

Ashfield District Council

LETTINGS SCHEME

29TH JULY 2005

Allocation Of Housing Accommodation

Lettings Scheme

1. Introduction

- 1.1 This Lettings Scheme Booklet tells you how we at Ashfield Homes Limited let properties in accordance with the Council's Lettings Policy. It also explains other ways that you can become a council tenant.
- 1.2 The Council's Lettings Scheme must comply with Part 6 of the Housing Act 1996 and the Code of Guidance to the Homelessness Act 2002.
- 1.3 The Lettings Scheme also includes details about the Council's policy for offering you choice when you apply for housing. We offer you choice by asking you which housing areas you prefer and offer you housing on the basis of your choices and your housing need. We help you to choose where to live by giving you information that includes:
 - a) the amount of the Council's housing in the area
 - b) the availability of the housing in that area
 - c) the demand for different areas and different types of housing
- 1.4 You may also tell us about any needs for housing you have which are based on your religion or culture. We will try to ensure that we offer you those properties which meet these needs.

2. The Housing Register

- 2.1 The Council has set up a Housing Register, or waiting list, in accordance with the Housing Act 1996. Anyone over the age of 16 can join the Housing Register so long as they are not subject to immigration control or are not considered to be "other persons from abroad".
- 2.2 "Other persons from abroad" includes people who fail the Habitual Residence Test or are European Economic Area Nationals who no longer have a right to reside in the UK. From time to time the Government may change the rules on who can join the Housing Register. The Council will change its own rules to make sure they are in line with the law.
- 2.3 We will tell you in writing when we have put your details on the Housing Register and we will also tell you when we have made a change to your points.
- 2.4 We will not remove your details from the Housing Register without giving you at least 28 days warning. This will give you a chance to say whether you wish to remain on the Housing Register.
- 2.5 If we decide not to put your name on the Housing Register or to take your details off the Housing Register, we will tell you about this decision and the reasons for

it. You will then have 21 days to ask for a review of our decision.

- 2.6 You have the right to see information about your own entry on the Housing Register and to receive a copy of it free of charge.
- 2.7 Employees from Ashfield Homes Limited and Ashfield District Council will not normally tell anyone including other public bodies or landlords, information about your housing application without your agreement. The only time we would give out this information is if we had a legal duty to do so.
- 2.8 The Data Protection Act 1998 gives you the right to see information about you which is held by the Council or Ashfield Homes Limited. If you wish to see this information you should make your request in writing. We will tell you if we hold any information about you, and if we do, we will provide you with a copy of the information within 40 days of receiving your request.

3.False Statements And Withholding Information

- 3.1 The Housing Act 1996 says it is an offence for anyone to knowingly or recklessly give false information, or to knowingly withhold information which we have reasonably asked them to give in connection with the letting of housing.
- 3.2 There is a maximum fine of £5,000 for someone found guilty of such an offence.
- 3.3 Anyone making a false statement or knowingly providing incorrect information may also have their application on the Housing Register cancelled.
- 3.4 We can also evict someone who has gained a tenancy as a result of making a false statement.

4.The Lettings Scheme

Connection with Ashfield

- 4.1 We allow people who live outside Ashfield to join the Housing Register, however, people who have a local connection will receive an extra 10 points on their application.

You have a local connection if you:-

- a) live in Ashfield .
- b) have lived in Ashfield in the past.
- c) are employed in Ashfield.
- d) have close family in Ashfield. Close family means;
 - i. parents, grandparents, children, grandchildren, brothers or sisters.
We would treat a relationship by marriage the same as a relationship

by blood. Therefore we would treat half brothers, half sisters and the like as having a close family connection. Also we would treat stepchildren or adopted children as having a close family connection.

- ii. in some circumstances uncles, aunts, nephews and nieces may also be seen as close family connection where they need to give or to receive support.

Age Qualification

- 4.2 You may join the Housing Register at age 16, but we will not rehouse you until you are 18 years old unless there is a legal duty on the Council under the Homelessness Act 2002 or a duty under the Children's Act 1989.
- 4.3 We will normally only re-house 16 and 17 year olds where we believe they can cope alone or where there is appropriate support available.
- 4.4 We will normally ask for someone to act as guarantor for the rent for a 16 or 17 year old tenant. This would normally be a close relative or the Social Services Department.
- 4.5 To register for housing reserved for people over 60, such as certain flats, studio flats, and bungalows, you must be at least 50 years old. You will not normally be re-housed into that accommodation until you are at least 60 years old. Lists of such accommodation are available from any housing office.

