

Housing Allocations Policy

Version control

Avoid referring to printed versions of this document. Printed versions may be out of date.

Owner/responsibility for compliance		Head of Housing Commissioning and Strategy	
Status (draft / approved & live)		Approved & Live	
Version no:	Date approved:	Approved by:	Summary of changes made to each version:
1.1	12 th October 2022	Full Cabinet	<ul style="list-style-type: none"> Full revised version of the Allocation Policy
2.1	11 th December 2024	Full Cabinet	<ul style="list-style-type: none"> Updated to new policy template Added content around property types, special guardians, Annual Lettings Plan, seriously hazardous properties, decants, size entitlement, and wording in relation to Reviews, divorced or separated spouses or civil partners of current regular forces Service personnel. Changed banding in relation to UK Armed Forces widow/ers who need to vacate MOD property and those that have been injured in service. Defined local connection in relation to Care Experienced Young Person. Local connection criteria (left service within 5 years) for UK Veterans regular Armed Forces removed.

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Part 1 – Overview of Allocation Scheme and Policy Aim

1 Introduction

- 1.1 This document is the Housing Allocations Policy; the Council is required by section 166A (1) of the Housing Act 1996 to have an Allocation Policy for determining priorities and for defining the procedures to be followed in allocating housing accommodation. This Allocation Policy meets the legal requirement for the Council to provide a statement on choice and it adheres to the “Allocation of Accommodation: Guidance for Local Authorities in England” (CLG, June 2012).
- 1.2 This policy outlines who can apply for social housing (Council housing and Housing Association properties) in the Swindon Borough Council area, and how the Council sets priorities for who is housed.
- 1.3 The Housing and Regeneration Act 2008 includes the definition of social housing as low-cost homes, for below the market rate rent to people whose housing needs cannot be met by the general housing market.
- 1.4 There is high demand for most types of affordable rented homes in Swindon Borough Council’s area and as a result, the Council has very limited supply of social and affordable rented properties.
- 1.5 This Allocation Policy meets the requirements set out in Part 6 Housing Act 1996 (as amended by the Homelessness Act 2002). It also contains flexibilities introduced under the Localism Act 2011. In developing this Allocation Policy, the Council has included necessary flexibility that will help the Council to consider all household circumstances, giving reasonable and additional preference to applicants in the greatest need, and be able to respond appropriately.

2 Aims/Objectives

- 2.1 Swindon Borough Council is committed to allocating housing in a fair and transparent manner and aims to use its scarce housing resources to meet the needs of its vulnerable residents and those in the greatest need of housing.
- 2.2 It is Swindon Borough Council’s policy to operate a Choice Based Lettings Scheme, except in certain circumstances where applicant/s may be subject to restricted choice of the areas and/or property types they may apply for. These circumstances will be outlined within this Allocation Policy.
- 2.3 The Housing Allocation Policy describes how social housing is available through the Choice Based Letting Scheme, how the scheme operates, how to use the service and its processes.

3 Monitoring and Review

- 3.1 This policy will be reviewed every two years or sooner if legislation or regulations change.

4 Administration of the Policy: Information Sharing, Confidentiality and Data Protection

- 4.1 The Data Protection Act 2018, UK GDPR and the Housing Act 1996 (as amended) give applicants the right to access certain information. Under data protection law, applicants are entitled, upon request, to be told if any personal data is held about them whether this is held in computerised or in some cases paper form and, if so, to be provided with a copy. This may include any entry on the Scheme.
- 4.2 Requests for personal information should be made in writing to Swindon Borough Council Data Protection Officer supported by evidence to verify their identity.
- 4.3 All applicants who make an application for assistance from the Council are required to sign a declaration that the information provided is true and accurate to the best of their knowledge. The applicant's declaration also acknowledges that their personal data is processed in accordance with data protection legislation and agrees that their details and information provided may be verified and shared with other statutory bodies and other agencies working in partnership with the Council in order to undertake its duties.
- 4.4 Data Protection also prohibits disclosure to any other member of the public (including relatives) other than the applicant/s, without specific permission from the applicant/s. Therefore, if you would like another person to assist you on your behalf, you must provide the Council with written authority for your information to be shared. Please be aware that we will share information in circumstances that the law provides to protect people from harm or prevent crime.

Retention Policy

- 4.5 As part of the application process, personal data is required to support any housing application. The council has a statutory responsibility to manage the information we hold about you and about the council in a responsible way, in accordance with legislation like the Data Protection legislation and the Freedom of Information Act 2000.
- 4.6 For this reason, the council has developed a retention policy for every type of record we hold, collect and create.
- 4.7 All personal information provided to us is kept secure and confidential at all times and is only held as long as necessary or as required by law.

False or Misleading Information and Fraud Prevention

- 4.8 It is an offence to make a false statement and/or knowingly withhold information when making an application for the Scheme. The offence carries an unlimited maximum fine.
- 4.9 Any failure to include relevant information, to hide material facts or to attempt to obtain housing through false information will be treated as fraud. The Council treats housing fraud seriously and will take legal action against applicants found to have committed fraud.
- 4.10 The Housing Service may visit applicants at home to verify details of an application. If an applicant cancels or misses two or more pre-arranged appointments for verification

visits, and there is no underlying reason for this, then the application will be cancelled.

- 4.11 If an applicant knowingly provides false or misleading information on their housing application relevant to their Scheme application, the Council will cancel their application. The applicant will not be allowed to re-apply for 6 months; in addition, consideration will be given to whether prosecution or other legal action is appropriate. This may include taking possession proceedings if a tenancy has been granted as a result of an application which includes false or misleading information.

5 Elected Members Involvement

- 5.1 Elected Council members cannot take part in the assessment and allocation process but this does not prevent them from seeking or providing information on behalf of their constituents or being involved in future policy development.

6 Other Housing Options

- 6.1 There is a shortage of social housing in Swindon and a huge demand for accommodation. This means that Council and Housing Association properties are not widely available and usually only go to those who are in the most need. Applicants can consider other housing options:

Private renting: You can apply to the private rental agencies in the area for suitable accommodation. You may be eligible for help with paying your rent by claiming for housing benefit or universal credit.

Mutual exchanges: Swindon Borough Council are signed up to Home Swapper. Home Swapper is a mutual exchange system for Council or other social housing tenants who wish to swap their homes. Some Housing Associations may also be registered to Home Swapper or operate a separate exchange system. Go to www.homeswapper.com or speak to your landlord directly for more information.

Low cost home ownership: If you are interested in low cost home ownership then register at www.helptobuyagent3.org.uk/ or contact the home buy agents on 0800 456 1188.

Help and advice: The Housing Options Team is centred on preventing homelessness by offering housing options tailored to individual needs. They can offer specialist housing advice to help you keep your current home, advice for people who need support to live independently and advice on alternative housing options. Phone 01793 445503 or e-mail hoptions@swindon.gov.uk for more information. Please note that these contact details may change over time, so updated contact information will be available on www.swindon.gov.uk.

7 Local Housing Associations

- 7.1 The Council continues to manage and administer the Allocation Policy and the allocation of social and affordable rented accommodation through the choice-based lettings

scheme.

7.2 Whilst this Allocation Policy provides an over-arching framework, it should be noted that each Housing Association will have their own allocations and lettings policy which they will have regard to when deciding whether or not to make an offer of accommodation.

7.3 The following is a list of some of our Housing Association partners, the full list will be available on the Swindon Borough Council website:

- Ability Housing - www.ability-housing.co.uk
- A2 Dominion Group - www.a2dominion.co.uk
- Aster Group - www.aster.co.uk
- Cottsway - www.cottsway.co.uk
- Bromford - www.bromford.co.uk
- The Guinness Partnership - www.guinnesspartnership.com
- GreenSquareAccord – www.greensquareaccord.co.uk
- Habinteg - www.habinteg.org.uk
- Housing 21 - www.housing21.org.uk
- MHA (Methodist Homes) - www.mha.org.uk
- Places for People - www.placesforpeople.co.uk
- Riverside - www.riverside.org.uk
- SOHA - www.soha.co.uk
- Sanctuary Housing - www.sanctuary-housing.co.uk
- Salvation Army - www.saha.org.uk
- Southern Housing Group - www.shgroup.org.uk
- Sovereign - www.sovereign.org.uk
- Stonewater - www.stonewater.org
- United Communities - www.unitedcommunities.org.uk
- White Horse - www.whitehorsehousing.co.uk

8 Legislation

8.1 The following are types of tenancy or changes to tenancy that are not an allocation under this policy:

- Mutual exchanges.
- Assignments of tenancy.
- Successions of tenancy.
- An introductory tenancy becoming a secure tenancy.
- A starter tenancy becoming an assured tenancy.
- Provision of non-secure interim accommodation in discharge of any homelessness duty.

8.2 During the preparation of this policy document due consideration has been given, but not limited to the following:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England).
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017.

- The Homelessness Act 2002.
- The Children Act 2004.
- The Equality Act 2010.
- The Localism Act 2011.
- The Domestic Abuse Act 2021.
- The Prevention of Social Housing Fraud Act 2013.

Statutory Guidance:

- Allocation of Accommodation: Guidance for Local Housing Authorities in England (2012, DCLG) “the Code” Updated as at 1 June 2022.
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”.
- Homelessness Code of Guidance for local authorities (February 2018 as amended);
- Improving access to social housing for members of the Armed Forces: Statutory guidance for local authorities to improve access to social housing for members of the Armed Forces community (MHCLG June 2020).
- Right to Move: Statutory Guidance on Social Housing Allocations for Local Housing Authorities in England (DCLG, March 2015).
- Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or other types of Temporary Accommodation (MHCLG, November 2018).

Regulations:

- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483.
- Allocation of Housing (England) Regulations 2002, SI 2002/3264 and all subsequent amendments.
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments including the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2021, SI 2021/665 (referred to as “the Eligibility Regulations”).
- The Allocation of Housing and Homelessness (Review Procedures) Regulations 1999, SI 1999/71.
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869.
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015, SI 2015/967.

8.3 During the preparation of this policy document due consideration has been given to the following:

- The Swindon Plan;
- Swindon Rough Sleeping Reduction Strategy;
- Annual Lettings Plan;
- Swindon Safeguarding Partnership Strategic Plan;
- Children’s Improvement Plan;
- Equality and Diversity Vision and Strategy.

- 8.4 The Council will review this Allocation Policy if there is a legislative or policy requirement to do so. All material changes (i.e. changes that are not minor but constitute a significant change that could have an adverse impact on applicants) will be subject to Cabinet approval.

9 Annual Lettings Plan

- 9.1 Swindon Borough Council owned properties will be allocated in line with our lettings plan. The Annual Letting Plan is designed to set allocation percentage targets, which are set by the Council to determine the proportion of social housing offered to different applicant types within the Housing Register, in order to best balance competing demands and needs.
- 9.2 The lettings plan will be reviewed annually and the Director of Housing will approve the Annual Lettings Plan setting out the percentage of allocations to be made to each group.
- 9.3 If any significant changes are proposed throughout the year, then these proposed changes will need to go back to the Director of Housing for further approval.

10 Equalities and Diversity

- 10.1 The Council operates a Choice-Based Lettings Scheme, which aims to ensure that our services are fair and equitable for our customers. We want our services to be accessible and non-discriminatory to everyone regardless of age, disability, gender, race, colour, national origin, sexual orientation or any other factor that may cause disadvantage (this list is not exclusive but illustrates the Council's intention to ensure equality). The Council has a sharp focus on the Public Sector Equality Duty and the need to ensure the best interests of children in the Swindon Borough Council area are promoted when operating this Scheme.
- 10.2 This Allocation Policy is however subject to eligibility and the definition of qualifying persons under the Housing Act 1996. Eligibility is prescribed under the Act and it is unlawful for the Council to allocate to a person who is prescribed as ineligible under the Act. The Council has the power to classify if a person is a qualifying person. The Council has considered its equality duties in framing those that may not qualify to join the Scheme.
- 10.3 The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. Officers will be trained to a high standard in valuing and promoting equality and diversity in the delivery of the service.
- 10.4 Swindon Borough Council is committed to dealing with applications in an efficient and timely manner. In order to achieve this aim, the Council will use self-service options on-line. The Council remains committed to help those who will need assistance to access social housing in the town. We will work closely with agencies and supported Housing Association to try to assist customers to access this scheme and ensure that information

meets the requirements of people with a disability or sensory impairment. The Council will work with our Adult Social Care team for meeting the needs of vulnerable people.

- 10.5 The impact of the Allocation Policy will be monitored, to ensure that it promotes equality of opportunity to individuals and minority groups. In order to achieve this, all applicants will be invited to provide details of their ethnic origin and other demographic information when they apply to join the Scheme.

11 Property Types

- 11.1 Swindon Borough Council has its own stock of accommodation along with nomination rights to accommodation owned and managed in the borough by Registered Providers:
- 11.2 There are a number of different property types that will be allocated to via the scheme.
- 11.3 **General needs accommodation:** is accommodation let through the main Housing Register for either Homeless, Waiting List or Transfer Applicants
- 11.4 **Sheltered accommodation:** are sites predominately consisting of 1-bedroom properties with access to communal facilities. This accommodation has a provision of low-level support and is available to applicants 55 years of age and over. Age restrictions will vary with Housing Provider and criteria will be advised in advert.
- 11.5 **Key worker accommodation/housing:** is affordable housing; a proportion of this accommodation will be exclusively advertised for Key Workers.

12 Tenancy Types

- 12.1 A successful applicant can be offered one of the following types of tenancies:
- Introductory tenancy (Council).
 - Secure tenancy (Council).
 - Flexible tenancy (Council).
 - Licence (Council).
 - Starter tenancy (Housing Association).
 - Assured Shorthold tenancy (Housing Association).
 - Assured tenancy (Housing Association).
 - Fixed-Term tenancy (Housing Associations).
- 12.2 All tenancies can be offered on either a social rent or affordable rent basis.
- 12.3 When allocating Swindon Borough Council owned accommodation to applicants from the Housing Register, Swindon Borough Council will always offer an introductory tenancy (a minimum of 12 months) to those who have not previously been a permanent Swindon Borough Council tenant, or a secure tenancy to those who are transferring within our stock.

- 12.4 After the introduction of the Localism Act 2011, many Registered Providers introduced fixed term/flexible tenancies which are for a certain period of time, normally between 2–7 years.
- 12.5 These tenancies are also allocated via the Housing Register and, as above, are subject to an introductory period. Social housing providers are able to offer properties at a different rent level, known as Affordable Rent. This will typically be 80% of market rent. Applicants need to consider when they are bidding for accommodation, if this will be affordable for them. If a property is Affordable Rent, it will be advertised as such.

