

11 Management of the Scheme

The Council will make available information and offer advice to assist applicants in understanding how the scheme operates.

The Council will provide a summary of the allocation scheme along with details of how applications will be treated and whether they will be given any preference. Information will be provided as to how applicants will be nominated for properties with relevant housing providers in accordance with the Council's nomination agreements, along with information about review procedures.

Applicants will receive information regarding the banding they have been awarded under the Scheme, along with the properties the applicant is considered suitable for. If the applicant does not qualify, or is found to be ineligible, this decision will be notified in writing giving clear grounds for the decision based upon the relevant facts of the case.

If the applicant is not eligible, or does not qualify for an allocation, they will be offered advice and assistance on alternative housing options available.

Applicants who have difficulty reading or understanding this allocation scheme are encouraged to contact the Council to be offered alternative services, which can include interpretation services, provisions of documents in larger prints or a face to face interview to explain the content of this document and information.

The Council will, upon request from the applicant, provide such information that is practicable and reasonable to supply, in order to explain the applicant's position and priority for an allocation in relation to an offer of suitable accommodation. Any applicant has the right to be informed of any decision regarding their application.

12 Review of the Waiting List

Applicants will be reviewed after being on the waiting list for six months. Applicants will be contacted on the last known contact details via email, or their preferred method of contact and asked to update to the Council of their housing situation within a reasonable period of time. It is the applicant's responsibility to keep their contact details up to date. Applicants who do not respond to the review request, or whose circumstances have changed so that they are no longer have a preference under the Allocation Policy or are no longer eligible, will have their circumstances updated or be removed from the waiting list accordingly. Applicants will be informed in writing and have the opportunity to review this decision.

If upon the Council's reassessment a lesser priority banding is given, the applicant will retain the original assessment date from when they first qualified for the Housing Register.

13 Request for Review

Applicants have the right to information about decisions and right to review the following decisions made relating to their application:

- The customer disagrees with the Band in which they have been placed.
- The customer considers that a decision has been reached based on incorrect information.

- The customer has been treated as ineligible on the basis of their immigration status.
- They have been treated as ineligible to join the register due to serious unacceptable behaviour coming under the non-qualification criteria set out in the policy.
- Their application has been given reduced preference

The below outlines the procedure to be followed for a review of a decision made in accordance with this Allocation Policy:

- (1) Applicants will be notified in writing of decisions made in respect of the review.
- (2) An applicant, or their representative, must request a review of a decision within 21 days of being notified in writing, unless there are exceptional circumstances that they did not request a review within that timescale. They must give reasons why they wish to have the decision reviewed including where they believe an incorrect decision has been made on the facts.
- (3) The review will be carried out by an officer more senior than the original decision maker and that officer will not undertake the review if they have been involved in making the original decision.
- (4) The review will be considered on the basis of this allocation policy, any legal requirements and all relevant information. This will include information provided by the applicant on any relevant developments since the original decision was made
- (5) The Council will aim to complete and inform the applicant in writing of the decision within 56 working days, after taking into account any additional information that has been provided by the customer. Alternatively, the customer will be advised of any time extension required to make the decision.

The Council's decision on review is final and can only be challenged by way of judicial review.

The Housing Option Service will inform Stafford and Rural Homes of any banding changes, or decisions on eligibility for the waiting list accordingly.

14 General Provisions

Local Lettings Criteria

Some homes in the Borough may have restrictions placed on who qualifies to live there by planning regulations, for example, those with a local connection to a specific village, parish or rural area. In these instances, the planning related restrictions will take priority over any qualifying criteria in this Allocation Policy.

Section 166A(6)(b) of the 1996 Act enables the Council to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of Section 166A(3). This is the statutory basis for 'local lettings policies' which enable the Council to set aside homes in a particular location, or certain types of properties across the stock, for applicants who meets a certain criteria.

Local lettings policies may be considered in order to achieve a wide variety of housing a management and policy objectives such as achieving balanced sustainable communities.

Where the Council has agreed a s.106 agreement regarding new affordable 'developments', the specific allocations criteria (regarding local connection to a defined area) as agreed as part of the planning consent for the site will take priority ahead of the criteria set out in this Allocations Policy.

