



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Cabinet

Date: **Wednesday 9 October 2019**

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Time: **3.30 pm**

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Place: **Chappell Room**

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For any further information please contact:

**Alec Dubberley**

Service Manager Democratic Services

0115 901 3906

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# Cabinet

## Membership

**Chair** Councillor John Clarke

**Vice-Chair** Councillor Michael Payne

Councillor Peter Barnes  
Councillor David Ellis  
Councillor Gary Gregory  
Councillor Jenny Hollingsworth  
Councillor Viv McCrossen  
Councillor Henry Wheeler

## **AGENDA**

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## **MINUTES CABINET**

**Thursday 5 September 2019**

Councillor John Clarke (Chair)

Councillor Michael Payne  
Councillor Peter Barnes  
Councillor David Ellis  
Councillor Gary Gregory

Councillor Jenny Hollingsworth  
Councillor Viv McCrossen  
Councillor Henry Wheeler

Officers in Attendance: K Bradford, H Barrington, A Dubberley, A Gibson,  
M Hill and D Wakelin

**29 APOLOGIES FOR ABSENCE.**

None.

**30 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 1 AUGUST 2019.**

**RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

**31 DECLARATION OF INTERESTS.**

None

**32 ESTABLISH A BUDGET FOR GEDLING COUNTRY PARK OUTSIDE SEATING AREA**

The Deputy Chief Executive introduced a report, which had been circulated prior to the meeting, seeking approval to establish a capital budget and appropriate planning permissions for a new outdoor covered seating area at the Gedling Country Park Café 1899.

**RESOLVED to:**

Approve the capital budget of £107,800 for the installation of a new outdoor covered seating area at the Gedling Country Park Café 1899, to be fully funded from Section 106 contributions; and

Delegate authority to the Deputy Chief Executive and Director of Finance to apply for any necessary planning permissions and consents, should they be required, to create the seating area.

**33 ESTABLISH A BUDGET FOR CONWAY ROAD RECREATION GROUND PLAY AREA REDEVELOPMENT**

The Deputy Chief Executive introduced a report, which had been circulated prior to the meeting, seeking approval to establish a capital budget for the redevelopment of Conway Road Recreation Ground Play Area from funding provided by FCC Communities Foundation Ltd (formerly known as WREN – Waste Recycling Environmental Ltd).

**RESOLVED:**

To approve a capital budget of £102,000 for the development of a new Conway Road Play Area which is partially funded by external grant funding from FCC Communities Foundation Ltd.

**34 GEDLING BOROUGH STATEMENT OF COMMUNITY INVOLVEMENT**

The Service Manager Planning Policy introduced a report, which had been circulated prior to the meeting, seeking approval for the adoption of the Gedling Borough Statement of Community Involvement.

**RESOLVED:**

To adopt the Statement of Community Involvement August 2019

**35 REVIEW OF COMPLAINTS RECEIVED BY THE COUNCIL AND ANNUAL REVIEW LETTER – LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN 2018/19**

The Director of Organisational Development and Democratic Services introduced a report informing Members of the receipt of the Annual Review letter from the Office of the Local Government and Social Care Ombudsman and the complaints dealt with by the Council through the internal Complaints Procedure during the year 2018-19.

**RESOLVED to:**

- 1) Note the details of the Annual Review letter from the Local Government and Social Care Ombudsman and the information in relation to the number of complaints dealt with by the Council through the internal complaints procedure in 2018/19; and
- 2) Approve the amendments to the Council's Complaints, Compliments and Comments Policy as detailed at Appendix 2 to the report.

**36 FORWARD PLAN**

Consideration was given to a report of the Service Manager, Democratic Services, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next four month period.

**RESOLVED:**

To note the report.

**37 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 2.35 pm

Signed by Chair:  
Date:

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## Report to Cabinet

**Subject:** Gedling Community Lottery

**Date:** 9 October 2019

**Author:** Deputy Chief Executive

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### Wards Affected

Borough-wide.

### Purpose

To gain agreement to the launch of an on-line Gedling Community Lottery (“the Lottery”) to help fund discretionary support for the local voluntary and community sector, and to enable such organisations to raise funds which will directly benefit local people and communities.

### Key Decision

This is not a Key Decision.

### Recommendations

#### THAT CABINET:

- 1) Agrees to the establishment of the Gedling Community Lottery for the purpose of raising funds to support good causes that benefit residents of Gedling borough.
- 2) Approves the procurement of Gatherwell as an External Lottery Manager to run the operational side of the lottery.
- 3) Authorises the Deputy Chief Executive, in consultation with the Portfolio Holder for Community Relations, to establish criteria for determining which good causes can participate in the Lottery, and apply those criteria.
- 4) Authorises the Deputy Chief Executive to apply for any necessary licences from the Gambling Commission to enable the Lottery to operate.
- 5) Nominates the Deputy Chief Executive as the personal licence holder for the Lottery and authorises him to apply for the personal licence.
- 6) Delegates the management and oversight of the Lottery and the authority to approve appropriate policies and procedures associated with the Lottery to the Deputy Chief Executive.

