

March 2013

DRAFT

Amended November 2014

Derby Homefinder Allocation Policy

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French

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Urdu

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Latvian

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Lithuanian

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1 Introduction

As there are not enough social housing properties in Derby to meet the demand, the Council needs to prioritise applicants so that properties that become available are offered fairly. This document describes the policy in detail – including who qualifies to apply for housing and how we give priority to different applicants based on their housing need. This policy also aims to contribute to the development of ‘balanced and sustainable communities’

This Allocation Policy explains the rules that set out how Derby City Council through the Derby Homefinder Landlords allocate social housing properties. It applies when we:

- (a) select a person to be a secure or introductory tenant of Derby City Council;
- (b) nominate a person to be a secure or introductory tenant of housing accommodation held by another person; or
- (c) nominate a person to be an assured tenant of housing accommodation held by a private registered provider of social housing or a registered social landlord

The Policy does **not** apply to:

- (a) assignments
- (b) successions; and
- (c) mutual exchanges

2 Statement of choice

Derby City Council offers available properties through a ‘choice-based lettings’ scheme called ‘Derby Homefinder’. This aims to give customers a choice in where they live, as applicants are able to choose which properties they want to bid for.

3 Housing providers working together

The Council and most of the Registered Social Landlords, also known as housing associations, who have homes to rent in Derby, are working together as Derby Homefinder Landlords. They have all agreed to accept nominations and allocate properties through Derby Homefinder.

The Derby Homefinder Landlords are:

- Action Housing
- Affinity Sutton
- Derby Homes
- Derwent Living
- Friendship Care and Housing
- Guinness Northern Counties

- Metropolitan
- Nottingham Community Housing Association
- Raglan Housing Association
- Riverside Group
- Salvation Army Housing Association
- Tuntum Housing Association

4 Eligibility and Qualification to join the Housing Register

In order to join the Housing Register you must be:

- (a) Eligible; and
- (b) A Qualifying Person

4.1 Eligibility

4.1.1 People subject to immigration control

Generally, people who are subject to immigration control are **not** eligible to join the Housing Register, **unless** they fall within one of these categories:

- a person who is recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom
- a person —
 - (i) who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
 - (ii) who is not subject to a condition requiring him to maintain and accommodate himself, and any person who is dependent on him, without recourse to public funds
- a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, unless:
 - (i) that person's leave to enter or remain in the United Kingdom has been granted on the basis of an undertaking given by his/her sponsor; and
 - (ii) they have been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which his/her sponsor gave the undertaking in respect of him/her, whichever date is the later; and

- (iii) his/her sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive
- a person who has humanitarian protection granted under the Immigration Rules
- a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules

4.1.2 People not subject to immigration control

The following people are **not** subject to immigration control:

- British citizens
- Commonwealth citizens with the right of abode
- European Economic Area nationals ("EEA") exercising certain Treaty rights
- Swiss nationals exercising the same Treaty rights
- Family members and some extended family members of those EEA nationals and Swiss nationals exercising the same Treaty rights, and
- Certain people who are exempt from immigration control under the Immigration Acts (diplomats and their family members based in the UK and some military personnel)

[**Note:** the EEA includes all European Union member states and Iceland, Liechtenstein and Norway.]

Generally, people who are not subject to immigration control **are eligible** to join the Housing Register, **unless** they fall within one of the following categories:

- they are not habitually resident in the United Kingdom, the Channel Isles, the Isle of Man or the Republic of Ireland, or
- their only right of residence in the United Kingdom derives from their status as...
 - (1) a jobseeker (as defined by Regulation 6(1) of the EEA Regulations)
 - (2) a family member of a person described at (1) above
 - (3) a European Union national who has a right to reside in the United Kingdom for the first three months
 - (4) a primary carer of a British citizen who is residing in the UK and would be unable to reside in the UK or in another EEA State if their primary carer were required to leave

- (5) a person whose right to reside arises because a British citizen (or in the Republic of Ireland, an Irish citizen) would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.

However, the following categories of people **are eligible**...

- a worker
- a self-employed person
- a person who is treated as a worker for the purpose of the definition of 'qualified person' in regulation 6(1) of the EEA Regulations pursuant to regulation 6 of the Accession Regulations 2006 (right of residence of an accession State national subject to worker authorisation)
- a person who is the family member of a person specified in one of the three paragraphs above
- a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(c), (d) or (e) of the EEA Regulations
- a person who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom

4.2 Non Qualifying persons

The following people do not qualify to join the Housing Register:

- a. People under the age of eighteen
- b. People with savings (including stocks and shares) of £75,000 or more
- c. People who are high earners that is a single person with a gross income of £35k per annum, families with a gross income of £60k per annum, excluding Disability Living Allowance, or Personal Independence Payments
- d. People who do not have a Local Connection with Derby (see Appendix 2 - Definition of 'local connection' on page 32)
- e. People who own and live or are able to live in a property they own unless there are exceptional circumstances. For example, a person who is a victim of domestic violence. This does not include people aged over 55 years who are eligible for retirement housing.
- f. People who have previously been registered on Derby Homefinder whose applications were closed in the last six months because they unreasonably refused three offers of housing
- g. People who have made their own housing circumstances worse in the last six months (unless you are owed a duty under section 190

of the 1996 Housing Act as amended by the Homelessness Act 2002). For example:

- abandoning a previous tenancy
 - moving to new housing that we assess is worse than your previous housing without good reason
 - moving out of a property when, housing advice has been provided for the applicant not to move
 - selling a property or giving notice on a tenancy without getting other housing first
 - moving out of an adapted to an un-adapted property and still needing adaptations
- h. People who are unable to live independently even with support
- i. People with current and/or previous tenancy related debt with a Housing Association, Local Authority, Charitable or Housing Trusts who have not entered into and made regular payments over a six month period. Regular payments would be monthly or weekly payments. Or where a substantial amount of the debt has been cleared. For example, half the debt has been paid over a shorter period and an agreement has been entered into with the landlord for future payments

The following make up tenancy-related debt that is debts that are legally recoverable:

- unpaid rent
- unpaid service charges
- outstanding rechargeable repairs for making good damage, unauthorised repairs or removal of fixtures that the tenant has added without permission
- cleaning a house - a tenant must leave a property clean, tidy and in good decorative order
- cost of clearing any abandoned goods and storage of furniture
- associated court costs

Each case of tenancy-related debt will be looked at individually and we will take into account why the debt happened. It is the applicant's responsibility to tell us when the debt has been cleared or regular payments have been made as detailed above. Account will be taken where rent arrears have accrued solely because of the under occupation charge

- j. People who do not have a housing need under this policy (see section 7.2 page 11) – although such people will be able to bid on

properties that are “Open to All”, but for such purposes they do not need to be admitted to the Housing Register. This does not apply to people who are aged 55 years and above who are eligible for retirement housing

- k. People whose application has been closed because they have given false information in the last six months
- l. Behaviour affecting an applicant’s suitability to be a tenant

We will not accept from applicant if we have proof that:

- (i) the applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority, and
- (ii) in the circumstances at the time their application is considered, they are still unsuitable to be a tenant of the authority because of that behaviour

Examples

Examples of ‘unacceptable behaviour’ that affect an applicant’s suitability to be a tenant include (this list is not a complete list):

- the applicant, or a member of their household, has been convicted of a violent or sexual offence, an offence against property, supplying drugs or production with intention to supply drugs, where the offence was indictable and committed within the locality of the property within 12 months
- the applicant or member of their household has, within the last 12 months, breached the terms of a final Crime Prevention Injunction (i.e. a new civil injunction obtained in circumstances where an applicant has been guilty of conduct capable of causing a nuisance or annoyance)
- the property has been closed as a result of a magistrate’s court granting a Community Protection Order for more than 48 hours
- the applicant or member of the applicants household has been convicted by the magistrate’s court for breaching a noise abatement notice

We will assess each application individually, and it is within the Council’s discretion as to whether we will apply this criteria.

5 How we advertise properties on Derby Homefinder

Properties will be advertised daily on Derby Homefinder for six days; this is called the advertising cycle. During the advertising cycle, an applicant can bid for up to three properties.

The Derby Homefinder Landlords are responsible for describing and labelling their properties on Derby Homefinder. Each property will be advertised with:

- the property criteria; and
- the property details

5.1 Property criteria

Whenever a property is advertised on Derby Homefinder, the advert will explicitly state these property criteria. The property criteria will be used for two purposes:

1. to determine whether or not the applicant is entitled to bid for the property
2. to help determine priorities between applicants

5.1.1 Entitlement to bid

Applicants will not be able to bid for properties if they are advertised to a different Band. For example, if you have been placed in the Housing Needs Band, you will not be able to bid for properties advertised solely to the Emergency Band.

Similarly, applicants will be able to bid only for properties which are of the correct size and type for their household, as determined under the Chapter 9 below.

5.1.2 Determining priorities

Derby Homefinder Landlords will occasionally advertise properties with a view to achieving particular objectives. In such circumstances the advert will state that priority will be given to applicants that fall within certain categories. For examples, priority may be given to applicants:

- who are currently under-occupying social housing
- with a Community Contribution need

(See chapter 6.1 below)

5.2 Property details

To help applicants choose the properties that would best suit their needs, we will advertise all properties with details of size, type, location and features. The adverts will also include:

- which Derby Homefinder Landlord owns the property
- landlord contact details
- weekly rent and any other charges
- the closing date for applicants to bid
- other available information on the property, for example if pets are allowed

6 How we prioritise applicants

Generally, once a property has been advertised on Derby Homefinder, we will prioritise the applicants that have bid for the property according to their:

- (i) suitability for the particular property
- (ii) band
- (iii) number of housing needs
- (iv) length of time on the Housing Register

6.1 Suitability

Sometimes the Derby Homefinder Landlords will have particular objectives when granting tenancies of particular accommodation. As a result, when they advertise such accommodation through Derby Homefinder they will set out the particular criteria that they will give priority to.

For example, in order to make best use of the housing stock, the Derby Homefinder Landlords will often give priority to those applicants who will make full use of the living space. So, for instance, this may mean that a couple with one child will be given priority to a two bedroom flat over and above a single person with access to children. Likewise if a Landlord has an adapted property, it is likely to give priority to applicants who require that particular adaptation.

Another example may be where the Landlord advertises a property to applicants with a particular housing need (for example those who are under-occupying accommodation, or those who make a community contribution). Whenever a Derby Homefinder Landlord is going to give priority to applicants in this way, it will clearly set out the criteria that it is applying to that particular accommodation in the advertisement.

6.1.1 Community safety

We will do a 'risk assessment' of applicants with a specific offending history when they first apply and also at the time of any potential offer. See Appendix 3 – Specific offences on page 34 - for what we consider a specific offence.

If your application leads us to believe there are risks for community safety or we assess it is detrimental to you, we may refuse you housing in certain areas and we may not consider you for properties you have bid for.

6.2 Band

We place applicants in one of two Bands. These are:

- Emergency Band
- Housing Needs Band

If properties are not let to applicants in these bands they will be advertised on an 'Open to All' basis.

When a property is advertised to applicants in both bands, people in the Emergency Band will be given the higher priority.

NB. Not all properties will be advertised to both bands, because of the need to make the best use of the housing stock and, in particular, to make sure that each property advertised on Derby Homefinder is allocated to the most suitable applicant.

Since there are a limited number of properties available each year, we will aim to allocate available properties to the Emergency and Housing Needs Band on a percentage basis.

The Council, in consultation with the Derby Homefinder Landlords, reserves the right to change every six months the percentage of properties allocated to the Emergency and Housing Needs Bands to meet housing needs within the city.

6.3 Number of Housing Needs

After we have applied the above criteria, we will then prioritise applicants according to their number of housing needs; those with the greatest number of housing needs will be given the highest priority.

In effect, this system for prioritising applicants will only apply to those who have been placed in the Housing Needs Band. Therefore, where a property is to be allocated to someone in the Emergency Band, we will prioritise applicants according to the criteria below (waiting time).

6.4 Waiting Time

Once we have applied all of the above criteria, if there are still some applicants with equal priority, then we will give preference to the applicant who has been on the Housing Register the longest.