Right to information

The Freedom of Information Act 2000 makes it a requirement for every public authority to produce a Publication Scheme which sets out all the information it makes available to the public, and whether copies of that information are available free of charge. The Publication Scheme includes information that the Council is legally obliged to publish. The Scheme is also intended to assist in developing a culture in which openness and transparency are encouraged which supports the requirements of the Local Government Act 2000.

Statement on Choice

The Council wishes as far as possible to give choice to customers who are looking to obtain social housing.

For all applicants eligible and registered under the scheme the Council believes that any applicant should be able to express a preference over the area in which they would like to live and the type of property they would ideally like, but all applicants should be fully aware that the Council's ability to satisfy a preference may be severely limited. The more flexible an applicant is in their preferred choice of areas, the sooner they are likely to be successful in being offered a property that meets their need.

In certain circumstances, the housing pressures faced limit the degree of choice that the Council is able to offer, along with the responsibility the Council has to some groups in urgent housing need and to reduce the financial impact of temporary accommodation on the Council. Expressing a preference over where an applicant would prefer to live does not mean that the Council will be able to meet that preference, or that the Council will not offer suitable accommodation outside of a preferred area. For applicants owed

the section 195(2) Prevention of Homelessness duty, or a 189B(2) Relief of homelessness duty, or the main section 193(2) duty under Part 7 of the Housing Act 1996, or other applicants who have an urgent housing need that must be met immediately the Council is of the view that there may be circumstances where urgent housing need outweighs a location preference.

Data Sharing and Information Sharing

We will only ask applicants to supply information that is required as part of the application process to determine eligibility, qualification and assessment of housing need. We will only record and store information that is necessary for the assessment and allocation of social housing.

As part of the assessment process, we will make enquiries into an applicant's housing history and to support their assessment of housing need. By applying to the Council for housing priority an applicant will be requested to agree with us to make those enquiries. If an applicant does not agree to us to make these enquiries, we are unable to fully consider their housing priority and will not accept an individual onto our waiting list.

We will ensure that all information held by the Housing Options Team remains confidential. This will not be disclosed to a third party without prior consent from the applicant.

In accordance with the Data Protection Act 2018, applicants have the right to request a copy of all the information held about them.

Privacy Notice

We have a duty to protect the public funds we administer. The Council may share an applicant's personal data, provided for housing application purposes; internally to provide statutory services or other functions the Council is empowered to exercise. We may pass the information to other agencies or organisations, as allowed by law. We may check information that has been provided, or information about the applicant that someone else has provided, with other information held by us.

We may also get information about the applicant from certain third parties, or give information to:

- Prevent or detect crime or fraud
- Protect public funds
- Make sure the information is correct

These third parties include government departments, local authorities and private sector companies, including companies that assist us in fraud detection and prevention, such as Credit Reference Agencies. We may also obtain information about an applicant from social media. We will not give information about an applicant to anyone else, or use information about them for other purposes, unless the law allows us to.

Any use of personal data will be in full accordance with the Data Protection Act 1998

Fraudulent Activity and Withholding Information

Fraudulent behaviour is taken very seriously and all appropriate action will be taken to address this. It is a criminal offence for an applicant or person on the applicant's behalf to knowingly or recklessly give false or deliberately misleading information or withhold information which is reasonably required. A person found guilty of such an offence will be removed from the waiting list for a minimum period of six months.

Offences under the provisions are prosecuted in the magistrates' court and carry an unlimited fine. Failure to inform of changes to an application, or deliberately withholding information relevant to, or misrepresenting housing circumstances, may result in criminal prosecution. A Housing Association may seek possession of a tenancy that was granted as a result of a false statement and may also attempt to recover costs incurred.

Letting to staff, Council Members and relatives of these groups

Applications can be made by employees or elected members. Applicants must declare this at the time of application. Applications will be assessed in accordance with the Allocation Policy for eligibility, qualification and housing need. Any priority awarded and any subsequent offer of accommodation will be authorised by the Housing Manager.

Equality and Diversity

We are committed to promoting equal opportunities, embracing diversity and preventing and eliminating discrimination, harassment and victimisation.

