



# City of **Stoke-on-Trent**

## **Housing Allocations Policy Housing Revenue Account Services**

HOUSING MANAGEMENT

REGULATORY AND STRATEGIC SERVICES TEAM

Approved by: Director of Housing, Regeneration and Operations

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## 1. Purpose

The purpose of the Allocations Policy is:

- To provide a clear framework in relation to qualification for social housing in the city.
- To make best use of social housing in the city.
- To help local people live independent lives in housing and neighbourhoods which are appropriate to their needs.

## 2. Scope

The Allocations Policy includes information regarding how applicants will be prioritised and selection of an applicant for a housing offer. The policy demonstrates a commitment to meeting the needs of individuals and the wider community.

The allocations process includes:

- Assessment of applications
- Providing advice, assistance and information
- Offering choice
- Assessing eligibility and qualification to join the waiting list
- Determining priority amongst applicants
- Allocating homes
- Renewing and updating applications
- Successions and transfers
- Nominations to Registered Providers.

For the purposes of this policy an allocation is defined as:

- The selection of a person to be an introductory, secure or fixed term<sup>1</sup> tenant of accommodation owned by the local authority.
- A nomination of a person to be an introductory, secure or fixed term tenant of accommodation owned by another local authority.
- A nomination of a person to be an assured tenant of accommodation held by a Private Registered Provider.
- A nomination of a person to be an assured shorthold tenant of accommodation owned by a private landlord.

Accommodation will be offered in accordance with the requirements of the Housing Act 1996 and Housing and Planning Act 2016.<sup>2</sup> The Council will also take account of relevant statutory guidance regarding the allocation and

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<sup>1</sup> Fixed Term tenancy will be the type of tenancy which the Council will have to offer following the implementation of Part 4 (Chapter 6) and schedule 7 of the Housing and Planning Act 2016; the provisions will also apply to Introductory tenancies as the Council operates an Introductory Tenancy Scheme

<sup>2</sup> When fully implemented

length of fixed term tenancies. Details of the types of fixed term tenancies to be offered will be contained within the review of the existing Tenancy Policy.

Successions and assignments are not legally defined as allocations; however, the approach adopted by the Council in relation to these has been summarised within this policy for the purposes of providing a complete picture.

### **3. Key Principles and Service Standards**

This policy aims to ensure that council owned housing and housing made available to the Council through nomination agreements is allocated in a fair, consistent and transparent way. It aims to ensure that properties are let quickly and efficiently to those most in need.

The policy will ensure that a forward thinking and strategic approach is adopted in relation to the allocations process by:

- Ensuring that applications are assessed using a broad understanding of the applicants' circumstances.
- Ensuring that each applicant is given appropriate housing advice bespoke to their needs.
- Ensuring that housing is allocated to those most in need, while also recognising the impact on the wider community.
- To provide services that follow the principles and deliver on the commitments set out in our Tenants' Charter.
- Ensure the statutory and regulatory responsibilities set out by the Regulator of Social Housing are met.

### **4. Local Context**

The Council owns and manages circa.17,800 properties across the city and makes around 1000 allocations each year. Accommodation primarily comprises of 2 and 3 bedroom properties, but the Council also manages over 3,000 bungalows, 6 sheltered schemes and around 3,000 flats across the city.

### **5. Legal and Regulatory Framework**

The Allocations Policy complies with the requirements of the Housing Act 1996 (Part 6), as amended by the Homelessness Act 2002 and the Localism Act 2011 and the Homelessness Reduction Act 2017. It takes account of the provisions in the Housing and Planning Act 2016, and published codes of guidance. The Policy ensures that reasonable preference for social housing is given to those classes of persons set out within Section 166 A (3) of the Housing Act 1996 by framing housing need around the reasonable preference categories. The Council can grant 'additional preference' to

applicants where the Council is satisfied that applicants who have been assessed as having a reasonable preference also have other exceptional or urgent housing needs. For example, there are special provisions for such additional preference in relation to Her Majesty's Armed Forces personnel who have urgent housing needs (see 7.6).

In determining this Policy, regard has been given to the Council's Homelessness and Rough Sleeping Strategy, Tenancy Strategy, Anti-Social Behavior Policy and Domestic Abuse Policy.

This policy has also been informed by the Regulator of Social Housing's Consumer Standards.

The Allocations Policy will be kept under review and will be amended and updated as necessary in order to conform to emerging legislation and guidance.

Information about the housing waiting list will be available through Performance figures available quarterly from the Council.

## **6. Equalities Statement**

The Council recognises that it provides housing advice and accommodation for communities which include wide social diversity, and is committed to providing equal access to services.

The allocations process aims to treat all customers fairly, and with respect and professionalism. In line with the duty placed on the local authority under the Equalities Act 2010 specific consideration of the impact of this policy has been given to people with protected characteristics, including gender, race, age, disability, religion, sexual orientation and marital status. This Policy has been designed to be fully inclusive. The Equality Impact Assessment that was completed to inform the policy has been reviewed and there are no negative impacts on people with protected characteristics

For monitoring purposes, all applicants will be asked to provide details of their gender, age, religion, disability, ethnicity and sexual orientation.

## **7. Policy Detail**

### **7.1 Providing Advice, Assistance, Information and Preventing Homelessness**

The Council provides a high-quality advisory service to all local people. The aim of this service is not only to provide advice and information regarding housing in

the city, but also to provide advice with regard to preventing homelessness, securing accommodation if homeless and to inform persons of their rights should they find themselves in a situation where they are homeless or threatened with homelessness. This service is available to everyone and is free of charge.

### **7.1.1 Housing Needs Approach**

All applicants approaching the Housing Solutions Service will receive bespoke Housing Needs Advice as appropriate. This advice complies with the requirements of the duty in section 179 of the Housing Act 1996 as extended by the Homeless Reduction Act 2017.

The Council's advice service is designed to provide tailored support to the following vulnerable groups:

- Care leavers
- Former armed forces
- People leaving custody
- Victims of domestic abuse
- People with mental health issues
- People with Care and Support Needs

Applicants are encouraged to consider all housing options in order to make the best decision to meet their individual housing needs.

In order to ensure that a robust assessment of the applicants' circumstances is completed a home visit may be arranged if required. The Housing Needs Assessment will consider eligibility, qualification, community contribution and banding, and will include a review of all household income and expenditure<sup>3</sup>. The assessment will also consider wider care and support needs.

The Housing Needs Assessment will consider the broader housing options available to applicants, including private rented housing, supported housing, owner occupation, lodging and social rent. The purpose is to provide applicants with the information they need to make appropriate housing choices.

All applicants will be provided with detailed information about their housing options including referrals to the Home Improvement Agency, Disabled Facilities Grants and low-cost home ownership as appropriate.

Information on housing options will be available to all applicants regardless of their homelessness status or level of housing need.

The Council is now able to discharge its homelessness duty by offering accommodation in the private rented sector. The Council may decide to make

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<sup>3</sup> The stages in the Assessment are set out in Appendix 1.

offers on this basis where this is deemed to be in the best interest of the applicant, for example if the supply of social housing in the required area is limited, or it enables the Council to discharge its homelessness duty

### 7.1.2 Homelessness

If the Council has reason to believe that an applicant is homeless or threatened with homelessness, it has a statutory obligation to inquire whether the applicant is eligible for assistance and if so what duty is owed to that person and further to inform him/her of the outcome of those inquiries.<sup>4</sup>

In addition to the duty to inquire, the law imposes a further duty on the Council to assess the applicant's case and to agree with him/her a personalised housing plan where it is satisfied that an eligible applicant is homeless or threatened with homelessness within the next 56 days following their presentation to the Housing Solutions Service or any other statutory agency.

In accordance with the law, eligible homeless applicants will be assessed in order to determine:

- The circumstances that have caused the applicant to become homeless or at risk of being homeless
- The housing needs of the applicant
- The necessary support needs required in order to enable the applicant to retain or acquire suitable accommodation

The assessment will be shared with the applicant and a written Personal Housing Plan will be created which will sets out the 'reasonable steps' which the Council and the applicant will take. The applicant will be asked to agree the plan. In cases where applicants do not agree to the plan the Council can still issue the plan notwithstanding the lack of agreement by the applicant.

Subject to qualification, homeless applicants will be placed on the Housing Register and awarded a housing preference as follows:

**Band One** - Urgent need means (amongst other things) applicants who are Homeless and applicants who are owed a Relief Duty and in Urgent Need.<sup>5</sup> **Band Two** – High Need means (amongst other things) applicants who are classed as being Homeless Cases, namely those applicants owed a Prevention Duty or a Relief Duty and not in band one<sup>6</sup> above. **Bands Three and Four** – Other Homeless Categories not covered in Band One or Two above.<sup>7</sup>

The Banding Scheme is summarised at section 7.6 and detailed descriptions of the defined categories are set out within Appendix Two of this policy.

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<sup>4</sup> If the decision is against the interests of the applicant-the reasons for the decision must be provided- section 184(3) of the Housing Act 1996

<sup>5</sup> As a result of the duties which arise under the following sections: Section 193 (2) Housing Act 1996, 189 (b) Housing Act 1996 and in cases where the applicant is accommodated under Section 188.

