

Tamworth  
Borough Council

# Finding a Home

## Housing Allocation Policy Summary

Consultation  
May 2019



## Introduction

This is a summary of the Council's draft revised Allocation policy. **This outlines the changes that are being proposed to the Council's existing Housing Allocation policy.** The allocation scheme determines priorities and sets out how properties will be allocated and how the Council may make nominations to registered provider landlords within the borough where the Council has nomination rights. It details who is and who is not eligible and who qualifies to join the scheme and how this assessment is made. It also sets out how applicants can apply for and access housing and how their priority banding is assessed.

Tamworth Borough Council operates a Choice Based Lettings (CBL) scheme called Finding a Home. This is based online at [www.findingahometamworth.co.uk](http://www.findingahometamworth.co.uk). A consultation over the proposed changes to the way social housing is allocated starts on 7 May 2019 and will close on 30 August 2019. As part of this consultation the Council is inviting comments on several changes being proposed to the criteria of who will be able to join the housing register and on changes in the way in which priority is assessed and awarded.

**ANY SUGGESTED CHANGES TO THE PREVIOUS POLICY ARE HIGHLIGHTED WITH A YELLOW BAND**

## Background

The Council recognised that it needed to undertake a review of its housing allocation policy as a review had not been undertaken since 2014. Since then there have been changes in legislation which also need to be taken into account, as well as changes in the housing needs within the area and demand, alongside other changes in society.

Furthermore, in accordance with the Secretary of State's guidance, the Council needs to review its allocation policy to take into account the new duties to homeless households brought in by the Homelessness Reduction Act 2017 to reduce and prevent homelessness.

**The changes to the Council's allocation policy have been developed with regard to these new duties but have also taken into account:**

- The prevailing housing needs within the area
- Managing the demand for social housing
- Balancing customer expectations
- The need to offer those in most housing need priority for social housing

For a full copy of the Council's proposed new allocation policy please visit the Consultation page on Tamworth Borough Council's website ([www.tamworth.gov.uk/consultation](http://www.tamworth.gov.uk/consultation)).

Most other local authorities have either recently reviewed their policy or are in the process of doing so and so as a Council we need to ensure we also have similar policies in place to protect our residents.

## What are the proposed bands?

People will be placed into one of the five bands which reflects their priority for housing.

Band 1+ is the highest band followed by Band 1, 2, 3 and 4 being the lowest band. Those in the highest band are those determined to have the greatest housing need.

## Band 1+

- Applicants assessed as having exceptional additional housing need determined by being considered a full homeless duty and one further characteristic in Band 1
- Applicants that have an urgent housing need (as defined in Band 1) and
  - i. Are serving or formerly served in the regular forces and suffer from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
  - ii. Have recently ceased, or will cease, to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who served in the regular forces and whose death was attributable (wholly or partly) to that service, or Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability that is attributable (wholly or partly) to the person's service.

## Band 1

- Applicants whose current home is within Tamworth and is due to be demolished, or is subject to a Demolition Order
- Applicants assessed as statutory homeless and owed a full housing duty in Tamworth
- The applicant's current home is subject to a Prohibition Order served by Tamworth Borough Council covering a main part of the dwelling, or is otherwise unsatisfactory or unsanitary and the defects to the property cannot be remedied
- Applicants who are unable to continue to occupy their current accommodation due to high medical need or disability
- Applicants with a high need for alternative accommodation on the grounds of significant social welfare. This includes applicants with a need to move to a particular locality where significant hardship would be caused if they did not move, and this banding is also awarded to those with a 'right to move' as stipulated
- Applicants who are deemed by the Private Sector Housing Team to be statutorily overcrowded, or who are overcrowded by two or more bedrooms according to the policy
- Applicants who have a social housing tenancy and are under-occupying social rented accommodation by two or more bedrooms
- Applicants awarded Incentive to Move that are presently tenants of Tamworth Borough Council, and are prepared to move to a flat or bungalow, thereby making their current home available to applicants that need a house
- Applicants that are presently living in supported housing and are required to move on
- Applicants who are a looked after child and leaving care under Staffordshire County Council
- Former Tamworth Borough Council tenants who have negotiated and agreed a tenancy surrender
- Applicants who are Tamworth Borough Council tenants and have an urgent need to move and to make best use of stock for reasons where banding has not been otherwise provided for in the policy
- Have a reduced preference from Band 1+
- Applicants who were assessed as threatened with homelessness but through successful mediation have remained within the home for a minimum period of 6 months.