The Council's aim is to implement and maintain services that ensure that no potential or current applicant is treated less favourable on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age or sexual orientation, nor is disadvantaged by the application of a rule, condition or requirement, which has a discriminatory effect which cannot be justified by law. Policies and procedures will be compliant with the Equality Act 2010 and Public Sector Equality Duty.

Stafford Borough Council is committed to ensuring that its policy and procedures in the letting of property are non-discriminatory and that all customers are able to access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010.

To identify the needs of our customers the application form will have specific questions relating to vulnerability, ethnic origin, sexual orientation, disabilities and other relevant criteria. This information will be used to monitor the impact of the policy on minority and specific needs groups and to make such amendments, as may be required, to ensure no group is disadvantaged by the policy.

Under the Equality Act 2010 and in particular section 149 of the Public Sector Equality Duty, Local Authorities are required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, in their exercise of a public function.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Council will ensure that its policy complies with the current equality legislation and with the relevant statutory codes and guidance. The new policy will be subject to a full, detailed Equality Audit before it is adopted and this will be regularly reviewed as monitoring information about the impact of the policy is obtained. This Equality Audit is set out as part of the Council's '*Community Impact Assessment*' that has been attached to this Policy and fully considered by Council members when the revised Policy was adopted in January 2020.

The outcomes for customers identified as having specific needs or who meet the definition of a protected characteristic under the Equality Act will be monitored regarding the outcomes for applications to join the register and offers of social housing.

The Council will monitor the policy and outcomes to ensure that it is meeting all legal requirements and that the aims and objectives set for the policy are being met.

Complaints

Complaints should first be made using the Council's complaints procedure. A copy of the current procedure is available on the Council's website (<https://www.staffordbc.gov.uk/complaints>).

Complaints regarding the handling of an application by a partner Housing Association should be made through that Association's complaints procedure which will be detailed on the Association's website.

Where a complaint relates to how an applicant has been dealt with under this policy they have the right to continue with their complaint to the Ombudsman service once the council's own complains process has been exhausted without resolution.

The Local Government Ombudsman is an independent service run by Central Government to make sure that Local Authorities provide the required standard of service to their customers.

The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what has been done simply because someone does not agree with it.

The Ombudsman will normally deal with a complaint if a customer feels they have been treated unfairly as a result of maladministration.

For example, if the Council has:

- Delayed taking action without good reason
- Taken into account facts which are not relevant or ignored facts which are relevant
- Not followed their own rules or complied with the law
- Not taken action that they had promised to
- Given a customer the wrong information
- Not reached a decision in the correct way

The Ombudsman will not normally investigate:

- Until after Council has had the opportunity to review its decision (normally by accessing the complaints process)
- Matters which have been, are, or could be dealt with by the courts or the internal review procedure
- Matters which the customer was aware of more than twelve months before making the complaint
- The aim of the Ombudsman is to have the Council put right any wrongs which may have been done to the complainant and to ensure that things are done right in the future.

All complaints to the Ombudsman must be in writing. The contact details for the Local Government Ombudsman are:

Local Government Ombudsman

PO Box 4771

Coventry CV4 0EH

Tel: 0300 061 0614.

You can also text 'call back' to 0762 480 3014.

Fax: 024 7682 0001

Website: www.lgo.org.uk

Monitoring of the Scheme

Review and monitoring of the allocations policy will take place at least twelve months after the allocation scheme start date to ensure that it is working effectively and to review its impact. It is recommended that a full review shall take place after a period of three years, or sooner should a change in legislation dictate a review is required.

Any major changes to the allocation policy will require consultation with those potentially affected by the changes. All Housing Associations operating in the Borough will be part of this consultation. The Council will consider good practice guidance to public bodies on undertaking consultation on important policy matters when deciding the appropriate level and method of consultation for any changes.

Cabinet will approve all changes to this allocations policy.

The Council will notify within a reasonable period, any major changes in policy to those it may affect.