<sup>6</sup> Section 195 (2) Housing Act 1996 or 189(b) Housing Act 1996 where the applicant is not in Band One.

<sup>7</sup> All other applicants who are homeless under part VI of the Housing Act 1996.



Dependent on the individual circumstances of the case, interim accommodation may be offered to an applicant whilst the assessment is undertaken.

Where the Council is satisfied that a homeless duty exists, the Council will assist the applicant in identifying accommodation that has a reasonable prospect of lasting for 6 months. This accommodation can be of any tenure and may include social housing, private sector housing and hostel/supporting housing options provided the Council is satisfied the offer is reasonable.

In order to facilitate customer choice or to discharge a homelessness duty the Council may make a nomination to other social housing or find suitable accommodation in the private sector.

### **7.1.3 Making an Application for Social Housing**

An application for social housing or a request for information at any stage of an application can be made in the following ways:

1.
  - Applications can be made online on the Council website at: Apply for a council house | Apply for a council house | Stoke-on-Trent
  - Applicants without access to the internet can contact the Team on telephone number 01782 233696
  - Via email at [housing.adviceservices@stoke.gov.uk](mailto:housing.adviceservices@stoke.gov.uk).
  - On line at <http://www.stoke.gov.uk/ccm/navigation/housing/housing-options/>

An application will usually be registered under the head of the household's name. A joint application can be made where a tenancy will be shared by two or more people. Information on all individuals that are to be rehoused within the household must be included at the application stage.

Applicants have the right to request general information from the Housing Solutions Service that will enable them to assess:

- (a) How their application is likely to be treated under the scheme and, in particular, whether they are likely to have a reasonable preference
- (b) Whether accommodation appropriate to their needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available.

### **7.1.4 Offering Choice**

The choice of social housing in the city is limited with only a small proportion of properties becoming available each year for let. Applicants will be advised to consider their broader housing options to improve the choice of housing available. Applicants will also be able to identify areas of preference on their application and, wherever possible, offers will be made in these areas. In some areas of the city the supply of social housing is extremely limited and applicants will be advised that selecting these areas will significantly increase the time they are waiting for accommodation.

Preferences about location must be aligned to information and decisions about housing need – if not; priority on the waiting list may be withdrawn. In the case of homeless applicants additional areas may be included on an application by the Housing Needs Officer if this is considered reasonable in order to obtain a suitable offer of housing.

The number of bedrooms a household requires will be determined by the bedroom standard set out in Section 7.11. Applicants can also request consideration for a smaller property. For example, a family who meet the requirements for a four bedroom property can express a preference for consideration for a three bedroom property as this may increase their chance of an offer of accommodation. Requests will be considered on a case by case basis and accepted at the discretion of the Council.

Applicants will also be asked for preferences in relation to housing aspects which will materially affect their housing choices. This may include preferences on heating systems, size of garden, ability to manage steps leading to/from the property and use of mobility scooters. This information will help to ensure that offers of accommodation are well informed and therefore reasonable to the applicant. Applicants will be advised that expressing a high number of particular preferences may make it difficult to find a property, resulting in a longer waiting time. Applicants will also be advised that adding more areas onto their application will increase potential choice as a larger number of properties may be available to them.

### **7.1.5 Types of Council Tenancies**

The Council's Tenancy Policy sets out the types of tenancies which the Council currently grants. This policy has been developed in line with the provisions set out within the Council's Tenancy Strategy.

The Council is able to offer shared tenancies to applicants. Shared tenancies are for two people who are willing to share a two- bedroom property with each other, with both parties being jointly and severally responsible and liable for all charges on the property and for complying with the tenancy agreement. This means that if there are missed rent payments, either one or both the joint tenants can be held responsible for the full amount that is due. The same approach will apply if any other tenancy conditions are broken.

The Council's Tenancy Policy and Tenancy Strategy can be accessed online on the Council's website, [www.stoke.gov.uk](http://www.stoke.gov.uk)

Any tenant that has a lifetime social tenancy (secure or assured tenancy) that suffers from Domestic Abuse<sup>8</sup> should not lose their security of tenure if they are granted a new tenancy by the Council for reasons connected to abuse. This protection applies to victims who have a lifetime social tenancy, or victims who

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<sup>8</sup> Domestic Abuse Act 2021 defines domestic abuse as any incident, or pattern of incidents, between those aged 16 or over who are personally connected and where the behavior is abusive.

have had a lifetime social tenancy in the past and have fled their social home to escape domestic abuse. The protection also applies to victims of domestic abuse who have a joint lifetime tenancy and who wish to continue living in their home after the perpetrator has left. The provisions apply to lifetime tenants of local authorities and private registered providers of social housing.

## **7.2 Assessment of Applications**

Applications for housing are made under the Council's Allocations Policy using a standard assessment. Once the application is received, including supporting information as required, the assessment of eligibility, qualification, level of housing need, and community contribution will be completed by the Housing Solutions Service at the Council. Applicants will be asked to provide photographic identification as part of their application, which will be retained in accordance with the Data Protection Act 2018. If photographic identification is not available the applicant may be asked to provide a passport style photograph together with other forms of identification.

The assessment of applications will be undertaken based on individual needs and requirements. The Council will seek to ensure that assessments are made based on evidence provided. Where there is a need to undertake further investigation, or verification of information, the application will be placed in a pending status.

Having determined that an applicant is eligible and also qualifies for council housing the applicant will be placed on the Housing Register and allocated a band. Eligibility and qualification may be re-assessed prior to making an allocation, particularly where a substantial period of time has elapsed since the assessment of the original application.

In all instances it is the applicant's responsibility to ensure that appropriate proof of identity is provided. It is also the responsibility of the applicant to provide additional supporting evidence, including evidence of work, immigration status, child benefit claims, criminal convictions and income.

### **7.2.1 Declaration of facts and information**

Any applicant seeking to obtain accommodation by making a false statement, by withholding relevant information or by failing to inform the Council of any material change in circumstances commits a criminal offence and is liable to have her or his application cancelled. This may result in future application to join the housing register being deemed ineligible for a period up to five years.

### **7.2.2 Assessment of Medical and Care and Support Needs**

Applicants requiring a move based on medical need will be subject to a medical assessment to determine the extent that the health condition will be improved by a move to alternative accommodation. Where necessary the Council will seek the opinion of the housing solutions senior occupational therapist in determining whether priority will be awarded, and at what level. Applicants with care and

support needs will be referred to Adult Social Care to determine how alternative accommodation may support the delivery of appropriate care and support.

Anyone who has suffered Domestic Abuse<sup>9</sup> and or recovering from its impact will have their medical, welfare needs assessed. This includes physical and mental health issues.

### 7.2.3 Confidentiality

All information held about applicants on the Housing Register is subject to the Data Protection Act 2018. Subject to the provisions of this Act the Council may transfer that information to relevant third parties in order to carry out their investigations into eligibility for housing purposes.

#### **What information about me will be shared with other organisations?**

We collect your personal information for the following purposes:

- To process and assess your application in order to deliver the service to you;
- To share with our partners who may allocate you properties;
- To comply with the Housing Act for the allocation of social housing;
- The prevention and detection of crime;
- To conduct appropriate checks e.g. former tenancies, criminal convictions.

Personal information will be shared internally within Council and with Partner Organisations (Registered Providers) for the purposes of shortlisting and allocation of a property under this Policy.

In addition, information may also be shared with other organisations to make sure that it is correct or ask other organisations to share information with us to help us to understand your housing, personal health or family situation. Where you have had involvement with these services this may include: GP; Probation Services, Current/ Previous landlord, substance misuse or mental health services; Social Services; The Police; Support Services you have told us you are engaged with.

There may be circumstances where the Council is required to make disclosures to other organisations (for example, law enforcement agencies) if there is a valid and lawful reason.

For more information as to how your personal data is handled, please refer to our privacy notice. ([link to stoke.gov.uk](https://www.stoke.gov.uk))

In exceptional circumstances the Council has the right to share information about applicants without permission. These circumstances include (but not exclusively):

- Fulfilling requirements set out in the Crime and Disorder Act 1998 (Section 115).
- Where there is a serious threat to staff, partner agencies or contractors.
- Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of

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<sup>9</sup> Domestic Abuse Act 2021 defines domestic abuse as any incident, or pattern of incidents, between those aged 16 or over who are personally connected and where the behavior is abusive.

the applicant, a member of the household or a member of staff.

- In order to fulfill its statutory housing duties.

In accordance with the Data Protection Act 2018 applicants are entitled to see information held on their file at any time.

#### **7.2.4 Right to Review**

If applicants are dissatisfied with any decision made about their application they have the right to request a review. Specifically, applicants have the right to request information about, and review of, decisions regarding:

- The facts of their case which have been considered in their application.
- Any decision to treat them as ineligible due to unacceptable behaviour.
- Information about the review process and the decisions reached, including the reasons behind all decisions.
- Any homeless decision made to the applicant

Applicants should request a review in writing within 21 days of being notified of the decision. The Council will determine the review within 56 days of the request, in line with national guidance. Where a longer timescale is required this will be agreed with the applicant and the reason for the delay explained in full.