## Band 2

- Applicants with a medium medical need who have been assessed as requiring suitable alternative accommodation
- Applicants owed a S189B Relief duty for as long as that duty is owed to the applicant (not subject to cumulative preference)
- Applicants with a medium need for alternative accommodation on the grounds of serious social/welfare
- Applicants who are overcrowded by one bedroom according to the bedroom requirement in the policy
- Applicants who have a social housing tenancy and are under occupying social rented housing by one bedroom
- Applicants who are leaving Armed Forces accommodation and who have not been dishonourably discharged. A Discharge Notice will be required.
- Applicants who have been verified as rough sleeping who have not been deemed to have made themselves intentionally homeless but not been accepted a duty.
- Have a reduced preference from Band 1.

## Band 3

- Applicants who have been assessed through the homeless legislation but where a full duty is not owed due to non-priority, intentionality or refusing a suitable offer of accommodation.
- Applicants owed a S195 Prevention duty for as long as that duty is owed to the applicant (not subject to cumulative preference)
- Applicants with a low medical need or disability requiring them to move
- Applicants who have a low housing need on welfare grounds
- Applicants who are single and aged 35 or over who are living in shared accommodation that includes sharing facilities such as the bathroom or kitchen with other people in unrelated households
- Joint applicants who are a couple and living in shared accommodation that includes sharing facilities such as the bathroom or kitchen with other people in unrelated households
- Have a reduced preference from Band 2.

## Band 4

- Applicants that are owed an accommodation duty under section 193C (4) – applicants who have had their homeless duty discharged for failing to co-operate
- Applicants that have a reduced preference from Band 3
- Applicants that have temporarily been referred to supported housing by the Council but are not yet ready for move-on.

## What properties are applicants eligible for?

Accommodation will normally be offered according to an applicant's bedroom needs as follows:

One bedroom is allowed for:

- Every adult couple
- Any other person aged 16 or over
- Two children of the same sex under the age of 16
- Two children under the age of 10 regardless of their sex
- Any other child
- A carer (who is not part of your household) if you or your partner need overnight care
- Any other person who can't share a bedroom because of a severe disability or medical condition or where there is a need for medical equipment, for example dialysis equipment

A household containing a pregnant woman will be eligible for a bedroom for the unborn child at 20 weeks gestation if there is no other bedroom that the child would be expected to share.

## Summary of which households can bid for certain properties

Property Type	Household Criteria
Bedsit / studio flat	Single person
One bed flat	Single person / couple
One bed bungalow	Single person or couple with mobility disabilities and a need for this type of accommodation (as assessed by an Occupational Therapist). Priority is given where one person is 60 years or above. In the absence of 60+ year olds, those under the age will be considered.
High rise – one bed flats	Single persons or couples - at least one person must be 50 years or above.
High rise – two bed flats	Couples where at least one person is 50 years or above who have either: <ul style="list-style-type: none"> <li>● An assessed need for separate bedrooms or</li> <li>● Require an overnight carer.</li> </ul>

Two bed bungalow	<p>Single persons or couples who have either:</p> <ul style="list-style-type: none"> <li>● An assessed need for separate bedrooms or</li> <li>● Require an overnight carer.</li> </ul> <p>Priority is given where one person is 60 years old or above. In the absence of 60+ year olds, those under the age will be considered.</p>
Sheltered Housing	<p>Single persons or couples - at least one person must be 55 years old or above and they must have an assessed need for sheltered housing.</p>
Two bed flats (not high rise), maisonettes and houses	<p>Households, whose bedroom requirements are as indicated in the bedroom requirements section on page 5.</p>
Three bed flats, maisonettes and houses	
Four bed houses	
Five bed houses	
Seven bed houses	

## Who would be eligible to join the housing register?

You can be on the housing register and apply to join if you:

- Are aged 18 or over and
- Have a housing need as set out in the housing allocation bands

## Who would not be able to join the housing register?

You can't be on the housing register or apply to join if you

- Are subject to immigration control
- Have not passed the habitual residence test
- Have significant rent arrears (equivalent to over 8 weeks rent)
- Are deemed to be guilty of unacceptable behaviour including anti-social behaviour
- Have the financial resources to resolve your housing issue
- Have refused 3 suitable tenancy offers within a 12 month period and will be disqualified for a period of 12 months.