Part 2 – Eligibility and Scheme Detail

13 Qualifying Criteria?

- 13.1 Anyone can approach Swindon Borough Council for housing advice and assistance. However, the amount of social housing in the Swindon Borough Council's area is limited, and the capacity of the social rented system to meet housing need will not support large volumes of applications from people without a connection to the area or a good reason to live here.
- 13.2 Eligibility for an allocation of accommodation is set nationally and subject to rules relating to immigration status.
- 13.3 The Localism Act 2011 amended provisions under Part 6 of the Housing Act to enable local authorities to set their own local qualifying criteria. This will assist with managing the high demand for housing in the borough, set against the limited supply.
- 13.4 Under section 160ZA (7) of the Housing Act, the Council has been granted the power by the Government to decide the classes of people who the Council may decide are, or are not, qualifying persons. Swindon Borough Council has adopted qualification and disqualification rules.
- 13.5 Swindon Borough Council consider qualification based on:
- Housing need.
 - Local connection to the Swindon Borough Council area.
- 13.6 Applicants will qualify to join the Scheme if they satisfy **all** of the criteria listed below. They must:
- Be over the age of 18 (or over 16 if Swindon Borough Council Social Services (Corporate Parent) have full responsibility for them. It is important to note that whilst we allow eligible 16- and 17-year olds, to join the scheme, they cannot legally hold a tenancy in their own name until they turn 18. This means that they need to have someone who can act as a guarantor and hold their tenancy in trust for them. Some Housing Associations, due to their internal policies on minimum age of tenants, may be unwilling to consider applicants under the age of 18).
 - Be living and/or working in the Swindon Borough Council area and meet the local connection requirements or meet one of the requirements for having an exception to local connection, set out in this policy.
 - Be a British citizen or be granted leave to remain in the UK. Be habitually resident in the UK.
 - Have insufficient financial resources to secure accommodation, within the open market, whether in the private rented sector, shared or full ownership.
 - Have a housing need as outlined in this policy; except for:
 - (i) applicants who are 60 years or over and wish to be considered for sheltered accommodation flats only.

- (ii) regular Armed Forces personnel subject to criteria set out in this Allocation Policy.
- (iii) those deemed eligible for keyworkers accommodation, subject to criteria set out in this Allocation Policy.

14 Housing Need (Reasonable Preference)

14.1 To be considered to have a housing need you will need to meet one, or more, of the following reasonable preference criteria:

- People who are homeless within the meaning of Part 7 of the Housing Act 1996 (as amended).
- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (as amended) or who are occupying accommodation secured by any housing authority under s.192(3).
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including grounds relating to a disability.
- People who need to move to a particular locality in the Borough of the housing authority where failure to meet that need would cause hardship (to themselves or others).

14.2 The Council exercises its discretion to include applicants who do not have a reasonable preference but who would qualify for inclusion on the scheme under a reasonable preference. These are:

- Those who are homeless and require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic abuse.
- A looked after child, under the age of 25 and in housing need, for whom Swindon Borough Council (Corporate Parent) has responsibility and who has resided in a placement outside of Swindon will be deemed to have lived within Swindon for the length of the placement.
- Households who currently occupy social or affordable housing within Swindon Borough that is too large for their current needs and who have expressed a desire to downsize. This is to ensure efficient use of housing stock and addressing the Borough current needs.
- Swindon Borough Council tenants that meet the criteria to join the Work to Move scheme.
- Residents in Council or Housing Association properties which have been adapted for a disabled person, but that person is no longer living in the property or no longer needs the adaptation.
- Residents living in commissioned supported housing or pathway accommodation provided by Swindon Borough Council within the Council area who have been

recommended for move on, where a nomination agreement has been approved by Swindon Borough Council.

- Those that have been identified as being Keyworkers, as outlined in this Allocation Policy, for keyworkers accommodation only.
- Applicant/s, over the age of 60, who are suitably housed in their current accommodation, but are seeking a sheltered flat only.

Armed Forces Additional Preference

14.3 Section 166A(3) also requires local housing authorities to give certain groups of the UK regular Armed Forces additional preference where they fall within a reasonable preference group and have an urgent housing need. To give effect to this, the Council will make an award of additional preference to members of the following groups who are deemed to have an urgent housing need:

- Is serving in the regular forces and are suffering from a serious injury, illness or disability, which is attributable (wholly or partly) to the person's service;
- Formerly served in the UK regular forces (with the exception of those who have been dishonourably discharged).
- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service.
- Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability, which is attributable (wholly or partly) to the service.
- Divorced or separated spouses or civil partners of current regular forces Service personnel who need to move out of accommodation provided by the Ministry of Defence.

14.4 For this purpose, "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.

15 Local Connections, Lettings Plans & Restrictions

15.1 In order to qualify for a local connection, you will have to meet one, or more, of the criteria below -

Residency

15.2 Have been resident in Swindon for at least 3 consecutive years immediately prior to their application being made.

15.3 Households temporarily residing outside of the Borough and where their main principal home was in Swindon can be considered if they have been resident in Swindon for periods totalling 3 years out of the last 5 years.

Employment

15.4 Are currently employed, for the last 12 months, within the Swindon Borough, for sixteen hours or more a week. The local connection criteria must be maintained for the duration of the application.

- 15.5 For self-employed applicants, your registered address for tax purposes must be in the Swindon Borough Council area and have been so for at least 12 months continuously, prior to the date of the application.
- 15.6 If you have a contract that is under 16 hours per week, an assessment will be made to ensure that you have been working for an average of 16 hours per week over the past 12 months. You will be required to disclose your payslips for that period to prove you qualify.

Exceptions to Local Connection

- 15.7 The following are exceptions to the local connections rule:
- You are owed a Prevention, Relief or Full housing duty by Swindon Borough Council under homelessness legislation.
 - You currently live in or need to move to the Swindon Borough Council area, to provide essential support to an immediate family member, where failure to do so would cause significant harm and deterioration to their health and where a move to social housing in the Council area is the **only** way to meet these support needs. For the purpose of this exception, family members are defined as the applicant's parents, grandparents and adult children. Financial checks will be made, in line with the criteria set out in this Allocation Policy, and evidence will be required from recognised health professionals supporting the application.
 - You have fled domestic abuse (this includes fleeing from another borough) and are at high risk of further domestic abuse. A referral from MARAC and/or the refuge network will be required.
 - You are assessed as having an urgent need to move due to an immediate risk of harm, violence, racial or homophobic harassment, or severe anti-social behaviour and there is no other suitable option for rehousing other than social housing.
 - You are a 'looked after child' or 'former looked after child' in the care of Swindon Children's Services and were formerly resident in the Council area but have had to be placed into accommodation outside of the area. You must meet the criteria in this Allocation Policy.
 - You are aged over 60 years and living in the Swindon Borough Council area but do not otherwise meet the local connection criteria and would like to move to a sheltered accommodation flat. Please note that this may be subject to enhanced suitability checks.
 - You are an existing social housing tenant who lives outside of the Swindon Borough Council area and have been assessed as meeting the Right to Move qualifying criteria.
 - Are a member of the UK regular Armed Forces, or previously served in the UK regular Armed Forces, with the exception of those who have been dishonourably discharged.
 - Widowed, following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to

that service, and who need to move out of accommodation provided by the Ministry of Defence.

- You are currently serving or have served in the reserve forces or Territorial Army within the last 5 years and are suffering from a serious injury, illness or disability, which is attributable (wholly or partly) to that service.
- You live in Ukraine immediately before 1 January 2022 and left Ukraine as a result of the Russian invasion and are not subject to immigration control.

Sensitive Lets

- 15.8 Occasionally, some areas or properties be identified as a 'sensitive let'. This may be because the landlord is seeking to maintain a sustainable community. For example, if there has been significant anti-social behaviour in the locality and a property becomes available for re-let, it may be advertised as a sensitive let to try and prevent further issues arising.
- 15.9 Where a property is advertised as a sensitive let giving preference to particular households, the property advert will clearly, state that the property is being treated as a sensitive let.
- 15.10 When shortlisting for a property advertised with a sensitive let, enhanced checks will be carried out, along with a formal interview and Police checks may be requested.

Rural Connection

- 15.11 Where a development has either a section 106 agreement or it is a Council property in one of the following rural areas then bidding will be restricted as per the advert criteria.
- 15.12 **North area:** Inglesham, Hannington, Castle Eaton, Blunsdon, Stanton Fitzwarren and South Marston.
- 15.13 **South area:** Chiseldon, Wanborough, Liddington and Bishopstone. Only Housing Association properties in Wroughton require the rural connection.
- 15.14 Consideration and priority will be given in this order:
- 15.15 When labelling properties, we will consider:
- Currently live in a village, as their permanent residency, that has been identified as requiring a rural connection.
 - Have Parents and/or Adult Children and/or Grandparents currently living, as their permanent residence, in a village that has been identified as requiring a rural connection.
 - Work in the village for a minimum of 16 hours per week on a permanent contract.
 - Have dependent children, that live with them permanently, that attend a school in the area that has been identified as requiring a rural connection.
- 15.16 You will be required to provide proof to support your rural connection (village and not parish), before you will be eligible for these properties. This can include, but not restricted to, the following:

- Full address of family members with names (in line with rural connection).
- Employment: Contract letter with company name, address.
- Children schooling (Letter from school with name and address).

15.17 The applicant with the strongest rural connection and within the highest band & banding date will be shortlisted first.

Local Letting Plans

15.18 Local letting plans serve to achieve agreed objectives, such as minimising the likelihood of anti-social behaviour, reducing family densities in certain areas or improving the success rate of integrating young or vulnerable people into general needs housing.

15.19 Local letting plans are developed on a site-by-site basis to address the requirements of that specific area, development or block of accommodation. Local lettings may be used to:

- Enable new schemes to be allocated to a mixture of tenants in order to develop a sustainable community.
- Enable an existing community to become more sustainable, for example, by encouraging more working families to move into the area.
- Enable households to return to an area they left for redevelopment to take place.

15.20 This list is not exhaustive and local letting plans may be agreed in other circumstances where there is evidence that the local community would benefit from such a plan.

15.21 When a property advertised under the Choice-Based Lettings scheme is subject to a Local letting plan, this will be stated clearly on the advert. Any local letting plan will be agreed for a limited time, after which it will be reviewed, and lettings will revert to the main Allocation Policy if possible.

New Build Schemes Over 10 Units

15.22 On new housing developments of a significant size (usually 10 plus) allocations will be made in line with the agreed local letting plan and have consideration for the Annual Lettings Plan.

15.23 Where a development has been identified for keyworkers, they must meet the Council or Housing Association keyworker criteria, within this Allocation Policy.

15.24 Any offer of accommodation is subject to landlord approval.

16 Bedroom Size Criteria

16.1 Property type and size entitlement for those seeking general needs accommodation and those identified as having dependent children/occupants is outlined in the table below.

Household size	Property Type	Requirements
Single person	Studio flat One-bedroom flat One-bedroom cottage	
Couple	One-bedroom flat One-bedroom cottage	
Single person or couple with live-in carer	Two-bedroom flat Two-bedroom cottage Two-bed house (as per criteria within this Housing Allocations Policy)	Carer must provide supporting evidence they currently reside with applicant/s and supporting evidence of applicant/s requiring care overnight
Parent/couple with one child	Two-bedroom flat Two-bedroom maisonette Two-bedroom cottage Two-bed house (as per criteria within this Housing Allocations Policy)	Birth certificates and child benefit
Parent/couple with two children of different sex (eldest under 10 years)	Two-bedroom flat Two-bedroom maisonette Two-bedroom cottage Two-bed house (as per criteria within this Housing Allocations Policy)	Birth certificates and child benefit
Parent/couple with two children of the same sex (under the age of 21 years)	Two-bedroom flat Two-bedroom maisonette Two-bedroom cottage Two-bed house (as per criteria within this Housing Allocations Policy)	Birth certificates and child benefit
Parent/couple with two children of different sex (eldest 10 years or over)	Three-bedroom flat Three-bedroom maisonette Three-bedroom house	Birth certificates and child benefit/proof of living with applicant
Parent/couple with two children of same sex (eldest 21 years or over)	Three-bedroom flat Three-bedroom maisonette Three-bedroom house	Birth certificates and child benefit/proof of living with applicant
Parent/couple with three or four children	Three-bedroom flat Three-bedroom maisonette Three-bedroom house	Birth certificates and child benefit/proof of living with applicant
Parent/couple with four children (eldest 21 years or over)	Four-bedroom house (see 16.2)	Birth certificates and child benefit/proof of living with applicant

Parent/couple with five children	Four-bedroom house (see 16.2)	Birth certificates and child benefit/proof of living with applicant
Parent/couple with five children (eldest 21 years or over)	Four- or Five-bedroom house (see 16.2)	Birth certificates and child benefit/proof of living with applicant
Parent/couple with more than five children	Five or larger bedroom house (see 16.2)	Birth certificates and child benefit/proof of living with applicant

- 16.2 Given the low supply of larger homes and vacancies being rare, applicants may, with the household's agreement, be considered for properties smaller than their bedroom entitlement so long as this does not make them overcrowded by 2+ rooms.

Pets

- 16.3 Pets are only permitted where the property has been deemed suitable for pets, as stated in the tenancy agreement. All social housing providers, within the Borough of Swindon, will have their own policies in relation to pets, and may be unwilling to consider applicants with pets for some of their properties. If there are any restrictions on pets, then this information will be noted on any property advertised on the Swindon Choice Based Lettings Scheme. You will also be informed again if you are shortlisted whether the selected property allows pets.

Qualifying Household Members

- 16.4 The following is a list of qualifying household members:
- Your partner, living with you in a permanent relationship.
 - Any children of you or your partner who are under the age of 25 and who are normally expected to reside with you. For households that include a pregnant woman, the calculation will not make allowance for the baby until the baby is born and the birth certificate has been provided.
 - Any children of you or your partner who do not currently live with you but who are coming out of social services care and who are under the age of 25 and who social services have agreed will live with you.
 - Children, under the age of 25 that you or your partner have fostered or adopted. You will need to provide evidence that this approval has been granted.
 - Any children of you or your partner, over the age of 25, for whom you have continuing caring responsibilities due to their medical or disability needs.
 - Any children of you or your partner over the age of 25 who are registered as your or your partner's full-time carer.
 - Split families with permanently resident children who would usually be expected to reside as a single-family unit but who through no fault of their own, are unable to live together and there is no other accommodation available to them. This award can only be given to families with resident children under the age of 25.

- A carer. If you require personal care both day and night and this is being provided by someone who does not form part of your household then you may be entitled to an extra room for the person. We would expect that you would be in receipt of Carer's Allowance and Disability Living Allowance/Personal Independent Payment with the highest care/enhanced rate component. Your carer must be recognised, employed by, or working on behalf of Adult Social Care (this includes Occupational Therapist or social care assessment) and we would expect them to be a named person (unless your care is provided on a rota arrangement made by Adult Social Care or an agency on their behalf).
- A member of your household who is due to be released from prison and lived with you immediately before they were imprisoned.
- Any children of you or your partner, under the age of 25 years, who are studying at university and living in halls of residence during term time or are serving in the UK regular Armed Forces and living in barracks, (unless they have made an application for housing in their own right).

Who is Not Included in Your Household?

