

# **Allocation Policy**

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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 [www.staffordbc.gov.uk/housing](http://www.staffordbc.gov.uk/housing). A copy of the full policy can be made available upon request. The Policy takes effect from **[insert new date]**.

# 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 138,670 people, with over half the population living in Stafford Town. 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 Beaconside Barracks which has expanded considerably since 2015.

Stafford Borough Council does not own any housing stock. In 2025, there were 8800 social rented properties in the Borough, with Homes Plus being the largest provider of social housing and owning approximately 80% of social housing stock within the Borough. 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 salary<sup>1</sup>; making home ownership out of reach for some residents. The average house price in Stafford was £256,000 in May 2025, up 6.4% from May 2024. This was higher than the rise in West Midlands (3.5%) over the same period.

Similar pressures are also faced in the private rented sector which has up to a 28% 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 in Stafford are competitive, resulting in increases in rents above the regional average.

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

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 (70%) 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. Since 2021, there has been a 120% increase in homeless applications, with corresponding increases households requiring temporary accommodation, placing significant pressure on housing options particularly for single people and those with support needs.

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), now called Homes Plus and part of the Housing Plus Group. 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 Homes Plus, 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 Homes Plus, 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.

When a social housing property becomes vacant in Stafford Borough, the Council will put forward (nominate) a suitable applicant in accordance with the rules set out in this Policy and our nomination agreement with the Housing Association. Stafford Borough Council does not have nomination agreements for all social housing properties in the Borough so there may be properties that become vacant that Stafford Borough Council is unable to nominate households for.

The Housing Association, who own and manage the property, will then consider the nomination made against their own allocation criteria and will then make the final decision as to whether that household will be offered the property they have been nominated to.

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 applicants 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 for the Housing Register**

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.

### **Who can qualify to join our Housing Register**

Our Allocation Policy has local rules about who can join our Housing Register (these are called qualification and disqualification rules). This section explains the rules we have chosen to adopt which explain when you may not be able to join, or be allowed to remain, on our Housing Register:

- (1) You need to be aged 18 or over to join our Housing Register – with some very limited exceptions (see below).
- (2) You must have a residential local connection to the Borough
- (3) You must have an assessed housing need as defined by the circumstances set out in bands A-C
- (4) You will not qualify if you are considered to have sufficient resources to find your own home, including current or recent home ownership
- (5) If there is evidence of unacceptable behaviour you may not be allowed to qualify

- (6) You may not qualify due to former or current rent arrears owed to any Council or Housing Association
- (7) We have evidence that you have made a fraudulent application you will not qualify

## **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.

## Local Connection

To establish a residential local connection' with the Council an applicant or joint applicant must be living in the Borough as their only or principal home at the point they apply and have done so for the previous 2 years.

Anyone applying to join the Register in the following circumstances will not normally be considered as having a residential connection to the Council:

- (a) if you have been admitted or detained in the Borough in prison, custody, or hospital, you will not be able to meet the residency rule in this way as this does not constitute being resident in district by choice.
- (b) anyone still owed any homelessness duty by any other Council and is living in the Borough will be regarded as not-qualifying regardless of whether they have been placed in the Borough or not by that other Council. This is because another Council retains the responsibility for helping that household.
- (c) people placed in supported housing in the Borough by another Council.

When we decide if you have a residency connection we will accept the following circumstances as demonstrating residence:

- (a) living in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch.
- (b) any period where a person has been verified as sleeping rough in the Borough as long as overall they have been resident for 2 continuous years.

We may, in exceptional circumstances and at our discretion, not apply the residency qualification rule.

These circumstances are:

- (a) Where we agree there are very exceptional circumstances requiring a move into our area. This will be decided on a case-by-case basis. Examples might include:
  - reasons of safety, for example if someone is fleeing domestic abuse from another area, or
  - if someone is on a witness protection program and we agree that a move to our area is essential, or

- if we agree there is a very exceptional need to live in our area to provide or receive essential support from close family
- (b) If you are homeless and owed by Stafford Borough Council what is called the 'main homelessness duty', or the relief of homelessness duty and we assess you would be likely to be owed the main duty.
- (c) If you are a member of the gypsy or traveller community who may not have fully met the 2 year rule because you have been travelling. The facts of each case will be considered when deciding whether the rule should be waived, and you must have spent most of the last 2 years living in the Borough.
- (d) If you are a young person owed what is called leaving care duties under Section 23C of the Children's Act 1989, who was looked after by Staffordshire County Council or any other Council and was looked after in the Borough you will establish a residency connection to the Council until you reach the age of 21, or 25 if they are pursuing a program of education agreed in your pathway plan.
- (e) If you are a young person who has been provided with accommodation by Staffordshire County Council or any other Council Children Services under Section 22A of the Children Act 1989 (provision of accommodation for children in care) and the accommodation you were provided with was in Borough of Stafford and you lived there for a continuous period of at least two years.
- (f) If you are over the age of 60 and living in the district and are willing to accept an older person designated home only you can qualify even if you have not lived in Borough for a continuous period of 2 years. However, if we agree not to apply the 2 year rule to your case we will only consider nominating you for older person housing and not general needs housing.
- (g) If you satisfy what is called the 'Right to Move' rules. Under these rules called "The Allocation of Housing (Qualification Criteria for Right to Move) Regulations 2015" we must not apply the 2 year residency rule if you are an existing social tenant seeking to move from another social housing tenancy in England who needs to move for work related reasons to avoid hardship. However, under this rule we will limit these moves to no more than 1% of all lettings per year.
- (h) If you are someone who, at the date of your application, is not living in the Borough whilst:

- receiving medical or respite care; or
- serving a custodial sentence.

In these circumstances you must have been living in Borough for 2 continuous years prior to your current circumstances

- (i) If you come under the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 - [www.legislation.gov.uk/ukxi/2012/1869/contents/made](http://www.legislation.gov.uk/ukxi/2012/1869/contents/made) as amended which means we must not apply the 2 year residency qualification rule to:
- (a) those who are currently serving or have ever served in the Regular Armed Forces
  - (b) bereaved spouses or civil partners of those who have served in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
  - (c) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

If you come under the armed forces regulations we will not apply the 2 year residency rule but the other qualification rules adopted will still be applied to your application such as the requirement to have a housing need, unacceptable behaviour or current or former rent arrears.

**You must have an assessed housing need as defined by the circumstances set out in bands A-C**

If you have applied to our Housing Register but we have not given you a priority for rehousing, meaning that your housing need circumstances are not enough to be given a band, you will not be able to join. This is because the number of households who need a home is much greater in the district than the number of homes that become available every year. Therefore, unfortunately only those households with the greatest need are allowed to join the Register.



However, you can join our Housing Register without any housing need as defined by bands A-C in this Policy if you are over 60 and would like to be considered for what we call 'Older Person designated housing'. You will still have to meet the other qualification rules but, if you do, you do not have to have a housing need as set out in this Policy. This is because most of the Housing Associations with homes in the Stafford Borough have a better supply of older person housing available for older people.

### **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.

**Applicants with previous failed tenancies or serious unacceptable behaviour, including rent arrears.**

We think it is very important to make sure that all social housing tenants living in the Borough can enjoy their home and surroundings and do not have to put up with any anti-social or other forms of poor behaviour from their neighbours. Therefore, if we have evidence that leads us to believe that you or a member of your family that are part of any application have behaved in a way that makes you or them unsuitable to be a social housing tenant, you will not be able to join the Housing Register.

Examples of unacceptable behaviour include:

- violence, or threats of violence, harassment, crime or anti-social behaviour
- discriminating against anyone because of their sex, race, religion or faith, disability, sexual orientation, gender identity, or age or certain other personal characteristics
- physical or verbal abuse towards staff of the Council, its contractors, or Housing Association staff
- giving false or misleading information when trying to join our Housing Register, or when trying to find a home

- if there is evidence that you or a member of your family are using class A drugs you will normally be disqualified until there is evidence to show that the person using is adhering to a drug reduction programme

This unacceptable behaviour rule will also apply if you are already registered but there is evidence of recent unreasonable behaviour or new information has come to our attention.

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 anti-social behaviour or rent arrears 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 D 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.

### **Current or former rent arrears owed to any Council or Housing Association in the last 6 years, or a private landlord**

Generally, if you, or a joint applicant, have current or former rent arrears owed to a Council or Housing Association you will either:

- (a) not be allowed to join the Housing Register if the debt is over £1,000, or
- (b) can qualify if the debt is under £1,000 but will not be considered for a nomination until the debt has been resolved as per the rules set out below. In these circumstances you will still be allocated a band based on your assessed housing needs but, cannot be nominated until you have resolved the debt as per the actions required and detailed below.

**Current or former rent arrears owed within the last 6 years** are defined as current or former tenant rent arrears or charges for use and occupation owed to any Council or any Housing Association whether that Association is based in the Borough or not.

When deciding whether someone with rent arrears is eligible for the Housing Register, the following will be taken into consideration:

- The reasons why you or a member of your family got into arrears and whether there are exceptional circumstances that we should consider when we make our decision, such as domestic abuse.
- Whether the debt has been caused by factors difficult for you or a member of your family to control, for example a case where we agree you were genuinely unable to pay the full rent due to being impacted by the 'spare room subsidy' rule commonly known as the "bedroom tax"

- Whether you still owe the debt, and if you do whether it is a recoverable debt, or a statute barred debt.
- Whether you have taken debt advice, acted on it, and entered into an arrangement to pay off the arrears/debt.
- If you have made an arrangement we will consider how much of the debt has been paid off and what is still outstanding, and how regularly you have made payments.