Appendix A: A list of social housing providers in Stafford Borough

Aspire

Kingsley
The Brampton
Newcastle Under Lyne
ST5 0QW
Tel- 01782 635200

Midland Heart

20 Bath Row
Park Central
Birmingham
B15 1LZ
Tel- 03456020540

South Staffs Housing Association

Acton Court
Acton Gate
Stafford
ST18 9AP
Tel- 01785 312000

Stafford and Rural Homes

The Rurals, 1 Parker Court
Dyson Way
Staffordshire Technology Park
Beaconside
Stafford
ST18 0WP
Tel- 0800 111 4554

Wrekin Housing Trust

Colliers Way
Old Park
Telford
TF3 4AW
Tel- 01952 217100

Bromford Housing Group

1 Venture Court
Broadlands
Wolverhampton
WV10 6TB
Tel- 0330 1234 034

Sanctuary Housing

164 Birmingham Road
West Bromwich
B70 6QG
Tel- 0800 1313348 or 0300 1233511

Staffordshire Housing Association

308 London Road
Stoke On Trent
ST4 5AB
Tel- 01782 744533
Fax- 01782 744931

Walsall Housing Group

100 Hatherton Street
Walsall
WS1 1AB
Tel – 0300 555 6666

Appendix B: Rehabilitation periods

The Rehabilitation of Offenders Act (ROA) allows most convictions and all cautions, reprimands and final warnings to be considered spent after a certain period. This period – known as the rehabilitation period – is determined by the sentence or disposal given, rather than by the type of offence.

The rehabilitation periods for custodial sentences (including suspended prison sentences) and community sentences, after which a conviction will be spent, are shown in the table below.

Sentence	Time it takes to become spent (age 17 or under at time of conviction)	Time it takes to become spent (age 18 or over at time of conviction)
Prison [1] term of over four years	Never	Never
Prison [1] term of more than 30 months and less than, or equal to 4 years [2]	Sentence + 3.5 years	Sentence + 7 years
Prison [1] term of more than 6 months and less than or equal to 30 months [3]	Sentence + 2 years	Sentence + 4 years
Prison [1] term of 6 months or less [4]	Sentence + 18 months	Sentence + 2 years
Detention and Training Order (over 6 months)	As prison sentences	
Detention and Training Order (6 months or less)	As prison sentences	
Sentence of Detention (over 6 months but not exceeding 30 months) [5]	As prison sentences	As prison sentences
Sentence of Detention (6 months or under)	As prison sentences	As prison sentences
Removal from Her Majesty's Service [6]	6 months	1 year
Service detention [7]	6 months	1 year
Community Order [8]	6 months	1 year
Youth Rehabilitation Order [9]	6 months	
Fine [10]	6 months	1 year
Compensation Order [11]	Once paid in full	Once paid in full
Hospital Order [12]	End of the order	End of the order
Conditional discharge, binding over, Care Order, Supervision Order, Reception Order	End of the order	End of the order

Sentence	Time it takes to become spent (age 17 or under at time of conviction)	Time it takes to become spent (age 18 or over at time of conviction)
Absolute discharge	Spent immediately	Spent immediately
Disqualification	End of disqualification	End of disqualification
Relevant Order	End of the order	End of the order
Conditional cautions	Once conditions end	Once conditions end
Caution, warning, reprimand [14]	None	None

Notes:

If a sentence/disposal is not covered in the table above, under the changes it has no rehabilitation period and becomes spent immediately (unless it is attached to another sentence/disposal which does have a rehabilitation period).

- (1) The term 'prison' includes suspended prison sentences, youth custody, and detention in a 'young offender' institution or corrective training.
- (2) From the day on which the sentence (including any licence period) is completed.
- (3) From the day on which the sentence (including any licence period) is completed.
- (4) From the day on which the sentence (including any licence period) is completed.
- (5) Passed under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or under section 206 of the Criminal Procedure (Scotland) Act 1975
- (6) Starting from the date of conviction relating to the sentence.
- (7) Starting from the day on which the sentence is completed.
- (8) From the end of the order. This period starts from the last day of when the order given by the court has effect. Where no such date is provided, the rehabilitation period for the order is 2 years, starting from the date of conviction.
- (9) From the last day on which the order is to have effect.
- (10) From the date of conviction.
- (11) The date on which the payment is made in full.
- (12) Under the Mental Health Act 1983
- (13) The day provided for by or under the order as the last day on which the order has effect.
- (14) Spent as soon as issued.