## 1. Background

- 1.1 As budget pressures continue to increase over the next few years, there will inevitably be an impact on the funding available for partnerships with local voluntary and community organisations (referred to in this report as ‘good causes’) in the medium term. In order to alleviate some of those budget pressures, a number of other councils have introduced a local lottery as a potential new source of income to provide funding to good causes.
- 1.2 Lotteries have long been a way of smaller organisations raising income, for which they are regulated under the Gambling Act 2005 (“the Act”). The Act creates eight categories of permitted lottery. The Act includes, as a permitted category of lottery, a “local authority lottery”. Local authority lotteries are lotteries promoted by the authority and require the authority to be licensed by the Gambling Commission. The net proceeds from a local authority lottery may be used for any purpose for which the authority has the power to incur expenditure.
- 1.3 Local Authority lotteries have to deliver a minimum of 20% of proceeds to purposes for which the authority has the power to incur expenditure – this report proposes to deliver up to 60% of the Lottery proceeds to good causes.
- 1.4 Until a few years ago, local authorities had not entered into this form of fundraising due to perceived risks to a council’s reputation, contradictions with anti-poverty work, and concerns about the gambling aspects of such a service. However, things have moved on in the last few years, and there is now a clear precedent set for local authorities to get involved in this kind of activity, as long as the marketing material is clear that it is principally a fundraising platform for local good causes, the lottery is properly regulated, and supports the licensing objectives set out in the Act which are;
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way;
  - Protecting children and other vulnerable people from being harmed or exploited by gambling.
- 1.5 Local authority lotteries can be run in-house or in partnership with an External Lottery Manager (ELM). An ELM is defined in section 257 of the Act as someone that is a person or a body who makes arrangements for a lottery on behalf of a society or local authority, but is not a member, officer or employee of the society or authority. All ELMs must hold a lottery manager’s operating licence before they can manage a lottery on behalf of a local authority. This is in addition to the operating licence held by the local authority. It is important to note that whilst ELMs may run a lottery on behalf of the local authority, it is the responsibility of the local authority to ensure that the lottery is conducted in such a way as to ensure that it is lawful, and fully complies with the Act, all licence conditions and licensing codes of practice.

- 1.6 In addition to operating licences from the Gambling Commission, a local authority is required to have at least one Personal Management Licence (PML) holder for the authority, even if the lottery is run by an ELM. The ELM will have their own PML holders.
- 1.7 Investigations into options have been undertaken and a meeting with a leading ELM “Gatherwell” has been held to understand the workings of a lottery in practice. Information from Gatherwell feeds through this report, as best practice. It should be noted that although Gatherwell are not the only ELM in operation, Gatherwell are identified as a specialist and leading provider of local authority lottery schemes, and are identified as low risk by the Gambling Commission. They are licensed by the Gambling Commission to run lotteries on behalf of good causes and local authorities across the UK. Starting in 2015 with Aylesbury Vale, they launched the first on-line local authority lottery in the UK and now have 65 local authority awarded contracts with 51 live websites and 14 in development, as well as over 1,000 schools across the UK using ‘Your School Lottery’ platform (which is where they evolved from).
- 1.8 Lotteries like these attract a number of different supporters – those motivated by the odds and the prizes on offer, those with a dual motivation of giving to a good cause but with the incentive of winning a prize, and the altruistic supporter who will support because of the good cause alone and will often donate any prizes back to the good cause as well.
- 1.9 There are four well-known national lotteries running in England and Wales – the Euromillions, the National Lottery, the Health Lottery, and the Postcode Lottery. Set out in the table below are some background statistics regarding those providers for comparison:

Provider	Odds of jackpot win	Odds of any prize win	% share to good causes	% share to operator/owner
Euromillions	1:140m	1:13	28%	22%
National Lottery	1:45m	1:54	28%	22%
Health Lottery	1:2m	1:209	20%	22%
Postcode Lottery	Unclear	Unclear	27.5%	32.5%

## 2. Proposal

It is proposed that the Council establish a Gedling Community Lottery in the following way:

### Aims of the Lottery

- 2.1 The Lottery would need to have a set of aims or unique selling point that

resonates with local players. Officers believe that there is a place for a lottery that is focused on:

- Delivering the proceeds locally – a Gedling Community Lottery would deliver benefits to local causes only i.e. players can be assured that the proceeds will stay within Gedling borough.
- Maximising benefits to the community – to bolster support and to help in continuing the good work that the Council already does. The proposal in this report has up to 60% of proceeds being given to good local causes.
- Minimising costs – whatever delivery route is adopted it will need to minimise set-up costs, meaning the lottery will need to be largely self-financing, and any funding distribution mechanism should tap into existing distribution routes.
- Delivering winners locally – whilst anyone could play, it is likely that players will be locally based, and hence it will be easier to maximise the value from winners' stories and encourage more participation.
- Facilitating a wider benefit – whilst the lottery will help current funding of good causes, it will also enable local good causes to fundraise in partnership with us. This can be seen as the Council *enabling* good causes to help themselves, by reducing the barriers to lottery type funding i.e. the costs of licensing and administration. It will also open up a way for good causes to create new links with repeat donors.
- Helping to shift resident's perceptions – of what the Council can do and is here for, in line with our commercial approach taking the authority from *provider* to *enabler*.

#### Form of the Lottery

- 2.2 One overriding issue regarding the form is that the Lottery will have to be online. This is due to the costs of distribution and sales which would be incurred in any other way. This fits with the Council's digital approach and the lottery will be able to be accessed via a desktop, mobile, or tablet. In order to comply with the Act the Council will need to hold a remote lottery operating licence to have this type of lottery.
- 2.3 The suggested model would enable groups to 'sign up' to take part in the lottery specifically raising the 50% share for their good causes. By signing up they would have their own web page for the lottery helping them in engaging players and raising income. This option removes a number of hurdles for groups who might struggle to take part in their own lotteries (e.g. holding their own licence and setting up infrastructure to enable the lottery to run). This 50% is distributed to the specific good causes that sign up to the scheme, and the use of the remaining 10% (of the 60% proceeds) would be determined by the Council.
- 2.4 The Council would be the overall licence holder and control the good causes joining the scheme. Players buying tickets through specific web pages would

know that the proceeds are for that specific good cause. This in turn motivates the group to gain more players to support their specific cause. This option in effect operates as an 'umbrella' scheme within the main Gedling Community Lottery.

- 2.5 The Council would need to define eligibility criteria against which applications for good causes wishing to join the lottery would be assessed. It is proposed that the development of these criteria, and the ultimate determination on which good causes will receive proceeds, be delegated to the Deputy Chief Executive in consultation with the Leader of the Council or relevant Portfolio Holder.
- 2.6 All sales for the lottery would operate via a dedicated website (specific good causes would have their own landing pages), and be funded via an online Direct Debit or payment card for tickets. This approach is needed to keep operating costs at a minimum and also mitigates against the issues related to addictive gambling as payment is at specified times for specified amounts.