## What are 'financial resources' determined as?

The Council are proposing to include financial resources thresholds as follows:

### **Income threshold**

- i. Single person households with a household net income of £30,000 or more per year
- ii. Family households (this includes couples) with a household net income of £60,000 or more per year.

### **Savings, Assets and Capital**

Applicants with capital/savings/assets/investments in excess of £16,000 will not qualify to join the housing register as they will be regarded as having sufficient resources to source alternative suitable accommodation.

### **Home ownership**

Applicants who own their own homes will not qualify to join (or remain on the register) if they own a property either in the UK or abroad (either freehold, leasehold, under mortgage or shared ownership), unless they can demonstrate that:-

- They are in housing need and/or it is unreasonable for them to continue to occupy the accommodation and
- They cannot liquidate or sell the property which would enable the owner occupier to purchase or rent an alternative property suitable to meet their needs.

## **Local Connection**

### **An applicant would have a local connection if they:**

- Have been resident in settled accommodation within the borough of Tamworth consecutively for the last 2 years
- Have permanent employment or self-employment within Tamworth that has been ongoing for more than 12 months for at least 16 hours per week.
- Where an applicant has a close relative\* in the borough of Tamworth and where that close relative has been living in the borough consecutively for the last 5 years and
- Where there are additional health, welfare or care/support needs that is reliant on the relative being within the area

\* Close relative for this purpose is defined as parents, children, siblings, grandparents or grandchildren, including step relatives.

### **Exemptions to local connection:**

- They are homeless and the council has accepted a full duty to them under the Housing Act 1996 (as amended) S193(2), owed a S189B Relief duty for as long as that duty is owed to the applicant, owed a S195 Prevention duty for as long as that duty is owed to the applicant
- They satisfy the 'right to move' criteria
- They satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012
- There are significant and special circumstances with overriding reasons requiring the move into Tamworth for reasons of safety

Where applicants have a housing need but no local connection they may be able to join the housing register but at a reduced level, reduced by one housing band to those with a local connection.

Further details on the proposals and individual changes can be found in the Questionnaire

## Frequently asked questions and answers

### **Q: What do I need to do now?**

**A:** Unless you want to make comments regarding the consultation and proposed changes you do not need to contact us. If you want to comment on the changes please

- Respond to the questionnaire,
- Email [AllocationsPolicyRev@tamworth.gov.uk](mailto:AllocationsPolicyRev@tamworth.gov.uk)  
or
- Call our consultation telephone line on 0800 183 0454.

If you have any change of circumstance you have not yet notified to us please complete a change of circumstances form to notify us of these.

### **Q: If I am affected by the change when will I hear?**

**A:** This initial communication is to make you aware that we are proposing changes which may affect you and to provide you with an initial opportunity to comment on the proposed changes.

Should the policy be approved, you will be notified 28 days in advance of the proposed implementation as to how this would affect you personally and this would then be your opportunity to formally request a review of the decision. At this stage you will also have an opportunity to supply additional information.

### **Q: Do the same rules apply to people already on the housing register to those newly joining**

**A:** Yes, in order to be fair and equitable the allocation policy applies to both existing applications and new ones received.

### **Q: If I am no longer able to remain on the housing register can I still consider other housing options?**

**A:** Yes, the Council is able to provide free advice and assistance on all housing options, including registering for housing associations, private rents, and mutual exchanges as well as low cost home ownership.

Additionally you can look at the housing options tool to help you determine what other options may be available. Go to Housing options on the Finding a Home website ([www.findingahometamworth.co.uk](http://www.findingahometamworth.co.uk)).

### **Q: What if I disagree with my banding or decision?**

**A:** A request for a review should be made within 28 days of the decision being made. You are encouraged where possible to supply any other supporting information which may assist and explain why you require a review of the original decision.

### **Q: Will my band date change?**

**A:** Due to the large amount of applications on the housing register, we would initially keep your existing band date, however this could change going forward should you then have a change of circumstances which would otherwise change your band date.

### **Q: I previously had a local connection under the old policy but no longer meet the new criteria. Will I be affected?**

**A:** Yes. In order to be fair and transparent the new rules would apply both to existing applications and new ones to be received. You may find you are no longer able to join the housing register or if you are enabled to join it would be at a reduced banding level.