In cases of former or current tenant rent arrears of under £1,000 you must have made a repayment commitment to clear the debt and be making regular payments of an agreed sum which you have maintained for a period of at least 12 weeks. At this stage you would then be allowed to be considered for a nomination. However, you need to be aware that any Housing Association that we consider nominating you to may have their own rules on when they will consider making an offer to someone with current or former rent arrears and these rules may not be the same as adopted by the Council for to be able to join our Housing Register.

If you meet these rules and we decide to lift the restriction on considering you for a nomination you will still be expected to continue to make regular payments of the agreed sum until the debt is cleared – if payments are missed you might again be suspended until the arrears are cleared, or payments have been made satisfactorily for at least a further 12 weeks.

If we decide that you do not qualify you can apply again when you think the debt has been reduced to under £1,000 and we will then assess whether you have taken the required actions to address the debt.

Note: if you have had your rent arrears/housing related debt included in a 'Debt Relief Order', bankruptcy declaration or individual voluntary agreement (IVA) a period of at least 12 months has to pass from the declaration of insolvency to the point a debt is cleared. Should you maintain your finances satisfactory for this period, this will be considered as strong evidence that you are likely to be able to maintain your rent for any new tenancy.

## **Current or former rent arrears owed to a private landlord**

We recognise that someone might have had several private rented tenancies over say the last 5 years so we normally only consider whether there are rent arrears from your last private rented tenancy. If we are satisfied that a debt is owed we will decide on the level of debt and the reasons for it as to whether you should be classified as a not qualifying, or should be allowed to qualify, and if so whether they should be suspended from being considered for a nomination until the arrears are resolved. Where it is established that arrears are owed the same rules will apply as per a social housing debt above.

Where you or a joint applicant has held a private rented tenancy in the last 5 years we will normally write to your last landlord or lettings agency to ask the reasons why the tenancy was ended and whether there were any rent arrears at the point you left the property. We do not think it is fair to penalise someone if a landlord or lettings agency fails to reply within 6 weeks. We will send a further reminder and telephone them but if no reply has been obtained within 6 weeks, as long as you meet the other qualification rules, you will be allowed onto the register and will be able to be considered for a nomination.

Normally, we will only contact the landlord or agent for your last rented property. However, where it comes to our attention that there were significant rent arrears relating to a previous private rented tenancy in the last 5 years and this was not your last tenancy, a decision will be taken whether to still apply the rent arrears rule. For example you may have had a 6 month tenancy that you left with no rent arrears but the previous tenancy you were evicted for £5,000 rent arrears - in this case we would still have concerns as to whether this might happen again if we housed you and therefore may decide to apply the rent arrears qualification rules to your case.

## **We have evidence that you have made a fraudulent application you will not qualify**

It is an offence for any person looking to join the Housing Register to make a false statement or to withhold information which is relevant to their application. Formally, this offence comes under Section 171 of the Housing Act and is punishable with a fine.

If you try to obtain a home by making a false or misleading statement or by withholding relevant information, or by failing to tell us of any material change in your circumstances we may decide that you won't be allowed to qualify, or where you are already registered, you may have your application cancelled. We will also consider whether to prosecute if we think that a criminal offence has been committed.

Also if we find out after you have been given a tenancy based on a fraudulent application we let the Housing Association know and they may consider possession proceedings against you.

It will be for our housing team to decide in the first instance if any errors made in a person's application were deliberately made or not. If we decide that the errors were not deliberate, or that they were deliberate but minor and will have no impact on your application, then no action will be taken though we will warn you about the need to provide accurate information and the consequences for not doing so.

If you are disqualified from joining the register or removed from the register on this ground you will normally not be able to reapply for at least 2 years.

**How and when we will consider exceptional circumstances for any of these adopted qualification rules, or for any other rule set out in our Policy**

We have adopted a clear set of qualification rules but we will still consider whether to use our discretion and not apply a rule if someone makes a case for exceptional circumstances to be applied and we agree with the case made. Note, we will consider a claim for exceptional circumstances for any of the rules set out in our Policy and not just for the qualification rules.

If you apply to join the Housing Register and think that you may not qualify then you can make a case for discretion to be applied for exceptional circumstances as part of your application. Alternatively, where a request for discretion to be applied has not been made as part of your application, you will have a second chance to make a case through the review process.

It is your responsibility to make a case for why discretion should be applied to your application due to exceptional circumstances when you request a review, and please remember a request for a review must be made within 21 days of our decision being received by you.

Where requested, we will then consider whether your circumstances (or those of a member of your family) are so exceptional that we should apply discretion to your case. You will receive a written decision for any request that exceptional circumstances should be applied to your application within 56 days and, where our decision is that your case is not considered to be exceptional, we will give reasons why we have reached that decision.

It is important also to know that we cannot waive the eligibility rules for anyone who is not allowed to access social housing under the immigration and 'persons from abroad' laws set by the Government.