#### Delivery Options

- 2.7 In essence the options for delivery of a lottery are either in-house or through an External Lottery Manager (ELM).
- In-house – this option would see the setting up of the necessary posts and systems to run a lottery in-house. This has not been fully costed, but it is considered to be circa £80k-100k for set-up costs alone. This would include a lottery manager and the necessary development of software systems to enable the lottery to run.
  - External Lottery Manager – this option would see a contract arrangement with an existing deliverer of lotteries in the market place. This in effect means 'buying-in' the skills and expertise of an existing provider and sharing the risk with them to deliver the lottery. The ELM will deliver all aspects of running the lottery, from ticket payments, prize management and licensing, and share with Gedling and the good causes, the role of marketing.
- 2.8 It is proposed that rather than allocating officer time and significant cost to setting up and managing an in-house lottery, an ELM is used to oversee the operations of the local lottery. There are very few ELM's in the marketplace, and as indicated, Gatherwell are specialists in delivering local authority lotteries. It is therefore proposed to utilise the not-for-profit organisation Gatherwell as an ELM for the lottery, initially with an agreement for a one-year period with an option to extend to a second year.
- 2.9 Gatherwell already perform this operation for 51 councils so far, including districts, metropolitans, counties and unitary councils, and their remit is to increase funding to good causes. No other quotes have been obtained from lottery providers as there does not appear to be any other company that can facilitate this type of local authority lottery (refer to paragraph 3.3).
- 2.10 It is proposed that if approval is given to establish the Lottery using Gatherwell as ELM, that a report be given to the Chair of Scrutiny Committee

in accordance with the Council's Contract Standing Orders explaining why further quotes were not obtained.

### How the Lottery Operates

2.11 The lottery focuses on enabling local good causes to raise additional funding for their services, and would operate as set out below:

- Each ticket costs £1 of which 50p goes solely to the specific good causes signed up to take part in the lottery, a further 10p provides funding for the Council to determine its use, which provides funding to other good causes making a total of up to 60p available. In comparison, the Health lottery allocates 20% to good causes and the UK Lotto allocates 28%.
- Players select which good cause they want their money to go to, and each 50p amount is directly paid over to that specific good cause on a periodic basis by the ELM.
- Of the remaining balance, 20p is allocated for prize money, 17p goes to the External Lottery Manager, and 3p is VAT, which is reclaimable by the Council.
- Participation is on-line (or telephone for those who don't have access to the internet), and no tickets are sold in shops, offices or on the street.
- Tickets have to be bought in advance and payment is via credit/debit card or Direct Debit. Evidence from other participating local authorities has shown that over 50% of supporters use Direct Debit as a recurring payment method, creating a degree of income stability. The remaining 50% buy blocks of tickets in either 1, 3, 6 or 12 month blocks. It is not possible to buy individual tickets each week as the focus of the lottery is to provide rolling funding for good causes.
- The Lottery is based on a different principle to the UK Lotto. The numbers used are the results of the Australian Super 66 which is a combination lottery that uses only the numbers 0 to 9 which are then randomly drawn by a computer. As the Super 66 is drawn weekly on a Saturday morning (UK time) the deadline for participating in the local lottery is midnight Friday.
- Players (aged 16 or over) are able to choose 6 numbers, and to win the weekly jackpot they must match both the numbers and sequence as drawn. Players can also win a prize if the ticket matches the sequence of the first or last 2, 3, 4, or 5 numbers drawn.
- Multiple tickets are able to be purchased, and numbers can be changed by players.
- Players also have the option to donate their winnings to their chosen good cause if they so wish (other local authority experience has shown that circa 10% of winners have donated their prize back to the good cause).

- The jackpot is an insured prize, and is a guaranteed pay out of £25,000 per winner (even if multiple people win the jackpot it is not shared or rolled over). The ELM takes out insurance to cover all prizes and the risk of ticket sales not being sufficient to cover the prize pay-out lies with ELM.

	Winning Odds	Prize
6 numbers	1: 1,000,000*	£25,000
5 numbers	1: 55,556	£2,000
4 numbers	1: 5,556	£250
3 numbers	1: 556	£25
2 numbers	1:56	3 free tickets
<b>Overall odds of winning any prize</b>	<b>1:50</b>	<b>n/a</b>

\* Note: The odds of winning the Health lottery jackpot is 1:2m and the Euromillions jackpot is 1:140m

- 2.12 All day to day management will be conducted by the ELM. This includes processing new players, distributing prizes and income for good causes. The ELM will also provide significant tailored marketing support to good causes and the Council, and assist players should they experience difficulties. However, it is the Council's decision as to whom it identifies as a good cause.
- 2.13 The ELM will send newsletters to all good causes signing up to the lottery providing updates on their lottery. The Council will help publicise the Lottery and support its take up. Apart from licensing and marketing costs, the lottery will be self-funding.
- 2.14 The process of setting up a local authority lottery normally takes about six months from the date of agreement to approval by the Gambling Commission.

#### Responsible Gambling

- 2.15 Lotteries are the most common type of gambling activity across the world, and considered to be a 'low risk' form with respect to the emergence of problem gambling. This is due to its relatively controlled form. The Lottery will help mitigate against many of the issues related to addictive gambling by:
- Being only payable via pre-arranged sign up (not 'spur of the moment') and non-cash methods (as players have to pay in advance via card or Direct Debit).
  - There is no 'instant gratification' or 'instant reward' to take part, due to the midnight deadline whilst the results are released the following day.