Care-Leavers Nominated By Social Services

- 4.6 The Social Services Department is allowed to nominate young people under the age of 21 for priority rehousing in Ashfield. For applicants aged 16 and 17 the Social Services Department should provide us with a rent guarantee and details of a suitable support package.
- 4.7 Under certain circumstances care-leavers can be awarded homeless priority, by the Council's Homeless Section.

Relationship Breakdown (Arrangement For Children)

- 4.8 Following relationship breakdown, we will ask for details of the arrangements for children either from the Courts, a solicitor or the parties involved, before we can make an offer of housing.
- 4.9 For children to qualify as part of a household, they must have a residency period of at least 4 days a week in that household. In very exceptional circumstances, the Lettings Manager may consider allowing children to count as part of a household where they have residency of less than 4 days in that household.

Refusal Of Reasonable Offers of Housing

- 4.10 When you apply to us for housing we will ask you to tell us where you wish to

live. We will only make offers to you based on your areas of choice as well as your need. If you refuse 4 reasonable offers of housing we will suspend your application for one year from the date of your 4th refusal. We would tell you in writing if we suspend your application.

- 4.11 If you fail to respond to an offer of housing we would count this as a refusal of a reasonable offer.
- 4.12 If we suspend your application, you have the right to appeal against this. You will need to give good reason why you did not accept the offer, or why you did not reply to the offer. A reasonable offer is one where the home we offered you:
- a) meets the Council's occupancy standard - see paragraphs 7.1
 - b) is in the area which you asked for
 - c) has the heating type or other special requirement, you have asked for. Any special requirement you have requested must be reasonable and one which we can provide.
- 4.13 If we suspend your application we will not offer you any housing except where there is no-one else waiting. When your application is suspended we will not give you waiting time points.

Housing Register Review

- 4.14 We will send you a housing application review form every year, within one month from the date when you first registered. If you do not reply to the review form within one month, we will send you a second reminder letter.
- 4.15 If you do not respond to the reminder letter, we will take your name off the Housing Register. We will write to you telling you we have done this. We will put your name back on the Register if you ask us to within 4 months of receiving our letter.

Appeals

- 4.16 You have the right to appeal any decision that we make about your housing application. If you wish to make an appeal please contact us. If you appeal we will respond in writing within 21 days.

5. Points Scheme For Housing Lettings

5.1 The number of points we award you will depend upon the things listed below. If you think you have been given the wrong number of points you should contact your local housing office.

5.2. 10 POINTS ELIGIBILITY FACTORS	Number of Points
<p>Savings People with less than £30,000 savings or less than £30,000 worth of investments including equity in housing.</p>	10
<p>People With A Local Connection To Ashfield</p>	10
<p>Cramped Living Conditions</p> <p>We will give these points to people living in cramped conditions. They will receive an extra 15 points for each extra bedroom they need.</p> <p><i>We will give these points where:</i></p> <p>a) <i>a parent, or parents, have to share a bedroom with a child, or</i> b) <i>a boy and girl have to share a bedroom and one of them is over 5 years old, or</i> c) <i>people who have to share a bedroom where at least one of them is over 16, and they are not:</i></p> <p style="margin-left: 40px;">i <i>brothers,</i> ii <i>sisters, or</i> iii <i>living as a couple</i></p>	15
<p>People With A Child</p> <p>This includes approved foster children or adopted children, or where someone in the household is pregnant.</p> <p>We will give these points to applicants who have children living with them:</p> <ul style="list-style-type: none"> • For the first child. • For each extra additional child. <p><i>People with access arrangements in place for their children must have access for at least 4 days out of 7 for us to award these points.</i></p>	15 5
<p>People With A Child Under 5 In An Upstairs Flat</p> <p>We will give these points to anyone with a child under 5 living with them who occupy an upstairs flat.</p> <p><i>We remove these points when a child reaches 5 years of age.</i></p> <p><i>If you choose to move into an upstairs flat with a child under 5, we will not give points for these children. This also applies where the tenant, or member of their household was pregnant and they knew that they were pregnant at</i></p>	10