16.5 The following is a list of people that do not qualify as members of your household:

- Partners of any children of you or your partner who you have allowed to move in with you.
- Any children of you or your partner who do not normally live with you but who you or your partner have a shared responsibility for. We will only consider these children if you are shown to have main parental responsibility and that your home is considered to be their main and principal home. To determine this, we will consider details set out in Court orders or legally agreed sharing agreements; receipt of benefits, addresses registered with doctors and schools; how often they stay with you (we would expect a child to reside with one parent/guardian as their main residence. The other parent/guardian will not receive any bedroom allowance for having access).
- Dependents aged 25 and above (excluding those set out in the section 'qualifying household members' or where it has been confirmed by the Housing Service that they should still remain part of the household).
- Dependents aged from 18 and under 25 years, who have not occupied the parental home as their only or main home for the last 3 years (excluding those set out in the section 'qualifying household members' or where it has been confirmed by the Housing Service that they should still remain part of the household).

16.6 Although an applicant may be eligible to go on the Scheme, it may be that one or more members of the household are ineligible persons because of their immigration status. They will not be considered when calculating housing need. This may particularly affect the size of accommodation required, the level of overcrowding and whether the specific medical needs of an individual are met.

- 16.7 Where a household has been accepted as statutorily homeless by the Council, the application can include anyone who was accepted as part of the original homelessness application. For families with adult children over 25, the Council will encourage the children to seek independent housing if possible, to increase the chance of the applicant being re-housed in a reasonable time.
- 16.8 The Council will also consider what other rooms you have in your home and, if you have both a lounge and a dining room, we would consider that one of these could be used as a bedroom so will include that in to our calculations.

Extra Bedroom

- 16.9 We recognise that there are occasions when families need extra bedrooms and will consider these requests if there is sufficient evidence to support it. We may consider the following reasons:
- The Council recognises the contribution that foster carers make towards ensuring that children in Swindon are cared for. For this reason, one additional bedroom can be awarded to those applicants approved to foster and where recommendation is made by Children Services to provide accommodation for a looked after child or a child who was previously looked after by Swindon Borough Council, because the current accommodation is not large enough or the arrival of a fostered child would cause overcrowding.
 - This would also include special guardians, holders of a residence order and family and friends' carers who are not foster carers but who have taken on the care of a looked after child or a child who was previously looked after by Swindon Borough Council.
 - This excludes those who foster children through a private arrangement. Applicants will be required to provide supporting evidence from the Children Services team prior to allocation to ensure that the applicant is still an approved foster carer.
 - Housing Benefit Regulations allow approved foster carers an extra bedroom for use by a foster child or children under the size criteria rules where:
 - (i) Approved foster carers have a child placed with them.
 - (ii) Approved foster carers are between placements, but only for a period of up to 52 consecutive weeks from the date of the last placement.
 - (iii) Foster carers are newly approved and have not yet had a child placed with them, but only for a period of up to 52 consecutive weeks from the date of the approval, if no child is placed with them during that period.
 - There is a severely disabled child who cannot share with siblings, subject to consideration of the following:
 - (i) Medical evidence.
 - (ii) Whether the child is in receipt of Disability Living Allowance Personal Independence Payment.
 - (iii) The nature and severity of the disability.
 - (iv) The nature and frequency of care required during the night.

(v) The extent and regularity of the disturbance to the sleep of the child who would normally be expected to share the bedroom.

- A member of your household is transitioning and is unable to share a bedroom with other family members who are the same gender as they identify with. This is particularly relevant if this person is undergoing gender re-assignment surgery and/or if there is medical or psychiatric evidence to support the need for their own room.
- You, or a member of your 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 for example wheelchair, mobile hoists, hospital beds.
- There is a dependent, in your 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 such that they cannot reasonably be expected to share a bedroom with another person. This will need to be certified by a consultant psychiatrist.

16.10 Additional bedrooms will only be considered if documentation showing that an assessment of need which supports an additional bedroom has been undertaken by the appropriate health or care professionals.

16.11 It is important to note that the award of an extra bedroom, for Allocation Policy purposes, does not mean that you will receive the full housing benefit rate. Housing Benefit will only pay for an extra bedroom in certain circumstances e.g., where a child needs their own room and is in receipt of middle or higher rate Disability Living Allowance.

17 Who Can Qualify?

Overcrowding

17.1 When considering whether a household is suffering from overcrowding, we will consider the number of bedrooms and other rooms that could be used for sleeping in. Kitchens are not bedrooms for the purpose of the assessment.

17.2 The intended function of the room may be considered rather than its current use. Any dining room and/or lounge will be considered as possible bedroom accommodation if it is a separate room and no one has to walk through it to get to another room. Please remember that in many cases a single room can accommodate two children in bunk beds, even if this is not your preferred way of arranging your home.

17.3 Where the accommodation in Swindon, where they are the tenant, has been deemed as being acutely overcrowded, as they have 3 bedroom less than they are eligible for as per the bedroom entitlement noted in 16.1, by the Council's Environmental Health Team or a member of the Housing Team responsible for the management of the property and

where other housing options are not available or affordable (in line with 18.12, 18.13, 18.14 & 18.17), these applicants will be restricted from bidding as either a direct offer will be made or bids placed by a Housing Officer.

Under Occupancy

- 17.4 The Council has decided that applicants who currently occupy social or affordable rented housing within Swindon that is too large for their current needs and who have expressed a desire to move should be permitted to join the Scheme. This is because the under-occupancy sanctions for social tenants of working age may increase rent arrears and potentially eviction and allows for an efficient use of housing stock.

Shared or Lacking Facilities

- 17.5 If your household lack either a bathroom, kitchen or inside WC then you will be eligible to apply for social housing, subject to meeting all other criteria outlined in this policy.
- 17.6 If you are sharing facilities and have no security of tenure within your current accommodation, then you will be eligible to apply for social housing, subject to meeting all other criteria outlined in this policy.

Seriously Hazardous Properties

- 17.7 Any households that are exposed to significant hazards to their health, safety and welfare will be given reasonable preference. This is reflected in the banding scheme below.
- 17.8 Applicants who consider that their home is in serious disrepair should send relevant evidence (for example, if they have had an enforcement notice served by Environmental Health) to the Lettings Customer Service Team, who will review it and determine whether an award of reasonable preference is appropriate to the application.
- 17.9 If you are, a Swindon Borough Council tenant and a senior repairs manager has deemed your property as requiring major repairs, and it would be unreasonable to expect you to remain in the property, whilst the works are being carried out, and by considering the case on its individual merits a senior officer has determined that your current property is unsafe for you to remain in situ and temporary accommodation is not viable. These applicants will be restricted from bidding as either a direct offer will be made or bids placed by a Housing Officer for a permanent move. Please note that if agreed, properties will be offered on a like-for-like basis in terms of the number bedrooms and where possible property type.
- 17.10 Where the accommodation in Swindon, where you are the tenant, has been deemed as a serious hazard by the Council's Environmental Health Team and subject to an order that prevents occupation and where they are unable to afford to remedy the problem and other housing options are not available or affordable (in line with 18.12, 18.13, 18.14 & 18.17), these applicants will be restricted from bidding as either a direct offer will be made or bids placed by a Housing Officer.

Permanent Decant

- 17.11 If you are a Swindon Borough Council tenant and we need your property back, because it needs major works or has been designated for rebuilding, renovation, demolition or re-designation and you will not be able to return to it. We will award you a Band A to assist you to move quickly and endeavour to award like for like property type, whilst considering your preferred area choices being North, South, West or East Swindon.
- 17.12 Should you not be successful in any bid for a property, at 6 months prior to the date that full vacant possession of the property is required, you will be made a direct offer for a suitable property.
- 17.13 Any offer of accommodation within Swindon Borough Council social housing stock, will be provided at a no lesser tenancy security than you currently hold. If an offer is made to a Housing Association property, then this will be in line with their own policies.

Fleeing Violence and/or Threats of Violence

- 17.14 In exceptional circumstances, an applicant may be fleeing violence, or threats of violence. In such cases, the Council may decide to exempt the household from the local connection criteria, and treat them as qualifying applicants, subject to meeting all of the other qualifying criteria. This could be due to domestic abuse, hate crime or racial violence, for example.
- 17.15 This will normally be the case where the applicant is working with the Housing Service to resolve their issues and will be in accordance with homelessness provisions under Part VII of the Housing Act 1996 (as amended).
- 17.16 An applicant who has had to leave a secure or assured tenancy because of domestic abuse will normally be allocated the same kind of tenancy.

Witness programmes

- 17.17 In exceptional circumstances, the housing authority may be approached to assist a household who are witnesses in a serious criminal case and who need to be moved to an alternative area for their own protection. In such cases, the housing authority will seek to cooperate with the relevant agencies and may decide to exempt the household from any or all of the qualifying criteria. These cases will be restricted from bidding as either a direct offer will be made or bids placed by a Housing Officer.

Medical Needs

- 17.18 Applicants, who consider their health or disability is adversely affected by their current housing conditions, will be required to provide additional information, describing their health problems, supported by a recognised medical professional. In some cases, we may request that a Health Assessment form is completed.
- 17.19 A home visit may be carried out to establish how your medical condition is directly impacted by your housing situation. Applicants should be aware that even if they provide supporting medical evidence stating that a move to alternative accommodation is essential, it is for the Council to determine the appropriate level of priority in

accordance with the Allocation Policy.

- 17.20 Dependent on the case, the Council can request information from an independent medical advisor. Applicants will be advised in writing whether or not the medical priority has been awarded and the type of accommodation identified as being suitable for their needs.
- 17.21 Medical or welfare priority is awarded where the current housing is adversely affecting the health or wellbeing of an applicant, or member of their household, and whereby a move would positively improve their health or wellbeing. Below are examples of where priority would be awarded.
- 17.22 **Band E – Severe & Immediate medical or welfare needs:**
- Where there is a significant threat to life or risk of serious and permanent disability, from a diagnosed condition if they remain in their current accommodation.
 - A person who is housebound due to stairs or steps (e.g. using a wheelchair in an upstairs property).
 - Any person who cannot be discharged from hospital, discharge to assess bed or Pathway Flat until alternative accommodation is secured.
- 17.23 **Band A – Urgent medical or welfare needs:**
- Any person that is unable to access essential kitchen or bathroom facilities within their home due to a diagnosed disability.
 - Severe diagnosed mental health problems significantly affected by current accommodation and supported by relevant mental health professionals.
 - Persons with severe mobility problems where their home restricts their ability to carry out activities of daily living.
- 17.24 **Band B – Medical or welfare needs:**
- Long standing diagnosed chronic conditions requiring ongoing medical treatment, being significantly exacerbated by their current accommodation.
 - Diagnosed conditions causing a reduction in mobility (e.g. breathlessness, dizziness) when combined with stairs or poor location. If the applicant lives in a block of flats where a lift is provided, medical priority will not normally be awarded on mobility grounds.
 - Diagnosed mental health problems affected by current accommodation, which do not fall within band A and supported by relevant mental health professionals.
- 17.25 If we determine that a particular type of property is required on medical grounds; for example, a home with no internal stairs, the applicant will be expected to bid for accommodation matching those criteria. Bids placed on accommodation that does not meet the required criteria will not be considered. Contact may be made to explain the applicant's accommodation needs based on the banding awarding assessment. If the applicant continues to bid on accommodation that does not meet their medical requirements any priority awarded on medical grounds will be reviewed. If an

applicant's medical circumstances improve, any priority awarded on medical grounds will be reviewed and may be removed.

Pathway Flat

- 17.26 Pathway flats are short-term accommodation, which enable hospitals to discharge patients, subject to full agreement between professionals, for those that are unable to return home. They must have an agreed care support package in place and a clear move on plan to long term accommodation.
- 17.27 Given the nature of these properties, if applicant is eligible to be re-housed into a social housing property, they will always be direct matched to the next available eligible property type to meet their needs. If they are not eligible, then as part of their agreed move on plan, they will either return to their previous accommodation, if safe to do so, or source their own accommodation.

Sheltered Housing

- 17.28 Applicants must be either over 60 years old (regardless of housing need), or between 50 & 59 years old inclusive (must be in housing need) and in receipt of Disability Living Allowance (DLA) or Personal Independent Payment (PIP), to qualify for sheltered housing.
- 17.29 Applicants close to 60 years and not on DLA or PIP may also be considered where there is a low demand for this type of accommodation (also subject to an interview to ensure suitability for sheltered housing).
- 17.30 Homeowners or those suitably housed in private rented properties over the age of 60 will only be eligible for sheltered flats and will be required to sell their home.
- 17.31 Applicants who are close to 50 years, and in housing need, may be considered in exceptional circumstances if it is agreed by a Senior Housing Officer that they have a need for sheltered housing or there is low demand for the accommodation; applicants are subject to an interview to ensure suitability for living in sheltered housing.
- 17.32 Eligible persons will be subject to an assessment by the landlord of the scheme to establish their support needs and suitability for living in the scheme selected. Some schemes may not accept an applicant.
- 17.33 Those seeking Sheltered Housing may also be subject to enhanced suitability checks if on assessment there is a history of anti-social behaviour, neighbour nuisance, drugs or alcohol issues.
- 17.34 Applicants that are already housed within a Council or Housing Association sheltered accommodation (including those schemes that are classed as 55 and over accommodation) will not be able to join the Scheme, unless they have a diagnosed medical and/or welfare need, which cannot be met in their current accommodation. Mobility issues will not be considered as a reason to move for social housing tenants living in schemes that have lift access to floors above the ground floor.

For Sheltered Studio Flats Only

- 17.35 Single people aged 50 or above and **in housing need** can apply for sheltered studio flats. Consideration may be given to those not in housing need, if they meet all other criteria within the Policy.

Bungalows

- 17.36 In order to qualify for a bungalow, applicants must meet one or more of the following criteria:
- Be aged 60 or above and in housing need in line with the criteria of the Allocation Policy.
 - Be in receipt of Personal Independent Payment at the enhanced rate for mobility to include the maximum score for the “moving around element” and in housing need.
 - Be in receipt of Disability Living Allowance for mobility at the high rate and in housing need.
 - Have a recommendation for a bungalow provided by an Occupational Therapist and/or other Health Professional and must supply supporting evidence of a diagnosed health condition warranting a bungalow need.
- 17.37 For a single person or couple to be considered for a bungalow with more than one bedroom, they must demonstrate one or more of the following:
- A medical/welfare need with supporting evidence for an additional bedroom.
 - Have dependent children currently residing with them as part of their current household in line with the Allocation Policy.
 - An adult dependent who has a need to live with applicant/s because of either providing support to or receiving support from the applicant/s.
- 17.38 Any adult occupant in the household who is under the age of 55 will be subjected to enhanced suitability checks.

Properties with a Fixed Homeline Service

- 17.39 Applicants must be aged over 50 and/or in receipt of Disability Living Allowance (DLA) or Personal Independence Payment (PIP) at any rate and/or component and in housing need.

Adults with Additional Needs (as Defined Under the Care Act 2014) and Applicants Requiring Extra-Care Properties

- 17.40 Properties for adults with additional needs will be offered directly to eligible applicants through a referral process operated by Adult Social Care.
- 17.41 Applicants applying for Extra Care housing must be identified by Adult Social Care, by meeting the criteria set by the provider, before an allocation can be considered.