7 How we place applicants in bands

7.1 Emergency Band

We will place you in this Band for one month if Derby City Council has a full housing duty to you (under s.193 Housing Act 1996). If you are already on the Housing Register and are placed in the Emergency Band, your waiting time will start again from the date you are placed in the Emergency Band.

7.1.1 Homeless ‘final offers’

If, within one month, you have not been successful in getting permanent housing, the Council reserves the right to make you a ‘final offer’ of suitable housing. With your agreement, this offer of accommodation will be a social housing tenancy or a twelve month assured short hold privately rented tenancy we will always try to take account of your preference for an area and type of property. However, due to high housing demand and a lack of supply, this may not always be possible.

We will make any final offer in writing, and state that it is a final offer, and that it discharges our homeless duty.

If you feel that a final offer property is not suitable, you may ask for a review of the offer. You can ask for a review whether or not you accept the final offer.

When reviewing a final offer, we will check that the property:

- (a) is of the right size and type for your family
- (b) is safe for you to live in
- (c) takes account of any special needs you or your family have

We will check that we had taken into account of any other relevant circumstances you have told us about before we made a decision.

You may refuse a ‘final offer’ of housing. If you do, the Council’s legal duty to find you a new home will change and you will lose your emergency status and if you are a qualifying person be moved to the Housing Needs Band.

If you are thinking about refusing a final offer, you should discuss it first with your Housing Adviser at the Housing Options and Advice Service.

If we discharge our homeless duty to you by securing for you a 12 month assured short hold tenancy in the private rented sector with your agreement and you become unintentionally homeless again within 2 years our main homelessness duty will recur regardless of priority need

7.2 Housing Needs Band

We will place your application in this Band in the following circumstances:

- a) **people who are homeless or owed a homelessness duty (other than people who are owed the full homelessness duty under s.193(2) as they fall under the emergency band)**

Examples:

- You are intentionally homeless
- You are non-priority need homeless

- b) **People who are threatened with homelessness within 3 months and Derby City Council assess they are likely to owe a full housing duty, should they become homeless within 28 days.**

- c) **people living in overcrowded housing**

For the purposes of this policy we will look at the number of bedrooms available to you and your children. A separate bedroom should be available for:

- a couple living together
- a lone parent
- children adults of the same sex can share a bedroom
- two children of the opposite sex where one is aged ten years will be entitled to a separate bedroom.

If you are overcrowded by three or more bed spaces you will be awarded an additional need.

- d) **people living in unsatisfactory housing conditions**

Examples:

- Lacking bathroom or kitchen
- Lacking inside WC
- Derby City Council has assessed that you are lacking cold or hot water supplies, electricity, gas, or adequate heating and these services cannot be supplied or reinstated
- Sharing living room, kitchen, bathroom/WC with people who are not moving with you
- Poor internal or external arrangements. For example, you have to go through someone else's bedroom to access the toilet
- Children under 10 living in upper floor flats

- e) **People living in a property that Derby City Council has assessed as a category one hazard under the Housing, Health and Safety Rating System. This is a time limited need**

f) people who need to move on medical grounds (including any grounds relating to a disability) where the current home is having an adverse effect on the medical condition or disability which creates a particular need to move

Medical grounds include:

- A mental illness or disorder
- A physical or learning disability
- Chronic or progressive medical conditions (e.g. MS, HIV/AIDS)
- Infirmary due to old age

Examples of a need to move on medical grounds:

- You need to move to give or receive care
- You need adapted housing and/or extra facilities, bedroom or bathroom and those needs would not be better served by adapting your current accommodation
- You need improved heating (on medical grounds) and it is not reasonable to improve the heating at your current accommodation
- You need extra care housing (on medical grounds)
- You need ground floor accommodation (on medical grounds)
- You need to be near friends/relatives or medical facility on medical grounds
- You need to move following hospitalisation or long term care

An additional medical need may be awarded if we assess that you, or a member of your household have an urgent need to move on medical or disability grounds

g) people who need to move on welfare grounds

Examples:

- You are leaving care, or a person who is moving on from a drug or alcohol recovery programme, and need a secure base from where you can build a stable life
- You need accommodation, with appropriate care and support, and cannot be expected to find your own accommodation (e.g. young adults with learning disabilities who wish to leave the family home so that they can live independently within the community)
- You need to provide or receive support. This would include foster carers, those approved to adopt, or those being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority

- h) you, or a member of your household, are at serious risk of harm in your present home - this includes...**
 - victims of domestic violence
 - serious racial harassment
 - serious anti-social behaviour or harassment
 - violence from outside the home
 - victim of serious crime
- i) it is unreasonable for you to stay in your current accommodation due to exceptional financial hardship**
- j) you need to move to take up or remain in employment, education or training opportunity**
- k) you live in Derby and are a tenant of a Derby Homefinder landlord or of a private landlord and have one bedroom that you do not use and want to move to a smaller property. If you have two or more bedrooms that you do not use you will be awarded an additional need**
- l) you are a tenant of a Derby Homefinder landlord and no longer need the adaptations made to your home**
- m) you contribute to your community**

Examples:

- you are employed and have been for the last 6 months
- you are volunteer and have been for the last 6 months (continuously) for a charity or a not for profit organisation
- you give unpaid care and support to a vulnerable person who lives in the community

This need will only be awarded if you are eligible for another need under this policy.

- n) you have served or are a bereaved spouse or civil partner of someone who has served in the armed forces in the last 5 years and you need re-housing (as set out in Statutory Instruments 2012 no 2989**
- o) the Council supports re housing you as part of an agreed Corporate Initiative. For example, an initiative that would reduce costs to the authority or where re-housing is an alternative to a Derby Homefinder landlord adapting a tenancy.**
- p) People who have successfully evidenced that they can maintain a tenancy. For example;**
 - You have successfully completed a pre tenancy course

- **You can demonstrate that you have successfully maintained a previous or current tenancy.**

8 Open to All

All properties will normally be advertised on Derby Homefinder to applicants in the Emergency and or Housing Needs Bands at least once. If the Derby Homefinder landlord is not successful in allocating the property by advertising to applicants registered on Derby Homefinder the landlord can choose to advertise the property on an 'Open to All' basis.

Who can bid for 'Open to All' properties?