<i>the time they moved into the flat.</i>	
<p>Medical Condition Made Worse By Present Accommodation</p> <p>We give between 0 – 60 points for medical conditions affecting people or members of their household. The number of points we give depends on the how their current housing situation affects their medical condition. We may also give medical points where the person or family applying for housing is living with another household and this situation is causing medical problems to someone from that other household.</p>	0 – 60
<p>Homeless People</p> <p>We will give these points where the Council has accepted you as homeless under the Homelessness Act 2002.</p>	20
<p>Lack Of Secure Accommodation</p> <p>We will give these points to applicants living in a hostel, bed and breakfast accommodation, lodging with another household, leaving the armed forces, or are of no fixed abode.</p>	15
<p>Tenant Chooses To Move To Over 60s' Housing</p> <p>We award these points to Ashfield District Council or Housing Association tenants in Ashfield who ask to move from family housing to housing only available to applicants 50 and over.</p> <p><i>Family housing means houses, maisonettes and flats with two or more bedrooms where there are no age restrictions.</i></p>	45
<p>Moving to Smaller Accommodation</p> <p>We will give these points to Ashfield District Council or Housing Association tenants in Ashfield who apply to move to accommodation with fewer bedrooms. We will give one set of points for each bedroom which would be freed up from the requested move.</p>	15
<p>Lack Of Amenities</p> <p>We will give these points if you have no access to a:</p> <ul style="list-style-type: none"> • Bath/shower • Inside w.c. • Hot water 	5 5 5
<p>Support for Relatives</p> <p>We will give you these points if you need to move closer to relatives if you need to:</p> <ul style="list-style-type: none"> • Give them support or • Receive support from them <p>We would need proof that these points are needed</p>	15 15

<p>Closer to Work</p> <p>If you need to be closer to work we can award you extra points, we would need to have details of your journey to work. You would need to live more than three miles from work and not reasonably be able to use public transport to get there.</p>	5
<p>Making Disabled or Elderly Accommodation Available in Ashfield</p> <p>If you have the tenancy of a council or housing association flat or bungalow that is reserved for elderly or disabled people and:</p> <ul style="list-style-type: none"> • you are not elderly or disabled and • no one else living with you is elderly or disabled <p>we will give you these points:</p>	30
<p>Harassment</p> <p>You can receive harassment points for the following reasons:</p> <ul style="list-style-type: none"> • non-physical harassment or • discriminatory harassment* or • domestic violence • violent harassment <p><i>* Discriminatory harassment is harassment because of race, religion, sexuality, disability, or health – including mental health and HIV status. People suffering from violent harassment or domestic violence can also contact the Council's Homelessness Team.</i></p>	<p>10</p> <p>25</p> <p>35</p> <p>35</p>
<p>Waiting Time Points</p> <p>You will receive one point for every 3 months that you have been on the Housing Register, up to a maximum of 80 points.</p>	1 - 80

6. Unsuitable Tenants

- 6.1 If you or a member of your household has been guilty of certain unacceptable behaviour in the last three years you might not be allowed to join the Housing Register. Unacceptable behaviour can mean:
- a) Failure to pay rent
 - b) Causing nuisance or annoyance to their neighbours
 - c) Allowing the home to be used for immoral or illegal purposes
 - d) Allowing the home to become in a poor condition through neglect or wilful damage
 - e) Allowing furniture provided by the landlord to become in poor condition through neglect or wilful damage
 - f) Gaining a tenancy of a home by making a false statement
 - g) Paying someone so they will undertake a mutual exchange
 - h) Breach of other tenancy conditions
 - i) Abusive or threatening behaviour towards Councillors, Council Employees, Ashfield Homes Limited employees or anyone else employed by the Council to undertake its landlord duties
 - j) Abandoning a council tenancy.
- 6.2 The person who behaved unacceptably need not have been a council tenant when the behaviour happened. However, the unacceptable behaviour would have to be so severe that we could have gained outright possession order if that person had been housed with us at the time.
- 6.3 Before we prevent someone from joining the Housing Register, we will consider the following:
- a) That the unacceptable behaviour meets at least one of the above requirements.
 - b) The circumstances of the applicant's household, including their health, their children or other dependants.
 - c) Whether the behaviour was serious enough to make the applicant unsuitable to be a council tenant.
 - d) Whether there has been any improvement in the applicant's behaviour.
 - e) Whether the applicant might be able to maintain a tenancy if they were given appropriate housing support – for example; people with mental health problems or people with physical or learning disabilities.