Care Experienced Young Person and Looked After Children

- 17.42 For the purposes of local connection, a looked after child for whom Swindon Borough Council (Corporate Parent) has responsibility and who has resided in a placement outside of Swindon will be deemed to have lived within Swindon for the length of the

placement.

- 17.43 You will qualify if you are a young person under the age of 25 who has been looked after, fostered or accommodated by Swindon Borough Council and where a duty of care has been accepted, under the Children Act within the Swindon Borough Council area. Applicant/s must be in housing need and ready for independent living (subject to assessment by relevant panel); to enable a planned move on to independent suitable accommodation providing a support plan is in place. Applicant/s must also have completed the Greenlight to Housing course.
- 17.44 Applicant/s who are 16 or 17 years of age and are the responsibility of Swindon Borough Councils Children Services (Corporate Parent) are able, subject to meeting the eligibility and qualifying criteria, to join the Scheme. However, they will not normally be granted a tenancy by a Housing Association without a Guarantor, usually the Head of Children's Services if the applicant has been looked after, accommodated or fostered by Swindon Borough Council Social Services. In addition, if a tenancy or Deed of Trust accompanied by a Guarantor is offered by the Housing Association, the young person may still need to agree to engage with an agreed support plan. Some Housing Associations, due to their internal policies on minimum age of tenants, may be unwilling to consider applicants under the age of 18.

Move-On from Supported/Homelessness Accommodation

- 17.45 Households are supported in this accommodation and their skills and abilities are thoroughly assessed to ensure that they are ready to make steps to greater independence.
- 17.46 In some cases where a household is living in supported accommodation funded by Swindon Borough Council, an assessment of housing need will take place by the service provider. If the outcome of the assessment is that the household is not ready for independent general needs accommodation, as they are deemed not to be ready to manage an independent tenancy but need supported accommodation, then they will not be able to access general needs housing, this can be reviewed after a period of time.
- 17.47 If any ongoing support needs are assessed and, where appropriate, a support plan must be put in place. This means that only a household who is ready to manage a tenancy will be able to access social housing. The assessment will take account of being able to manage a tenancy, have no rent arrears, and have no record of anti-social behaviour in the last 12 months.
- 17.48 Agreed move-on arrangements with supported Housing Associations and the Local Authority in the Swindon Borough area, where an agreed nomination agreement is in place with both parties, when individuals are ready to live independently. These are subject to approval by Swindon Borough Council letting service following receipt of a reference, rental statement and satisfaction that they meet the Council's criteria in order to sustain a tenancy. Move-on nominations, once approved, will be moved into Band A where bids will be monitored by a housing officer, subject to the criteria for

Band A applicants.

Homeless

- 17.49 This section applies to applicants who are homeless and Swindon Borough Council owe them a statutory duty.
- 17.50 Note: There is an exemption to the qualification rule for applicants to whom Swindon Borough Council has accepted a homelessness duty under section 189B(2) or 193 (2) of the Housing Act 1996 because either:
- they have a local connection with the Council under the definition of local connection set by Part 7 of the Housing Act 1996 but do not otherwise meet the local connection criteria for joining the Scheme.
 - they do not have a local connection with this Council but do not have a local connection with any other area therefore remain the responsibility of this Council.
- 17.51 There is however, no exception for applicants who are owed any homelessness duty by any other Council and:
- Have been placed into temporary accommodation by another Council in this Borough.
 - Have been placed into private rented accommodation of any tenure in this Borough by another local authority to end any homelessness duty owed to that applicant. A homeless duty includes any accommodation to end a section 195 prevention duty, section 189B relief duty, any section 193 duty or to meet any intentional homelessness duty under section 190 of the Housing Act 1996 Part 7. These applicants will be regarded as non-qualifying persons regardless of the length of time they have been placed unless the period of time is longer than 3 years since they were placed.
 - Do not reside in the Borough but have applied to join the Council's Scheme. Households owed a homeless duty by any other local housing authority under the Housing Act 1996 Part 7 (this includes households owed a s.188, s.190, s.198, 195, 189B, 193(2) or 193C(4) duty will be regarded as non-qualifying persons regardless of whether they have been placed in this district or not. That other local authority retains the responsibility for housing or helping the applicant to obtain housing.

Gypsies and Travellers

- 17.52 Gypsies & Travellers who reside on Local Authority sites within the Borough of Swindon, excluding transit sites, will be eligible to apply for social housing, subject to meeting all other criteria outlined in this policy.

Homeseekers Applicants

- 17.53 Homeseekers who meet the two bedrooms need criteria, will only be eligible to bid for two-bedroom flats, unless they meet the criteria for a different type of accommodation under a medical and/or welfare need, or their application is considered severe and immediate need to move and placed into Band E.

Employees of Swindon Borough Council-Tied Accommodation

- 17.54 If an employee of Swindon Borough Council was previously a Council or Housing Association tenant immediately before they moved into Council tied accommodation and have been served notice to leave that tied accommodation on their employment ending, with the exception of where employment has been terminated due to gross misconduct. The type of property allocated will depend on their current bedroom requirements, as outlined in this Allocation Policy, and will need approval from a Council director responsible for housing.

Keyworkers

- 17.55 Where accommodation has been identified for keyworkers, they must be working within the Swindon Borough area in the public sector.
- 17.56 Although you may have been recognised as a keyworker by the Government, the applicant will need to match the criteria for keyworker in accordance with Swindon Borough Council Allocation Policy.
- 17.57 The following are priority groups recognised by this Housing Allocations Policy:
- Police Officers.
 - Fire Fighters.
 - Ambulance Drivers and/or Paramedics.
 - Nurses and/or Doctors.
 - Qualified Occupational Therapists.
 - Qualified Social Workers employed within Swindon Borough Council on a permanent full-time contract within Adults and Children Services.
 - Qualified Teachers.
 - Probation Officers.
- 17.58 They must be employed and working within Swindon Borough boundaries.
- 17.59 Any defined non-priority keyworker that falls within the high rate tax bracket will not be considered to join the Scheme.
- 17.60 Non-priority keyworker must have a permanent contract and be employed and working within the Swindon Borough in the **public sector**. The local connection criteria must be maintained for the duration of the application.
- 17.61 The following are non-priority groups:
- NHS Staff other than those in the Priority Group.
 - Police Service civilian staff.
 - Fire Service civilian staff.
 - Ministry of Defence staff.
 - Prison Service staff.
 - Support Workers in health and Social Care roles.
 - Nursery Staff.
 - Teaching Assistant.

- 17.62 Swindon Borough Council staff in a role that provides essential service to the public within the local community e.g. Environmental Health.

Management Transfers

- 17.63 All cases requiring a management transfer on exceptional grounds, where no other housing solution is possible, will be at the approval of a Head of Service/Housing Services Panel and subject to supporting professional evidence. These applicants will be restricted from bidding as either a direct offer and/or bids placed by a Housing Officer will be made.
- 17.64 Please note that if agreed, properties will be offered on a like-for-like basis in terms of the number bedrooms and where possible property type, with no account being taken of room sizes and facilities such as gardens. Like for like will not be offered if they will be under occupying a property.
- 17.65 In the case of a management transfer, a move to a larger property will only be facilitated through a standard transfer application. Once moved, the applicant can re-join the Scheme and ask for any previously held priority and waiting time, if still applicable, for a move to a larger property.
- 17.66 Any move will be away from the geographical area they currently reside in (North, South, East or West), unless otherwise supported by the Police, and away from any known perpetrators, and their family and known associates. If a property is sourced and the applicant refuses the offer of accommodation, without just cause, then the urgent priority will be removed, and the application will be reassessed.

Transfer Applicants

- 17.67 Existing tenants of Housing Associations or local authorities are entitled to apply to the Scheme, subject to meeting the qualifying criteria and will be subject to the Allocation Policy rules, except the pre-tenancy greenlight programme.
- 17.68 Existing tenants of Housing Associations or local authorities will be identified on the Scheme as 'Transfers'. Other applicants will be identified as 'Homeseekers'.
- 17.69 The Housing Service may approach the applicant's landlord for a reference, particularly to confirm that the social tenant is not in breach of their tenancy agreement, either for reasons of behaviour or rent arrears, and to confirm the household details in order to verify occupancy.
- 17.70 All Housing Associations participating in the scheme may be asked to complete a landlord's reference form for their tenants applying for re-housing upon request.
- 17.71 Swindon Borough Council tenants will be asked to join Home Swapper. Home Swapper contains the details of tenants who are looking to swap their home with someone else. Mutual exchanges can be found in the Borough and nationwide if people are looking to relocate to other parts of the country. There are restrictions for mutual exchanges such as size criteria, welfare adaptations or for those in rent arrears.

Work to Move for Swindon Borough Council Tenants

- 17.72 The Work to Move Scheme aims to provide an option for families living in a flat or maisonette and who normally would not meet the housing need criteria, however wish to move to a house. Any eligibility will be like for like as your current property in terms of number of bedrooms.
- 17.73 To be eligible for the scheme, tenants must meet the following criteria:
- Be a Swindon Borough Council tenant or joint tenant living in a two or three bedroom flat or maisonette.
 - The tenant or joint tenant should be working, paid or unpaid (Volunteering), for 16 hours or more weekly and have done so continuously for at least one year (the person in work must have been a tenant or joint tenant for at least one year).
 - Have lived in the flat for a minimum of two years & have a secure or flexible tenancy.
 - Have dependent children under 25 years living full time in the property.
 - Have no history of anti-social behaviour in the last 3 years.
 - At the point of application, must have a clear rent account for the last 6 months. The rent account must be continuously clear throughout the application to the point of offer of new accommodation. If the rent account is not clear over the waiting period, then the banding date will be changed to the date when the account has been cleared within the new 6-month periods.
- 17.74 **Note** - volunteering must be for a not-for profit organisation that is registered with the Charity Commission or is funded by the Council.

Reciprocal Requests

- 17.75 Under special circumstances, it may on occasion be necessary to move or accept an existing social housing tenant through a reciprocal arrangement with another housing associations or local housing authority outside of this Borough. This would be at the mutual agreement of both parties. Senior Housing Needs Managers at the Council have the authority to consider and approve reciprocal rehousing requests made to/from other councils or housing associations. If agreed they will be restricted from bidding and a property identified, where the bedroom size offered will be like for like, unless under occupying their current property. If a property is sourced and the applicant refuses the offer of accommodation, then the reciprocal arrangement will be cancelled.
- 17.76 Reciprocal arrangements can also be agreed with the National Witness Mobility Scheme subject to the recommendation of a Senior Housing Needs Officer and under section 85 of the Serious Organised Crime and Police Act 2005. This group will be restricted from bidding and a property identified.

Right to Move

- 17.77 If you are a tenant with another Council or a Housing Association, you may be given an exception to the local connection requirement if you meet the Right to Move criteria. This means you:

- Need to move to the borough to avoid hardship.
 - Need to move because you work in the borough.
 - Need to move to take up an offer of work.
 - The Council is satisfied that failure to meet this need would cause hardship (to you or to others in your household).
- 17.78 Council Officers will carry out an assessment of your needs to move but must be satisfied that you need, rather than want or wish, to move for work related reasons.
- 17.79 A number of factors will be considered in determining this including:
- The distance and/or time taken to travel between work and home.
 - The availability and affordability of transport, considering level of earnings.
 - The nature of the work and whether similar opportunities are available closer to home.
 - Other personal factors, such as medical conditions and childcare, which would be affected if the tenant could not move.
 - The length of the work contract.
 - Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.
- 17.80 You will not qualify if work is short-term or marginal in nature, or if it is ancillary to work in another borough. Voluntary work is also excluded. (In this context “voluntary work” means work where no payment is received, or the only payment is in respect of any expenses reasonably incurred).
- 17.81 We will also consider the following:
- Whether work is regular or intermittent – this is likely to be particularly relevant in the case of the self-employed.
 - The period of employment and whether or not work was intended to be short-term or long-term at the outset. (Contracts of employment that were intended to last for less than 12 months could be considered to be short- term).
 - The number of hours worked. (Less than 16 hours a week is likely to be considered to be marginal in nature).
 - The level of earnings.
 - If the work is only occasionally in the Swindon Borough Council area, even if the pattern of work is regular but the main place of work is in a different local authority’s area.
 - Whether the tenant is expected to return to work in the original local authority borough or district. Verification will be sought from the tenant’s employer.
- 17.82 The term ‘work’ includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service).

- 17.83 If you have been offered a job and need to move to take it up, you must be able to demonstrate that you have a genuine intention to take up the offer. We will need to see a letter of acceptance and may wish to contact the employer to verify the position.
- 17.84 If you wish to be considered under 'Right to Move' you will need to complete a set of questions linked directly to this and provide us with evidence to support your application. This will include:
- A contract of employment.
 - Wage/salary slips covering a certain period of time, or bank statements.
 - Tax and benefits information – e.g. proof that you are in receipt of working tax credit (if eligible).
 - A formal offer letter and documentation showing place of work, hours to be worked contract terms and employment start date, if the need to move is to take up an offer of work.
- 17.85 Once we have all of the above information a decision will be made by a senior officer and, if accepted, you will be awarded a Band O. No further banding award will be considered or made.
- 17.86 It is the Council's intention to make 1% of all allocations to applicants who meet the Right to Move criteria, in line with guidance set out by the Secretary of State.

Exceptional Circumstances Discretion

- 17.87 To ensure fairness, the policies in the document are applied consistently. The individual circumstances of each applicant are considered in every case using the information provided by the applicant on their Scheme application form and subsequently in any ensuring additional information that is requested and/or provided.
- 17.88 The Council retains the ability, in exceptional circumstances, to exercise its discretion when making decisions. Such persons will be referred to a senior Manager, who has responsibility for managing the Scheme, for a decision. If agreed, then there may be conditions attached to the discretion, which will be outlined in writing.

18 Who Cannot Join the Housing Allocation Scheme?

- 18.1 Allocations can also only be made to eligible persons and the Council cannot nominate to certain people from abroad with limited rights to remain in the United Kingdom or who are subject to immigration control. Persons from abroad can include British Citizens who have lived outside of the Common Travel Area and are not habitually resident in the Common Travel Area.
- 18.2 The Council has decided to close the Scheme to individuals or households on the basis of the criteria below -

Immigration Status

- 18.3 Eligibility in respect of immigration status is set out in section 160ZA of the Housing Act 1996.