Appendix C: Local Connection Criteria

Only those applicants with a local connection to Stafford Borough and also have an assessed housing need as defined by this policy, are eligible to be included on the Housing Register.

In order to demonstrate a local connection, one of the following must be satisfied:

- (a) Lived in the Borough for the last two years at the point of application;
- (b) Lived in the Borough for at least three out of the last five years;
- (c) Is currently subject to a Homeless Duty (in accordance with Part 7 of the Housing Act 1996) and have lived in the Borough for the last six out of 12 months
- (d) Has been employed in the Borough for the last two years;
- (e) A care leaver under the age of 21 and normally living in a different area of Staffordshire County, and has done for at least two years, including some time before they turned 16.
- (f) Has a firm offer of permanent employment in the Borough, where failure to move into the Borough would result in that employment not being accepted. See Right to move criteria below in exemptions to the local connection rules for details of how a firm offer of employment will be assessed;
- (g) Receives support from close family members who have lived in the Borough for at least three years;
- (h) Has close family members in the Borough who they need to provide essential care for, or receive essential care from; or
- (i) Other specific circumstances that the local authority would wish to consider under a local connection criteria.

Note 1 for a) and b) residence – The applicant must have lived in the area continuously for 2 years and that residence was of their choice

Note 2 for d) employment – The applicant or a member of their household must be in permanent employment in the area. Employment is defined as paid employment for 16 hours or more per week for period of 2 years or self-employment for 2 years where an applicant can demonstrate that the self employed work they perform is in the Stafford Borough area and is on average 16 hours a week or more. The employment must be their actual place of work in area and not employment based on a head office or regional office situated in the area but from which the applicant does not work. Where working hours fluctuate i.e. casual or zero hour's contract, an average will be taken over the last 3 months.

Note 3 for h) and i) family connection and support – The applicant or applicant's partner must be able to demonstrate that they have close family (normally mother, father, brother, sister, son or daughter) that have lived in the area for a minimum of the past 5 years. In addition the circumstances must be that the applicant needs to

give or receive essential support for the foreseeable future. It is for the Council to assess and decide if the claim of support, to be received or given, is essential. The Council will consider whether there are exceptional circumstances where other family members may be considered as close. For example, the circumstances where an extended family member brought up a person, in the absence of their own parents.

The level of support received or needs to be given must be significant and cannot be short term or low level e.g. to carry out shopping once a week. Evidence will need to show there would be savings to the public purse i.e. via the health budget or reduces pressure on the care system especially where there is no existing support package in place

For the purposes of determining local connection the Council will include:

- (a) Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site in the area, or an official pitch
- (b) People who are forced to sleep rough in the area

An applicant will retain their local connection where they have left the area due to:

- Being in hospital;
- Having to move out the area for care;
- Being accommodated in supported accommodation outside the district;
- Have been placed into temporary accommodation outside of the area by the Council.

Exemptions to the local connection rules

The only exemptions to the local connection rules are as follows:

- (1) They are homeless and Stafford Borough council has accepted a full duty to them under the Housing Act 1996 (as amended) S193(2); or
- (2) Applicants who are owed a S189B Relief duty by the Council for as long as that duty is owed to the applicant

Note: There is an exemption to the qualification rule for applicants to whom Stafford Borough Council has accepted a homelessness duty under section 189B(2) or 193 (2) of the Housing Act 1996 because either a) They have a local connection with the Council under the definition of local connection set by Part 7 of the Housing Act 1996 but do not otherwise meet the local connection criteria for joining the register or b) they do not have a local connection with this council but do not have a local connection with any other area therefore they remain the responsibility of this Council.

There is however, no exception for applicants owed any homelessness duty by any other council and have:

- (a) Been placed into temporary accommodation by another council in Stafford Borough; or
- (b) Been placed into private rented accommodation of any tenure in Stafford Borough by another local authority to end any homelessness duty owed to that applicant. A homeless duty includes any accommodation to end a section 195 prevention duty, 189B relief duty, any 193 duty or to meet any intentional homelessness duty under section 190 of the Housing Act 1996 Part 7. These applicants will be regarded as non-qualifying persons regardless of the length of time they have been placed unless the period of time is longer than 3 years since they were placed; or
- (c) Do not reside in the district but have applied to join the councils housing register but are owed a statutory homeless duty by another local authority. Households owed a homeless duty by any other local housing authority under the Housing Act 1996 Part 7 (this includes households owed a s.188, s.190, s.198, 195, 189B, 193(2) or 193C(4) duty will be regarded as non-qualifying persons regardless of whether they have been placed in this district or not. This rule is justified because that other local authority retains the responsibility for housing or helping the applicant to obtain housing