- 6.4 When deciding if a person's behaviour has improved we will consider their current behaviour. For example someone with rent arrears from a previous tenancy would need to show that they have been making regular payments to reduce these arrears over a reasonable time.
- 6.5 Where a person is excluded from the Housing Register, we will tell them of the decision and the reasons for it. They would then have the right to appeal against this decision. After the appeal we would then tell them what our final decision is and the reasons for it.
- 6.6 In exceptional circumstances, the Lettings Manager has the authority to make an offer of accommodation to a person even though they are not allowed on the Housing Register, providing it would not cause problems to the local community.
- 6.7 A person would not be excluded from the Housing Register if they have been evicted through no fault of their own, or because of events beyond their control.

Applicants That Are Serious Criminal Offenders Or Are Known To Be Violent

- 6.8 Where we know someone was convicted of a serious criminal offence within the previous 20 years, we will decide a case conference is needed. We would hold a case conference if we believe that rehousing that person would cause us particular concern because of their past behaviour. The case conference would be to discuss whether appropriate support and controls are necessary to accommodate that person, and if so, whether they have been put in place. If a case conference is needed then we will suspend the application until after the case conference.

7. Occupancy Standards: How We Decide The Type And Size Of Home You Or Your Family Needs

Occupancy Standards

7.1 The types and sizes of accommodation that we will offer to different sized households are based on the following guidelines:

Property Type	Minimum Occupancy
Bedsit (studio flat)	one person,
1 bedroom flat	one person,
2 bedroom flat	one person,
1 bedroom bungalow	one person,
2 bedroom bungalow	one person,
2 bedroom house	2 people,
3 bedroom house or flat	parent(s) with two or more children,
4 bedroom house	parent(s) with four or more children.

The maximum numbers for these property types would depend on room sizes and the age, sex and relationships of people wishing to live there.

7.2 Where an applicant or member of their household are pregnant, or they have been accepted as adoptive or foster parents, we will count this towards the above occupancy standards.

7.3 An applicant or member of their household must have access to a child for at least 4 days out of 7 for the above occupancy standards to apply. We will normally require proof of these arrangements.

7.4 We will not normally offer applicants a property if this would lead to cramped conditions - see paragraphs 5.2. However In certain circumstances, we may make an offer of accommodation that would mean the household living in cramped conditions. This would only be where

- a) The offer resulted in the household being less cramped than in their current accommodation; and
- b) a more suitable offer of accommodation was unlikely within a reasonable time; and
- c) The property on offer would not lead to statutory overcrowding.

7.5 We will not make an offer where we believe your medical condition would be made worse.

Age Restrictions and Accommodation for Older People

- 7.6 Some Council accommodation has age restrictions. This means that we would not let certain homes to anyone under a certain age. We will tell you whether the home you are interested in has an age restriction and what that age restriction is. Sometimes we will offer an age restricted home to someone outside of that age restriction. This could happen where there is no one on the Housing Register who meets that age restriction and who wants that particular home.
- 7.7 There are some bungalows and flats that we will usually only let if you or your partner is at least 60 years old although you could have other people living with you. The only time we would let these flats and bungalows to younger people is if they were disabled or if the property was 'Difficult to Let'.
- 7.8 We may let bungalows to any disabled person who needs a home without stairs. This is where a Housing Needs Assessment Officer agrees that this person needs this type of accommodation and has awarded them medical priority. In some cases we will ask for medical evidence of the disability.
- 7.9 The Council may from time to time change age restrictions on homes, depending on the needs of the area.

Letting of Housing for Disabled People

- 7.10 Some properties in Ashfield are reserved for disabled people. If you need this type of housing you should ask us for a visit from the Housing Needs Assessment Officer. This officer will visit you to decide whether you or the person with the disability should be given points for medical priority and if you need a home reserved for disabled people.
- 7.11 The Housing Needs Assessment Officer will also give advice about:
- a) how to get aids and adaptations; and
 - b) other housing choices. For example, Housing Association properties or disabled facilities grants.
- 7.12 We will only offer disabled people housing which is suitable for their needs.
- 7.13 We may offer disabled people housing that was reserved for an older person, such as a bungalow or ground floor flat if more suitable housing is not available in a reasonable time.
- 7.14 Some properties are not reserved for disabled people, but have had disabled adaptations to them. Where such a property becomes empty, we will look to see whether there are any disabled people on our Housing Register who would benefit from these adaptations. Very minor adaptations such as a grab rail fitted at the side of the steps to the door would not be included.