- 1) applicants who are registered on Derby Homefinder
- 2) people not subject to immigration control
- 3) 'Non Qualifying Persons'
- 4) people who are not registered on Derby Homefinder

You can bid for as many properties as you would like to be considered for, even if you are registered on Derby Homefinder and have already bid for three properties.

As 'Open to All' properties are allocated outside the Derby Homefinder Allocations policy the landlord can offer this property to anyone they feel will make best use of the property. 'Open to All' properties will normally be advertised on the Derby Homefinder website until an applicant accepts the property.

If a property is still not let after being advertised:

- (i) to a Derby Homefinder Band
- (ii) on 'Open to All'

The Derby Homefinder Landlord has the discretion to offer the property to anyone who will accept it.

9 Guide to size/type of property and size of household

The size and type of property we normally offer will depend on the size of your household. This is only a **general** guide.

| Bedrooms | | 1 | | | | | 2 | | | | 3 | | | | 4 | 5 |
|--|-----------------|------------------|------------|-------|----------|------------------|------------|-------|----------|------------------|------------|-------|----------|-------|---|---|
| Type | Bedsit / Studio | Apartment / Flat | Maisonette | House | Bungalow | Apartment / Flat | Maisonette | House | Bungalow | Apartment / Flat | Maisonette | House | Bungalow | House | | |
| Single Person | Y | Y | Y | Y | Y | N | N | N | N | N | N | N | N | N | N | N |
| Couple | N | Y | Y | Y | Y | N | N | N | N | N | N | N | N | N | N | N |
| Single / Couple, Pregnant | N | Y | Y | Y | Y | Y | Y | Y | Y | N | N | N | N | N | N | N |
| Single / Couple, No Children, but access to children | N | Y | Y | Y | Y | Y | N | N | N | N | N | N | N | N | N | N |
| Household with 1 child | N | N | N | N | N | Y | Y | Y | Y | N | N | N | N | N | N | N |
| Households with 2 children of the same gender:- | | | | | | | | | | | | | | | | |
| - both under 10 | N | N | N | N | N | Y | Y | Y | Y | N | N | N | N | N | N | N |
| - both aged 10 to 16 | N | N | N | N | N | Y | Y | Y | Y | Y | Y | Y | Y | N | N | N |
| - one under 16, one over 16 | N | N | N | N | N | Y | Y | Y | Y | Y | Y | Y | Y | N | N | N |
| - both over 16 | N | N | N | N | N | N | N | N | N | Y | Y | Y | Y | N | N | N |
| Households with 2 children of different genders | | | | | | | | | | | | | | | | |
| - both under 10 | N | N | N | N | N | Y | Y | Y | Y | Y | Y | Y | Y | N | N | N |
| - one under 10, one over 10 | N | N | N | N | N | Y | Y | Y | Y | Y | Y | Y | Y | N | N | N |
| - both over 10 | N | N | N | N | N | N | N | N | N | Y | Y | Y | Y | N | N | N |
| Household with 3 children | N | N | N | N | N | N | N | N | N | Y | Y | Y | Y | Y | N | N |
| Household with 4 children | N | N | N | N | N | N | N | N | N | Y | Y | Y | Y | Y | N | N |
| Household with 5 children | N | N | N | N | N | N | N | N | N | N | N | N | N | Y | N | N |
| Sharing adults (not partners), or families with adult children | | | | | | | | | | | | | | | | |
| - 2 people (2 adults, or single person + adult child) | N | N | N | N | N | Y | Y | N | Y | N | N | N | N | N | N | N |
| - 3 people (Couple + 1 adult child) | N | N | N | N | N | Y | Y | N | Y | N | N | N | N | N | N | N |
| - 3 people (Single person + 2 adult children) | N | N | N | N | N | N | N | N | N | Y | Y | Y | Y | N | N | N |
| - 4 people (Couple + 2 adult children) | N | N | N | N | N | N | N | N | N | Y | Y | Y | Y | N | N | N |
| - 4 people (Single person + 3 adult children) | N | N | N | N | N | N | N | N | N | Y | Y | Y | Y | Y | N | N |

From April 2013 the Government reduced the amount of Housing Benefit some people can claim if they under occupy their tenancy.

Before bidding for a property you need to find out what size of property Housing Benefit will pay for. If your Housing Benefit will not meet the full rental payment for the property because of the changes in housing benefit legislation the Derby Homefinder landlords may by pass you for a property unless you can evidence and they are satisfied that you will be able to make full rental payment.

If you can provide evidence that you can pay for a property with an extra bedroom you may be able to bid for a larger property.

Any offer of housing is based on the Council's overriding legal duty to make the best use of the social housing properties. To meet this duty:

- some properties will be advertised with an age requirement. For example, where we state 'applicants over the age of 40 years', only households where all applicants are over the age of 40 will be able to apply for these properties
- bungalows and ground floor flats are normally offered to older people aged 55 years or over and people who need accommodation on one level
- sometimes, we offer younger disabled people who are getting Disability Living Allowance (Personal Independence Payment) housing on older people's retirement schemes but this is at the discretion of the landlord
- people who require adapted properties are the only people that can bid for adapted properties
- people who require adapted properties may also bid for properties that are not adapted to meet their needs. In these cases, an occupational therapist assessment with the applicant will have to be completed to see if the property can be adapted to meet their needs.

9.1 Pregnant applicants

Applicants who are pregnant will be treated as a 'family' requiring appropriate-sized accommodation as soon as their pregnancy has been confirmed.

We will reassess the circumstances of applicants who are pregnant before we make an offer to make sure that they still qualify for family-type accommodation.

9.2 Access to children

For the purposes of this policy, we consider that access to children must be for at least three nights a week.

Single people or couples with access to children will qualify to apply for a two-bedroom flat, but we will give preference to applicants who would fully occupy the property permanently.

Single people or couples with children living with them permanently **and** with access to children will be able to bid for properties with an extra bedroom. However, we will give preference to large families who...

- would fully occupy the property permanently
- who need four or more bedrooms

...over smaller families with access to children

9.3 Adapted properties

A Derby Homefinder Landlord could identify a property as being suitable to meet the needs of:

- an applicant who is a disabled person or who has mobility needs
- another member of the applicant's household who is a disabled person or who has mobility needs.