Where there are significant and special circumstances with overriding reasons requiring a) either a move into the area or b) where 2 continuous years residence has not been obtained, the Council will consider exempting an applicant from the local connection rules. This will be decided on a case-by-case basis following a request from the applicant or from the information submitted on their housing register application.

Examples include:

- (a) Reasons of safety; i.e. when an applicant is fleeing domestic abuse or hate crime from another area,
- (b) Is on a witness protection program or
- (c) Where by not moving to the area this would be significant detriment to their wellbeing or cause significant hardship.

This will require approval from the Housing Options Lead Officer.

Applicants who are leaving an institution outside of Stafford Borough such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme and were resident in settled accommodation within Stafford Borough for the 2 years immediately before they moved into their current accommodation will be allowed to qualify as an exception to the 2 continuous years rule.

The Council will consider under exceptional circumstances any application from a gypsy or traveller household that does not meet the continuous period of residence rule as the period may have been broken by periods of travelling. The Council will consider the facts of each case to decide whether circumstances are exceptional and will make its decision in full consideration of the policy intention behind the local connection qualification rule which is that due to there being limited social housing resources available in the district the Council wishes to prioritise offers of social housing to applicants who have a strong connection to the area based primarily but not exclusively on residence.

Care Leavers below the age of 21 years who are owed a duty under section 23C of the Children Act 1989 by any local authority Children Services Department and have been accommodated within Stafford Borough for a continuous period of at least 2 years (including some time before they were 16 years of age)

Applicants that satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012. These are:

- (a) Applicants who are serving members of the regular armed forces
- (b) Applicants who served in the regular armed forces within the 5 years immediately prior to the date of their application
- (c) Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service
- (d) Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner.

They satisfy the right to move criteria see below:

- The Right to Move qualification regulations 2015 states that Local Connection criteria must not be applied to existing social tenants who seek to move from another local authority district in England and who have a need to move for work related reasons to avoid hardship.

To qualify to the Right to Move the applicant must:

- Be social housing tenant living in England
- Wish to join the Housing Register in Stafford Borough due to work related reasons to avoid hardship are able to do so provided that they can provide evidence to that effect that the Council accept.

- Satisfy the council that the tenant needs, rather than wishes to move for work related reasons and if they were unable to do so would result in hardship.

In determining whether the tenant needs to move the council will consider the following factors:

- (a) The distance and/or time taken to travel between work and home
- (b) The availability and affordability of transport, taking into account level of earnings
- (c) The nature of the work and whether similar opportunities are available closer to home
- (d) Other personal factors, such as medical conditions and childcare, which would be affected if the tenant could not move
- (e) The length of the work contract
- (f) Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects.

Appendix D: Definition of a reasonable offer

A refusal of an offer of the correct size and type will normally be considered unreasonable.

Guidance on reasonable and unreasonable refusals

Property Size

The property must be the appropriate size for the household's needs at the time of making the offer. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.

It is the applicant's responsibility to ensure that they register any change in their circumstances that will affect the number of bedrooms to which they are entitled.

Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the Council's housing standards, this will normally be considered to be an unreasonable refusal unless the applicant provides new medical information at the offer stage that is accepted by the Council.

Property Type

It will not be considered to be a reasonable refusal due to a dislike of the property type. Therefore an applicant cannot reasonably refuse an offer because for example, it is in a tower block, it does not have a garden or a particular heating system, it is on a wrong floor, or does not have a lift. If the applicant states medical grounds for refusing the property, these should already have been disclosed and considered as part of the assessment of their application unless new information is submitted that is accepted by the Council.

Where specialist accommodation is offered to a household inappropriately this is considered to be a reasonable refusal. This may be for example:

- (a) Offers of wheelchair standard housing to households that do not have wheelchair users;
- (b) Offers made to disabled applicants that are unsuitable for their needs, e.g. where they are unable to open a door entry system because the doors are too heavy;
- (c) Offers of sheltered housing where the applicant is not of the appropriate age.