- Promotion of the lottery will be mainly via the good causes to their supporters.
  - The lottery will be fully compliant with the Gambling Commission's licensing code of practice, which includes self-exclusion and links with support organisations.
  - Gatherwell recommend that each council becomes a member of the Lotteries Council, which provides a range of services for its members, including acting as independent arbitrator for lottery providers should a dispute arise, free access to advice from specialists, and representation with regulators and legislators. The Lotteries Council will also make a contribution to the Responsible Gambling Trust on behalf of each of its members.
  - The minimum age for participation in a local authority lottery is 16 years. A person commits an offence if they invite or allow a child (someone under 16) to enter such a lottery. The Council will ensure that appropriate written policies are in place to help prevent and deal with cases of under-age play. Gatherwell, when acting as ELM, require players to declare their age as 16 or over and undertake back office and random checks to verify dates of birth and ensure no under-age players. As part of the licensing objectives the Council are required to ensure that children and other vulnerable people are not harmed or exploited by the lottery.
  - The Council, as licence holder will take all reasonable steps to ensure that information about how to gamble responsibly and how to access information for help in respect of problem gambling is readily available.
- 2.16 Due to these factors it is reasonable to believe that the Gedling Community Lottery as proposed, will not significantly increase problem gambling, and that the benefits to good causes in the borough from the proceeds of the lottery outweigh the possible negative issues.
- 2.17 In order to comply with the licensing requirements under the Act it is proposed that the authority to apply for any operating licences on behalf of the Council be delegated to the Deputy Chief Executive.
- 2.18 It is proposed that the Deputy Chief Executive be nominated as the Personal Management Licence holder for the Lottery and be given authority to apply for such a licence.
- 2.19 An equality impact assessment has been completed (Appendix 1) and there are no consequences arising from the recommendation that adversely affects or interferes with individual's rights and freedoms as set out in the Equalities Act 2010.

### **3. Alternative Options**

- 3.1 A number of different delivery options are considered within this report and



have been taken into account in developing the recommendation.

3.2 The standard alternative option is to not establish the Lottery. This option is not recommended as the 'partnerships' budget will be scrutinised in the same manner as all other areas of expenditure, which may or may not result in reductions to its overall quantum.

3.3 Another option is to deliver the lottery in-house or use an alternative ELM. As outlined in the report, the financial implications of running the lottery in-house are estimated to be £80k-£100k for set up alone, and the Council does not have the necessary skill or resource to establish the lottery, and as such it is preferable to "buy-in" the support for a cheaper, more efficient way of establishing the Lottery. Officers have undertaken market research, which highlighted that there are a number of ELM's in the market, and these have been reviewed for their respective working methods, areas of specialisms and prize distribution. The research covered the following companies:

- Tower Lottery – only deals with Charities (mainly air ambulances);
- Prize Provision – only runs sports club lotteries;
- CFP Data – only provides an online raffle and printed lottery card service;
- Brightsource – none or very little experience in working with local authorities;
- Woods Group– none or very little experience in working with local authorities;
- Sterling Lotteries – do not primarily focus on local good causes, and require the local authority to undertake the administration of the scheme;
- Gatherwell - their model minimises officer time spent on the project and maximises funding available to local good causes. They also have an extensive record of working with local authorities and are specialists in delivering this type of lottery, and as such, understand local authorities' needs and requirements. For this reason Gatherwell are recommended as the ELM to deliver the Lottery.

#### **4. Financial Implications**

4.1 The estimated cost of setting up the lottery is around £7,300 as follows:

- Gatherwell set up fee - £5,000 which will include:
  - Website design, hosting, maintenance and development;
  - Payment gateway investments (dedicated Direct Debit and payment card accounts);
  - Dedicated support telephone number, email and social media accounts;
  - Marketing strategy support and generic design creation;
  - Gambling licence application support;
  - Training for licence holders.
- Gambling Commission licence - £692 per year plus £244 application fee;

- Lotteries Council membership - £350 per year plus £25 application fee;
- Launch event – costs of circa £1,000 but will be kept as low as possible.

4.2 Once launched, the ongoing costs will be as follows:

- Gatherwell will not charge a set annual fee, as their costs will be covered by the 17p service charge from each £1 ticket. The full set of services outlined above will still be provided.
- Gambling Commission licence and Lotteries Council membership, which together currently cost £1,042.
- Ongoing marketing of the lottery will mainly be the responsibility of individual good causes who will promote the lottery to their supporters and the general public in anticipation of raising income. The Council will provide additional support by placing promotional material and press releases in relevant publications and on-line. It is anticipated that this will be a minimal cost, both in terms of officer time and money as this type of support will only occur 3 or 4 times per year, at most.

4.3 The costs of the set up will initially be funded from the Transformation Fund. The ongoing costs will be paid out of the Council's 10p share.

4.4 The Council's proceeds from the lottery will initially be used to pay for the ongoing costs of the lottery. Any further use of the proceeds has yet to be determined, as this will be entirely dependent upon the number of players and tickets sold. However it would not be unreasonable to estimate a return for the council of a minimum of £10,000 per annum. An annual review will be undertaken to ensure that the lottery is running in line with the aims set out in this report.

4.5 Although exact returns for the Community Lottery cannot be guaranteed, other well established local authority lotteries are achieving an average of 1,600 to 2,800 tickets per week. Based on 52 weeks per year x 50p contribution, monies raised directly for good causes over the year could be within the range £41,600 to £72,800.

4.6 Given the estimated ticket sales above, the amount retained by Gatherwell from ticket sales could be in the range of £272 - £476 per week, so there is an estimated contract value for contracting with Gatherwell of £14,144 - £24,752 per year. The initial contract period will be for one year with an option to extend for a further year, depending on the success of the Lottery and the value of proceeds each financial year.

## 5. Appendices

5.1 Appendix 1 – Equality Impact Assessment

5.2 Appendix 2 – Gambling Mitigation

## **6. Background Papers**

6.1 None.

## **7. Reasons for Recommendations**

To help in addressing the potential budgetary pressures facing the Council and its funded partnerships in the future, and to help organisations become more adept at different models of fundraising with the ultimate aim of becoming more self-sufficient.