Reviews will be carried out by a service manager as delegated by the appropriate service director. The decision of the Council is final and any challenge of this decision can only be made by way of a judicial review.<sup>10</sup>

The Council also operates a formal Complaints Procedure. Applicants who want to make a complaint or comment about the allocations process can use this procedure. Details are available from any council office or online ([www.stoke.gov.uk](http://www.stoke.gov.uk)).

#### **7.3 Eligibility to join the Housing Register**

The law states that certain persons from abroad are ineligible for social housing or homelessness assistance and that the Council <sup>11</sup>can only allocate housing to persons deemed eligible in law. Eligibility is determined by a person's immigration status that is whether they are subject to "immigration control".

A person subject to "immigration control" is defined in section 13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom.

Applicants that are subject to immigration control will be eligible for assistance only if they fall within one of the categories of persons prescribed as eligible by the

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<sup>10</sup> Homeless decisions under Part VII of the Housing Act 1996 are subject to a right of appeal to the County Court

<sup>11</sup> Section 160ZA Housing Act 1996

## Secretary of State.

However, a person who is not subject to immigration control may still be ineligible if they fall within one of a number of classes of people prescribed by the Secretary of State in regulations. If deemed ineligible, an applicant must be informed of the decision and the grounds for it.

The regulations setting out which classes of persons from abroad are eligible or ineligible (including EU citizens) for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations'). Details of the eligibility regulations can be found in Appendix Four attached to this Policy.

### **7.4 Qualification to join the Housing Register**

Qualification for housing is different from eligibility in that the qualification criteria are determined by the Council.

Applicants will qualify to join the Housing Register if they meet all of the following criteria:

- They are aged 18 or over (except in exceptional circumstances agreed by the service manager).
- They have a local connection to the area (as defined in Section 7.4.1).
- They have a recognised housing need (as defined in Section 7.4.2).
- They do not own a property which could legitimately be used as a primary residence or to address the housing need (as defined in Section 7.4.3).
- No person in the household (which includes the applicant) is 'unsuitable' by reason of their unacceptable behaviour (see Section 7.4.4) and which behaviour, in the opinion of the council, would mean that they are unsuitable to be a tenant, unless they are owed the main homelessness duty.

Qualification will be assessed at the time that the application for housing is made and may be reviewed if the application is updated and prior to an offer of accommodation being made.

#### **7.4.1 Local Connection**

Local connection will be assessed in accordance with the definition set out in Section 199 of the Housing Act 1996 (Part 7), therefore an applicant will be considered as having a local connection if they, or anyone moving with them:

- Has lived in Stoke-on-Trent by choice for 6 out of the last 12 months or 3 out of the last five years.
- Has close<sup>12</sup> family living in Stoke-on-Trent and who have lived in the city for over 5 years.
- Has settled employment (paid or unpaid) or education in Stoke-on-Trent.
- Has special circumstances that give rise to a local connection, for example, need to live in the area to receive specialist health care only



available in the area.

In all cases applicants will be asked to provide written evidence of their local connection.

The following persons are not required to meet the local connection criteria in order to qualify to join the Housing Register:

- Serving or former member of the Armed Forces (considered in line with the definition set out in Appendix two of this policy).
- A person who ceases to occupy accommodation provided by the Ministry of Defence following the death of their spouse or civil partners that had served in the regular forces.
- A person who ceases to occupy accommodation provided by the Ministry of Defence following a divorce or separation from their spouse or civil partner that serves or has served in the regular forces.
- A serving member or former member of the reserve forces who is suffering serious injury, illness or disability attributable to that service.
- Care Leavers aged 18 to 25.
- Existing social tenants of Council or Housing Association properties seeking to transfer from another Local Authority district in England who:
  - Have reasonable preference under the 1996 Housing Act because of a need to move to the local authority's district to avoid hardship, and
  - Need to move because the tenant works in the district, or
  - Need to move to take up an offer of work, the Council must be satisfied that the applicant has a genuine intention of taking up the offer.

Those who have arrived or who will arrive as part of the UK Resettlement Scheme, Afghan Relocations and Assistance Policy Scheme, Afghan Citizens Resettlement Scheme, and the Ukraine temporary visa schemes (the Ukraine Sponsorship Scheme (Homes for Ukraine)).

The above local connection may not apply to applicants who are applying as a result of the need to leave their current home due to violence or harassment.

The Council will retain discretion regarding compliance with the above local connection criteria where it considers that there are exceptional circumstances.

#### **7.4.2 Housing Need**

An applicant will be considered as having a housing need if they fall into one of the following reasonable preference categories<sup>13</sup>:

- People who are homeless, or threatened with homelessness<sup>14</sup>, this

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<sup>13</sup> More detailed definitions for each of the criteria are set out in Appendix 2.

<sup>14</sup> Within the meaning of Part 7 of the Housing Act 1996, and including those owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 or under section 65(2) or 68(2) of

includes people who are not in priority need, including households fleeing domestic violence, applicants moving as a result of fire or flood and applicants homeless as a result of losing their accommodation through family or relationship breakdown.

- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing.
- Unsatisfactory housing will be determined as uninhabitable by an Environmental Health Officer or other suitably qualified officer within the Private Sector Housing Team. In most cases unsatisfactory conditions in privately rented or owner-occupied homes will be dealt with through the Council's enforcement or housing assistance powers rather than an offer of rehousing. Qualification for the housing register will normally only be considered where the property is subject to a Prohibition Order, Emergency Prohibition Order or an Improvement Notice where it is impractical for the tenant to remain in occupation whilst works are carried out. Qualification will also be considered where it is not reasonable or practicable to adapt a person's home for use by a disabled person in their household.
- People who need to move on medical or welfare grounds, for example households who require a move due to harassment or violence, applicants unable to return to their home following an accident or illness or applicants who are in serious financial hardship.
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship to themselves or others, for example to give or receive care. This category could include existing social tenants of other Local Authority areas in England who need to move to a particular locality in Stoke-on-Trent in order to work, where failure to meet that need would cause hardship to themselves or others in their household, for example because of the availability and/or affordability of transport, taking into account level of earnings.

Other groups may be added from time to time to meet any new legal requirements.

#### **7.4.3 Owning Property**

Applicants who own property anywhere else will not qualify for housing unless there is a legitimate reason why the property cannot be occupied as the principal home for the applicant or cannot be sold to meet the housing need.

Consideration will be given to the suitability and condition of the property owned, the value of the property if it is sold, household income<sup>15</sup> and the market price of accommodation required to meet the housing need.

Applicants may not be accepted as having a housing need if they recently sold a

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the 1985 Housing Act and people who are occupying accommodation secured by any housing authority under section 192 (3) of the Housing Act 1996.

<sup>15</sup> Assessment of Savings



property and this action led to a worsening of their housing need.

#### **7.4.4 Unacceptable Behaviour**

The Housing Act 1996<sup>16</sup> (as amended by the Localism Act 2011) permits Local Authorities to determine which persons are or are not qualified to be allocated housing. The Council is committed to safeguarding its tenants, other residents and staff from nuisance, violence and harassment.

The Council may determine that an applicant does not qualify to join the Housing Register where:-

- It considers, in all the circumstances at the time the application is made, that the previous or current behaviour of an applicant or a member of their household is so serious and unacceptable that the applicant, by reason of the behaviour is unsuitable to be a tenant.

A test of 'suitability' will be applied to every application for accommodation, to assess whether an applicant is qualified to be placed on the Housing Register:

1. Has the applicant or a member of their household at any time behaved in a serious and unacceptable manner, whereby the Council considers that such behaviour is enough to make them unsuitable to be a tenant?
2. At the time of the application, does the Council consider in all the circumstances at that time, that the applicant by reason of their behaviour or the behaviour of a member of their household would still be unsuitable to be a tenant?
3. Was the behaviour serious enough that it would have entitled:
  - a landlord to commence legal proceedings for possession of his/her property and/or,
  - to take action using one of the tools/powers under the Anti-Social Behaviour, Crime and Policing Act 2014
4. Did the behaviour pose a significant risk to the community?

In applying the above test, the present circumstances of the applicant will be considered; that is relevant circumstances such as health, dependents or other factors such as the behaviour of a member of the applicant's household who had since left the household, therefore the decision that an applicant does not qualify would not be justified.

In applying the above test, all relevant and present circumstances of the applicant will be considered.

The following instances (below) are examples which the City Council considers could constitute serious and unacceptable behaviour and thus mean that an applicant does not qualify to be placed on the Housing Register: -

- Where the applicant has significant (eight weeks or two calendar months' rent or more) current or former rent arrears and/or outstanding re-charge and compensation payments, unless there are exceptional circumstances (for example, applicants impacted by Welfare Reform) and the Council is satisfied

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<sup>16</sup> Section 160 ZA Housing Act 1996

that there is an arrangement made with the landlord to reduce the debt.