**Q: When will the new policy go live?**

**A:** The current draft policy is out for consultation until the 30 August. All responses will be reviewed and any amendments made. Final approval will then be sought from elected members with the current intention for it to be implemented in winter 2019, however this may change dependent on any changes that may be required.

**Q: How will I personally be affected?**

**A:** This will largely be dependent on your circumstances and the information we currently hold in relation to your application. Each applicant will be notified of their predicted band or decision 28 days before the policy is implemented. Applicants then have 28 days to request a review should they disagree.

**Q: Why are you making changes to the existing policy?**

**A:** The last policy was reviewed in 2014. Since this time there have been changes in legislation which also need to be taken into account. Additionally the Council has new duties to reduce and prevent homelessness which we want the policy to accurately reflect. We also want to ensure the housing register is robust and accurately reflects housing need whilst balancing this against managing expectations.

**Q: I have had a change in circumstances since I applied. What do I need to do?**

**A:** Please complete a change of circumstances form to notify us any changes. This can be downloaded from the Council website at [www.tamworth.gov.uk/housing-forms-and-documents](http://www.tamworth.gov.uk/housing-forms-and-documents) or collected from our Council offices. You need to keep us informed of any changes which may affect your application.

**Q: Will Council tenant transfer applicants be included in this new scheme?**

**A:** Yes your application will be considered in the same way as other applicants to the housing register.

**Q: What if I do not accept a property I am offered?**

**A:** Applicants will only be affected if they refuse 3 or more suitable offers of accommodation unless:

- Applicants are owed a statutory homeless duty and the property is offered due to this
- The applicant is in Band 1 and subject to a Band 1 review
- The applicant is otherwise only to be offered 1 offer of accommodation

**Q: If I am disqualified how long am I disqualified for?**

**A:** This would depend on your circumstances and reason for disqualification

- Not bidding would result in disqualification for 3 months
- Refusal of 3 suitable offers would result in disqualification for 12 months
- Being disqualified for unreasonable behaviour or significant rent arrears would generally be for at least 12 months or until the debt is repaid
- If you don't qualify due to not having a housing need or having the financial resources this would apply until there is a change in your circumstances which would mean you are able to join.

**Q: When did you last update your Housing Allocation Policy?**

**A:** The scheme was last updated in October 2014 and no changes have been made since other than the criteria and age restrictions for Sheltered Accommodation being lowered to those aged 55+ in 2017.

**Q: What happens if you cancel my housing application?**

**A:** If we cancel your housing application you will need to re-apply to us at a later date. You will not be able to keep your former application date so you may lose the time you have already spent on the register and band date.

**Q: Is my income too high to join the housing register?**

**A:** All income is taken into account and where an applicants' income exceeds the following threshold they will not be eligible for the housing register

- Single person households with a household net income of £30,000 or more per year
- Family households (this includes couples) with a household net income of £60,000 or more per year.

**Q: The proposals may mean that some households will no longer be able to remain on the housing register. What would you advise these people?**

**A:** On average we have 300 empty properties per year that become available for reletting combined with approximately 150 properties available as nominations from housing associations. The Council is unable to house everyone that is on the housing register and therefore has to apply criteria to ensure those in the greatest housing need are housed.

While some people will no longer be able to remain, it helps us to protect those who have an identified housing need without the resources to resolve their housing for themselves.

There is a large percentage of applicants who have never, or rarely, bid for accommodation and therefore are highly unlikely to be housed by the Council.

If the proposals are approved and you are no longer able to be on the housing register, you will still be able to access advice on other suitable housing options.

**Q: What does local connection mean?**

**A:** Local connection is how we describe any links or associations that you have with Tamworth. If you do not have local connection criteria, or do not meet the exemptions you may not be able to join the housing register, or if you are able to join it would be at a reduced level.

**Q: Is this just a money-saving exercise?**

**A:** If the proposals are approved, it is forecast that they will reduce the cost of managing the allocation process quite significantly. However, the priority here is to ensure we have a robust and transparent scheme that is clear and that gives priority to local people who have a genuine housing need and the inability to otherwise resolve it.

**If you require this information in another format or language, please call 01827 709709 or email: [housingsolutions@tamworth.gov.uk](mailto:housingsolutions@tamworth.gov.uk)**