In deciding whether your circumstances are exceptional we will of course fully consider the responsibilities placed on the Council by the Equality Act 2010 and Children Act 2004, if there are dependent children as part of your application.

### **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.

## **7 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.

Landlord references will be requested from the last settled accommodation. Discretion may be applied in situation where the applicant has had no fixed abode for a period of more than six months or where all reasonable steps have been taken to obtain a reference but the applicant has been unable to do so, i.e. in situations where the letting agency or landlord is no longer in business. If no Landlord reference can be obtained, we will consider a character reference from a professional agency who has worked with the applicant for a period of no less than six months. Where the applicant has lived in emergency accommodation for six months or more, the Council may provide a landlord reference.

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.

## **8 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 C. 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.

Applicants will be notified of such decisions and the applicant has the right to a review of any decision that is made (See Section 12).

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.

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 a Senior Officer.

### **Offers of Accommodation**

Once nominated and prior to an offer being made the Housing Association for the 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 household 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

Offers of accommodation must be affordable to the applicant. Each Housing Association will have their own lettings criteria on how they assess affordability. In general, if the rent is more than one third of the households income (including housing-related benefits), it is unlikely that the property will be affordable. It is recognised that priority debts/ spending habits may result in a property being considered unaffordable if there is evidence that the household's regular spending commitments or debts would result in rent payments being unaffordable. Such cases will be signposted to debt and money management advice services.

### **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.

## 9 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 3 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

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

The Council also has an online housing advice portal that all applicants can access via [www.staffordbc.gov.uk/housing](http://www.staffordbc.gov.uk/housing)

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

**Band A - Very urgent need to move**

<b>Criteria</b>	<b>Description</b>
Main Housing Duty, or likely to be owed the Main Housing Duty under Homeless Legislation	<p>Applicants owed a main housing duty (section 193(2) duty) or the section 193C(4) 'reduced' section 193 duty<sup>2</sup> who are priority need and not intentionally homeless.</p> <p>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.</p>
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 outside of their accommodation.
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>
Exceptionally Urgent Need to Move	These decisions may be made by the Team Leader where it is considered that a case is extremely complicated and would benefit from being scrutinised by a Manager at that level of responsibility.

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

Criteria	Description
	<p>In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• a severe threat to life by others</li> <li>• emergency cases whose homes are damaged by fire, flood, or other disaster may be provided with another tenancy if 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</li> <li>• households which, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community</li> <li>• cases nominated under the Police Witness Protection Policy or other similar Policies that the Council has agreed to be part of</li> <li>• an applicant who has an exceptional need that is not covered in the Allocation Policy. For example, where child or public protection issues require rehousing or for domestic abuse where all other options to remain in the home have been considered</li> <li>• other exceptional circumstances as authorised by the Head of the Housing Service or equivalent.</li> </ul> <p>For any Housing Association tenant, the expectation is that, where it is safe to do so, a like for like management transfer would be granted, or an emergency decant provided whilst a suitable transfer can be arranged and therefore the majority of these cases should not need to be awarded a banding by the Council.</p>
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>



Criteria	Description
	<p>(a) The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living</p> <p>(b) The care leaver possesses the life skills to manage a tenancy including managing a rent account.</p> <p>(c) The care leaver has either long term or medium term tenancy support arranged, as required.</p> <p>(d) Ongoing support needs have been assessed and, 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>
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.
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)**

<b>Criteria</b>	<b>Description</b>
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 E for the definition of statutory overcrowding and bedroom standard.
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.
Foster Carers	Applicants approved as foster or adoptive parents who need to move to facilitate the placement of a child/children.
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	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. See Appendix E for full details on how medical housing need will be assessed.

## **Band C - Housing need to move**

<b>Criteria</b>	<b>Description</b>
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>
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>
Sheltered Accommodation	Older or disabled applicants assessed as requiring retirement, extra care or sheltered housing.

### **Applications from Existing Housing Association Tenants**

Existing Housing Association tenants living in social housing in the Borough of Stafford are entitled to apply to join the Council's Housing Register in the same way as any applicant who is not an existing social housing tenant.

Existing tenants of Housing Associations must meet our eligibility criteria and have an assessed housing need. The band that will be awarded depends on whether the Housing Association that they are a tenant for has provided the Council with 100% nominations or not. Where 100% nominations have been given to the Council the household will be granted the band appropriate to their assessed housing need.

Where the Council has not received 100% nominations we expect that the primary responsibility to rehouse lies with that Housing Association who should use homes not owed to the Council under a nominations agreement to resolve their tenant's housing problem. Therefore in these circumstances the tenant with an assessed housing need will be awarded Band C. The exception to this rule will be tenants who would be awarded Band A for an exceptionally urgent need to move on medical or disability grounds. This will not affect those who are homeless or threatened with homelessness in accordance with relevant legislation.

**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.

## **10 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.

## **11 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.

## **12 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 Homes Plus of any banding changes, or decisions on eligibility for the waiting list accordingly.