- Where there is evidence that the applicant or a member of their household has committed serious anti-social behaviour, including (but not limited to) harassment, racial harassment, violence, are the subject of an ASBO, injunction, a Community Protection Notice, a Criminal Behaviour Order, a Closure Order or other legal proceedings due to breach of tenancy conditions or anti-social behaviour.
- Where the applicant has been evicted from a property due to a breach of tenancy conditions.
- Where the applicant or a member of their household has been convicted of a serious criminal offence and where in the reasonable opinion of the Council, at the time of the application, it considers by reason of the conviction the applicant (and/or a member of their household) may still pose a threat to other residents in the community (for example, violent crimes, arson or sexually related crimes).
- Where the applicant or a member of their household has been convicted of using a property or allowing it to be used for immoral or illegal purposes such as drug dealing.
- Where the applicant or a member of their household has been abusive or used threatening behaviour towards members of staff at the Council and/or other agencies;
- Where the applicant or a member of their household has abandoned a previous tenancy
- Where the applicant has provided false information or omitted to provide information on an application form for housing accommodation and which action/omission caused a property to be granted in circumstances whereby had the provision or omission not taken place then the property would not have been awarded to the applicant.

The city council will consider each case individually based on an assessment of all circumstances including the level of risk posed to the property, staff and the local neighbourhood. Consideration of previous convictions is subject to the rehabilitation of Offenders Act 1974 and the requirements therein.

Where previous unacceptable behaviour applies applicants must be able to demonstrate that they are no longer deemed as unsuitable tenants.

Applicants can re-apply when they believe this is the case and the Council will consider a new application.

#### **7.4.5 Discretion on unacceptable behaviour**

In some situations, a Head of Service can exercise their discretion to allow access on the register for some applicants who do not meet the qualification criteria. This will not be considered for the majority of applicants who are ineligible due to unacceptable behaviour. This will only apply to a very small number of persons to whom the Council owes a homeless duty to, and whom it is considered could suitably manage a tenancy with any identified support plan.

#### **7.5 Community Contribution**

Applicants may be offered increased priority on the waiting list if they are

assessed as meeting the criteria for qualification and the main applicant (or one person on a joint application) is able to demonstrate that they meet one or more of the following criteria:

- Are currently employed in North Staffordshire and living in the city (full time, part time working 12 or more hours a week or self-employed) and have been in regular employment for 6 months or more; and/or,
- Have volunteered for an approved organisation<sup>17</sup> within the city for a minimum of 6 hours a month for 6 months prior to the application being made, and continue to do so at the point of an offer of accommodation being made; and/or,
- Are, or have been within the last five years, a serving member of the regular or reserve Armed Forces;
- Have been required to leave Ministry of Defence accommodation as a result of the death of a civil partner/spouse in the Armed Forces;
- Have been required to leave Ministry of Defence accommodation following a divorce or separation from a civil partner/spouse in active service with the Armed Forces;
- Provide or receive care
- Are approved foster carers living in the city.
- Are aged 55 or over applying for older People's accommodation

In addition to the above the applicant must not be disqualified from the Housing Register due to unacceptable behaviour. (See section 7.4.5).

Applicants will be asked to provide proof that they meet these criteria either through provision of bank statements, pay slips or a letter from employer, trainer or volunteer manager. Assessment will be undertaken at the point of registration, if a review is requested by the applicant, and at the point an offer is being considered.

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<sup>17</sup> Approved organisations include registered charities based in the city, the City Council, Primary Care Trusts, Schools, Fire Service and the Police. This list is not exhaustive and all voluntary activity should be disclosed to inform the decision about community contribution.

## **7.6 The Banding Scheme (More detailed examples of the criteria outlined below are provided in Appendix 2.)**

### **Band 1 – Urgent Need**

- Those who are homeless and in urgent need or rehousing due to Domestic Abuse.
- Urgent Medical and/or care and support Need
- Severe Overcrowding – deficient by three or more bedrooms
- Homeless Applicants and those owed a Relief Duty and in Urgent Need<sup>18</sup>.
- Social and Welfare – Exceptional Need
- Health and Safety grounds – Exceptional Need
- Armed Forces personnel and/or their spouses or civil partners, with an urgent level of housing need
- Divorced/Separated spouses or civil partners of Armed Forces Personnel, with an urgent level of housing need.
- Young people leaving the care of Stoke-on-Trent City Council.
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship to themselves or others, for example people such as foster carers who give care and people who need to move in order to receive care.

### **Band 2 – High Need**

- All applicants who meet one or more of the following:
- Includes those who are homeless or considered to be for rehousing due to Domestic Abuse.
- Overcrowding – deficient by two bedrooms
- Ready to move on from Supported Housing or Approved Premises
- Homeless Cases namely those applicants who are owed or considered to be owed a Prevention Duty or a Relief Duty and not in band one.
- Medical Grounds – given a high priority for medical assessment and/or need to move to receive care and support. This includes victims and their families of domestic abuse who are accommodated in a refuge/temporary accommodation.
- Armed Forces Personnel and/or their spouses or civil partners, with a high level of housing need
- Divorced/Separated spouses or civil partners of Armed Forces Personnel, with a high level of housing need.
- Council tenants who are under-occupying by two or more bedrooms
- Council tenants adversely affected by welfare reform who need to move to a lower rent property.
- Health and Safety
- Discretionary Cases

### **Band 3 – Low Need with Community Contribution**

- All applicants in this band will meet the criteria outlined for community contribution and one or more of the following:

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<sup>18</sup> All applicants owed the main housing duty under section 193 (2) and applicants owed a relief duty under section 189 (b) where there is urgent need. Urgent need is defined as applicants owed both the 189 (b) duty and accommodated pursuant to a duty under section 188 of the Housing Act 1996.

- Other Homeless Categories<sup>19</sup>
- Welfare Grounds
- Hardship
- Medical Grounds – given a medium priority for medical assessment and/or need to move to receive care and support.
- Armed Forces Personnel and/or their spouses, with a housing need
- Divorced/Separated spouses or civil partners of Armed Forces Personnel, with a housing need.
- Council tenants who are under-occupying by one bedroom
- Households interested in Retirement Properties with no other housing need
- Overcrowding – deficient by one bedroom

#### **Band 4 – Low Need**

- All applicants who do not meet the community contribution criteria but who meet one or more of the following:
- Other homeless categories
- Welfare Grounds
- Hardship
- Medical Grounds – given a medium priority for medical assessment and/or need to move to receive care and support
- Council tenants who are under-occupying by one bedroom
- Households interested in Retirement Properties with no other housing need
- Overcrowding – deficient by one bedroom

### **7.7 Changes in Circumstances**

Applicants can have their application reassessed at any time if their circumstances have changed. Applicants are obliged to notify the city council immediately if any of their circumstances change, particularly those which will affect their application, including:

- Change of address for themselves or any other person on the application.
- Any additional family members they want added to the application.
- Any member of the household who no longer requires accommodation.
- Changes which affect the assessment for community contribution.
- Changes in income which affect affordability.

It is a criminal offence to provide false information, or withhold information on an application for housing. Failure to notify the city council of material changes may result in offers of accommodation being withdrawn, the application being removed from the Housing Register or court proceedings undertaken to reclaim a property<sup>20</sup> if it has been let based on false information. If an application is removed from the Housing Register due to the provision of false information no further applications will be accepted from all parties involved for a period of 12 months, unless as a result of homelessness investigations.

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<sup>19</sup> All other applicants who are homeless under part VI of the Housing Act 1996.

<sup>20</sup> Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by the 1996 Act, section 146).

If there is evidence to suggest that the applicant is involved in criminal activity and / or fraudulently claiming welfare benefits, this information will normally be disclosed to the relevant agency.

## **7.8 Allocating Homes**

When a property becomes available for letting all applicants<sup>21</sup> on the Housing Register who are suitable for that property type and have expressed an interest in the area will be identified. Thereafter, the applicant in the highest band will be offered the accommodation. In cases where one or more applicant is in the same band the allocation will be based on the time the applicant has been waiting in that band.

Before making an offer the city council will undertake a review of the requirements for the applicant and ensure that they have information about the local area to ensure that the offer is reasonable in the context of Intelligent Lettings (see Section 7.8.1).

The number of bedrooms the applicant and his/her household is eligible for will be determined in accordance with the Bedroom Standard (Section 7.11).

### **7.8.1 Intelligent Lets**

The City Council aims to make all allocations ‘intelligently’. This means that consideration of the needs of the applicant, the specific attributes of the property and the broader needs of the wider community will be made when considering each allocation to ensure that the tenancy is sustainable.

In considering an allocation the City Council will have regard to:

- Access issues (for example number of steps to the property).
- Any history of anti-social behaviour or hate crime of the applicant or in the local area.
- Vulnerability of the applicant and other residents in the local area.
- Access to shops, support networks (formal or informal) and work/training.
- Access to childcare and schools.
- Situation of the property (for example is the property sited on a steep hill).
- Any other management issue affecting the immediate area.