To ensure that the Lottery is run effectively and lawfully, and without placing an unnecessary operational burden on the Executive.

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# Equality Impact Assessment

Name of project, policy, function, service or proposal being assessed:	Introduction of a Gedling Community Lottery.						
The main objective of the Gedling Community Lottery:	To provide an on-line facility for local voluntary and community groups to raise funds which will directly benefit local people and communities.						
<p>What impact will the Gedling Community Lottery have on the following groups? Please note that you should consider both external and internal impact:</p> <ul style="list-style-type: none"> <li>External (e.g. stakeholders, residents, local businesses etc.)</li> <li>Internal (staff)</li> </ul>							
Please use only 'Yes' where applicable				<b>Negative</b>	<b>Positive</b>	<b>Neutral</b>	<b>Comments</b>
<b><u>Gender</u></b>	External			Yes			
	Internal			Yes			
<b><u>Gender Reassignment</u></b>	External			Yes			
	Internal			Yes			
<b><u>Age</u></b>	External		Yes		The lottery will provide a platform for local organisations that support this protected characteristic to raise funds.		
	Internal			Yes			

<b><u>Marriage and civil partnership</u></b>	External			Yes	
	Internal			Yes	
<b><u>Disability</u></b>	External		Yes		The lottery will provide a platform for local organisations that support this protected characteristic to raise funds.
	Internal			Yes	
<b><u>Race &amp; Ethnicity</u></b>	External			Yes	
	Internal			Yes	
<b><u>Sexual Orientation</u></b>	External			Yes	
	Internal			Yes	
<b><u>Religion or Belief (or no Belief)</u></b>	External	Yes			Some groups within this protected characteristic do not support gambling. Any complaints will be monitored and appropriate action taken.
	Internal	Yes			As above.
<b><u>Pregnancy &amp; Maternity</u></b>	External			Yes	
	Internal			Yes	

<p><b>Other Groups</b> (e.g. any other vulnerable groups, rural isolation, deprived areas, low income staff etc.)</p> <p>Please state the group/s:</p> <p>All local voluntary and community groups</p>	External		Yes		There are areas of the borough that are more socially disadvantaged, and the lottery will provide a platform for local organisations to raise funds.
	Internal			Yes	

Is there is any evidence of a high disproportionate adverse or positive impact on any groups?		No	
Is there an opportunity to mitigate or alleviate any such impacts?		No	
Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?		No	
In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out:			
Planned Actions	Timeframe	Success Measure	Responsible Officer
None			

**Authorisation and Review**

<b>Completing Officer</b>	Mike Hill
<b>Authorising Director</b>	Mike Hill
<b>Date</b>	24/9/19
<b>Review date ( if applicable)</b>	n/a



**From time to time we have organisations raise the ethical issue of gambling and taking part in a lottery. In these instances, we offer the following guidance on the issue;**

1. A lottery is a raffle; a supporter purchases a ticket, one of which is drawn at random just like picking a raffle ticket from the hat. Therefore, if the organisation holds a Christmas raffle or has a raffle at a summer fair, for example, it is exactly the same level of risk.
2. Although tightly regulated the Gambling Commission view the lottery as a low risk form of gambling, hence the license required to hold a lottery is the same as a raffle.
3. Players have to be over 16 years of age to participate. The site requires all players to register for an account before they are able to purchase tickets and play the lottery which includes age verification via a date of birth.
4. We currently run successful lotteries for a number of religious organisations for example Village Halls and schools to name a couple of categories.
5. Although not right for everyone, it is each individual's choice whether to participate or not in the lottery. If a person doesn't agree with spending their money in a lottery, it doesn't mean everyone else should be prevented from taking part and raising money for the cause in this way.
6. There are strict guidelines in place to prevent the marketing lotteries to underage or vulnerable people. This includes the imagery we can use and where we can advertise.
7. Players can stop their subscription at any time. At the bottom of the website there are links to the Gambling Aware organisation for help if anyone needs it.

8. There is no instant gratification with a lottery and all monies must be cleared before a ticket can be entered into a draw.
9. There is a vigorous vetting process and very strict guidelines in place in order to gain approval and a licence to run lotteries via the Gambling Commission. This includes measures to protect children and vulnerable people from being harmed or exploited by gambling.
10. Players are able to set up a self-exclusion agreement and the lottery will take reasonable steps to prevent further participation, including removing their name and details from any marketing databases.
11. Safeguards are in place to ensure that ticket purchases are not excessive. These include gatherwell monitoring this and contacting any supporter with a high-ticket yield to ensure they are fully aware of their purchase and lottery entries.

**If you need any further information or have any questions on the above, please do not hesitate to get in touch.**



## Report to Cabinet

**Subject:** Consideration of a motion referred from Council

**Date:** 9 October 2019

**Author:** Director of Organisational Development and Democratic Services

### Wards Affected

Borough wide

### Purpose

To establish a cross party working group to consider the motion at Appendix 1 and make recommendations to Cabinet.

### Key Decision

This is not a key decision

### Recommendation

**THAT:** a cross party working group comprising Cllrs Clarke, Payne, Barnfather, Ellwood, Bosworth and V McCrossen be set up to consider the motion at Appendix 1 and make recommendations to Cabinet.

## 1 Background

1.1 On 18 September 2019, Council considered the motion at Appendix 1 and following debate decided to refer the matter to Cabinet for consideration under Standing Order 14.08(a).

## 2 Proposal

2.1 It is proposed that a cross party working group comprising Cllrs Clarke, Payne, Barnfather, Ellwood, Bosworth and V McCrossen be set up to consider the motion at Appendix 1 and make recommendations to Cabinet.

2.2 It is proposed that the cross party working group will be chaired by Cllr Barnfather and will consider not only whether elected members should be

subject to basic DBS checks, but also the wider issue of safeguarding relating to the role and responsibilities of elected members and member training and development.