Medical Circumstances Making People Unsuitable for Council Housing

- 7.15 Sometimes a person who has asked to be re-housed may really be in need of residential or personal care. We do not provide these services. As a result we would not make an offer of housing to this person. When this happens, we will tell the person or their relatives or carers about the decision.
- 7.16 We will then contact the Health Authority or Social Services about the situation. We will also tell the applicant or their relatives or carers about their right to request a review.

Difficult to Let Housing

- 7.17 If we are unable to let a property in accordance with the Lettings Scheme then we may make offers of this property to people whose applications have been suspended through refusing reasonable offers.
- 7.18 If we can't let the property to anyone whose application is suspended, then we may offer the property to someone who would be under-occupying the property.
- 7.19 If we can't let the property by allowing under-occupation, then we may reduce any age restrictions in place. The amount by which we would reduce these age restrictions would depend upon the property concerned. We would need to consider how this would affect our other tenants in the area.

Order of Allocation

- 7.20 When you fill in an application form we will check it and work out how many points you should receive based upon the information that you have provided.
- 7.21 We will give you information on the type and availability of housing in the different areas and ask will you to choose the areas you would like to move to.
- 7.22 We then offer housing to the people with the most points who have asked for that area and who qualify for that property type.

8. Your Right to Exchanges Succession and Assignment

Mutual Exchanges

- 8.1 All secure Council tenants and most Housing Association tenants have the right to a mutual exchange. This is where two or more tenants swap their homes. You would need our agreement to do this. We would not normally refuse you a right to exchange unless:
- a) Your home has been adapted for a disabled person and person you wish to swap with is not a qualifying disabled person
 - b) A Possession Order is in force against you
 - c) A Notice of Seeking Possession has been served against you
 - d) The exchange would result in your home, or the home you plan to move to being under-occupied, unless it was a like for like transfer – in this case, under-occupied means that more than one bedroom would not be occupied. Like-for-like means your home and the home of the tenant you are exchanging with are the same size, or the number of people in the households are the same.
 - e) One of the homes would be overcrowded
 - f) One of the homes in the exchange was let as a service tenancy – such as a caretaker's or warden's house
 - g) One of the homes is in a group of homes with special facilities let to people who need these facilities, such as warden aided sheltered schemes
- 8.2 If you apply to mutual exchange with a tenant of another landlord, that other landlord may also refuse the mutual exchange.
- 8.3 Sometimes someone may be in breach of their tenancy conditions but we have not taken any legal action against them. This could be where there is damage to the home or there are rent arrears. In this situation, we would not refuse to allow the exchange, but insist that the damage is repaired or arrears are paid before the exchange can go ahead.
- 8.4 We will allow someone to exchange to a home which they would be under-occupying if:
- a) They are moving to a smaller home within Ashfield
 - b) The household they are exchanging with would be moving to a home more suited to their needs within Ashfield.
- 8.5 We allow mutual exchanges involving households with a private sector landlord, provided they meet the above rules and the private tenancy is an assured tenancy or rent act protected tenancy.

- 8.6 If we refuse you a mutual exchange you can appeal against the decision. Further details about mutual exchanges are available from your local housing office.

Your Right to Succeed to a Tenancy

- 8.7 Where a tenant dies, other people living in the home at the time of the tenant's death may be allowed to inherit the tenancy. This is called succession. This is only allowed where the tenant who has died did not succeed to the tenancy themselves, unless this succession was before 1980.

- 8.8 The people who can succeed to a tenancy are the wife or husband of a tenant, people who have been living together as husband and wife, same sex partners, or any other close family member who lived in the household for at least the last year before the tenant died. Close family member means:

- a) Child, including adopted children or step children
- b) Parents or grandparents
- c) Brother or sister
- d) Uncles or Aunts
- e) Nephews or nieces

- 8.9 The law does not allow more than one succession. However we can grant a new tenancy to people who meet the above rules where the person requesting the tenancy also:

- a) Does not have a housing debt with Ashfield District Council and
- b) Has lived in the home for at least the last year before the tenant died and
- c) Would not be overcrowding, or under-occupying the home by more than one room and
- d) Is old enough to be a tenant of that home, where the home is reserved for people of certain ages and
- e) Is not an 'unsuitable tenant' - see section 6.