### **7.8.2 Refusals**

For applicants who are owed a homelessness duty and placed into Band 1, normally only one reasonable offer of accommodation will be made. If this offer is considered reasonable and then refused the applicant will have their homelessness priority withdrawn and the application will be re-assessed. The applicant has the right to request a review of offers which will be referred to a service manager, as delegated by the appropriate service director for a final decision.

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<sup>21</sup> Applicant in this context means those who are deemed as being eligible and qualifying for assistance. To be eligible at this stage an applicant must not be within a class of persons set out within section 7.3. To qualify for assistance the applicant must meet all of the criteria set out within section 7.4 of this policy.

Reasonable offers will include nominations to other social housing providers and offers through the private sector bond scheme.

Where an offer of accommodation has been made under a Section 195 or 189B homeless duty that is deemed to be reasonable to accept (social or private housing), the homeless duty owed to the applicant will be discharged and the application will be placed into band 3 or 4 under other homeless categories. Applicants will receive one further offer of accommodation from the Housing Register and applicants will be advised of the impact on the chances of receiving an offer in this reduced banding.

If the further offer of accommodation is refused the application for housing will be removed from the Housing Register for a period of 12 months. Further applications will not be accepted except where a subsequent homeless investigation finds the applicant (s) is/are to be homeless and in priority need in accordance with the definition set out in the Housing Act 1996 (Part 7).

If an applicant requires major adaptations to a property in order to meet their needs they will not be eligible for further offers of accommodation once a suitable property has been offered and accepted, and works on the adaptations commenced, even if the applicant later refuses the property, unless there are exceptional circumstances meaning that the refusal is reasonable. Applicants who refuse a property after major adaptations have been completed will be removed from the Housing Register, unless as a result of homelessness investigations.

If the property has solar panels fitted as part of the Community Energy Scheme Stoke Ltd, the incoming tenant will be invited to sign a Tenancy Variation Agreement and join the Community Energy Scheme Stoke Ltd. The Tenancy Variation Agreement identifies the additional equipment on the property and allows the provider of the scheme the right to access the loft from time to time to carry out repairs or maintenance. Should the incoming tenant not wish to sign the Tenancy Variation Agreement and join the Community Energy Scheme, the property offer will be withdrawn.

Applicants who are removed from the Housing Register because of refusals have the right to request a review which will be undertaken by a service manager delegated by the appropriate service director.

## **7.9 Discretionary Lets**

In some exceptional circumstances the Council may wish to allocate accommodation outside of the established criteria and this is permitted under the Allocations Policy. Such allocations are known as 'Discretionary Lets'. In these cases, the details of the exceptional circumstances will be presented to a senior manager delegated by the appropriate service director who will



determine whether or not the individual circumstances justify the letting of the property. Discretionary Lets will account for no more than 10% of allocations each year.

### **7.10 Local Lettings Plans**

Local Lettings Plans can help build communities and balance differences in lifestyle between existing and new tenants.

The Council may propose a Local Lettings Plan where clear evidence shows, for example:

- That there is a high risk of a local community becoming unstable
- Where all other housing management tools to deal with unsettled communities or significant antisocial behaviour have been tried and failed
- In a new or redeveloped area, where a more targeted approach to lettings is required to support the success of new tenancies.
- It can apply to a single block, estate, neighbourhood or other clearly defined area,
- A need to accommodate a group of persons of a particular description.

Local Lettings Plans will:

- Be open, transparent, clear, fair and flexible
- Reduce the risk of legal challenge
- Increase customer choice and reduce empty homes
- Enable a local management approach
- Contribute to thriving communities
- Reassure existing residents

#### **7.10.1 Features of Local Lettings Plans**

Local Lettings plans can, amongst other things, provide a way of dealing with issues of unsettled communities, the requirements of particular groups of individuals or significant antisocial behaviour when all other methods have been tried. They will be time limited and reviewed in a timely manner.

#### **7.10.2 Establishing a Local Lettings Plan**

Housing staff who manage a particular area may propose a local lettings plan or the proposal can come from concerned individuals or groups. It must be approved by senior Council managers. Councillors will be kept updated about the plans.

Detailed information about Local Lettings Plan and the Local Lettings Framework is in Appendix Three of this policy.

### **7.11 The Bedroom Standard**

The bedroom standard sets out the size of accommodation households will be eligible for. The priority in establishing this standard is to ensure that households are offered accommodation which they can afford and which meets their needs. The standard is aligned to eligibility for welfare benefits and will be reviewed regularly to ensure that changes to the welfare system are appropriately reflected. Families with dependent children aged 19 and under will be prioritised for houses, (exceptional circumstances will apply). In order to qualify for priority, the applicant's child(ren) or applicant's partner's child(ren) must live with the applicant



all the time or, for dependent children, the applicant must be their principal carer.

#### **7.11.1 Household Type and Bedroom Entitlement**

- A Single person or a couple will be entitled to one bedroom. In cases of medical need two bedrooms may be considered.
- A pregnant woman (with or without a partner) will be entitled to two bedrooms.<sup>22</sup>
- Families with one child under 18 will be entitled to two bedrooms.
- Families with two children of the same sex where both children are aged under 16 years will be entitled to two bedrooms.
- Families with two children (aged under 16) of the opposite sex where the older child is over 10 years will be entitled to three bedrooms.
- Families with two children of the same sex where the eldest child is over 16 will be entitled to three bedrooms.

The bedroom standard is based on children under 10 sharing a bedroom regardless of gender and children aged between 10 and 16 sharing a room if they are of the same gender. Other adults or couples in the household will be eligible for another bedroom. The requirement for additional bedrooms will be assessed based on these principles.

An additional bedroom for a carer will only be allocated where it is necessary for the carer to provide 24-hour care and this cannot be reasonably provided from another location.

Bedrooms for children will normally only be allocated for children where the applicant is the primary carer. Flexibility around the bedroom standard will be applied to households which include an approved foster carer based on information provided by Children and Young People's Services.

The Council may decide to deviate from the bedroom standard if:

- the applicant has shown they have the ability to pay for an additional bedroom which is not covered by Housing Benefit, has signed a declaration to confirm that they understand the implications of accepting an additional bedroom and agrees to pay any rent not covered by Housing Benefit or
- The applicant has expressed a preference for a smaller property. For example, a family qualifying for a four-bedroom property may request consideration for a three-bedroom property.

Requests will be considered on a case by case basis and accepted at the discretion of the council. In all cases both current and future housing needs will be considered; for example the potential for future property adaptation requirements will be considered prior to an offer being made.

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<sup>22</sup> Subject to the provision of a completed MATB1 form

## **7.12 Low Demand Properties**

There are some properties in the city which have a low level of demand from people in housing need either because of their location or property type. Properties will be considered low demand if there are no eligible households on the housing register. In these cases properties will be advertised via the Local Centre, One-Stop Shops, the Stoke-on-Line website and in any other place deemed appropriate. Properties will be allocated on a first come first served basis to households able to demonstrate that they are able to meet the weekly rent and all elements of the qualification criteria, except housing need (as set out in Section 7.4.2). Applicants will be required to submit an interest in a specific property which is available. In some instances, where turnover of low demand properties is high, the city council may contact applicants who had previously registered an interest for that property type and area without advertising the property. In these cases offers will be made based on the date and time the interest was registered, in line with the principle of first come, first served.

The City Council may apply specific requirements to a specific property as part of the intelligent lettings approach in order to make sure that the tenancy is sustainable.

As with all other applications proofs relating to income, household details and personal identity will be required and the successful applicant will need to have satisfactory references from any relevant landlord and in regards to any criminal behaviour.

The specific approach to dealing with some key property types is outlined below.

### **7.12.1 Multi-Storey Accommodation**

Allocations to multi-storey blocks will also be considered with due regard to access arrangements, age of tenants and the profile of other tenants within the flat block.

### **7.12.2 Houses**

Allocations to houses will be made to families with dependent children. The applicant's child (ren) or applicant's partner's child(ren) must live with the applicant all the time or, for dependent children the applicant must be their principal carer. Applicants will be regarded as having a 'family' where at least one dependent child is living permanently within the household. This includes natural children of the applicant(s), adopted children and children fostered through the Council. In this policy, 'dependent' children are defined as children under 18, who must be living with the applicant as their main home. Children aged 18 and over, but still living at home, are regarded as adult members of the household. Where the applicant has access to their children, but whose main home is with the other parent or another carer, they will not be counted as permanent members of the household.

However, the City Council will consider exceptions to this; such exceptions will be considered on a case by case basis taking account of all the circumstances of the applicant in any given case.

### **7.12.3 Bungalows and Adapted Homes**

In the case of bungalows (adapted or unadapted) and other types of adapted homes the council will make every attempt to find a suitable applicant with a limiting disability or medical condition to offer the property to. This will be done in conjunction with support from an occupational therapist if required.