## **13 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 ([www.staffordbc.gov.uk/complaints](http://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](http://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 Lyme  
ST5 0QW  
Tel: 01782 635200

### **Bromford Housing Group**

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

### **Homes Plus**

Acton Court  
Acton Gate  
Stafford  
ST18 9AP  
Tel: 0800 048 8955

### **Midland Heart**

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

### **Platform Housing Group**

1700 Solihull Parkway  
Birmingham Business Park  
Solihull  
B37 7YD  
Tel: 0333 200 7304

### **Sage Housing**

Onion House  
5 Upper Street  
Martins Lane  
London  
WC2H 9EA  
Tel: 020 8168 0500

### **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

### **Walsall Housing Group**

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

### **Wrekin Housing Trust**

Colliers Way  
Old Park  
Telford  
Shropshire  
TF3 4AW  
Tel: 01952 217100

## 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.

<b>Sentence</b>	<b>Time it takes to become spent (age 17 or under at time of conviction)</b>	<b>Time it takes to become spent (age 18 or over at time of conviction)</b>
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



<b>Sentence</b>	<b>Time it takes to become spent (age 17 or under at time of conviction)</b>	<b>Time it takes to become spent (age 18 or over at time of conviction)</b>
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
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: 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 D: How we will assess the unacceptable behaviour qualification rule**

Examples of unacceptable behaviour that **may** result in a decision that an applicant will not qualify to join the housing register include:

- (a) they or a member of their household has committed anti-social behaviour in or around the vicinity of their home that has resulted in an ASBO, Community Protection Notice, injunction or other legal deterrent being issued within the past five years.
- (b) they or a member of their household have a conviction for using their accommodation, or allowing it to be used, for illegal or immoral purposes such as drug dealing, within the past five years.
- (c) they have been evicted from a tenancy by a social or private landlord for a breach of tenancy conditions, including non-payment of rent, within the past five years.
- (d) failing to maintain any previous social rented or private 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 area where they live or have previously lived.
- (e) circumstances where the applicant, or any member of their household, has assaulted a member of the Council's staff, whether or not an injunction is being sought, or has been obtained.
- (f) being subject to a court order (including an interim order) for breach of tenancy conditions.
- (g) paying money illegally to obtain a tenancy
- (h) unlawfully subletting their tenancy
- (i) applicants who have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974.
- (j) having unspent convictions where an assessment by the Council concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities;

- (k) an applicant or any member of their household has been responsible for any racial harassment or other hate crime. 'Racial harassment' and 'hate crimes' are defined as racist, religiously aggravated, faith, gender, age, disability, and transphobic or homophobic or gender re-assignment harassment or hate crime. A hate crime or racist incident is defined as any incident which is perceived to be racist or hate crime related by the complainant or any other person.

The assessing officer will be guided by the following framework when assessing whether an applicant should not qualify based on their unacceptable behaviour:

- (a) The behaviour need not have led to possession, prosecution, or other enforcement action by a statutory agency, provided that, on the balance of probability, the household is responsible.
- (b) in normal circumstances the behaviour concerned should have occurred within the last five years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer timescale may be appropriate if the applicant still poses a threat to neighbours and community.
- (c) there must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats, or there might be a history of repeat offending.

When assessing whether behaviour may result in the applicant not qualifying the assessing officer will consider:

- (a) the seriousness of the applicant's behaviour.
- (b) the duration of the behaviour and/or the number and frequency of incidents.
- (c) the length of time that has elapsed since the behaviour took place.
- (d) any relevant vulnerability or support needs that may explain the behaviour.
- (e) whether there is meaningful engagement with support agencies.
- (f) critically, whether there has been a significant and sustained change in the applicant's behaviour.
- (g) whether they believe on the evidence that the behaviour is likely to still reoccur now or at the point a tenancy was offered or commenced.
- (h) whether the circumstances that caused the behaviour have changed. For example, whether nuisance was caused by drug or alcohol problems that the applicant has since successfully resolved.

- (i) whether the member of the household responsible for the behaviour is still a member of the household.
- (j) whether the Council can accept a voluntary acceptable behaviour agreement from the applicant setting out the behaviour that is expected of them for future tenancies.
- (k) if the unacceptable behaviour is believed to be due to physical, mental or learning difficulties, whether, with appropriate support, the applicant could maintain a tenancy.

Applicants to whom the rule is applied will be written to and informed that:

- (a) the unacceptable behaviour rule has been applied to their case and either they do not qualify, or that they qualify but cannot be considered for an allocation until the behaviour has been resolved.
- (b) what they must do to resolve the problem.
- (c) where an applicant is disqualified for unacceptable behaviour they will be informed that they have a right to ask for a review of the decision made to disqualify them.

Non-qualification will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the Council, their previous unacceptable conduct is unlikely to reoccur. This may include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour.