- 8.10 If the person requesting the tenancy has lived in the home for at least the ten years before the tenant dies, rules c) and d) above do not apply.

Your Right to Assign a Tenancy

- 8.11 Assignment is where a tenant who is moving from their home gives their tenancy to someone wishing to remain in that home. A tenant can give their tenancy to anyone who would be entitled in law to succeed to that tenancy.

See above for the rules on succession.

- 8.12 If a tenant is leaving their home and someone who remains behind is not allowed by law to have the tenancy assigned to them, we may consider allowing a new tenancy to be granted.

9. Other Housing Matters

Homemove

- 9.1 We take part in the National Mobility Scheme which is called Homemove. This can help people move from one part of the country to another. For more information about the scheme please contact us.

Ashfield District Council – New Employees from Outside Ashfield

- 9.2 When people from outside Ashfield are offered employment with Ashfield District Council or Ashfield Homes Limited we can offer them rehousing in the district. We would only do this where the person had to travel a long way each day to get to work. We would also need a recommendation from that person's Head of Department.
- 9.3 We will only make these offers of housing where the person needs housing quickly and who would find it very difficult to find suitable housing without help.

Re-housing Organisation Employees Leaving Tied Accommodation

- 9.4 Ashfield District Council or Ashfield Homes employees living in tied accommodation will be rehoused into suitable alternative accommodation as soon as possible through this lettings scheme, when their employment ends. Where special circumstances arise such as the employee being dismissed from their employment, we will consider what action we wish to take.

Letting of Accommodation in the Interest of the Efficient and Effective Management of the Housing Service

- 9.5 We will allow lettings in the interest of the efficient and effective management of the housing service where:
- a) Your Council owned home needs extensive repairs and you would need to move for us to do the repairs. This type of letting can be temporary and we can allow you to return to the original home if this has been agreed before you moved; or
 - b) Without such a letting we would be found guilty of maladministration or have legal action taken against us and without such a letting this could cost us a significant amount of money;
 - c) Other special circumstances which would have serious financial, legal or public relations implications for us.

Witness Support Schemes

- 9.6 Sometimes people are willing to give evidence against someone guilty of anti-social behaviour if we agree to rehouse them elsewhere. For this to happen:
- a) The evidence must be essential for us to take legal action; and
 - b) They must have signed a document saying that they would help us after they have moved. This may include giving more evidence in the form of an affidavit and appearing at Court; and
 - c) We must be sure that as a result of acting as a witness they are likely to be intimidated, harassed or at serious risk.
- 9.7 Where people agree to give evidence to the police, and the police confirm that the person giving evidence could be in danger as a result of this, we may be able to help them move. In some cases it could be necessary to move away from Ashfield District. In these types of situation we will work with the police and the Homelessness Team to ensure the witness can be kept out of danger.
- 9.8 Where we agree to move witnesses to another address in Ashfield, these rules will apply.
- a) We will transfer an existing tenant to a home with the same number of bedrooms, unless this would cause overcrowding, or the tenant wished to move to a home with fewer bedrooms.
 - b) The property type should be the same as the one presently occupied, or, if the tenant wishes a different type, we would allow this if it meets the Occupancy Standards.
 - c) If it is necessary for us to move people who are not council tenants, we will offer them a home that meets the Occupancy Standards, in an area of their choice, provided a suitable home in that area becomes empty within a reasonable time. This would not usually be close to their present accommodation.

Information about the Allocation of Housing Accommodation, Lettings Scheme

- 9.9 The Housing Act 1996 says that the Council must publish a summary of its Lettings Scheme and give a free copy of the summary to anyone who asks for one.
- 9.10 You can get a copy of the Lettings Scheme Document from housing offices free or charge. It is also available on the Internet, from Ashfield Homes Limited's Website: <http://www.ashfieldhomes.co.uk/> or from the Council's Website <http://www.ashfield-dc.gov.uk/>.