Where there is no suitable applicant with a limiting disability or medical condition bungalows will be focused on meeting the needs of:

- older people (aged 55 or over) and
- other applicants with specific needs which would be met by an allocation to a bungalow

### **7.12.4 Housing Options for Older People**

There are four different categories of older people's housing in the city. They are categorised according to the level of support and the type of facilities they offer. The different categories are:

- Age Exclusive Housing (designated for older people but there are no support services).
- Alarm only Sheltered Housing.
- Supported Sheltered Housing (with an on-site, or visiting, scheme manager).
- Extra Care Schemes/Villages with an on-site care provider for adults who require support. Some Extra Care Schemes/Villages are also referred to as Retirement Villages. Extra Care Housing has the potential to fulfil both housing and care needs.

Where applicants have expressed an interest in sheltered housing and/or extra care offers of accommodation will consider both housing and care needs.

Allocations to sheltered accommodation and extra care accommodation will focus on meeting the wider needs of the community within the scheme and therefore all allocations will be subject to the level of care needs, urgency of the required move and overall support requirements. Priority will be given to those who:

- Are aged over 55.
- Are deemed suitable for the scheme and can confirm that they have no care or support needs that are unable to be met within the scheme, or would be detrimental to the scheme itself or other tenants.
- Understand the costs of the scheme and are able to meet all costs, including service charges.

Allocations to applicants under 55 may be made to sheltered and extra care

schemes if the applicant has specific needs which could be addressed within this type of accommodation and the allocation is supported by the scheme manager as suitable within the context of the wider community.

### **7.13 Renewing and updating applications**

Applicants are required to ensure that the information on their application remains correct and up to date. Applicants who cannot confirm that they remain in need of accommodation will be removed from the Housing Register.

#### **7.13.1 Removal from the Housing Register**

Applicants may be removed from the Housing Register in the following circumstances:

- The applicant becomes ineligible for housing by reason of being within a class of persons set out within section 7.3 of this policy.
- The applicant fails to meet the qualification criteria as set out in section 7.4 of this policy.
- The applicant requests that their application is removed.
- The applicant is successfully rehoused.
- They lose their local connection to the area.
- They no longer have a recognised housing need.
- They buy a property which could legitimately be used as a primary residence or to address the housing need.
- The applicant is 'unsuitable' due to serious and unacceptable behaviour. (as defined in section 7.4.4).
- The applicant fails to respond to a review of their circumstances.
- The applicant has refused two reasonable offers of accommodation, in these cases the applicant may be removed for a period of up to 12 months.
- The application is found to include false information.

#### **7.13.2 Moving Between Bands**

The Council acknowledges that circumstances and needs change. It is therefore possible for applicants to move between bands. In these cases, the following will apply:

- If needs increase the application will be moved into a higher band. In these cases, the date of the application will be taken from the date of the move into the higher band.
- If needs decrease or priority is withdrawn, the application will be moved into a lower band. In these cases, the date of application will remain as the original date that the application was accepted.

Additional priority may not be awarded if the city council considers that the applicant has deliberately worsened their housing situation in order to be moved into a higher banding. These situations may include (but are not limited

to) the following circumstances:

- Taking in new household members which lead to overcrowding.
- Failure to undertake, or report, appropriate repairs which lead to the property falling into disrepair.
- Causing damage to the property which results in the property falling into disrepair.
- Applicants who deliberately sold their property which led to a worsening of their housing need.

#### **7.14 Assignments, Successions and Transfers**

In certain circumstances, a tenant may be able to pass on assign (assign) their tenancy to another person, who would qualify for statutory succession in the event of the tenant's death. This includes the qualifying person criteria for tenancies that started before or after April 2012. This assignment this will count as the statutory assignment / succession. A tenant is allowed to do this in specific circumstances only.

Successions will occur in accordance with the law. Successions are not, in the strictest sense, subject to the provisions of the Allocations Policy. In law, a succession can only happen once. Succession is restricted to civil partners/spouses and persons living together as civil partners/spouses.

More information about succession and assignments is included in the Council's Tenancy Policy.

After this a discretionary let to other members of the household may be offered in exceptional circumstances at the discretion of the Council to enable those household members to remain in the property. In these cases the needs of the applicant will be considered in line with the Allocations Policy, and the property must meet the needs of the applicant. All cases of discretionary lets will be considered by a service manager delegated by the appropriate service director.

Applications to transfer will be considered in line with the Allocations Policy.

**Pre-Transfer Visit** – A council officer will need to visit the home before a move to another council property (a transfer) is agreed. The purpose of this visit is to determine the condition of the property prior to the move. If the property fails to meet the expected standard the transfer may be refused. Alternatively, the tenant will be given a short period to bring the property up to the required standard. Transfers will not be allowed until this visit has been completed.

If the transfer applicant has no housing need they will be encouraged to register on the HomeSwapper website for mutual exchange. Only tenants meeting the qualifying criteria for the Allocations Policy will be included on the Housing Register. Transfers are not normally offered to tenants on an introductory

tenancy, however, they may be considered in exceptional circumstances.

### **7.15 Nominations to Registered Providers**

The Council is committed to working in partnership with other social housing providers in the city to address the demand for accommodation. In some cases the Council has the right to nominate applicants from the Housing Register to other providers to fill their voids.

Nominations to other housing providers will be considered as a formal offer of housing and refusals must be based on the reasonableness of that offer and considered in line with the approach set out in Section 7.8.2.

## **8. Financial Implications**

In order to reduce the financial cost of void properties it is essential that the Allocations Policy is robust and offers the right balance in terms of ensuring housing needs are met and accommodation is let quickly and efficiently. Failure to balance these requirements may lead to some property types being vacant for longer than necessary and the income available to the local authority reduced.

## **9. Consultation**

The review of the policy in 2019, included consultation with the following groups:

- Cabinet Members and Portfolio holders
- All councillors
- Members of the Tenant Board
- Council Officers within Housing, Public Health, Commissioning and Co-operative Working
- All Registered Providers of housing in the city
- Homeless Forum members
- Wider Welfare Reform Group members
- Accredited Landlords

EGov bulletins including; the tenants bulletin, the Support for Community and Residents Association bulletin and the Council bulletin were utilised to publish alerts about the consultation and encourage comments from the general public. Amendments have been made to the Allocations Policy considering feedback given during the consultation process.

Full information on the consultation process and how feedback was used to inform the final policy can be found in the associated Consultation Report.

This policy has been updated in 2025 to ensure it is in line with the current operations, new Social Housing Consumer Standards and latest legislation.

## 10. Links to Other Policies

The Allocations Policy is closely aligned to, and supports, the delivery of a range of strategic plans and policies, including:

- Tenancy Strategy
- Tenancy and Estate Management Policy, Housing Revenue Account Services
- Tenancy Policy
- Anti-Social Behaviour Policy
- Domestic Abuse Policy
- Damp and Mould Policy
- Major Adaptations Policy for Council Tenants
- Housing Strategy
- Asset Management Strategy
- Homelessness Strategy
- Void Management Policy
- Gypsy and Traveller Allocations Policy
- Housing Revenue Account 30 Year Business Plan

## 11. Measuring Performance

Information on performance relating to the allocations process will be monitored by the Tenants Board and the service management team. Measures relating to the Allocations Policy includes (but is not limited to) the following measures:

- Number of applicants on the Housing Register.
- Time from property becoming vacant to let date.
- Number of properties becoming vacant

Additionally, an annual report on the operation of the scheme will be considered by the appropriate service director.

## 12. Key Contacts

**For information on the allocation of council and other social housing or to apply for council housing, please contact the Housing Solutions Service:**

- Telephone: 01782 233696 (office hours only)
- Email: [housing.adVICEServices@stoke.gov.uk](mailto:housing.adVICEServices@stoke.gov.uk)
- Post: Civic Centre, Glebe Street, Stoke-on- Trent ST4 1HH.

**For comments in relation to this policy and its development please contact the Regulatory and Strategic Services Team:**

- Email: [housing.strategy@stoke.gov.uk](mailto:housing.strategy@stoke.gov.uk)
- Telephone: 01782 234234 (office hours only)

**Do you require this document in another format or language?**

To request this document in any other accessible format such as large print or Braille, please contact the Tenant Relations Team:

- Telephone: 01782 234234 (office hours only)
- Email: [housing.engagement@stoke.gov.uk](mailto:housing.engagement@stoke.gov.uk)
- Post: Tenant Relations Team, Floor 3, Civic Centre, Glebe Street, Stoke-on-Trent ST4 1HH.

You can translate this policy into any language by saving it to a device and then uploading it to Google's document Translation service.

If you would like further information on how to translate a document or how to influence policy development, please contact the Tenant Relations Team using the contact details provided above.



## **Appendix One – Outline Assessment and Allocations Process**

### **Step One**

Housing Application

### **Step Two**

Eligibility Check

### **Step Three**

Qualification

Local Connection

Housing Need

Owning Property

Unacceptable Behaviour

### **Step Four**

Community Contribution Check

Volunteering / Employment

Fostering

Caring

### **Step Five**

Banding

### **Step Six**

Offer

## Appendix Two – Definitions

### General Definitions

**For the purpose of this Policy and the administration of the same Domestic Abuse has the meaning set out in Section 1 of the Domestic Abuse Act 2021.**

**A lifetime social tenancy means a tenancy with no fixed end date provided by a local authority or a registered provider of social housing**

### Definitions applicable to the Bands

#### Band One

##### **Urgent Medical and/or care and support Need**

- Emergency medical need will be granted only in exceptional circumstances where the applicant or a member of the applicant's household has a life-threatening condition which is seriously affected by their current housing.
- The applicant or a member of the applicant's household is unable to be discharged for hospital as a result of unsuitable housing.
- Includes all medical conditions, physical disabilities, learning disabilities and mental health conditions.
- Council tenants where the existing property is unsuitable for required adaptations or where the cost is prohibitive and adaptations have been refused.