Where an applicant is disqualified, any new application will only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of 12 months. It is the applicant's responsibility to notify the Council when they have, in their view, resolved the issue and they will need to present evidence to back up their view as part of any new application.

An applicant may re-apply to join the housing register after 12 months. During this time they will be expected to demonstrate behaviour that would make them suitable to be a tenant, such as no further anti-social or criminal behaviour in or around the vicinity of their home and/or no further breaches of tenancy conditions.

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

Some residents in the Borough have long-term health problems that make it very difficult to continue to live in their current home. Usually, these are physical health problems including problems with mobility (e.g. using stairs), but they also include mental health problems.

We do not award a priority band because you, or a household member, has a health problem. We look instead at how your current home affects the person with that health problem for example, how difficult it is to get in and out of your current home or how difficult it is to move around inside your home, or to cook and to wash yourself, or to receive the treatment and care you need inside your current home.

How we assess health priority banding is perhaps the area in any Allocation Policy that people are most confused about as understandably many applicants believe that it is the extent of their health condition that qualifies for a priority band whereas this is not the test we apply – the test is how the person's current housing impacts on their health condition plus in addition we have to decide whether their health would be significantly improved by rehousing, otherwise a move will have no beneficial impact.

If we think that rehousing you to a more suitable home is the right way to help you, there are two different bands that we will consider awarding you. The first is Band A where we have assessed there is a very urgent or emergency need for you to move due to the impact of your current housing on your health condition. The second is a high priority need to move.

### **When will we award Band A - for an urgent or emergency need to move**

We will award Band A where:

- (1) there is substantial evidence from specialist services (and we agree with their assessment) that you (or a member of your household's) disability or severe and enduring medical condition is so serious that it makes it virtually impossible for you to continue living in the current home, and it would be life-threatening for you to do so; and
- (2) there is substantial evidence from specialist services that you need to move to a more suitable home so that you can receive appropriate support and care to safeguard health, independence and wellbeing; and
- (3) all other options to address your difficulties have been explored, including in relation to medical treatment, care, your current home (including adaptations), and other suitable rehousing options; and



- (4) there are properties available which are likely to meet your needs better than where you are now.

As medical conditions may change over time, these awards will be reassessed regularly to establish whether or not the award should continue.

Situations where an award of emergency need to move will be relatively few, usually because essential treatment and care can be provided in the existing home.

### **When will we award Band B - for a high priority need to move**

We will award Band B where:

- (1) there is extensive evidence from specialist services (and we agree with their assessment) that you (or a member of your household's) disability or severe and enduring medical condition substantially impacts on your health and independence in your current home; and
- (2) there is extensive evidence from specialist services that you are unable to enter or leave the home and/or access essential facilities within the home; and
- (3) all other options to address your difficulties have been explored, including in relation to medical treatment, care, your current home (including adaptations), and other suitable rehousing options; and
- (4) there are properties available which are likely to meet your needs better than where you are now.

We will also award Band B in relation to mental health conditions or neurodivergent conditions where:

- (1) there is substantial evidence from specialist services (and we agree with their assessment) that you (or a member of your household) have a severe and enduring mental health condition or neurodivergent condition, which substantially impacts on your health and independence in your current home; and
- (2) there is substantial evidence from specialist services that you have suffered or will suffer a severe, long-term and detrimental deterioration in this condition as a direct result of your home, and you will not recover from this if you remain in your home; and
- (3) all other options to address your difficulties have been explored, including in relation to medical treatment, care, your current home, and other suitable rehousing options; and

- (4) it is evidenced that moving to a more suitable home will have a substantial positive impact upon this condition and your independence; and
- (5) there are properties available which are likely to meet your needs better than where you are now.

When assessing whether to award you Band A or B or no priority, we will follow the five-stage assessment set out below:

- (1) Is the medical/disability issue serious enough for a priority banding to be considered?
- (2) If the medical condition is serious enough for a priority banding to be considered we will then decide if there is a direct link between the identified medical problem your current housing accommodation/situation, i.e., on the facts obtained (from you and any medical information or reports submitted including any advice from an independent medical advisor or occupational therapist if we need to seek their advice) do we accept that your current housing accommodation/circumstances are making the medical condition or disability identified substantially worse, or will make it worse?
- (3) In practical terms we will consider the adverse effect this has on your ability to manage day-to-day tasks in your current home. The current housing accommodation/circumstances may be impacting on you or a family member's medical condition or disability but not to the extent that an award of Band A or B priority should be granted under the criteria we have adopted for this policy.
- (4) Before making an award we will need to be satisfied there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly improved through the provision of alternative accommodation.
- (5) If we are satisfied that the impact on the identified medical condition/disability would be removed or significantly improved, we will then decide whether to award Band A or B depending on the severity of the impact. In most cases the assessing officer will make this decision based on the guidelines set out in the Policy. However, we may make the decision after obtaining an opinion from a medical adviser or Occupational therapist and they will be guided by this five-stage assessment process.