If you need an adapted property as assessed by an Occupational Therapist your application will be awarded an adaptation/mobility category. This means that you will be able to bid for adapted/mobility properties that has some or all of the adaptations that meet your needs. Where a property is identified as suitable in this way, the Derby Homefinder Landlord will match the property to applicants who need the particular adaptation and who will make best use of the adaptations within the property. This is because there is a shortage of specifically-adapted properties and the Derby Homefinder Landlords must make best use of existing social housing properties.

9.4 Further guidelines on the size and type of property applicants may qualify for

Derby Homefinder Landlords will normally offer:

- bungalows or ground floor flats to applicants (including those aged under 55) who have medical or mobility issues and need accommodation at ground level
- houses will usually be offered to households with children under the age of 16 years
- parlour type houses – this is a house with two living (dining) rooms downstairs – to larger families and households who have a medical or mobility impairment who may not meet the occupancy criteria for the property
- a property with an extra bedroom to applicants who have a permanent carer or have a medical condition which means they need an extra bedroom. For the purposes of this allocation policy, a 'permanent carer' is defined as 'a sleeping carer' who stays or lives with the applicant four or more nights a week'
- Derby Homefinder Landlords may offer two-bedroom flats, maisonettes and houses to their existing tenants (single and couples who would normally only qualify for one-bedroom properties), who are currently under-occupying their social housing tenancy to release family houses for other families on the Housing Register. However, this is dependent on whether you can evidence and satisfy the Derby Homefinder landlord that you will be able to make full rental payment

10 Joint applicants

Joint applications should be from adults who have a long-term commitment to live together. All joint applicants must agree that they are applying together. Examples of joint applicants are:

- people who want to share a home as partners (including same-sex partners)
- relatives wishing to live together where there is a long-term commitment to a shared home
- friends wishing to live together where there is a long-term commitment to a shared home
- where one of the applicants is a carer for the other and they live with them permanently

If both joint applicants qualify to hold a tenancy and they accept a tenancy offered to them, they will, in turn, become joint tenants. Joint tenants are individually and jointly responsible for complying with the conditions of the tenancy.

If joint applicants apply from different addresses, we will need to know why they cannot both live at one of those addresses. We will assess the application from the address that gives the application the lowest number of needs.

In some cases, a Derby Homefinder Landlord may offer a household member a joint tenancy (even when they have not applied as joint tenants). They will do this to make the best use of housing available and to protect the security of the people on the application.

11 Offers

The landlord will contact the successful applicant with details of the offer. This will normally be by telephone and may be followed up in writing. All Derby Homefinder Landlords reserve the right to:

- 1) invite you for a before-tenancy interview
- 2) visit you at home
- 3) carry out checks. For example, check with current or former landlords to ask about rent arrears or anti-social behaviour
- 4) ask for a reference(s)
- 5) withdraw an offer if checks reveal issues that are not on your housing application or that your circumstances have changed and you have not told us
- 6) make the same offer to more than one applicant at the same time to make sure that the property is let as quickly as possible

- 7) carry out a financial assessment to establish if you can meet the full rental charge for the property.

You will be made only one offer at a time. If you have been made an offer of housing, you will not get any further offers - even if you continue to bid for properties while you are 'under offer'.

The final decision about offering Registered Social Landlord (RSL) tenancies lies with that registered provider. If the Council nominates an applicant to become a tenant of an RSL, and the RSL does not make an offer of a tenancy, the applicant should contact the RSL about its decision.

12 Responding to an offer

It is very important you tell the Derby Homefinder Landlords whether or not you wish to accept the offer within an agreed time period. You will be told this deadline at the time of offer.

If you do not do this, the landlord will withdraw the offer and make an offer to another applicant. If your application is in the Housing Needs band and you do not respond to an offer of housing, we will close your application.

If you are registered on Derby Homefinder and unreasonably refuse three offers of housing from Derby Homefinder your housing application will be closed. You can apply to reregister on Derby Homefinder six months from the date when your previous application was closed.

Applicants have a 'right to review' this decision (see Section 15 Right to review on page 24).

This does not apply to:

- 1) applicants where auto bids have been placed on their behalf automatically by the Derby Homefinder system
- 2) applicants who are in the Emergency Band.

12.1 Non-shortlist (direct) offers

Sometimes, we need to make offers to applicants not appearing on shortlists. For example:

- 1) if a property does not receive any bids from applicants, or is rejected by everyone who bid for it, we may offer the property directly to an applicant on the Housing Register. Or we may re-advertise it with different criteria. We will base the decision to make a direct offer or to re-advertise on demand for the particular property.
- 2) we may hold back some properties from the Derby Homefinder scheme to make allocations that are at our discretion to support 'sustainable communities' and other Council initiatives.

12.2 Local Letting Plans

In some cases, Derby Homefinder Landlords, together with Derby City Council, may decide to let properties within a local area or new development on a slightly different basis than normal. This would be done to help create 'sustainable communities' within an area. These are called 'Local Letting Plans'.

In the interest of sustainable communities, 'Local Letting Plans' are done in certain areas of the city that may have particular problems of crime and anti-social behaviour.

Local Letting Plans are also used when allocating a large number of properties in the same area - for example, on a newly built development - to help create a sustainable community.

This will usually mean that certain restrictions are placed on the letting of properties within the area and preference may be given to particular types of applicants.

Each Derby Homefinder Landlord is responsible for agreeing its own Local Letting Plans. However, wherever possible this will be done in consultation with the Council's Housing Options and Advice Service.

Local Letting Plans are reviewed regularly by the Housing Options and Advice Service and the relevant landlord and every attempt is made to keep their use to an absolute minimum.

Because local lettings areas come under frequent review and change, they are not listed in this Allocation Policy. However, if a property is advertised as a result of a Local Letting Plan, you can get a copy of the relevant Plan from the relevant Derby Homefinder Landlord (see Section 20 Derby Homefinder Landlords on page 27).