### **3 Alternative Options**

- 3.1 Not to set up a working group, however this will not enable cross party member input into this important matter.

### **4 Financial Implications**

- 4.1 None directly arising from this report.

### **5 Appendices**

- 5.1 Appendix 1 – Motion to Council.

### **6 Background Papers**

- 6.1 None identified.

### **7 Reasons for Recommendations**

- 7.1 To ensure that the issues arising from the motion can be given detailed consideration with cross party member input.

This Council:

1) Notes that the safeguarding of children and other vulnerable individuals within the community is of paramount importance to all who hold public office.

2) Is aware of recent criticisms of other surrounding authorities for a failure to exercise due diligence in carrying out their safeguarding functions in respect of children within their care.

3) Notes that, whilst Officers may primarily exercise the day to day functions of safeguarding on behalf of local authorities, that Elected Members equally have a responsibility to ensure that:

a) Those functions are indeed carried out diligently and effectively;

b) That vulnerable children and others potentially at risk in the community are protected by appropriate policies and procedures;

c) That Elected Members themselves set an appropriate leadership example in exercising their duties and responsibilities.

4) Recognises the importance of ensuring that everyone representing Gedling Borough Council, who may come into contact with such vulnerable children and other individuals in the course of their duties, are themselves above reproach.

5) Should seek to provide reassurance to our Gedling community by ensuring that all Elected Members are themselves made subject to a DBS check upon taking office.

6) Instructs the Monitoring Officer to consider and put in place a mechanism to ensure that appropriate DBS checks are carried out and recorded in a register against the name of all Elected Members.

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## Report to Cabinet

**Subject:** Gedling's Housing Allocation Policy

**Date:** 9 October 2019

**Author:** Service Manager for Economic Growth and Regeneration

### Wards Affected:

Borough wide

### Purpose

To seek approval to undertake a full public consultation on the proposed revision to the Council's housing allocations policy. The allocations policy determines how applicants are prioritised for the joint Choice Based Lettings scheme in partnership with both Broxtowe & Rushcliffe Borough Councils.

### Key Decision

This is not a key decision.

### Recommendation(s)

#### THAT Cabinet:

- 1) Approves full public consultation for a 12 week period to be undertaken on the proposed revision to the Council's housing allocations policy

### 1 Background

#### Context

- 1.1 Whilst Gedling Borough Council transferred its housing stock to Gedling Homes in 2008, and so is no longer stock holding. The statutory duty to manage the allocation of social housing was retained by the Council. These obligations include the need to have an allocations policy.
- 1.2 The current allocation policy was approved in 2013 and describes the mechanisms by which the Council assesses applications to join the housing register. This will enable the relevant housing provider to allocate

the properties from a shortlist of potential applicants.

- 1.3 The Council's Housing Register is divided into three priority bands, as follows

**Band 1** - Accepted homeless case, serious medical need, is delaying hospital discharge, management move etc., or someone who is downsizing by two bedrooms.

**Band 2** – High level of medical need, fleeing harassment, in the process of being assessed as homeless, a care leaver, someone who is ready to move on from supported accommodation, overcrowding or downsizing by one bedroom, and freeing up adapted properties.

**Band 3** - Moderate level of need, i.e. medical or, harassment grounds, accepted as homeless but without a local connection or priority need, general overcrowding or someone who wants to move to sheltered housing.

- 1.4 Currently, there are at approx. 631 people on the housing waiting list. Of those applicants,, their waiting time is listed below

- 440 up to 1 year
- 113 up to 2 years
- 29 up to 3 years
- 49 over 3 years

Around 100 have not bid for a property before, and there are proposals further on in the report on how this can be addressed.

- 1.5 The actual number on the waiting list changes on a daily basis due to:
- New applications being accepted;
  - Decisions which change applicants banding- both increasing and decreasing;
  - People being rehoused; and
  - Applicants being removed from the register e.g. not responding to the annual review.

A list of registered providers with stock in the borough is contained at Appendix E.

#### Previous changes to the register

- 1.6 Since the introduction of the current policy in 2013, the general direction of travel for the housing register, and one of the drivers for the current review, is to further reduce the numbers to better match supply to



demand. The main change in 2013 was the removal of the band 4 applicants, as it was considered these applicants had minimal housing need, or who simply wanted to be on the housing register as a back stop, or for a specific property.

- 1.7 These changes were made in order to deliver various objectives:
- Lean Processes – the elimination of waste in the system;
  - The Principles of Demand Management – reduction in abortive calls (e.g. when applicants phone for an update because the council has either not responded within the customers predicted timescale, or to ask when they will be rehoused etc.);
  - Not raise applicants’ unrealistic expectations;
  - Provision of accurate and reliable information – as the Councils charges a fee to the Registered Providers to use the Choice Based Lettings scheme, there is an inherent need to ensure that quality information is provided; and
  - To ensure that we support our registered providers in their business need to reduce void times.

#### Legislation changes

- 1.9 The current allocations policy has been in operation since 2013. However, in light of new legislation, recent guidance and operational issues, a review of the policy is required. This includes:

- The Homelessness Reduction Act 2017;
- The new Code of Guidance 2018;
- The ‘Allocation of Accommodation: Guidance for Local Authorities in England’ 2012;
- The Housing Act 1996 –Part VI;
- Additional guidance ‘Providing Social Housing for Local People.’ issued in 2013;
- MCHLG correspondence from the Minister for Housing & Homelessness relating to out of area placements July 2019; and
- Rehabilitation of Offenders Act 1974

- 1.10 There is a legal obligation to have an allocations policy as per the 1996 Housing Act Part VI. This states that all Councils must have and publish an allocations policy and ensure that properties are let according to that policy, as well as setting out specific matters for consideration, including:

- Allocations only made to eligible and qualifying persons;
- Allocations must be made in accordance with the allocations scheme;
- Reasonable preference is given to defined groups i.e. people who are homeless etc.; and

- Defines when an allocation has been made

### Other factors

- 1.11 In addition to the recent amendments to legislation and guidance, there are a number of other key drivers for amendments to be made the housing allocation policy. These include:
- 1.12 **Homeless applicants:** Currently homeless applicants are placed in band 2 for 6 weeks and can place bids on properties they are interested in. If they are not matched to a property within 6 weeks, they are moved, up to band 1 auto bids. This is presenting significant difficulties as officers cannot assign them the highest priority (Band 1) once they are accepted as homeless, and this is resulting in an increase in the use of temporary accommodation. The current process is also difficult for applicants, as they are unlikely to be matched to a property in the 6 week period, due to the number of people in the higher priority band 1 category. In the last year, we received 556 applications from homeless people, therefore the allocations policy needs to award the correct priority to ensure those applicants who are accepted as homeless are matched to a suitable property as soon as possible, to resolve their homelessness.
- 1.13 Anyone has the right to make a homeless application to a local authority. That local authority then has to determine 5 key tests
1. Is the applicant(s) homeless or threatened with becoming homeless within the next 56 days;
  2. Is the applicant(s) eligible to public resources – immigration status etc;
  3. Is the applicant(s) in priority need – vulnerable in some way – Pregnant, responsible for children, physical or mental health issues or fleeing violence / harassment etc.;
  4. Does the applicant(s) have a local connection or exclusion – e.g. have lived in the borough for 6 out of the last 12 months or 3 out of the last 5 years. Exclusions relate to those applicants who are fleeing or on witness protection etc.; and
  5. Is the applicant(s) intentionally homeless – have they either done or failed to do something which has resulted in them becoming homelessness.
- 1.14 If the applicant passes the above tests then the local authority owes a full duty rehouse. This is usually discharged by the offer of one suitable property anywhere within the borough, and could be either within the social or private rented sector. For those applicants who are fleeing or have other location specific needs, then offers would only be made in areas considered to be suitable by the senior officer. If an applicant does not feel

that the property they have been offered is suitable for their need, then they have the right of appeal.

- 1.15 Currently due to a range of pressures including the impact of the implementation of the Homeless Reduction Act, the Council is seeing an increase in the usage of B&B and temporary accommodation. The Government has clearly stated that it wants to avoid the use of B&B's, and that no family should be accommodated in a B&B for more than 6 weeks. It is also an expensive housing option. Therefore, the proposed revised allocations policy looks to bring about changes to reduce the Councils use of B&B accommodation.
- 1.16 **Demand for properties for local people:** currently applicants need to be able to demonstrate that they have lived or worked in the borough for minimum period of 1 year, to be eligible to join the Council's housing register. This creates a large number of potential applicants. Neighbouring local authorities have used the flexibilities granted to Councils under the Localism Act 2011 to consider increasing their local connection criteria to 3, 5 or even 10 years. If Gedling Borough Council increased their local connection criteria, this would reduce the number of eligible applicants as shown below<sup>1</sup>:
- 3 years – 56 fewer applicants
  - 5 years – 83 fewer applicants
  - 7 years – 153 fewer applicants
  - 10 years – 231 fewer applicants
- 1.17 This approach follows the principles of demand management and also does not raise residents' hopes that they will be offered a social tenancy.
- 1.18 **Stagnant waiting list:** there have been various cases where people on the waiting list have either refused a property (when homeless), have intentionally provided incorrect information on their application form or behaved inappropriately. E.g. anti-social behaviour, which could be classed as grounds for exclusion from the waiting. The draft allocation policy includes the option for such applicants to be removed from the waiting list. It is worth noting that all applicants have the statutory right to appeal any decision to remove them from the Councils Housing Register.
- 1.19 It is important to note that the changes to the allocation scheme do nothing to increase the supply of affordable housing, so the intention here is simply to ensure that officers are making the best possible use of the limited social housing available, by rightly prioritising those in the greatest need,

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<sup>1</sup> These figures are accurate at the time of writing and do not include sheltered accommodation and some of the homeless applicants and these are exempt from the proposed local connection amendment.

whilst also removing from the register those with a minimal prospect of ever being offered a social tenancy.

- 1.20 In a usual year, there are only around 200 general needs houses available for allocation from the waiting list compared to the 650 applicants requiring those properties (annually the Council receives approx. 330 properties) – see the below table of properties per year.

<b>Number of properties/annum</b>	
<b>2016/2017</b>	
General needs properties	201
Sheltered properties	132
<b>2017/2018</b>	
General needs properties	255
Sheltered properties	126
<b>2018/2019</b>	
General needs properties	175
Sheltered properties	132
<b>April 2019 – August 2019</b>	
General needs properties	58
Sheltered properties	53

- 1.21 The table above shows that often more than half of the available properties are sheltered accommodation and therefore only suitable for singles/couples aged over 55<sup>2</sup>. But the majority of applicants in band 1 & 2 require general needs (family housing – 2-3 bed flats, houses and maisonettes).

## **2 Proposal**

### Proposed amendments

- 2.1 Officers are proposing to amend to the current housing policy (as shown in Appendix A) to reflect the national legislation changes, as well as ensuring the Council has a policy in place that meets the needs of the people of Gedling Borough.
- 2.2 The overall objectives of the Housing Allocation policy are to:
- Continue to house those in the greatest need within Gedling
  - Support stable and vibrant communities
  - Reflect local priorities
  - Make the best use of limited housing stock available

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<sup>2</sup> This is at the discretion of the housing provider and the age restriction may alter in certain cases.