- 18.4 You will not be eligible to qualify for the Scheme if you are not eligible for an allocation of housing and/or not entitled to recourse to public funds due to your immigration status. This includes applicants:
- Who are subject to immigration control, unless he/she is of a class prescribed by the Secretary of State, or is currently a tenant of the Council or a Housing Association.
 - Whose right to reside is solely derived from his or her status as a jobseeker, or as a family member of a jobseeker, or is an initial right to reside for a period not exceeding three months, as set out in Reg (4)(b)(i) and (ii) of the Eligibility Regulations.
 - Who are not habitually resident in the UK.
 - Who have the right to reside in the UK, or the Common Travel Area, only as a result of being the primary carer of a British citizen residing in the UK where that British citizen would be unable to continue to reside in the UK if the primary carer left (Zambrano carers).
- 18.5 Most persons from abroad, who are not subject to immigration control (including British Citizens) must also be habitually resident in the Common Travel Area and/or have the right to reside in the Common Travel Area in order to be eligible to join the Scheme. This is known as the 'habitual residence test'.
- 18.6 The Common Travel Area is:
- United Kingdom.
 - The Channel Islands.
 - The Isle of Man.
 - The Republic of Ireland.
- 18.7 People arriving from Ukraine are not required to meet that test.
- 18.8 The Allocation Policy cannot give full details of who is eligible and who is not as immigration law can change rapidly. Swindon will give effect to the law as it stands at any material time. You are advised to obtain independent legal advice should you be unsure as to your immigration status.

Homeowner

- 18.9 If you are a homeowner, you will be unable to join the scheme unless you are aged 60 years or over and meet the local connection criteria and would like to move to a sheltered accommodation flat. Please note that you will not be allowed to rent your owned property if allocated accommodation through the Scheme. Once moved into a sheltered flat, then you must be actively marketing your property, at current market value, to be sold within 12 months. If you have not sold your property within the time period, you must notify your housing officer in writing to request an agreed extension.
- 18.10 Applicant/s aged under 60 who own their home in the UK and/or abroad, (this includes mobile homes) will not be considered onto the Scheme unless there is no other option following assessment from the Council and director of housing approval.

- 18.11 Homeowners who are aged 60 years or older applying to join the Scheme will only be considered for sheltered accommodation flats.

Financial Assessment

- 18.12 For studio or one bedroom, where a single applicant, with no other adult household members, has an annual income in excess of £30,000, they will be ineligible to join the Scheme. For joint applicants (this also includes partners of the main applicant and all adult household members) where they have a combined annual income in excess of £40,000, they will be ineligible to join the Scheme.
- 18.13 For two bedrooms, where the main and/or joint applicants (this also includes partners of the main applicant and all other adult household members) have a combined annual income in excess of £50,000 they will be ineligible to join the Scheme.
- 18.14 For three or more bedrooms, where the main and/or joint applicants (this also includes partners of the main applicant and all other adult household members) have a combined annual income in excess of £60,000 they will be ineligible to join the Scheme.
- 18.15 This qualification criterion does not apply to priority keyworkers, if going into keyworkers only accommodation.
- 18.16 The income, savings/capital qualification criterion may be waived in exceptional circumstances, where applicant/s (or a member of their household) require major welfare adaptations confirmed by Occupational Therapist and Health Professionals and where the private rented sector and homeownership is not an option. A financial and option assessment will inform this decision, to be approved at panel.
- 18.17 Where the main and/or joint applicant (this also includes partner of the main applicant included on the application) have a combined savings/capital in excess of £16,000, they will be ineligible to join the Scheme. The applicant/s will be expected to use this money to secure accommodation.
- 18.18 This qualification criterion does not apply to UK regular Armed Forces personnel, applicants over the age of 60 wanting to go into sheltered flats, those requiring extra care housing or supported housing.
- 18.19 If applicants have purposely deprived themselves of capital in order to meet the criteria to apply on the Scheme, they will be ineligible to join the Scheme.
- 18.20 If you have sold a property within the last 3 years, and the funds you received from that sale would have allowed you to meet your long-term housing needs, but you have disposed of these funds, the Council reserves the right to exclude you from the scheme. This qualification criterion does not apply to applicants over the age of 60 wanting to go into sheltered flats.
- 18.21 If you transferred the ownership of your home to a family member, within the last 5 years, and the proceeds of a sale could have allowed you to meet your long-term housing needs, the Council reserves the right to exclude you from the Scheme. This

qualification criterion does not apply to applicants over the age of 60 wanting to go into sheltered flats.

18.22 Financial checks may apply to any part of this Allocation Policy, including at the offer of accommodation stage. Income is derived regardless of source and will include income from earnings, savings and welfare benefits.

18.23 The Council will not consider the following in assessment of savings or income; any members of the UK regular Armed Forces recently discharged from the forces with a payment due to injury or disability, unless there is an award towards resolving their housing costs.

Deliberate Worsening of Circumstances

18.24 Where it is considered that an applicant/s has deliberately worsened their housing circumstances in order to qualify for the Scheme, their application will be rejected and they will be barred from the Scheme for a period of 12 months. At the end of the 12-month period, the applicant/s can approach the Council and submit a new application, which will be assessed in accordance with their current circumstances.

18.25 Examples of this are:

- Applicants 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.
- Applicants who have moved from previously suitable or more suitable accommodation which was reasonable for them to continue to occupy, into a less suitable property.
- Applicants who have transferred their property to another family member within the last 5 years from the date they made their application to the Scheme.
- 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 and/or kitchen and/or a split household.
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.

18.26 The above are examples only and are not an exhaustive list. There will be other circumstances where the Council can consider whether an applicant/s have deliberately worsened their circumstances.

18.27 The following will not be considered deliberate worsening of circumstances:

- Those people fleeing harassment or violence where the Police, Independent Domestic Violence Advocates (IDVA) or Multi Agency Risk Assessment Conference (MARAC) support a move.
- Proven social or medical/welfare needs.
- Overcrowding caused by natural growth of a family.

Applicants Not Currently Residing in the United Kingdom

- 18.28 Applicants who are not currently residing in the United Kingdom will not qualify until they are living in the United Kingdom. They will then only be included if eligible to be included.

Unable to Live Independently

- 18.29 Those who are unable to live independently and hold a tenancy, where no social need assessment has been completed. Applications will be considered where a recommended supporting needs package has been identified, agreed and financed by the relevant social care team.
- 18.30 For those that lack capacity to hold a tenancy, evidence of the correct power of attorney will also be required.

Applicants Subject to MAPPA

- 18.31 Serious offenders, including applicants who are the subject of MAPPA (Multi Agency Public Protection Arrangements) will only be considered for the waiting list once a multi-agency risk assessment is carried out to consider what type of accommodation is appropriate. This will take account of all factors, not just the legal conditions they may be subject to. Bids made for properties that are deemed inappropriate following risk assessment will be disregarded.

Prisoners Still Serving a Sentence

- 18.32 All applicants presently serving prison sentences are not permitted to join or remain on the Scheme. You can apply to join the Scheme once you have a confirmed release date, which must be no more than 28 days prior to release and as long as you can demonstrate a previous local connection and meet all other relevant criteria within this Allocation Policy.

Money Owed for a Housing-Related Debt

- 18.33 If an applicant or joint applicant has any current or former housing related debt, owed to a Council, Housing Association or private landlord, including any damage recharges, rent arrears or possession costs, they will be excluded from the Scheme.
- 18.34 If it can be confirmed that the debt has occurred through no fault of the applicant/s or other household members, they will not be excluded or suspended from the Scheme, but a Housing Association may choose not to offer accommodation while the arrears are outstanding.
- 18.35 Applicants may be accepted onto the Scheme if they have maintained a repayment plan for a minimum of 6 consecutive months and/or cleared the debt to under £650 (payment plan must be maintained until fully cleared). If an applicant owes multiple debts to different landlords it is expected that they maintain repayment plans for them all.
- 18.36 If an applicant/s who had been maintaining a repayment plan stops paying in accordance with that repayment plan, they will be suspended from the Scheme until they have maintained payments for a further 3 consecutive months.

- 18.37 Applicants ought to note that, whilst they may fulfil these repayment criteria, this does not mean that a Housing Association will necessarily offer accommodation. Each Housing Association has its own Lettings Policy and approach to housing related debt.
- 18.38 Swindon Borough Council debts include, but are not limited to:
- Current or former tenant/licensee rent/charge arrears in respect of a dwelling or garage.
 - Current or former tenant/licensee defects charges.
 - Current or former tenant/licensee service (or any other metered) charges.
 - Court costs in respect of possession proceedings for anti-social behaviour or any proceedings relating to the applicant's occupation of his/her home or former home.
 - Charges arising from occupation of temporary accommodation in any Swindon Borough Council housing partnership hostel for homeless households.
 - Council housing revenue account debt.
 - Charges arising from the occupation of emergency accommodation provided by Swindon Borough Council under homelessness legislation.
- 18.39 The suspension from the Scheme may be waived for those tenants who have accrued arrears because of the under-occupation charge as long as:
- They are downsizing to a property where they will not be impacted by the under-occupation charge or where the impact will be lessened.
 - They are engaging with their landlord to resolve the matter, i.e. responding to contact from their landlord, accepting referrals for support or services and making payments towards the arrears.
- 18.40 If an applicant is declared bankrupt, any debts owed to Swindon Borough Council at the time of bankruptcy will be disregarded when considering a rehousing request
- 18.41 If an applicant has a Debt Relief Order, any housing related debt will normally be discharged at the end of the Debt Relief Order and the fact that the applicant has benefited from a Debt Relief Order will be disregarded when considering a rehousing request.
- 18.42 In the case of Administration Orders, provided that after three months from the date the administration order is issued:
- The court confirm that payments on the order/s are being made as ordered.
 - No further debt/s to Swindon Borough Council have been incurred the applicant will not be penalised for any previous debts when considering a rehousing request.
- 18.43 Applicants with debts owing to Swindon Borough Council, which accrued after the date of bankruptcy or debt relief order or administration order, will be subject to the Allocation Policy criteria.
- 18.44 Those applicant/s accessing Breathing Space will not be restricted from joining the housing register or bidding on properties for the duration of this scheme, which is usually 60 days. Once Breathing Space has finished the applicant/s will be admitted to

the Scheme subject to the normal criteria.

Housed Within the Last 12 Months

- 18.45 Any applicant/s who has been granted a tenancy by the Council and/or a Housing Association within the last 12 months and has no material change in their housing circumstances will not qualify to join the Scheme.

Adequately Housed

- 18.46 If applicant/s are currently in, accommodation that meets their bedroom needs, as set out in the table at 16.1, and do not meet any of the eligibility criteria, as set out within the policy, then they will be considered to be adequately housed.
- 18.47 Exceptions will include applicant/s that are seeking and are eligible for sheltered accommodation flats only.

19 Reasons for Suspending or Cancelling Applications

- 19.1 When an application is suspended, the applicant will be unable to bid for the duration of the suspension. A suspended application is one where the household has been accepted onto the Scheme and given the requisite reasonable preference in accordance with their assessed housing needs however, sanctions deemed applicable are detailed below.
- 19.2 The Council is also at liberty to cancel an application from the Scheme in line with the sanctions listed below:

Sanctions

- 19.3 The Council wishes to encourage financial responsibility, independence, and being a good neighbour within the community. As such, in order to assist with this, the sanctions listed below will be applied in the following circumstances:

Serious Behaviour

- 19.4 Applicant/s will not qualify for social housing in the Swindon Borough Council area and will not be (or remain) registered on the Council's Scheme if any of the following circumstances apply:
- The Council is satisfied that they have, within the preceding 6 months (5 years if the conduct has been proved by way of any legal action), obtained or attempted to obtain housing or other housing related services/welfare benefits /public funds, from any public body in the UK, by making a false or misleading statement or withholding material information, or encouraging someone else to do so on their behalf.
 - The Council is satisfied that the applicant is unlikely to satisfactorily manage the tenancy because, for example:
 - a) they or a member of their household have been evicted, in the last 3 years, due to anti-social behaviour (including, but not limited to domestic violence and abuse, hate crime, racist abuse and/or noise nuisance).
 - b) they or a member of their household have caused damage to their current or a former property or carried out unauthorised alterations,

where the Council and/or the Housing Association have, within the last 3 years, recharged to rectify the property to the Council or Housing Association relets standard.

- c) they have been served, within the last 12 months, with a notice for breach of their tenancy conditions.
- d) they or a member of their household have been served, within the last 12 months, with an Injunction, Restraining Order and/or Anti-Social Behaviour Injunction.
- e) they or a member of their household have a history of serious anti-social behaviour in line with the Council or the Housing Association anti-social behaviour policy (including domestic violence/abuse and noise nuisance) in the last 3 years.
- f) They or a member of their household are a person who has been removed from a premises subject to a closure order under the Closure of Premises (Anti-Social Behaviour, Crime and Policing Act 2014) within the last 12 months, unless the Police have advised that the closure order was put in place to protect them.
- g) A full or partial closure order under the Closure of Premises (Anti-Social Behaviour, Crime and Policing Act 2014) has been enforced on their place of residence within the last 12 months, unless the Police have advised that the closure order was put in place to protect them.

19.5 Where an applicant/s or member of the household has been found guilty of a criminal offence including theft, assault, criminal damage, robbery, possession or supply of drugs, burglary and fraud, sexual assault, domestic abuse or other criminal behaviour a person may not be eligible, or may be removed from the Scheme, for a period no longer than the period that an offence becomes spent under the Rehabilitation of Offenders Act 1974. Each case will be considered on its merits.

19.6 These sanctions will be subject to a review upon the receipt of request from the applicant/s. The applicant/s will need to demonstrate that their behaviour (or that of any member of their household) has been satisfactory over a reasonable period of time (usually 12 months, depending on the severity of the circumstances) and that there have been no repeat occurrences before any new application can be considered to qualify for inclusion on the scheme.

19.7 The Council may seek a Police Disclosure Request and/or tenancy reference as part of the review/assessment to determine whether an applicant or a member of their household is unsuitable to be a tenant or as part of the assessment to determine whether a new application should be accepted.

Violence and Abuse Towards Council Staff or Contractors

19.8 Violence and abuse towards staff (including staff of Housing Associations and contractors) is not acceptable. If an applicant, or someone acting on their behalf, abuses or harasses a member of staff (including staff of a Housing Association and contractors)

in any way, including using offensive language, the housing service will take appropriate action that will include restricting the type of contact that they will have. This will take the form of a verbal and/or written warning.

- 19.9 Following the written warning, if there is any further incident, then the application will be suspended for a maximum of 12 months or, in extreme circumstances, cancelled.
- 19.10 If an offer of a property has been made, then this could be withdrawn. At the end of the maximum 12 months period, the applicant can approach the Council and request that the suspension be lifted.
- 19.11 This request must be submitted to the Council within 4 weeks from the date the 12-month period has expired. Otherwise, the application will be closed, and the applicant/s will need to reapply and will lose their original banding date.