12.3 Derby City Council's Tenancy Strategy

Derby City Council's Tenancy Strategy is principally concerned with our approach to tenure reform and whether or not we will adopt the use of fixed term tenancies. However, reforms in related areas such as rent models, allocations policies and measures to address homelessness also impact and in some cases, overlap with tenure issues. Furthermore, government guidance requires that tenancy strategies be 'consistent with' homelessness strategies and allocations policies. Consequently, the strategy addresses not only tenure but also homelessness, allocations and rent models.

The Council's Approach

The Council accepts that effective matching of stock with those in most need is essential. However there is the danger that terminating tenancies on the basis of income may discourage self-improvement and result in the 'residualisation' of estates. Our wide-ranging consultation also showed

concerns about the effect on security for vulnerable tenants; disincentives to self-organised property repairs and settled and stable communities.

Our approach therefore is to reject the use of fixed term tenancies and continue the practice of offering secure tenancies – following an introductory tenancy period. More effective matching of stock with those in most need will be achieved by reforms to our allocations processes, while stable communities will continue to be supported by a range of measures including the selective use of local lettings plans.

Private Registered Providers (Housing Associations) may decide to adopt a different approach with regard to their own stock, but we would highlight the potential downsides of such action and encourage remedial measures to be implemented wherever possible.

13 Changes of circumstances that might affect your housing application

You must tell us if there is a change of circumstances for:

- you
- a joint applicant
- other members of your household, or
- anyone else on your housing application

This is because it may affect the Band and the housing needs on which we have based our decision. The best way to tell us about any change of circumstances is on line or by telephone. If we need any more information or evidence from you we will contact you to explain what we need and what you need to do.

Examples of changes can include but are not limited to:

- 1) a change of address
- 2) a change of contact telephone number or email address
- 3) people leaving your household or more people coming in to your household
- 4) your health getting better or worse
- 5) immigration status.

If we discover a change in your circumstances that you have not told us about, it may affect...

- your housing application
- any potential offers

...and you could be in breaking the terms of your tenancy if you have already been housed.

Remember, it is **your** responsibility to check with us whether or not a change of circumstances is relevant and/or affects your application.

If you have previously completed a re-housing medical assessment form, you may need to fill in a new form. This is because the policy takes into account how housing impacts on the medical problem, rather than the medical problem itself.

If there is a change in circumstances, we may have to change your housing needs. We will always write or email you to tell you of any changes we make to your Band and/or needs.

Derby City Council tenants should contact a Derby Homes Local Housing Office. Other applicants should telephone 01332 265483.

13.1 Joint applicants who no longer wish to apply together

If one / both / all applicants in a joint application no longer wish to apply jointly and want to be considered on their own, they can make separate applications.

When we receive a request to split the joint application the application will keep the same registration date as in the original application.

14 Suspensions and Closures

14.1 Suspending your housing application

We will put your housing application on hold ('suspend' it) if, for example:

- we have asked you, in writing, by telephone or email for information to support your application and we are waiting for your reply
- we have asked a support agency or worker, in writing, by telephone or email for information about you and are waiting for a reply from them. Your application will be suspended until we receive a reply

If we suspend your application, you won't be able to bid for properties.

14.2 Closing your application

We will close your housing application if, for example:

- 1) you have made a Right to Buy Application and it has been accepted
- 2) you have asked us to close it
- 3) you have been re-housed by a Derby Homefinder Landlord
- 4) you have exchanged your property with another tenant
- 5) you have moved and not told us of your new address
- 6) we have written to or emailed you about your application and you have not responded within 14 days
- 7) you have not given us within 14 days all the information we reasonably require and have asked for to support your application
- 8) you have not responded to an offer of housing
- 9) we have evidence that you no longer qualify for housing
- 10) you have given false or misleading information
- 11) Your circumstances have changed and you have no housing need under this policy

We will contact you if you have not made any bids in the last 3 months. If, after this you don't bid in the next 3 months we may close your application.

We do this to make sure that only applicants who are actively seeking housing stay on the Housing Register.

However, this may not apply if you need re-housing in an adapted property or are a vulnerable applicant.

14.3 Reinstatement of an application

We may reinstate a closed application if, for instance, an applicant can prove he/she had a good reason for not contacting us.

We will reinstate an application only within six months of the closure – this is at the Council's discretion.

We will consider each case individually.

15 Right to review

We will tell applicants in writing, including by email, of any decision not to accept their application onto the Housing Register because of their immigration status or because they are a 'non qualifying person' and the reasons why.

Applicants have a 'right to request a review' of the decision. We will tell applicants how to 'request a review' when we write to them about the decision to exclude them from the Housing Register.

Applicants seeking a review have a right to submit new information, as well as any representations, in support of that review. The reviewing officer will consider again all of the information put before him/her, and will consider the facts at the date of the review.

15.1 Right to ask for a review

The Housing Act 1996, as amended by the Homelessness Act 2002, gives applicants the right to ask for a review if we:

- decide not to allow them to join the Housing Register
- make any decision that affects their housing application.

Applicants can ask for a review about a decision we have made on grounds that we have:

- made a mistake
- failed to take into account a relevant fact, or
- taken into account an irrelevant fact.

Applicants must provide all the relevant information for us to consider as part of the review process.

You, or your representative, should make your request to the Housing Advice Manager, Housing Options and Advice Services at the Council House in writing, **within 21 days of getting our written decision**. If it is difficult to

give us your reasons in writing, you or your representative may tell us in person.

15.2 The decision about your review

A senior officer, who has not been involved in the original decision, will look at your request for a review.

The officer will base her or his decision on the known facts at the time of the review. In some cases, they may need to ask you for more information to help in making a decision.

They will write to you or email you about their decision and explain the reasons for it within 56 days of the date of your request for a review.

16 Re-applying

If we have found an applicant does not qualify on immigration status grounds or because they are a 'non qualifying person', they may reapply to the housing register as soon as their circumstances change. The responsibility is on the applicant to demonstrate that their circumstances have changed.

17 Housing Options and Advice Service

We are committed to giving you the best possible housing service. We will always try to get it right, but we need you to tell us if we get it wrong.

If you are unhappy with the service the Housing Options and Advice Service provides, please contact us straight away to try to get the problem settled (see Section 19 Derby City Council Contact Details on page 26 for contact details). If you telephone or visit, please ask for and make a note of the names of the people you speak to. If you are still not happy you can make a complaint through Derby Homes' complaints procedure. You can do this through the Derby Homes' website <http://www.derbyhomes.org/contact-centre/complaints> or by phone on 01332 888777

We will acknowledge your complaint within two working days and write a full response to you or update you within ten working days.