##### **Severe overcrowding – deficient by three or more bedrooms**

- Three or more bedrooms deficient based on statutory guidance.
- Priority may also be given to anyone aged over 21 currently living in over-crowded accommodation who could live independently and where the move would mean that the rest of the household was no longer overcrowded.

##### **Homeless**

- Applicants who are owed a main homeless duty by the City Council under section 193 (2) of the Housing Act, 1996.

##### **Relief Duty and in Urgent Need**

- Applicants who are owed a duty under section 189 (b) Housing Act 1996 and considered to be in Urgent Need. This means where the applicant is accommodated by the City Council pursuant to the duty under Section 188 of the Housing Act 1996.

##### **Social and Welfare – Exceptional Need**

- Any child who needs accommodation to facilitate a suitable placement under a child protection or corporate parenting provision.
- Applicants who need to move due to violence or harassment which is verified by the Police and/or other partner agencies. This may include a move which is necessary to protect a witness to criminal acts.
- Releasing an adapted property which would enable best use of the property and an applicant has been identified as suitable for that property.

### **Health and Safety Grounds – Exceptional Need**

- Council tenant moving temporarily whilst major works are undertaken or their home is due to be demolished where remaining in the property while works are underway would be considered unreasonable on medical grounds, age, due to shift work or because of the size of the household.
- Private sector tenants where the property they occupy has been served with an emergency Prohibition Order, a Prohibition order or Demolition Order by the Private Sector Housing Team under the Housing Act 1985 or Housing Act 2004.
- A council tenant who needs to move as a result of the city council deciding to demolish their home.
- People living in properties classed as uninhabitable due to insanitary conditions which mean the property is unfit for human habitation.

### **Armed Forces Personnel, and/or their spouses/partners, ex-spouses/ex-partners, with an urgent level of housing need**

Includes:

- Former Members of the Armed Forces
- Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Bereaved spouses or civil partner of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- Spouses/civil partners who have been required to leave Ministry of Defence accommodation following a divorce or separation from a civil partner/spouse in active service with the Armed Forces
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- Former members of the Armed Forces are considered as those who have served in the Armed Forces. The Armed Forces include the Royal Navy, the Royal Marines, the regular army or the Royal Air Force, the Royal Fleet Reserve, the Territorial Army, the Royal Naval Reserve, the Army Reserve, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

### **Young people leaving the care of Stoke-on-Trent City Council**

- All young people leaving the care of Stoke-on-Trent City Council.

### **People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship to themselves or others**

- Social tenants from other local Authority areas in England who need to move to Stoke-on-Trent for work based on statutory guidance.
- Priority will not be awarded to applicants working on temporary contracts for less than 12 months, applicants undertaking ancillary work in Stoke-on-Trent where the main base for employment is elsewhere, applicants undertaking job related training and applicants carrying out voluntary work.
- Applicants moving to take up an offer of work must demonstrate a genuine intention to take up the offer of employment.
- Applicants who need to move in order to give or receive care.

## **Band Two**

### **Overcrowding- deficient by two bedrooms**

- Two bedroom deficient based on statutory guidance.
- Priority may also be given to anyone aged over 21 currently living in over-crowded accommodation who could live independently and where the move would mean that the rest of the household was no longer overcrowded.

### **Ready to move on from supported housing or approved premises**

- Ready to move on from supported housing services, residential care services or approved premises.
- Support package is in place to facilitate the move.
- The move to independent living is approved by the case worker.

### **Medical Grounds and/or care and support needs with a high priority**

- Includes all medical conditions, physical disabilities, learning disabilities and mental health conditions.

### **Council tenants who are under-occupying by two or more bedrooms**

- Households currently in council accommodation who are under-occupying by two or more bedrooms based on the bedroom standard.

### **Health and Safety**

- Households referred by the Private Sector Housing Team who are living in accommodation which exhibits a Category 1 hazard under the Housing Health and Safety Rating System which cannot be addressed within 6 months.

### **Discretionary Cases**

- All discretionary cases accepted onto the Housing Register.

### **Homeless Cases owed a Prevention or Relief Duty.**

- People owed a homeless Prevention or Relief Duty where the applicant is not in Band 1.
- Duty owed under section 195(2) Housing Act 1996
- Duty owed under section 189B of the Housing Act 1996.

### **Housing Needs – Other Prevention Cases (not homeless)**

#### **Includes:**

- All cases which have been referred by a support agency where a move will help to reduce the risks of increasing support needs and there is a reasonable likelihood that the household can be moved.
- Council tenants adversely affected by welfare reform who need to move to a lower rent property.
- Tenants who have been issued with a warrant for possession as a result of rent arrears associated with welfare reforms, where there is demonstrable evidence that all attempts to pay the rent have been made.
- Homeless categories at risk of street homelessness
- (Note that, additional priority within the category will be time limited to a maximum

of three months after which the needs will be reviewed by a service manager from within the Council.)

### **Armed Forces Personnel, and/or their spouses/partners, ex-spouses/ex-partners, with a high level of housing need**

Includes:

- Former Members of the Armed Forces
- Service members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Bereaved spouses or civil partner of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- Spouses/civil partners who have been required to leave Ministry of Defence accommodation following a divorce or separation from a civil partner/spouse in active service with the Armed Forces
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- Former members of the Armed Forces are considered as those who have served in the Armed Forces.
- The Armed Forces include the Royal Navy, the Royal Marines, the regular army or the Royal Air Force, the Royal Fleet Reserve, the Territorial Army, the Royal Naval Reserve, the Army Reserve, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

### **Bands Three and Four**

All applicants meeting the criteria outlined for community contribution and one or more of the following criteria will be placed in Band 3. Applicants who do not meet the community contribution criteria but who do meet one or more of the following criteria will be placed in Band Four.

### **Homeless Categories**

- All other applicants who are homeless under Part VI of the Housing Act 1996

### **Welfare Grounds**

- Those who need to move to access social services facilities and are unable to travel across the city.
- The applicant or someone in the household is studying at a special needs school in the area.
- Those who need to move to give or receive care that is substantial and on-going.

### **Hardship**

- Those who are experiencing financial hardship as a result of changing circumstances beyond their control.
- Those who are not already social tenants in England who need to move to take up (or continue) employment, education or training that is not available elsewhere and who do not live within reasonable commuting distance.

### **Medical and/or care and support grounds – with a medium priority**

- Includes all medical conditions, physical disabilities, learning disabilities and mental health conditions.

### **Armed Forces Personnel, and/or their spouses/partners, ex-spouses/ex-partners, with a housing need**

#### **Includes:**

- Former Members of the Armed Forces
- Service members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- Bereaved spouses or civil partner of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.
- Spouses/civil partners who have been required to leave Ministry of Defence accommodation following a divorce or separation from a civil partner/spouse in active service with the Armed Forces.
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- Former members of the Armed Forces are considered as those who have served in the Armed Forces.
- The Armed Forces include the Royal Navy, the Royal Marines, the regular army or the Royal Air Force, the Royal Fleet Reserve, the Territorial Army, the Royal Naval Reserve, the Army Reserve, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

### **Council tenants who are under-occupying by one bedroom**

- Households currently in council accommodation who are under- occupying by one bedroom based on the bedroom standard.

### **Households interested in Retirement properties with no other housing need (Band 3)**

- All applicants aged 55 or over who have expressed an interest in sheltered accommodation, Extra Care housing or a Retirement Village with no other housing need will be placed in Band 3.

### **Overcrowding – deficient by one bedroom**

- One bedroom deficient based on statutory guidance.
- Priority may also be given to anyone aged over 21 currently living in over-crowded accommodation who could live independently and where the move would mean that the rest of the household was no longer overcrowded.

## Appendix Three – The Local Lettings Framework

Section 166A(6)(b) of the 1996 Act enables the City Council to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the City Council is able to demonstrate compliance with the requirements of securing reasonable preference for certain statutory groups. This is the basis for a 'local lettings frameworks and plans' which may be used to achieve a wide variety of housing management and policy objectives.

The Local Lettings framework is intended to facilitate the City Council's ability to promote successful and sustainable communities and, in some instances, where necessary, to secure stable accommodation for particular group of individuals or persons who come within a defined description, for example, care leavers.

The framework is an agreed method that provides consistency, flexibility, transparency in decision making and a review process. It is the process that is used to develop and implement a Local Lettings plan.