Applicant/s Not Bidding

- 19.12 Applicant/s in Band E, are classed as an emergency and therefore expected to move to the next available property that meets their needs in line with this Allocation Policy. Therefore, officers will place a bid on their behalf and/or make a direct offer of accommodation. If the property is refused and deemed a reasonable offer of accommodation by the Council in line with this Allocation Policy, then the application will be either cancelled or downgraded to a lower band
- 19.13 Applicant/s in Bands A will be given a maximum of 12 months from the date of assessment in Band A to place a bid for properties advertised through Swindon Borough Council. If they fail to bid on available properties, then the application will be either cancelled or downgraded to a lower band.
- 19.14 Applicant/s in Bands B will be reviewed as part of an Allocation Policy review. Those that have not placed any bids on properties that meet their eligible property type within 12 months, through the bidding process will be cancelled from the Scheme, or if accommodated by our Homeless team then bids will be placed on their behalf to the next available property that is deemed as a reasonable offer for their needs.
- 19.15 Applicant/s in Band O will be reviewed as part of an Allocation Policy review.
- 19.16 Timescales may be extended having regard to the specific circumstances of the applicant and availability of accommodation within that time to meet the needs of the household.
- 19.17 An extension of time-limited priority may be authorised where:
- No eligible accommodation has been available on the choice based letting site for bidding.
 - Personal circumstances have prevented them being proactive e.g. after effects of threats of or actual violence or because of severe health reasons.
 - Where applicant/s who have a sheltered flat eligibility have requested that their application be suspended as they are not ready to move.

- The applicant/s was incapable of accessing the scheme, without advice and assistance or referral from Social Care teams.

19.18 An extension of time-limited priority will not usually be authorised in any other circumstances.

Refusal of Reasonable Offer of Accommodation

19.19 Where an applicant refuses 2 reasonable offers of accommodation, the application will be suspended for 12 months. An applicant is considered to have refused an offer if they placed the bid for the property (either themselves or upon request via an agreed nominated third party or a member of staff) and:

- they have been made a formal offer of accommodation which they then declined.
- they would normally receive the formal offer of accommodation but inform the Council or the Housing Association they do not wish to be considered, whether or not they have attended a viewing, before the Council or Housing Association has an opportunity to make the offer.

19.20 The responsibility will be on the applicant/s to request that their application be unsuspended after the 12-month period, which needs to be received in writing within 4 weeks of the suspension end date. Otherwise, the application will be closed, and the applicant/s will need to reapply and will lose their original banding date.

Definition of Refusal of Reasonable Offer

19.21 A refusal of an offer of a property of the correct size and type, in an area where there is no risk of violence against the applicant will normally be considered unreasonable and count as an unreasonable refusal.

19.22 **Property size** - A refusal of an offer of the correct size and property type will normally be considered unreasonable and count as an unreasonable refusal. 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 bedroom criteria, this will normally be considered to be an unreasonable refusal unless the applicant provides new medical information to explain the refusal that is accepted by the Council

19.23 **Property type** - Refusing a property due to a dislike of the property type 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 will not normally be considered reasonable. Medical grounds for refusing a property should already have been disclosed and considered as part of the assessment of the application unless new medical information is submitted to explain the refusal that is accepted by the Council.

19.24 **Property condition** - Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the Council's Voids Team decides to withdraw the property from letting for further works to be carried out.

- 19.25 **Area of choice** - Where a specified area has been approved and an offer has been made in that area, the property will be considered reasonable.
- 19.26 **Pets** - Properties where pets are allowed will be indicated in the advert. Refusal of a property after a successful bid because it is not permissible to keep a pet is not reasonable.

Applicant/s Who Knowingly Withhold, or Provide False or Misleading Information

- 19.27 Providing false or misleading information is a criminal offence under Section 171 of the Housing Act 1996. The Council has a duty to protect public funds and housing stock, it administers and to this end may use information provided within this authority for the prevention and detection of fraud.
- 19.28 If an individual knowingly provides false or misleading information or withhold information relevant to their Scheme application, the Council will cancel the application, although they will retain the right to request a review of this decision.
- 19.29 The applicant will not be entitled to reapply to join the Scheme for a period of 6 months, from the date their application was cancelled from the Scheme.
- 19.30 In addition, consideration will be given as to whether a prosecution for suspected tenancy fraud under the Prevention of Social Housing Fraud Act 2013 or other legal action is appropriate.
- 19.31 If found guilty, the person/s may be ordered to pay a fine and or given a custodial sentence, by the Courts, and will not be entitled to reapply to join the Scheme for a period of 5 years. If they have already sourced accommodation through this Scheme, then the person/s could also lose any property that may have been allocated to them.

Pre-Transfer and Pre-Voids Inspection for Swindon Borough Council Tenants

- 19.32 Swindon Borough Council tenants are expected to pass a pre-transfer or pre-voids property inspection. Those that fail their property inspection will be suspended until the property is in an acceptable condition. If they have been nominated or offered a property then the nomination and/or offer could be withdrawn. If this has not been resolved within three months of the initial inspection, the application will be cancelled from the Scheme.
- 19.33 Those that fail to provide access to their property will have their application cancelled from the Scheme and/or any offer made withdrawn.

Pre-Tenancy Support Programme for Applicants

- 19.34 All waiting list applicants (Homeseekers) will be required to do mandatory pre-tenancy training in the form of an e-learning package.
- 19.35 Existing social housing tenants will not be required to carry out the training as part of their application for transfer.
- 19.36 Applicants who cannot access or require assistance in undertaking the e-learning will be

supported by Housing Officers to do the training on-line or invited onto more intensive training sessions.

- 19.37 One to one support is available on request for people who need additional support such as those who are currently living in temporary or supported housing and care experience young person.
- 19.38 An applicant who does not engage with the Swindon Borough Council mandatory pre-tenancy training will not be entitled to bid for accommodation until they have completed the training. Applicants will be given 3 months to respond and engage to the pre-tenancy training invite before their application is cancelled.

Removal of Qualification

- 19.39 Before we offer you a property, we will carry out a qualification re-assessment and if you no longer meet the qualification criteria, you will be cancelled from the scheme and no offer of accommodation will be made. This includes looking at your housing need and any time limited exceptions to local connection e.g. Service Personnel or any Prevention & Relief homeless duties owed as the exception to local connection will no longer apply once the time limit has expired and the application no longer meets the qualifying criteria.
- 19.40 You will also be cancelled from the scheme if we have established that you no longer meet the qualification criteria, following a completed change of circumstances or based on evidence received by the Council.
- 19.41 In all cases, you will be notified in writing of the decision that you no longer qualify and will have the right to request a review, if you do not agree with this decision.

Part 3 – Banding

20 Housing Need Banding

- 20.1 The Council operates a banding system. Applicants will be placed in a band based on the outcome of their housing needs assessment. (Each application is assessed by a housing assessment officer, in accordance with their specific circumstances and placed in a band).
- 20.2 If you have multiple housing needs, we will award you the band which gives you the highest priority.
- 20.3 Where two or more households have the same level of assessed housing need (i.e. they have been placed in the same band), priority between them will be determined by their Scheme verification date, which will be known as their banding date.
- 20.4 The banding date is the date an applicant was placed in a particular band, it is not necessarily the same as the date of registration for example; if an applicant was in band B and following a change of circumstances they are assessed as band A, their banding date in band A would be the date they are awarded the band A status.
- 20.5 In the event that an applicant has moved up a band and a further change of circumstances leads to an assessed housing need for a lower band, the banding date will be the date the applicant was first placed in the lower band.
- 20.6 The tables below illustrate two examples:

Example 1	Banding Date
Applicant applies to register in January 2023 and is awarded Band O	January 2023
In February 2023 applicant is awarded Band B	February 2023
In March 2024 applicant is awarded Band A	March 2024
In April 2024 applicant is downgraded to Band O	January 2023

Example 2	Banding Date
Applicant applies to register in January 2023 and is awarded Band O	January 2023
In February 2024 applicant is awarded Band A	February 2024
In April 2024 applicant is downgraded to Band B	February 2024

- 20.7 The tables below outline each banding and when they will be awarded:

Where Band E will be awarded	Emergency need to move
Medical and/or welfare need where there is a significant threat to life or risk of serious and permanent disability, from a diagnosed condition if they remain in their current accommodation.	With a diagnosis, supported by relevant medical professionals and where rehousing will significantly reduce the risk to their health

Existing social housing tenants fleeing domestic abuse where there is an immediate risk of violence or harm, and the victim cannot be safely accommodated in a refuge or other temporary accommodation.	<p>Dependent on a full housing options assessment.</p> <p>Must be supported by the Refuge, Police and other relevant agencies.</p>
Management Transfer: Existing Swindon Borough social housing tenants where there is an immediate risk to life in their current accommodation, and where no other housing solution is possible.	<p>Dependent on relevant social housing landlord assessment.</p> <p>Must be supported by the Police and other relevant agencies.</p> <p>If agreed, these applicants will be restricted from bidding as either a direct offer and/or bids placed by a Housing Officer will be made.</p>
<p>Where the accommodation in Swindon, where you are the tenant, has been deemed as seriously hazardous by the Council's Environmental Health Team and is deemed as unfit for human habitation and where other housing options are not available or affordable.</p> <p>These would have multiple Category 1 Hazards (excluding overcrowding) under the Housing Health and Safety Rating System (HHSRS) that cannot be resolved within 6 months and there is a serious risk to the occupant's health.</p> <p>Where a landlord has been served with an improvement notice but remedial work has not been carried out within 6 months, the Council may decide to award priority at its discretion.</p>	<p>These applicants will be restricted from bidding as either a direct offer will be made or bids placed by a housing officer.</p>
Where the accommodation in Swindon, where they are the tenant, has been deemed as being acutely overcrowded, as they have 3 bedrooms less than they are eligible for as per the bedroom entitlement noted in 16.1, by the Council's Environmental Health Team or a member of the Housing Team responsible for the management of the property and where other housing options are not available or affordable.	<p>These applicants will be restricted from bidding as either a direct offer will be made or bids placed by a Housing Officer.</p>
Where discharge from Great Western	Applicable where temporary accommodation

Hospital, Swindon is prevented due to not being able to return home.	cannot be provided and applicant cannot return home due to property being entirely unsuitable for their needs and has no financial means to secure a suitable home through another housing option.
Where urgent move on is required from Adult Social Care Pathway flat, or Discharge to assess bed to release accommodation for hospital discharge cases.	Where there are no financial means or where home cannot be provided in the private sector that would be suitable for their needs.
Reciprocal requests	Where there is an exceptional need for applicants or tenants to move either out of the Borough, or into the Swindon Borough and there are no other means for them to move then a reciprocal move can be arranged. Reciprocal arrangements can also be agreed with the National Witness Mobility Scheme subject to recommendation being approved by a Senior Manager and under Section 85 of the Serious Organised Crime and Police Act 2005.

Where Band A will be awarded	Urgent need to move
Urgent Medical and/or welfare need.	With a diagnosis and where application is supported by the relevant medical professionals and is seriously impacting on health and where by being rehoused will improve their health significantly.
Fleeing domestic abuse and currently housed within the Refuge or temporary accommodation provided by Swindon Borough Council Homeless team.	Dependent on a full housing options assessment, who will also discuss all other relevant housing options available. Supported by the Refuge, Police and other relevant agencies.
Where the accommodation in Swindon, where they are the tenant, has been deemed as being severely overcrowded, as they have 2 bedrooms less than they are eligible for as per the bedroom entitlement noted in 16.1.	
Social housing tenants releasing an adapted property that has major welfare adaptations.	Where tenants are releasing major welfare adaptations that they no longer require.
Social housing tenants releasing a four or	Where tenants are looking to downsize and releasing a four or more bedroom property

more-bedroom home	that they no longer require.
Social housing tenants releasing any non-sheltered property.	<p>Where a tenant is releasing family accommodation and requesting a transfer to either a one bedroom bungalow (including sheltered) or one-bedroom flat (including sheltered).</p> <p>Where a tenant is releasing a one-bedroom general need property for either a one bedroom bungalow or sheltered accommodation (must meet eligibility criteria within this Policy).</p> <p>Where a tenant is releasing a bungalow for a sheltered housing flat or bungalow attached to a sheltered scheme (must meet eligibility criteria within this Policy).</p> <p>Releasing a two-bedroom general needs bungalow for a 1-bedroom bungalow (must meet eligibility criteria within this Policy)</p>
Swindon Borough Council tenant who is required to permanently decant from their existing home due to regeneration/development.	
Agreed move-on arrangements.	Agreed move-on arrangements, as outlined in this Allocation Policy, in the Swindon Borough, when they are ready to live independently.
<p>UK Armed Forces personnel who are currently serving in the UK regular Armed Forces or have previously served in the UK regular Armed Forces who have suffered a serious injury, medical condition or disability sustained as a result of service in the UK regular Armed Forces in line with criteria set out in this policy.</p> <p>Recently ceased 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.</p>	<p>This includes those who have served in the Royal Navy, Royal Air Force and British Army. A local connection is not required, however must meet all other eligibility criteria as set out in this policy. Exception being those who have been dishonourably discharged.</p> <p>Homeowners will not be considered.</p>
Employees of Swindon Borough Council – Tied	If an employee of Swindon Borough Council

accommodation	were previously a Council or Housing Association tenant immediately before they moved into Council tied accommodation and have been served notice to leave, unless contract terminated for gross misconduct. The property type and size allocated will depend on their current bedroom requirements and property type as outlined in this Allocation Policy and will need director approval.
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Where Band B will be awarded	Medium need to move
Urgent Medical and/or welfare need adversely impacting on health.	Diagnosis and supported by relevant medical professionals.
Homelessness – main duty accepted	The priority will be awarded to applicants who are owed a full homelessness duty by Swindon Borough Council under Section 193(2) of the Housing Act 1996 (as amended), except those who are owed this duty because of the inclusion of a ‘restricted person’ in their household. An applicant owed a duty under Section 193(2) of the Housing Act 1996 (as amended), and who subsequently refuses a suitable final offer of accommodation made under Section 193(7) or a private sector offer made under Section 193(7AA) of this Act, will no longer be owed a homelessness duty.
Homelessness or threat of homelessness (Those owed a prevention duty and who have been accepted onto the Homeless Loan Scheme provided by Swindon Borough Council must keep to arrangements of the loan scheme.)	<p>This priority will be awarded in three different scenarios:</p> <p>i) The applicant is threatened with homelessness and is owed the ‘homelessness prevention’ duty by Swindon Borough Council under Section 195(2) of the Housing Act 1996 (as amended).</p> <p>ii) The applicant is homeless and is owed the ‘homelessness relief’ duty by Swindon Borough Council under Section 189B(2) of the Housing Act 1996 (as amended).</p> <p>iii) The applicant is owed the main homelessness duty because of the inclusion of a ‘restricted person’ in their household.</p>

Those living in Supported Housing Schemes provided by Housing Associations or a Registered Social Landlord within the Swindon Borough area.	Identified as being able to sustain a tenancy.
Where the accommodation in Swindon, where they are the tenant, has been deemed as being overcrowded, as they have 1 bedroom less than they are eligible for, as per the bedroom entitlement noted in 16.1.	
Applicants sharing facilities with others not included in their application.	
Social housing tenant is under-occupying and wishing to downsize from a three to a two-bedroom home.	Social housing tenants are able to downsize to a like for like property type.
Gypsy and Traveller.	Gypsies and Travellers who reside on Local Authority sites within the Borough of Swindon, excluding transit sites.
Hazardous properties.	<p>Applicants living in sub-standard accommodation in Swindon, where you are the tenant, that is deemed to have a category 2 hazard by the Council Environmental Health Team, and where repair is not possible or it is not practical in 18 Months.</p> <p>The band category will not be awarded if it is possible for repairs or other remedial action to be carried out within 18 months. Where a landlord has been served with an improvement notice but remedial work has not been carried out, the Council may decide to award priority at its discretion.</p>
Swindon's Work to Move scheme for Swindon Borough Council tenants wishing to move to a house from a two or three bedroom flat or maisonette.	Tenants or joint tenants must be in continuous work for at least one year (paid and unpaid) of 16 hours per week or more, have held a Council tenancy for a minimum of two years living full-time in the property, have no history of anti-social behaviour and hold a clear rent account for the last three months at the point of application and continuously through to point of offer.
UK Armed Forces personnel who are currently serving in the UK regular Armed Forces or have previously served in the UK	This includes those who have served in the Royal Navy, Royal Air Force and British Army. A local connection is not required, however

regular Armed Forces. Divorced or separated spouses or civil partners of current regular forces Service personnel who need to move out of accommodation provided by the Ministry of Defence	must meet all other eligibility criteria as set out in this policy. Exception being those who have been dishonourably discharged. Homeowners will not be considered.
Foster Carers providing care through Swindon Borough Council Children Services. This would also include special guardians, holders of a residence order and family and friends' carers who are not foster carers but who have taken on the care of a looked after child or a child who was previously looked after by Swindon Borough Council.	Where referral is received from Children Services at Swindon Borough Council.
Keyworkers in housing need	See Keyworker criteria in this Allocation Policy.
Priority Keyworkers for keyworker accommodation only.	See Keyworker criteria in this Allocation Policy.