### **When will we not normally award a priority band for health - medical or disability circumstances**

Medical/health priority will not normally be awarded in the following circumstances:

- (a) where you or a member of your family have a health issue, however severe, that is not impacted by the accommodation occupied
- (b) health problems that are not affected by housing or cannot be improved by moving
- (c) where a move would only make a marginal improvement to that condition
- (d) medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame
- (e) where another reasonable course of action is available to you to resolve the impact on your health
- (f) time-related medical or health problems (e.g., pregnancy-related problems or a broken leg)
- (g) disrepair problems not impacting significantly on your medical condition. (Note: under the Policy you may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of your circumstances and impact)
- (h) overcrowding not impacting significantly on your medical condition. (Note: under the Policy you may receive priority separately for being overcrowded)
- (i) if the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time
- (j) If you moved into a home that, from the start, was not suitable due to any family member's health problems. We look at these kinds of cases very carefully. For example, we will consider the reasons why you moved into an unsuitable home, and whether it might have been possible and reasonable for you to move into a more suitable home elsewhere.

Medical assessments are not just related to banding. We will also consider recommendations for future housing, for example regarding the floor level you may need and whether an extra bedroom is required due to a child having autism.

## Examples of circumstances to help the assessing officer to decide when Band 1 (Emergency) may be awarded on medical or disability grounds

The following examples are intended to guide the assessing officer on the threshold set for a Band A award. They can also serve to help an applicant understand the threshold for a priority award to be granted. A Band A award is for “*Applicants who are **suffering sudden or severe progressive life-threatening medical conditions and need an immediate move** (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and **poses an immediate and serious danger** to the individual.*”

- (a) where an applicant’s condition is expected to be terminal within a period of 12 months and rehousing is required to provide a basis for the provision of suitable care
- (b) the condition is life threatening and the applicant’s existing accommodation is a major contributory factor
- (c) the applicant has severe mobility issues, is housebound and is unable to leave their accommodation except with assistance that will result in high risk to themselves or their carer. They have an assessed need to move to accommodation that meets their needs
- (d) the applicant is not ambulant and a wheelchair user who is unable to use their wheelchair within their current accommodation and has an assessed need to move to suitable accommodation
- (e) the applicant’s accommodation is directly contributing to the deterioration of the applicant’s health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually six months
- (f) where overcrowding in the property leaves the applicant at risk of life-threatening infection
- (g) Applicants who have a progressive, chronic or life-threatening medical condition and cannot be discharged from hospital because they do not have any accommodation, or their accommodation is unsuitable for example, because they cannot access toilet and/or bathing facilities in the property. This will include cases that cannot be discharged from hospital because their home is, and will remain, permanently entirely unsuitable or entirely inaccessible to live in

- (h) Where the assessing officer accepts that the evidence from a relevant health professional indicates that there is a significant risk of serious and permanent injury and/or permanent disability
- (i) Applicants who have a progressive, chronic or life-threatening medical condition as diagnosed by a healthcare professional and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user
- (j) A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care
- (k) The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g., applicant has severe mental health problems that are significantly exacerbated by their accommodation and that opinion is fully evidenced by the applicant's consultant or mental health services
- (l) Due to limited mobility a person is unable to access essential parts of the property e.g., bathroom/toilet and no adaptation is possible
- (m) A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home
- (n) Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition

**Examples of circumstances to help the assessing officer to decide when Band B should be awarded on medical or disability grounds**

- (a) A life-threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage
- (b) A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care
- (c) A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities, or have difficulty accessing facilities inside and outside of their accommodation and require housing into suitable accommodation

- (d) An applicant or member of his/her household usually has a chronic condition; examples might include a respiratory condition, severe asthma or emphysema – and that the condition is being made worse by the current accommodation
- (e) Where their current property leaves a person at risk of infection, e.g., where an applicant is suffering from late-stage or advanced AIDs
- (f) People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life, and which puts them at risk of admission to hospital or residential care. Evidence would normally need to be provided from a specialist consultant psychiatrist or a certified paediatric nurse that their current accommodation is having a significant detrimental impact on the mental health of any member of the household
- (g) People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs
- (h) Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability
- (i) Someone with a medical or disability who's housing has rendered them housebound
- (j) Where a move would avoid the need for another service (e.g., Social Services) from having to provide a significant level of support. This might include for example residential care, overnight care provision, or other support with similar resource implications
- (k) Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. This will involve an assessment of the layout of their current accommodation, for example the number and nature of steps, stairs or other hazards that may increase the risk of serious injury
- (l) The applicant or household member requires significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective
- (m) Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service
- (n) Veterans who have actively served in the armed forces and are suffering from severe post-traumatic stress disorder or serious illness directly related to service in the forces