### Local Lettings Plans

Local Lettings Plans can be made available as a solution in certain circumstances. They will have the following features:

- Generally, be available when all other housing management tools to deal with issues of unsettled communities or significant anti-social behaviour have been tried.
- Provide a proactive and/or reactive tool to enhance and support existing housing management processes.
- Provide a flexible, tailored additional housing management tool to address social and management problems in a defined area or in respect of a defined group of persons of a particular description<sup>23</sup>.
- Be robust enough for officers to administer and evidence, but flexible enough to adjust to need.
- Provide a plan that enables the Council to influence the types of groups of people who are allocated new tenancies in particular areas; to bring about a wider social mix with the aim of having more integrated communities.
- Lettings Plans can help build communities and balance differences in lifestyles between existing and new tenants.

Generally, local Lettings plans will be time limited and reviewed in a timely manner. <sup>24</sup>

The Council may propose a Local Lettings Plan where clear evidence shows, for example:

- that there is a high risk of a local community becoming unstable
- where all other housing management tools to deal with unsettled communities or significant antisocial behaviour have been tried and failed
- In a new or redeveloped area, where a more targeted approach to lettings is

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<sup>23</sup> Section 166A(SS) 6(a) of the Housing Act 1996

<sup>24</sup> Exceptions may include when properties are let to a particular group of persons



required to support the success of new tenancies.

- It can apply to a single block, estate, neighbourhood or other clearly defined area.
- Where there is a particular need for a particular group or persons fitting a defined description who need to be provided with certain housing accommodation.

Local Lettings Plans will:

- Be open, transparent, clear, fair and flexible
- Reduce the risk of legal challenge
- Increase customer choice and reduce empty homes
- Enable a local management approach
- Contribute to thriving communities
- Reassure existing residents

### **The Approach**

When the need for a Local Lettings Plan is identified a report using the framework factors is produced by the housing officer.

Each Local Lettings Plan will include:

- Key aims and objectives of the Local Lettings Plan
- Key elements of the Local Lettings Plan proposals
- Timescale for implementing the plan and for the review period following implementation
- Details of the area/properties included in the Local Lettings Plan
- Details of how allocation/shortlisting of properties will be managed.
- Resources required to implement the plan (including IT requirements, staff costs, other costs):
- An Equality Impact Assessment.
- Evidence of any consultation on the proposal and a report of the responses
- Risks of implementing the plan and measures to reduce the risk.
- How the success of the plan be measured.

A template Local Lettings Plan and checklist will be available to ensure clarity and consistency of information and approach.

In the case of anti-social behaviour, existing tools such as set out within the Council's Anti- Social Behaviour (ASB) Policy and other tools for dealing with ASB and tenancy management issues should be explored to see if the issue can be dealt with without escalating to implementing a Local Lettings Plan.

Any application to introduce a Local Lettings Plan will include evidence of both the need for a plan and details of the tenancy management tools that have previously been used to address the specific concerns.

For new/redevelopment schemes or when a proactive approach to prevent issues is needed the application will include reasons why a Local Lettings Plan is required.

Partners such as individual officers, ward councillors, the police and community



representatives may be consulted on the plan and may contribute to the building of the evidence but will not be part of the decision making body.

Any decision to implement a Local Lettings Plan will always take into account the implications for the council's statutory obligations such as equality duties and the need to ensure that the council meets its statutory housing allocation duties.

Generally, Local Lettings Plans will be removed at the date of the review, unless there is clear evidence to show that such a removal would have a detrimental effect on the success and sustainability of that area or would have a detrimental effect on a group of persons of a particular description.

### **When will a Local Lettings Plan be needed?**

Implementation of a Local Lettings Plan may be considered for new/redevelopment schemes; or areas with significant anti-social behaviour issues; or areas where there is an imbalance of tenants and there is a clear need to redress this. Each area will be considered and looked at on an individual basis to determine whether a Local Lettings Plan is appropriate and, if so, the necessary and proportionate criteria required under the Plan in order for

In addition to the above, Local Lettings Plans may also be considered where a certain type of accommodation is required for persons of a particular description. For example, young persons living in supported accommodation/supported projects and when that accommodation is transferring back to the Council<sup>25</sup>

For anti-social behaviour issues, consideration of a Local Lettings Plan may be made when all other housing management options have been utilised and where despite this, the anti-social behaviour continues to cause serious disruption and impacts on the lives of other residents. In such a scenario, there would be, for example, screening process at offer stage to determine qualification and more detailed checks would be conducted; carried out such as references and any previous record of any anti-social behaviour in the past. Detailed criteria will be determined in accordance with the needs and characteristics of the area under consideration for a Local Lettings Plan.

For new/redevelopment schemes a Local Lettings Plan may be considered prior to the first properties being allocated and will have clear criteria for allocating tenancies. For example, 10% to people in employment, 25% to people with a local connection, and 50% people with high/medium housing need.

For areas where there is an imbalance of tenants/lifestyles and a need for proactive allocations, a Local Lettings Plan will be considered in order to redress the imbalance. For example, majority not in work, all young/older people. Introducing more of a mix of residents may redress lack of cohesion.

The following triggers provide examples of when a Local Lettings Plan may be considered:-

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<sup>25</sup> An example is the House Project whereby young persons who have successfully formed part of and completed the project retain existing accommodation in order to maintain stability for that person.

- New build or redevelopment scheme
- Event that makes the manageable unmanageable
- Pockets of high levels of ASB.
- In areas where a housing provider has identified there is a high risk of communities becoming unsustainable.
- Proactive approach to allocations to achieve mixed communities.
- Low/no demand areas
- High turnover/negative departures
- Ongoing, substantiated complaints about the same issues
- Intensive management required
- Local intelligence from partner agencies
- Where a particular group of persons of a particular description require a specific type of housing.

### **Roles and responsibilities**

Housing Officers may flag up issues to Operational Leads following complaints from residents, knowledge of ongoing issues, information from partner agencies, police, ward members etc.

The Operational Lead agrees to refer to the Head of Services who will make the decision to request a Local Lettings Plan after discussing with and informing the Housing Solutions Service Manager.

A Local Lettings Plan is developed which details the area/properties included, criteria for assessing shortlist, resource implications (staffing etc.), recommended timescales, risks and what impact the plan is expected to have.

Where the proposed plan affects other housing providers they will be consulted and asked to contribute to the plan. Other agencies may also provide evidence as appropriate. Advice may also be sought from Legal Services and other Council teams such as the Equalities team.

A report and Local Lettings Plan is produced detailing the issues, actions already taken, impact, supporting information from other agencies etc. Evidence from the affected residents may also be included.

A management representative from the Council's Housing Solutions Service will present the plan to the appropriate service director for approval.

The appropriate service director will consider the report and: Approve/reject the request for implementation of the Local Lettings Plan or request further information and defer a decision accordingly. The appropriate service director will also agree timescales and review period.

### **Governance**

Decisions to introduce a Local Lettings Plan will be an internal, officer led process.

Local Lettings Plans will be monitored by the Voids Team within the Housing Solutions Service. They will be responsible for providing quarterly monitoring reports on Local

Lettings Plans for Portfolio Holders. Information relating to current Local Lettings Plans will be made available on the Council's website.

Decisions to request a Local Lettings Plan will be made by the appropriate Head of Services.

## **Appendix Four – Details of Statutory Eligibility Criteria and the implications of exiting the European Union**

### **A. THE ALLOCATION OF HOUSING AND HOMELESSNESS (ELIGIBILITY) (ENGLAND) REGULATIONS 2006 (“the 2006 Regulations”)**

1.By virtue of section 160A(1) and (3) of the Housing Act 1996 , the Council as a local housing authority must not allocate social housing accommodation to persons from abroad who are subject to immigration control (within the meaning of the Asylum and Immigration Act 1996 ) unless they are of a class prescribed by the Secretary of State in the 2006 Regulations.

2.The Council must not allocate social housing to other persons who, although they are not subject to immigration control, are of a class prescribed by the Secretary of State as being persons from abroad.-see paragraph 5 below.

3.Similarly, section 185(3) of the Housing Act 1996 also provides that the Secretary of State may make provision (by regulations) for certain descriptions of persons who, although they are not subject to immigration control, will be treated as persons from abroad and will therefore be ineligible for social housing.

4.Regulations 3 and 5 of the 2006 Regulations state the classes of persons who are subject to immigration control but who nonetheless are eligible for an allocation of social housing.

5. Regulations 4 and 6 of the 2006 Regulations state classes of person who are not subject to immigration control but who, nonetheless are treated as if they were persons from abroad and who will therefore be ineligible for social housing. These regulations relate to :

British nationals;

and to those EU citizens and nationals of Norway, Iceland, Liechtenstein and Switzerland who are not subject to immigration control.

### **B. Implications of the UK leaving the European Union**

EU citizens (excluding Irish citizens) who have applied to the EU Settlement Scheme and have obtained UK Immigration status and can provide evidence of this will be eligible for social housing.

EU citizens (excluding Irish citizens) arriving in the UK after 1st January 2021 will be subject to immigration control and will not be eligible for social housing allocation unless their immigration status confirms leave to remain, or in the alternative, they fall within a class of Regulations prescribed by the Secretary of State as being eligible.

Further advice can be provided