Where Band O will be awarded	Low need to move
Low priority keyworkers not in housing need.	See Keyworker criteria in this Allocation Policy.
Home Owners or those in adequately private rental accommodation age 60 or over who wish to move to a sheltered flat or other difficult to let accommodation suitable for elderly.	Subject to enhanced suitability checks.
Right to Move.	See Right to Move criteria in Allocation Policy.

21 Direct offers

- 21.1 Not all properties that become available will be advertised and offered through the Choice Based Lettings process and not all properties will be allocated by band and date order. There may be exceptional circumstances where for urgent operational or financial reasons there is a need to make direct offers of housing outside the Choice-based Lettings, band and date order criteria set out in this Allocation Policy. For example:

- Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty and the Council decides it needs to move applicants out of temporary accommodation to manage the budgetary or legal impact on the Council, the Council may make a direct offer of suitable accommodation at any time. This includes the Council responsibilities to ensure that there is sufficient temporary accommodation stock to rehouse new households presenting as homeless and reduce the minimal use of bed and breakfast.
- Where a vacant adapted property or a property designed to disability standards becomes available, the Council may need to offer that property to an applicant whose disability/welfare needs best matches that property. This may not always be to those in the highest band priority and time in that band, so as to ensure we are making efficient use of housing stock.
- Where the Council considers that it is inappropriate for the applicant to participate in choice-based lettings. For example, vulnerable applicants nominated by adult social care where the Council will work closely with social workers and care managers to decide on the best letting method for these applicants.
- Where the accommodation in Swindon has been deemed as statutorily overcrowded by the Council's Environmental Health Team or a member of the relevant Housing Team and where other housing options are not available. These applicants will be restricted from bidding as either a direct offer will be made or bids placed by a Housing Officer.
- Where the accommodation in Swindon has been deemed as seriously hazardous by the Council's Environmental Health Team and is deemed as unfit for human habitation and where other housing options are not available. These applicants will be restricted from bidding as either a direct offer will be made or bids placed by a housing officer.

21.2 This list is not exhaustive and other examples could include cases where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA) or presents a risk to themselves or others. Furthermore, the Council may restrict the time an applicant is able to bid for accommodation in an area where they would prefer to live. An offer of accommodation would be in any area of the Borough that the Council has assessed is suitable and safe for the applicant to live in.

Adapted homes

21.3 The Council and or a Housing Association may have a number of adapted properties that have major welfare adaptations. Because of the specialist nature of these properties they may be offered directly to applicants and not available for bidding. These properties may also require an occupational therapist assessment to ensure suitability for the applicant.

21.4 Examples of Major Welfare Adaptations are:

- Wet room/flush floor shower.
- Through floor lifts.

- Lifting and hoisting equipment.
- Lowered kitchen units due to wheelchair use.
- Wheelchair accessibility property.
- Bariatric properties (requirements).

Homeless applicants

- 21.5 The Council will seek to allow applicants, to whom a homelessness duty is owed, the opportunity to exercise choice and bid in the normal way. However, given the shortage of accommodation and the pressures on the Housing Service, the Council retains the right to make a direct offer of accommodation or to place bids on applicant's behalf for accommodation that is considered to be suitable and reasonable to occupy.
- 21.6 When making direct offers to homeless applicants we will advise that, in doing so, we will be discharging our duty to them. We will also let them know what the consequences would be if they turned an offer down.

All other applicants

- 21.7 All other applicants, who have been offered a direct offer, have the right to request a review of their suitability and that this right is available whether they accept the offer or not.
- 21.8 If an applicant refuses an offer of accommodation which has been deemed suitable, following a review or where no suitability review is lodged within 21 days of the refusal of the offer, they may have any priority Band removed following a re-assessment in line with the Allocation Policy.

Part 4 – Application, Assessment, Allocations and Lettings Process

22 Application and Assessment Process

How to Apply

- 22.1 If you want to join the Scheme, you will need to complete an online application form through our choice-based lettings system. Support is available for applicant/s who require assistance in accessing the service, and do not have support from family/friends and/or third-party advocates.
- 22.2 Once your application has been assessed, you will receive an acknowledgement letter/email advising you of the decision.

Individual Assessments

- 22.3 A full assessment of your application will take place and if you are assessed as being eligible, and you qualify, notification will be provided to you in writing stating the outcome of your application, including whether or not your application is eligible, qualifying, what band you have been awarded, the priority date and details about how to bid, if relevant.

Missing Information and Incomplete Applications

- 22.4 If you do not provide us with all of the information, we need to process your application, within 14 days of submitting your housing application, we will cancel your application. If you are unable to provide all of the information, within this timescale, you must contact the Allocation Team to request a time extension.
- 22.5 Following cancellation, if you still wish to continue with your application you will need to appeal and provide the requested information within 21 days of the date of cancellation.

Change in Circumstances

- 22.6 Applicants are required to advise of any changes in personal circumstances that affects their housing application or eligibility to remain on the Scheme. Such changes may affect the priority band in which the applicant is placed and include, but are not limited to members leaving the household, members joining the household, new addresses and changes in economic status.
- 22.7 You are reminded that it is an offence to make a false statement and/or knowingly withhold information when making an application for the Scheme. This includes failing to correct information that is out of date.
- 22.8 If the Housing Service needs more information to reassess the applicant's housing needs, they will contact the applicant. The Housing Service will not reassess needs if it is unlikely to change the applicant's banding: for example, medical needs will not be reassessed if the applicant has developed another minor illness but will be re-assessed if the applicant has moved to alternative accommodation.
- 22.9 Applicant/s who have a change of address will be required to complete a new

application form.

- 22.10 Applicant/s changing from a sole to joint application are also required to complete a new application; however, they will keep their original banding date, providing that there has been no change to their original eligibility.
- 22.11 For all other changes, then you must notify us of these by completing an online Change of Circumstances form found on the Council website.
- 22.12 If the Housing Service becomes aware that an applicant's circumstances have changed, the application will be suspended until the Housing Service has been able to verify the applicant's circumstances or an on-line Change of Circumstances Form is received. The applicant will be notified of the suspension in writing.
- 22.13 If the on-line Change of Circumstances Form is not received, requested information has not been provided or verification has not been possible within 14 days of the Housing Service becoming aware of a change in an applicant's circumstances, the application will be cancelled.

Housing Application Reviews

- 22.14 Swindon Borough Council needs to ensure that it has the most up to date information on applicants, to ensure that the housing register is accurate.
- 22.15 Many applicant/s complete an application form however do not bid for accommodation and/or their circumstances change including finding a longer-term housing solution elsewhere and therefore no longer need to be registered with the council.
- 22.16 All Homeseeker and transfer applicant must complete a review form and/or a new housing application to stay on the Housing Register at least once every 12 months.
- 22.17 Swindon Borough Council will notify applicants, usually on the anniversary of their original application date, that they are being reviewed and they will be given a set period to respond and provide any requested proofs.
- 22.18 Applicant/s will be required to confirm that their circumstances are the same and/or provide up to date information to the Council so that it is possible to review and reassess their application.
- 22.19 If an applicant/s does not comply with the renewal process, then the application will be cancelled and the applicant will be removed from the Housing Register and will need to re-apply.
- 22.20 There is no requirement for the Council to further inform the applicant/s that their application has been removed, as they will have had sufficient time to respond to the renewal process and the renewal letter will outline that if not completed then the application will be closed.
- 22.21 If you make contact within 3 months of your original application being cancelled and are able to provide satisfactory evidence of an incapacity, which caused your failure to

renew, the application can be reinstated from the date of the original application.

- 22.22 If you wish to re-join the Scheme at a later date your new registration date will be determined by the new date that you apply. Your housing need will be reassessed, and you will be placed in the appropriate band as set out within this policy.

Required Documentation

- 22.23 In order that we can fully assess your housing application, you will need to provide proof of identification, and, depending on your circumstances, other supporting evidence. As proof of identification we require:

- One from Group 1 or two from Group 2 in List A.
- One from List B for non-UK, European Economic Area (EEA) or Swiss National applicants.

List A: Group 1 (One Proof Required):

- A UK passport (current or expired).

List A: Group 2 (Two Proofs Required):

- A UK passport (current or expired).
- A full UK birth or adoption certificate.
- A current full or provisional photo card UK driving licence.
- A letter from HM Prison Service.
- A letter from UK government department or Local Authority.
- A letter from National Offender Management Service.
- HM forces evidence.
- A letter from a UK police force.
- Employer Letter.
- Letter from UK Higher or Further Education Institution.
- Letter from an acceptable professional.
- Benefits paperwork.
- Disclosure and Barring Service Certificate.
- Current English National Concessionary Travel (Bus Pass).

List B: Time-Limited Documents:

- A current passport.
- A current biometric 'residence permit' card.
- A current 'residence card'.
- A current immigration status document.
- Proof of settled or pre-settled status.

If Not a UK Citizen:

- A passport or national identity card EEA or Swiss National.
- A registration certificate EEA National or Swiss National.
- A biometric 'residence permit'.
- A passport or other 'travel document' of a non-UK resident.

- A current immigration status document issued by the Home Office.
- A certificate of registration or naturalisation as a British citizen.

22.24 You will also be required to provide the following additional proofs, where applicable:

Evidence of National Insurance Number – (One Proof Required):

- National Insurance Card.
- Award letter from the Department of Work and Pensions/Job Centre Plus/Pension Service – dated within the last four weeks.
- P60, P45 or pay slip.

Address (Two Proofs Required):

- Utility Bills e.g. Gas, Electricity, Water – dated within the last four weeks (Mobile Telephone Bills are excluded).
- Award letter from the Department of Work and Pensions/Job Centre Plus/Pension Service – dated within the last four weeks.
- Letters from official bodies e.g. Council Tax, Housing Benefit, Schools, NHS, Solicitors, Social Services etc. – dated within the last four weeks.
- Council Tax Statement – Dated within the last 6 months.
- Bank Statement dated within the last four weeks showing current address.

Proof of service in the UK regular Armed Forces for Veterans

- HM Armed Forces Veteran card (MOD Form 100)

Proofs for Dependent Children (and Child Aged 18 or under in Full Time Education) (Both Required):

- Full Birth or adoption Certificates.
- Bank statements: Your last 3 months showing child benefit.

Evidence of Tenancy (One Proof Required):

- Current tenancy agreement or rent book.
- Letter confirming tenancy from landlord or agent.
- Letter from the host – with regard to any supported placement.

For Tenants of Private Landlords:

- An up to date copy of your rent statement.

Savings and Capital:

- For all household members over the age of 18, your last 3 Months consecutive bank statements for all bank, building society or post office accounts held (savings and current accounts). These can be originals received in the post, or statements printed at the bank. These statements need to include the detail of payments made in and out of the account.

- Note - Some bank statements only show the account number and do not show the name of the account holder. If this is the case with your bank, we will need to see the bankcard that shows the name of the account holder and the account number.

No Fixed Abode:

If you have no fixed address, please provide a contact address and a letter from the person at that address giving their consent for correspondence to be sent there. If you are unable to provide the above information, please contact the Housing Options team.

23 Allocations and Lettings

- 23.1 An allocation is the selection of a person to be nominated to the Council, or a Housing Association, for an offer of accommodation.
- 23.2 Swindon Borough Council nominates applicants from the Scheme to its own housing stock and to properties, which are available to let through a Housing Association.
- 23.3 A nomination takes place when a person, or household, is put forward by the Housing Service to be a tenant of the Council or a Housing Association in the area.

Advertising Properties

- 23.4 Properties will be advertised on a weekly basis, with new properties advertised on a Thursday and bidding closing at 23:59 on the following Tuesday.
- 23.5 The council will advertise vacant properties using some or all of the following methods:
- On our website, www.swindon.gov.uk;
 - Public access points, such as libraries.
- 23.6 In exceptional circumstances, the Council may choose not to advertise or withdraw a property and make a direct allocation to an applicant. This may be because of an emergency, to meet the Council's legal obligations to a homeless applicant, to support an applicant with specialist needs (including, but not limited to disabled adaptations), or where the property has previously not attracted any bids.

Labelling Properties

- 23.7 The labelling of vacancies is an essential part of the allocations process enabling the Council to set parameters on which type of households can apply for vacancies and whether any particular types of households will be given preference over others when being considered for specific vacancies. This allows us to act flexibly to meet local needs and local priorities in addition to the statutory reasonable preference criteria.
- 23.8 When labelling properties, we will consider:
- The need to make the efficient use of stock.
 - The requirement to house those in the greatest need.
 - The aim of giving you as much choice as possible to help create sustainable communities.
- 23.9 Labelling should generally be as inclusive as possible, to maximise choice, whilst

allowing preference to be given to certain household types to make the best use of stock, meet local priorities and to ensure good management of housing.

- 23.10 In properties where there are two separate living rooms, at least one of which is not accessed via another room, the Council will count one of these as a bedroom and these properties will be advertised as having an extra bedroom and will be prioritised to those applicants who have the need for this extra room.

Bidding

- 23.11 The Council seeks to offer applicants on the Scheme a choice over the areas in which they wish to live, except in certain circumstances where applicant/s may be subject to restricted choice of the areas and/or property types they may apply for, which are outlined in this Allocation Policy.
- 23.12 In order to be considered for an allocation of a particular property, applicants must bid via Choice Based Lettings.
- 23.13 Applicants may only bid for properties for which they meet the eligibility criteria specified in the advert. Any bids that are ineligible for the property advertised will be skipped.
- 23.14 Applicants must view the advert prior to placing a bid and should be sure that they would accept an offer if made.
- 23.15 In the case of new developments where there are a number of properties with the same characteristics, only one advert may be placed, and each applicant will need to submit one bid only.