- (o) An occupational therapist has identified that the current accommodation is partially suitable but:
- the applicant or member of his/her household needs a major adaptation, such as a level access shower; or
  - the applicant or member of his/her household has significant difficulty managing stairs or difficulty accessing the property owing to stairs or slopes leading to doorways and the occupational therapist recommends a lift, ramped access or ground floor living; and
- (p) Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation
- (q) Applicants who have significant mobility issues and would benefit from a move to accommodation that has level access showering facilities
- (r) Children with severe conditions and a formal diagnosis such as autism, or cerebral palsy or ADHD where their long-term needs cannot be met without long term settled accommodation
- (s) A person with a severe disability requiring some adaptations to their property that cannot be provided for in their current accommodation
- (t) Where an applicant can access their home but struggles to access normal day-to-day facilities within it (e.g., bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort, confirmed with evidence from a healthcare professional. This would include cases where an adaptation is possible but cannot be undertaken in a reasonable period of time. (Note: any priority would be removed if an adaptation is completed, or work started)

## Appendix F: 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

<b>Floor area of room (square feet)</b>	110	90 – 109	70 – 89	50 – 69
<b>Number of people</b>	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' (in one case a large kitchen was held to meet this definition).

### **Requests for additional bedrooms for those with learning difficulties, sensory impairments, mental or physical health problems.**

In making an assessment for an extra bedroom for ADHD, Autism, sensory processing difficulties, and other mental or physical health problems the Council will consider the following framework to help guide the assessing officer:

- the nature and severity of the disability
- the nature and frequency of any care required during the night; and
- the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom

In all cases this will come down to a matter of judgement on facts of each individual case.

A claim should normally be supported by medical evidence and many children will be in receipt of Disability Living Allowance (DLA) care component at the middle or highest rate for their medical condition.

Requested evidence will include, but may not be limited to, the following:

- medical evidence detailing the nature of the disability, how this is affected by the home environment and the impact on other members of the household
- other supporting information from care and support agencies involved with the child and family (this should be specific information relating to the request for re-housing rather than a general letter of support and is likely to be from specialist rather than universal services); and,
- proof of DLA entitlement

The circumstances where a possible award of an extra bedroom may be made include a consideration of all of the facts set out below:

- Supporting letters for example from school SENCO stating that they also use a calm room at school and why, a letter specifying aggressive behaviour and frequency, behaviour flow charts, list of aggressive behaviours displayed at school, also stating the danger of child sharing alone with another child, their sensory issues, their inability to cope with small changes and reaction as a result
- Where there is professionally assessed evidence of a child or young person up to the age of 25 in the household who has a severe or profound learning difficulty, with a presentation of behavioural or emotional difficulties who exhibits sexually exploratory behaviour or other inappropriate behaviour of a serious nature and has a limited understanding around the impact of this on others. This may need to be certified by a consultant psychiatrist
- The applicant or a member of their household (adult or child), need major medical equipment for the long term, such as home dialysis, equipment for percutaneous external gastrostomy feeding, long term large assistive equipment or and/or bulky medical supplies which need to be used and stored on a permanent basis
- A DLA award letter stating high care and low mobility
- An assessment of need which supports the claim for an additional bedroom based on a severe impact where that assessment has been undertaken by the appropriate health or care professionals. The assessment would need to evidence that sharing with another family member who has care needs or behavioural problems that severely affect that family members ability to sleep, which in turn is having a very significant negative impact on their employment (to the extent that they may lose their permanent employment), or on their mental health (to the extent that they have been assessed with a severe mental health condition, or their current condition has become more severe, as a result of having to share)

- (f) Carers award letter stating care award is due to care needing to be given day and night

Examples unlikely to qualify include:

- (a) Circumstances, for example, where the claimant is one of a couple who is unable to share a bedroom
- (b) Where children share and the claim is that by having to share this is impacting on their ability to study and complete homework but there is evidence that they are able to study elsewhere in the home or at relatives or using library services
- (c) Where family members provide overnight care and support only at weekends or for part of the year
- (d) People with mental health issues who say they want an extra room for a friend or relative who provides support
- (e) A claim based solely on the wish that the applicant requires an additional room so that a child can have their own privacy, which they claim is essential to their mental wellbeing
- (f) People who are in receipt of formal overnight care (provided by NHS continuing care nurses, visiting agency carers, etc.)

### **Requests for an extra bedroom for a live in Carer**

We will consider requests for an extra bedroom where someone in your household requires and has been approved for a 24 hour live-in carer (which does not extend to a waking care presence), and no one in your household is able to provide this.

We will need clear evidence that there is an exceptional need for the person to live with you. With regards to a person who needs to live with you in order to receive care or support, this evidence must ordinarily be provided by their treating specialist services.

With regards to a carer who needs to live with you, this evidence must be an assessment completed under the Care Act 2014 by an authority that assesses, approves and provides or funds a live-in carer, such as Adult Social Care, mental health services or NHS continuing healthcare.

The inclusion of such a person on your Housing Register application will be subject to assessment and agreement by ourselves and not just based on the recommendation of a health advisor or specialist.

DRAFT