Property Condition

Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless assessed as not suitable for long term occupation by the Housing Standards Team.

Area of Choice

The Housing Options Service will endeavour to nominate households to preferred areas however in areas of limited housing stock this may not always be possible.

Households will not be nominated to areas where it is not safe for the applicant to live, based on information provided by supporting agencies at the time of application. Households are responsible for informing the Housing Options Service of any changes to areas of choice. The above applies for applicants have been excluded from a particular area by the police or probation.

Where the offer is not within one of the applicant's specified areas, the refusal will not be considered to be reasonable.

Pets

Permission to keep domestic pets must be obtained by the relevant Housing Association prior to the commencement of the tenancy agreement. Refusing an offer of accommodation on the basis that permission to keep a domestic pet has not be granted will not be considered reasonable.

Appendix E: Applicants with a history of failed tenancies or unacceptable behaviour

Failed Tenancies and Unacceptable Behaviour

A history of failed tenancies or unacceptable behaviour may include:

- (a) a serious failure to adhere to the terms of any current or previous social housing or private rented sector tenancy agreement. This includes failing to maintain any previous social rented or private sector rented property within the terms of their tenancy agreement, or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality of where they live or where they previously have lived.
- (b) Conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy agreement but conduct or behaviour that the Housing Options Service has assessed is still current, such as ongoing issues of anti-social behaviour.
- (c) Rent arrears for their last private rented tenancy where the Council has been able to obtain information and after documentation received show that on the balance of probabilities the debt is owed.
- (d) They, or any member of their household, have assaulted a member of staff whether or not an injunction is being sought or has already been obtained
- (e) They, or any member of the household, who have knowingly given false or misleading information, or withheld information, that has been reasonably requested in an attempt to obtain social housing. This will be considered on the facts of the case.

Applicants who refuse to acknowledge or address instances of previous serious unacceptable behaviour will not qualify for the Housing Register.

Note: where an applicant has demonstrated a change in their behaviour to the satisfaction of the Housing Options Service it may still be the case that any Housing Association who may have previously evicted an applicant for their unacceptable behaviour may have their own policy not to consider an applicant for housing where they have been evicted for their behaviour. This will be down to the rules adopted by each housing association. However, it will not prevent an applicant from being considered for housing by the council itself or another Housing Association subject to their rules.

Rent Arrears

The Housing Options Service will take into account rent arrears, and where relevant other housing related debt, associated with either a current or former tenancy where this relates to any social housing provider in the UK. Note the rules in this section apply only to social housing former or current rent arrears or housing related debt

and not to any arrears for a private rented tenancy or licence. Where there is information regarding a debt owed to a private landlord from their last private rented tenancy the Council may treat that debt under the unacceptable behaviour rules set out in that section of the policy below.

Only debts that are both recoverable, documented and not statute barred will be taken into consideration.

Housing related debts apply to both the applicant and any members of their household included within their application for housing.

The Housing Options Service will consider the following regarding social housing related debt:

- Whether the applicant still owes that debt, and if they do, the extent of the arrears and whether it is a recoverable debt.
- Whether there are exceptional circumstances, such as domestic abuse, and if there are exceptional circumstances then the applicant may not be subject to the rules set out here.
- Whether the claimant has taken debt advice acted on it, and entered into and begun to implement any arrangement to clear the arrears.
- Whether an arrangement has been made, the amount of arrears paid off, any amount outstanding, and the regularity of any payments made.

Applicants with outstanding rent arrears will only be considered for nomination or offer of accommodation, when they have:

- (a) Paid the outstanding amount or
- (b) Reached agreement with their former landlord to pay off the arrears in stages and have made regular payments (which will normally be considered to be over a 13-week period). However the officer assessing the application will decide what pattern of payments is required and over what period. This will be based on the facts of the case and must then be met before the applicant is to be considered suitable for nomination to a social housing property.

Note current rent arrears caused by the fact that housing benefit is paid in arrears will not be counted as rent arrears for this purpose.

Applicants who do not maintain rent arrear repayments may be disqualified from the Housing Register.