Assistance Required with Bidding

- 23.16 The Council will make every effort to assist applicant/s needing additional help and support in the application process and bidding.
- 23.17 Applicant/s will be able to nominate a person to bid on their behalf or to help them bid for suitable properties. The applicant can also nominate a family member or friend to receive correspondence or make applications for vacancies on their behalf.
- 23.18 If an applicant/s is receiving support from another professional or voluntary agency or organisation, the Housing Service will, with the applicant's agreement, contact the worker to ensure that they understand the procedures and that necessary support is provided.
- 23.19 Where an applicant/s has difficulty placing bids and have no other support, as above, assistance will be available from the council.

Expected Waiting Times

- 23.20 Waiting times for housing vary depending on several factors including but not limited to:
- Location.
 - Number of bedrooms.

- Type of property.
- Restrictions e.g. older persons or disabled facilities.
- Priority of need.

23.21 Average waiting times will also be affected depending on the number of households registered at any time. Each application is prioritised according to need therefore potentially increasing waiting times for existing applicants with lower priority need.

23.22 Other activities can positively influence waiting times including new housing developments and working with social landlords to maximise the availability of suitable homes through the scheme.

Tied Bid Cases

23.23 Where two applicants have equal priority, for example, have the same length of time in their band and have the same requirements for size, type and area of property; taking account the requirements and housing needs of both applicants the Lettings Manager, will shortlist the applicant deemed most suitable, taking all factors into consideration.

Successful Bidders

23.24 The successful bidder will be contacted by the Council or the Housing Association.

23.25 The Council will endeavour to contact the successful candidate by phone or via email within 5 working days from the specified closing date, in the majority of cases. For Housing Association properties, the time taken to be contacted may vary.

23.26 Please note that you must keep all your correspondence contact details in your application form up to date, as if we are unable to contact you, then you may be skipped for the property.

23.27 If an applicant/s is shortlisted, they will receive a letter from Swindon Borough Council to confirm, as any successful bidder will be unable to place any further bids.

Housing to Swindon Borough Council Members, Housing Colleagues or Housing Colleagues' Relatives

23.28 Applicants must disclose any such relationship at the time of applying. Failure to do so may result in the application being suspended or cancelled.

23.29 When a Council housing allocation or a Housing Association nomination is being considered for a Swindon Borough Council Member, housing employee or their relatives then the Director of Housing will need to give approval for a formal offer to be made.

Assessment of Bids

23.30 Once bidding has closed, a shortlist will be produced that lists applicants in order of the highest band followed by priority date.

23.31 Where an advert sets out letting restrictions (e.g. subject to a local letting plan etc.), the shortlist will prioritise those applicants who meet the preference criteria.

23.32 Before any formal offer of a property is made, all applicant details will be checked and

verified. All applicants will be required to provide satisfactory evidence of identity and past and current residences for themselves and household members.

- 23.33 The Council and the Housing Association will request documentary evidence from each applicant and will conduct further enquiries as are reasonable in the circumstances. This is to ensure the accuracy of the Council's records and compliance with the rules of the scheme as set out in this document. The applicant may be invited to view the property accompanied by a Council housing officer or Housing Association officer, where offered.
- 23.34 Any formal offer of accommodation will be subject to an affordability assessment carried out by the Landlord. If the assessment indicates that a prospective tenant is not able to afford the tenancy, then the offer will not proceed. Applicants will be referred to the Council's Greenlight to Housing programme. Applications will be suspended whilst the applicant engages on the programme until they are reassessed as being able to afford a tenancy.
- 23.35 If the applicant engages with the programme, once they are assessed as being able to afford a tenancy, their application will be reinstated with their original banding date as long as their housing circumstances and need remains the same. If applicants fail to engage within a 3-month timescale, from being referred to the programme, then their application will be reviewed and maybe cancelled.

Reasons Why a Housing Association May Refuse a Nomination

- 23.36 It is important to note that Housing Associations also carry out their own verification processes and they may refuse to accept you as a tenant if you do not meet the guidelines set out in their own policies. This would include applicants who owe a rent debt but who we have allowed onto the scheme.
- 23.37 They will also carry out an affordability check when allocating properties to ensure that applicants are able to afford the rent for the property. A Housing Association's affordability assessment criteria may differ from Swindon Borough Council's or from another Housing Association.
- 23.38 If, for any reason, the Housing Association is considering refusing you for a property they will contact you to let you know and you will be given an opportunity to request the Housing Association carry out a review of the decision.

Difficult to Let Properties

- 23.39 If there are no eligible bids for a property, we may consider offering it as a direct let to applicants to whom we have accepted a Homelessness Duty.

Making an Offer

- 23.40 At the shortlisting stage, the Council or relevant Housing Association will contact the shortlisted applicants for each property, may also arrange a home visit as necessary to complete a pre-tenancy assessment, and if applicable offer the applicant a viewing date and time. The offer of a viewing does not constitute an offer of accommodation.

- 23.41 If a Council property is accepted and the keys are available, the tenancy will normally commence on a Monday. This can vary with other Housing Associations.
- 23.42 Applicant/s who advise the Council or Housing Association that they no longer wish to be considered for a property, and who would potentially have been made an offer, should be aware that this will be classed as a refusal.
- 23.43 If the offer of accommodation is refused by the applicant then the next eligible bidder will be shortlisted.

Refusals

- 23.44 If an applicant refuses more than one offer of a property, where the refusal has been deemed as unreasonable and the Council has deemed the second offer as being reasonable, their housing application will be cancelled from the Scheme. They can re-apply but the date of their application will be from when the new form is submitted.
- 23.45 Should those owed a homeless duty by the Council under Part VII of the Housing Act 1996 (as amended): the Section 193(2) main homelessness duty, the Section 189B(2) homelessness relief duty, and the duty to secure accommodation under Section 193C(4) and Homelessness Act 2002, refuse a suitable final offer of accommodation, without just cause, then the Council will discharge their homeless duty.
- 23.46 An applicant is considered to refuse a property suitable for their needs if:
- They have been made a formal offer of accommodation which they then decline.
 - They would normally receive a formal offer of the accommodation but tell the Council or Housing Association they do not wish to be considered, whether or not they have attended a viewing.
 - They fail to attend an accepted invitation for a viewing for the property.
 - They fail to respond to communication from the relevant housing provider in relation to them being shortlisted for accommodation.
- 23.47 Applicants should therefore be sure that they are interested and would be willing to accept the property, if offered, prior to placing a bid. A refusal will not be counted as such if the property can be shown to be unsuitable. This could include medical grounds, social grounds (including potential harassment or violence), or financial hardship.

Right to Review

- 23.48 An applicant has the right to request a review of:
- A decision that they or any members of their household are ineligible to join the Scheme.
 - The banding awarded including (but not limited to) qualification for reasonable preference, and the extent of any medical need.
 - About any decision made on the facts of their housing application.

- A decision that a refusal of an offer of Council accommodation or a nomination to a Housing Association was unreasonable or that the accommodation offered was unsuitable.
- The suspension, cancellation, or removal of an application.
- Whether an applicant qualifies for the Right to Move.
- A decision that an applicant is not suitable for general needs housing or for supported housing.
- Whether an applicant has a relevant rural connection.
- A decision that an applicant has provided false or misleading information on their application.

23.49 Applicants wishing to review a decision must advise the Council in writing within 21 days of the decision date giving their reasons for doing so.

23.50 As evidence is taken in written form it is very important that, when making the request for a review, the applicant, or someone acting on their behalf:

- Brings to the Council's attention any new information that they wish to have considered.
- Explains why they think the decision is wrong.

23.51 If no written representations are received, the matter will be decided on the facts already known.

23.52 The Council will review its original decision considering any representations and any other relevant facts. An officer senior to the officer who made the original decision, and who has not been involved in the original decision, will carry out the review and respond to the applicant.

23.53 The Council will determine the review within 56 days. If there is a delay with the review decision the applicant will be advised in writing of the reason for the delay and a revised timescale. If a review is undertaken and the original decision is overturned, the application will be re-assessed in line with this Allocation Policy.

23.54 An applicant does not have the right to request a further review, but if dissatisfied with the outcome, they should seek independent legal advice.

24 Complaints

24.1 Where an applicant considers that they have been treated unfairly or believes that there has been maladministration of the scheme, they can make a formal complaint to the Council. This is distinct from the procedure to request a review of a decision that has been made in accordance with this Allocation Policy and the complaints procedure cannot be used to challenge the outcome of reviews.

24.2 The Council's complaints procedure is detailed on the Council's website.

- 24.3 Where the complaint concerns a Housing Association, the applicant should contact the Housing Association direct in accordance with their complaints process.

25 Glossary

- 25.1 The following definitions are provided to assist with the reading of this policy:

Additional preference groups are people who are within a Reasonable Preference Group and to whom a local authority may give additional preference for an allocation of social housing under the Housing Act 1996.

Affordable Rent: Tenancies let by the Council or Housing Association on rent levels of up to 80% of open market rents.

An Allocation is:

- a) the selection process by which a person becomes a secure or introductory tenant of accommodation held by a housing authority.
- b) the nomination process by which a person becomes a secure or introductory tenant held by another housing authority.
- c) the nomination process by which a person becomes an assured tenant of accommodation held by a Private Registered Provider.

Allocation Policy (also referred to as Allocation Scheme): How the council assesses applications for housing, prioritises each application and decides which applicant/s will be offered (allocated) Council and Housing Association housing.

Anti-Social Behaviour Injunction (ASBI): a civil order made by the Court against perpetrators of anti-social behaviour. The ASBI will usually restrict behaviour in some way, for example, it may state that they are not to be abusive to neighbours or are not to enter a certain area.

Assured tenancy, which are commonly used by Housing Associations and are lifelong agreements that will only end if the tenant chooses to leave or if they are evicted by a Court order.

Assured Shorthold tenancy, are fixed term and or periodic (rolling weekly or monthly) tenancies, that are more commonly used in the private sector.

Band: One of the four bands used to prioritise Applicants on the Council's housing Scheme.

Banding Date: The date an applicant is placed in a particular band following assessment of their application.

Bidding refers to an applicant expressing an interest in an advertised property through the scheme.

Children are defined as dependents, in a household, aged under 25 under this policy.

Criminal Behaviour Order (CBO): A CBO is an order on conviction, available following a

conviction for any criminal offence in the Crown Court, magistrates' court or youth court.

Choice Based Lettings: A system to advertise available social housing that enables applicants to bid on properties that they wish to be considered for. Once the advert closes, a shortlist is run and the property is allocated to the applicant with the highest housing need.

Flexible tenancy: fixed term tenancies that usually last for 5 years. At the end of the fixed term period the landlord may decide to 1) offer another fixed term or alternative tenancy, or 2) not renew the tenancy.

General Needs Properties: This term is used to describe properties that are suitable for families and single applicants under pension age without a need for any adaptations. This includes houses, flats, bedsits, maisonettes, bungalows of any size. This includes both new build and existing properties.

Guarantor: Person who holds the responsibility to ensure rent is paid as well as any losses, expenses or damages where the young person fails to carry out their obligations under the agreement.

Homeseekers: Applicants who do not currently live in social housing but who wish to move into social housing.

Housing Association: Housing providers who are registered with Homes England.

Housing Register is the list of eligible and qualified applicants who have applied to be considered for an offer of affordable housing.

Introductory tenancy: 12-month fixed term tenancy agreements, but may be extended beyond this, that Councils use to vet new tenants through a probationary period. After this period, if the Council choose not to either extend the introductory period or apply for eviction, the tenancy will usually move on to a secure tenancy agreement.

Licence Agreement: provides a person the right to use or occupy property without acquiring the rights of a tenant.

Multi-Agency Public Protection: A statutory process through which the Responsible Arrangements (MAPPA) Authorities (Probation, Police and Prison Services) work together with Duty to Cooperate Agencies such as Mental Health/Youth Offending Services/Housing/Social Care (children and adults) Job Centre Plus Health to manage the Risk and help reduce the re-offending behaviour of Sexual and Violent Offenders in order to protect the public including the victims from serious harm.

MARAC or Multi-Agency Risk Assessment Conference, is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors and other specialists from the statutory and voluntary sectors.

Private Registered Provider (PRP) of social housing is the official name for housing associations, housing cooperatives and housing companies that are registered with the Homes & Community Agency.

Reasonable Preference Groups: categories of people to whom preference must be given for an allocation of social housing under the Housing Act 1996.

Restricted Person is a person who is a member of the main applicant's household, who is ineligible for assistance in his or her own right, but upon whom the main applicant is reliant in order to establish homelessness or priority need.

Section 106 Agreement: A legal agreement under the Town & Country Planning Act 1990 that sets out planning obligations that the developer is required to meet as part of the planning consent. A Section 106 Agreement can be used to require the developer to provide affordable housing and, in the case of rural exception sites, to restrict occupancy of that social housing to people with a specified rural connection.

Secure tenancy: used by Councils and are lifelong agreements that will only end if the tenant chooses to leave or if they are evicted by a Court order.

Sheltered Properties (or over 55): These are properties designated by the landlord as being for people over a certain age. This will usually be pension age, but in some circumstances may be lower. Most accommodation of this type is flats. Some will have a visiting warden scheme.

Social Housing is low cost housing that you rent or part rent/part buy from a council, PRP, charity or faith organisation.

Social Rent: Tenancies let by the Council or Housing Association on rent levels set at 'target' rents (usually 40-50% of open market rents) set by Homes England.

Starter tenancy: 12-month fixed term tenancy agreements, but may be extended beyond this, that Housing Associations use to vet new tenants through a probationary period. After this period, if the Housing Associations choose not to either extend the introductory period or apply for eviction, the tenancy will usually move on to a secure tenancy agreement.

Statutory homeless duty is defined as:

- The 'prevention of homelessness duty' under Section 195(2).
- The 'relief of homelessness duty' under Section 189B(2).
- Where the relief duty has come to an end and an applicant is then owed a Section 190 intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty).
- The Section 193(2) Main Homelessness duty or the Section 193C(4) 'reduced' Section 193 duty.

- Where the relief duty has come to an end and an applicant is then owed a Section 190 intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty).
- The Section 193(2) Main Homelessness duty or the Section 193C(4) 'reduced' Section 193 duty.

Suspended Application: The application is suspended so the applicant is unable to bid.

Swindon Borough Council Member: an elected councillor whose primary role is to represent their ward and the people who live in it.

Welfare Adapted Properties are properties that have been specially built or adapted for people with disabilities.

Zambrano Carers is a person from a non-EEA state whose residence is required in order to enable a child or dependant adult, who is British, to live in the UK (or the rest of the EEA). If the child is a UK citizen, a parent or parents with sole care of the child also have a right to reside and work in the UK.

26 Further information

- 26.1 Please contact Arlene Griffin, Head of Housing Commissioning and Strategy, agriffin@swindon.gov.uk for information or support in relation to this policy.