If you are still dissatisfied with the decision we will ask a Senior Manager to meet with you to discuss your complaint and write a full response to you or update you within ten working days.

You can appeal against the decision within 15 working days of receiving our stage two response. The appeal will be heard by a panel of Tenants.

If you're still not satisfied once all 3 stages of the Derby Homes complaints process are completed, you can then contact the Local Government Ombudsman.

18 Complaints against Derby Homefinder Landlords

If you feel that you have been treated unfairly or have not been given a professional service by any Derby Homefinder Landlord, you should directly complain to them. All the Derby Homefinder Landlords have their own formal complaints policies and procedures.

If you have followed the Derby Homefinder Landlords Complaints Procedure but are still unhappy, you can contact:

The Local Government Ombudsman

PO Box 4771

Coventry

CV4 0FH

Telephone: 0300 061 0614

Fax: 0247682001

www.lgo.org.uk

- The Independent Housing Ombudsman for complaints about Registered Social Landlords.

Housing Ombudsman Service

81 Aldwych

London

WC2B 4HN

Telephone: 0300 111 3000

Fax: 020 7831 1942

www.housing-ombudsman.org.uk

19 Derby City Council Contact Details

Housing Options and Advice Services

The Council House

Corporation Street

Derby

DE1 2FS

Tel: 01332 256483

Minicom: 01332 640666

20 Derby Homefinder Landlords Contact Details

Action Housing

6 Genesis Business Park Sheffield
Road
Rotherham
S60 1DX
Tel: 1709 821251

Affinity Sutton

Holme House
Manor Lane
Holmes Chapel
Cheshire
CW4 8AF
Tel: 0300 100 0303

Derby Homes

The Council House
Corporation Street
Derby
DE1 2FS
Tel: 01332 888777
Minicom: 01332 888555
Central allocations tel: 01332 888440
Contact centre tel: 01332 888777

Derwent Living

1 Centro Place
Pride Park
Derby DE24 8RF
Tel: 01332 346477

Friendship Care and Housing

Ely House
Wyvern Business Park
Derby
DE21 6LY
Tel: 0300 123 1745

Guinness Northern Counties

3.1 Clarendon Park
Clumber Avenue
Nottingham
NG5 1AH
Tel: 0845 605 9000

Metropolitan

68-84 Alfreton Road
Nottingham NG7 3NN
Tel: 020 3535 3535

Nottingham Community Housing Association

12-14 Pelham Road
Sherwood Rise
Nottingham
NG5 1AP
Tel: 0800 013 8555

Raglan Housing Association Ltd

Suite C, Lancaster House
Grange Business Park
Enderby Road
Whetstone
Leicester LE8 6EP
Tel: 0845 070 7772

Riverside Group

Riverside House
49 Western Boulevard
Leicester LE2 7HN
Tel: 0845 111 0000

Salvation Army

Housing Association
33-35 Chorley New Road
Bolton
BL1 4QR
Tel: 0800 970 6363

Tuntum Housing Association

90 Beech Avenue
New Basford
Nottingham NG7 7LW
Tel: 0115 916 6066

Appendix 1 - The meaning of the terms we use

| | |
|-----------------------|---|
| Active application | This is an application that we have fully processed and means the applicant can bid for properties on Derby Homefinder. |
| Adapted property | This is a property that has been adapted for a disabled person. |
| Age criteria | This describes a property that is restricted to being let to people of a certain age. |
| Applicant | The term 'applicant' within this policy refers to all main applicants, joint applicants and all members of an applicant's household. |
| Allocation | The selection of a housing applicant to be a secure or introductory tenant of a Council home that is managed by Derby Homes. Or, the Council can nominate an applicant to be a tenant of a Registered Social Landlord (see below). |
| Allocation Policy | This explains the rules that set out how Derby City Council and the Derby Homefinder Landlords allocate social housing properties. |
| Assignment | Assignment is one of the ways in which a tenancy can be legally transferred or 'signed over' from one person to another during their lifetime. Only certain tenants have the right to do this. Even then the correct legal procedures must be followed and the landlord's permission is needed. |
| Auto bid | This is where the Derby Homefinder computer will look for a property that an applicant is eligible for in their preferred areas of choice and automatically place a bid for a property that the applicant has the most chance of being offered. |
| Band | A Band is a category that defines housing need(s). |
| Band awarded date | This is the date an application is placed in a Band. |
| Bidding | Your way of telling the Derby Homefinder Landlord that you would like to live in a particular property. |
| Bidding cycle | This is the length of time vacant properties are advertised for. |
| Bypassing | The term is used when a Derby Homefinder Landlord rejects an applicant for a property because: <ul style="list-style-type: none">• the applicant is not suitable, or• the property would not meet the applicant's needs. |
| Choice-based lettings | A scheme that gives all applicants a greater degree of choice of home. In Derby, the scheme is Derby Homefinder. |

| | |
|-------------------------|--|
| Derby Homefinder | The name of the choice-based lettings scheme in Derby. |
| Derby Homes | The name of the arms-length management organisation that manages Derby City Council-owned properties. |
| Effective date | This is the date we receive an application for processing: the applicant waiting time is calculated from this date. This is the same as the registration date. |
| Eligibility | This is used to describe factors that match an applicant to a property - for example, the size of your household and the number of bed spaces in a property. |
| Habitual residence test | The test that decides whether the applicant's residence in the United Kingdom is of a settled nature. |
| Homeless | <p>A person is homeless if he or she:</p> <ol style="list-style-type: none"> 1. has no accommodation physically available for him or her to occupy in the UK or elsewhere; or 2. has no accommodation available which he or she is legally entitled to occupy; or 3. has accommodation which is available and which he or she is entitled to occupy, but cannot secure entry to that accommodation; or 4. has accommodation available, which he or she is entitled to occupy, but that accommodation consists of a moveable structure and there is no place where the applicant is entitled or permitted both to place and reside in the moveable structure; or 5. has accommodation available, which he or she is entitled to occupy and entry can be secured to it, but that accommodation is not reasonable to continue to occupy. |
| Local letting policies | These are dealt with in detail in Section 12.2 Local Letting Plans on page 20 of this policy. |
| Mutual exchange | This is where Local Authority and Registered Social Landlord tenants can exchange properties with the permission of their landlords. |
| Non-shortlist offer | This is when a property is offered to an applicant without it having been advertised. |
| Nomination | This term is used when a local housing authority provides, from its Housing Register, the name and details of an applicant to a Registered Social Landlord for an offer of housing. |