Appendix F: Assessing Medical Priority and when an award of priority will be made. Awarding Additional Medical Priority

Medical priority is only awarded when there is a direct link between the worsening of a health condition and the applicant's, or member of the household's, property. Applicants must provide documentary evidence of how their health issues are affected by or why the health issue cannot be managed in their current home at the point of application or as soon as possible if circumstance change at a later date.

The Housing Options Service may request additional information from relevant professionals (for example: a GP, Community Psychiatric Nurse, Social Worker or Health Visitor) to further explain the impact the medical condition/disability has on the applicant's current housing. They may request that an applicant obtains this information. While this information is being provided and pending the assessment of medical priority, eligible applications will be registered and placed in a band according to their circumstances excluding medical priority. Where no other housing need exists, the application will remain as pending until medical priority is determined. Once all relevant information is received, the Housing Options Officer will make a decision on whether to award priority banding on medical grounds based up on the information provided.

When determining what banding to award, the Housing Options Service will consider the degree of medical need that exists and the level of adverse impact this has on the lifestyle of the household as a whole.

The following list covers some of the main factors, which can be considered in assessing medical priority:

- An applicant's inability to manage stairs, control temperature, etc.
- Where an applicant is more or less confined to their existing accommodation
- Where present accommodation is causing an applicant's mental or physical disability.
- The need for adapted housing and/or extra facilities
- The need for sheltered or supported housing because of their medical need
- The need for housing as part of a care plan

Medical priority will not normally be awarded in any of the following circumstances

- Disrepair problems not impacting significantly on the applicants medical condition not impacting significantly on the applicants medical condition
- Overcrowding
- Where the medical condition is as a result of a lifestyle choice (e.g. drug use)

The applicant will be informed in writing advising them of the outcome of the housing assessment, based on the evidence provided.

Where medical priority has been awarded, a regular review will be made to ensure the priority awarded remains valid. On review, priority may be increased if the situation has worsened, remain the same if the situation is the same or withdrawn if the situation is resolved.

Where an applicant notifies a change of medical circumstances that are impacted by their current housing the applicant's priority will be re-assessed using the same process.

Additional medical priority may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties, for example, property adaptations.

Appendix G: Overcrowding

Stafford Borough Council uses the bedroom standard when assessing whether an applicant is overcrowded for the purpose of determining housing need in accordance with the Allocation Policy.

The Bedroom Standard requires one bedroom for:

- each adult couple
- any other adult aged 18 or over
- two adolescents of the same sex aged 10 to 20
- two children regardless of sex under the age of 10.

When determining whether a household is statutorily overcrowded, the Council whether either or both of the standards below apply:

The room standard

The room standard is based on the number and gender of people who must sleep in one room. The room standard will be contravened in a situation where two people of the opposite sex must sleep in the same room. The exceptions to this rule are:

- cohabiting or married couples, who can live in the same room without causing overcrowding
- children under the age of ten, who are completely ignored in the calculation.

All living rooms and bedrooms are included in the calculation (this could include a large kitchen). However, the standard does not limit the number of people of the same sex who can live in the same room (but see 'the space standard', below).

The space standard

The space standard is based on the number of people who may sleep in a dwelling of a particular size. The number of people depends on the size of the room, the number of living rooms and bedrooms in the building and the age of the occupants. There are two ways of calculating the space standard.

Method 1

Number of rooms	1	2	3	4	5+
Number of people	2	3	5	7 1/2	2 per room

Method 2

Floor area of room (square feet)	110	90 – 109	70 – 89	50 – 69
Number of people	2	1 1/2	1	1/2

For both methods:

- children under one year old are ignored
- children under ten years old but not under one count as a half
- rooms under 50 square feet are ignored
- a room is counted if it is either a living room or a bedroom

The space and room standards apply to any premises let as a separate dwelling (such as a house, a flat or even just a room if it is let separately from the rest of the building). They apply to both tenancies and/or licences. Both standards define a room as available as sleeping accommodation 'if it is of a type normally used in the locality either as a living room or as a bedroom'[\[2\]](#) (in one case a large kitchen was held to meet this definition).

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If you need this information in large print,
Braille, other language or in audio format
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