| | |
|------------------------------------|--|
| Rechargeable repairs | These are repairs to damage caused by a tenant to a property during a tenancy for which the tenant is directly and/or indirectly responsible. |
| Registered Social Landlords (RSLs) | This is the name given to a housing association or a not-for-profit company registered by the Housing and Communities Agency. |
| Registration date | This is the date the Council receives an application with all supporting evidence it needs from the applicant. The application waiting time is calculated from this date. This is the same as the effective date. |
| Rights of Residence Directive | This allows citizens from the European Economic Area to live in the UK. |
| Shortlist | This describes a list of applicants that have bid, and qualify, for a particular property that has been advertised on Derby Homefinder. |
| South Derbyshire Homefinder | This is the name of the choice-based lettings scheme in South Derbyshire. |
| Social exclusion | This is a term used to describe the problem of certain groups which are excluded from mainstream society due to their socio economic circumstances. |
| Social housing | The term is used to describe affordable rental accommodation owned by a local council or housing association. |
| Succession of tenancy | A tenancy does not automatically end when a tenant dies. Legally, a tenancy counts as property and can be passed over via a process called ' succession '. The right to succeed normally depends on how an individual is related to the person who died and how long they have lived together. |
| Suspended application | This is an application that is on hold because of administration processes. For example, an application that is on hold waiting full information. |
| Sustainable communities | The Department for Communities and Local Government says a sustainable community is a place where people want to live and work now and in the future. |
| Types of tenancy | <p>Assured tenancy: usually used by Registered Social Landlords (RSL), after the use of a starter tenancy (see below). A tenant has the right to remain in the property unless the landlord can prove to the court that they have grounds for possession. The landlord does not have an automatic right to repossess the property when the tenancy comes to an end.</p> <p>Assured shorthold tenancy: used in the private rented sector.</p> |

With a shorthold tenancy the landlord can regain possession of a property six months after the start of the tenancy, provided that they give the tenant two months' notice requiring possession.

Introductory tenancy: is a local council tenancy for a trial period of one year before a tenant becomes a secure tenant. Introductory tenants have fewer rights than secure tenants. The council can extend an introductory tenancy if there have been breaches of the conditions of the tenancy.

Secure tenancy: a local council tenant will automatically become a secure tenant after 12 months of being an introductory tenant, provided there have been no breaches of the conditions of the tenancy.

Starter tenancy: is a Registered Social Landlord (RSL) tenancy for a trial period of one year before a tenant gets an assured tenancy (see above). Starter tenants have fewer rights than assured tenants. An RSL can extend a starter tenancy if there have been breaches of the conditions of the tenancy.

Appendix 2 - Definition of 'local connection'

To qualify for 'local connection' and be allocated a Derby Homefinder property, the applicant must:

- have lived in Derby for six out of the last 12 months or
- have lived in Derby for three out of the last five years or
- work in Derby. Applicants who have permanent work in Derby have an immediate local connection. Applicants who have temporary or casual work establish a local connection after six months of work in the city or
- have an immediate family member (grandparent / parent / child / brother / sister), with whom they are in close contact, living in Derby and have lived in Derby for the last six months

You can't claim a local connection through residence which is not of your choice, such as by living in approved premises, a probation hostel or hospital.

We will need to see proof that applicants have a local connection with the city.

Working in Derby

If you claim a local connection under the work rule, we will need your current employer to provide written proof confirming the length of employment.

Family connection

Where you claim a local connection under the family rule, we will need you to provide proof to confirm the family connection.

Other local connection circumstances

These circumstances include:

- applicants who have been accepted by Derby City Council under the homeless law
- applicants who have been accepted for priority re-housing as a reciprocal arrangement with another local council
- HM Armed Forces applicants through Section 315 of the Housing and Regeneration Act (2008) who have established a local connection with Derby before they joined the services
- members of the Armed Forces, former service personnel applying within five years of discharge, bereaved spouses and civil partners of members of the Armed Forces and serving or former members of the Reserve Forces who need to move for medical reasons
- refugees who have been granted leave to remain and have been dispersed to the city

- young people leaving the care of Derby City Council who have been placed outside Derby but are the responsibility of Derby City Councils Children and Young People Department
- applicants who have been accepted from outside Derby as part of a Witness Protection recommendation
- applicants from outside Derby who are victims of domestic violence who cannot return to the area where they were living for fear of violence
- people who had a local connection to Derby at the time they were placed in temporary accommodation outside the city boundary by a recognised referral agency
- people who need to get access to health or support services or support networks that are only available in the city - for example, the Royal School for the Deaf

What does not give you a local connection?

- People living in bail hostels or approved premises
- Occupying a mobile home, caravan or motor caravan which is not placed on an official mobile home or caravan park
- Hostel residents from outside Derby who have not lived in Derby for six months
- Students whose main residence is outside the city
- Patients in Derby hospitals wards but their main home is outside the City

Appendix 3 – Specific offences

For the Allocation Policy, we define the following as specific offences:

- homicide and attempted murder
- rape
- arson and criminal damage endangering life
- use of firearms
- Section 18/20 wounding
- offences against children
- false imprisonment/kidnapping
- robbery, assault with intent, aggravated burglary
- serious drugs offences, for example, trafficking and large-scale dealing
- indecent assault

Appendix 4 – Vulnerable applicants

For the purposes of this policy, vulnerable applicants are people who have difficulty accessing our service due to age, physical, mental or psychological health or disability or language barriers. For example...

- people with physical disabilities
- people with mental ill health
- people with learning difficulties or disabilities
- older people
- young people
- substance abusers , such as drugs or alcohol
- people whose first language is not English

This list is not a complete list.