- Have a clear system in place setting out a framework of eligibility, qualification and priority to social housing
- Fulfil the Councils' obligations under the legislation
- Deliver the principles of demand management
- Not raising unrealistic expectations
- Reduce the Councils use of temporary accommodation, including B&B.
- Comply with good practice for B&B use

2.3 A full list of the amendments are shown in Appendix B, but a summary of the key changes are detailed below:

**Homeless applicants:** In order to meet the requirements of the Homeless Reduction Act 2017, Officers are proposing changes to amend the policy so that accepted homeless applicants are placed in band 1 straight away (once main duty is accepted), and on auto bids, ensuring they have the highest priority for rehousing and are accommodated as quickly as possible. Those applicants who make a homeless application, and are found to not have a priority need but have a local connection (as per the Housing Act 1996) will be awarded an additional 6 months waiting time, as per the obligations of the Homelessness Reduction Act 2017.

2.4 **Band 1 auto bids:** band 1 is awarded to those applicants in the greatest need, for example, accepted main duty homeless cases or those hospitalised cases who are bed blocking. The proposal here is to place such applicants on auto bids. The reason for this is that auto bids are determined by property size, e.g. 2 bed as opposed to property type, house or flat etc. This means that applicants needing a two bed property should be matched to 2 bed flats, houses and maisonettes. Whilst it is understandable that applicants may want to hold out for a house, as the priority status has been awarded in view of their urgent need for housing, they should also be matched to flats and maisonettes. This will speed up the allocation process, prevent applicants holding out for specific properties and re-focus this band to rapid rehousing and not about having access to the first pick of the best properties. This approach removes the element of choice for applicants and instead the focus is on providing suitable accommodation swiftly.

2.5 It should be noted that those current social tenants who are downsizing by two bedroomed will also be awarded band 1, but in view of the need to free up general needs family homes, those applicants will be allowed to place bids on properties of their choice.

2.6 **Increasing the local connection:** in order to ensure that local people have access to the limited supply of social housing available and to ensure there are more realistic expectations of people on the waiting list. Officers are proposing to increase the local connection criteria from one year to

three years (details of what constitutes a local connection is provided in Appendix C).

2.7 Additional grounds for exclusion: the draft policy identifies certain situations where applicants could be removed from the Housing Register, for example:

- Not actively bidding
- Have deliberately providing misleading / inaccurate information on their application form
- Post application have behaved in a way which would make them ineligible to be on the Councils Housing Register, e.g. anti-social behaviour.

2.8 **Additional updates included within the draft policy** - the proposed draft policy will also be updated with specific reference to:

- a) Transgender applicants / households
- b) Human trafficking and those exiting modern slavery
- c) Asylum seekers
- d) GDPR
- e) The new complaints procedure
- f) The Council's Corporate Offer for Care Leavers

2.9 There are other small amendments and these are shown in Appendix B.

### Consultation

2.10 As the proposed changes to the policy are wide ranging, it is considered to be a 'major change' and as such there is a legal requirement to undertake consultation with key partners and applicants to the Councils Housing Register for a 12 week period between October and running until December / January 2020.

2.11 Officers will seek to engage with a wide range of partners including:

- Registered Providers with stock in the borough;
- Ward and County Councillors;
- Key statutory and voluntary agencies - NHS, Shelter, CAB, Probation, Adult Services and Children's Services; and
- Current applicants on the waiting list (paper copies of the information to be sent, if specific requested).

2.12 A variety of methods will be used to engage with the identified stakeholders, including social media, Council website, letters/emails out to known contacts etc.

### **3. Next Steps**

- 3.1 Following the consultation, Officers will then review the comments received and prepare a final Allocation Policy which will be subject to a subsequent Cabinet approval before finalised and adopted.

#### **4. Alternative Options**

- 4.1 Alternative options would include not reviewing the allocations policy in light of the Homelessness Reduction Act 2017, but this is not recommended as it would make it challenging for the Council to comply with the legislation.
- 4.2 Equally as the current document is 6 years old it is timely to review it to improve working practices and to ensure that the housing register prioritises those applicants in the greatest need and with a substantial local connection to the borough. There is also the need to manage applicants' expectations and support the principles of demand management.
- 4.3 The proposed changes to the allocations policy will also bring GBC in line with the allocations policies of neighbouring local authorities.

#### **5 Financial Implications**

- 5.1 The cost of undertaking the consultation on the proposed Housing Allocation Policy will be contained within existing Housing Needs budgets.
- 5.2 If the proposed changes are agreed, there will be some initial costs to make the amendments to the online application form. These costs will be covered by existing funding/budgets.
- 5.3 The proposed changes are being put in place to ensure that the people in the most housing need will be accommodated and therefore not relying on using temporary accommodation/B&Bs.

#### **6 Legal Implications**

- 6.1 In order to comply with the recent legislation changes, the Council needs to update the Housing Allocation policy to ensure that there is a robust structure in place for the allocation of social housing. An Equality Impact Assessment has been completed and is shown in Appendix D.

#### **7 Reasons for Recommendations**

- 7.1 To undergo the necessary consultation on the proposed changes on the Housing Allocation policy to meet the legislative requirements.

#### **8. Appendices**

- 8.1 Appendix A – Consultation Draft Allocations policy
- 8.2 Appendix B – Summary of changes
- 8.3 Appendix C – Local Connection Criteria
- 8.4 Appendix D – Equality Impact Assessment
- 8.5 Appendix E – List of Registered Providers with stock in the Borough

**9. Background Papers**

- 9.1 None



# **Gedling Borough Council**

## **Choice Based Lettings and Housing Allocations Policy**

### Alternative format of language required?

If you would like a copy of this document in a different format such as large print, Braille, or translated into a different language, please contact us:

- Gedling Borough Council,  
Civic Centre,  
Arnot Hill Park,  
Arnold Nottingham.  
NG5 6LU
- Tel: 0115 901 3803 or 3651
- Email: [housingneeds@gedling.gov.uk](mailto:housingneeds@gedling.gov.uk)

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## 1.0 Introduction

### Broxtowe, Gedling and Rushcliffe Choice Based Lettings Scheme

- 1.1 Applications for and allocations to social housing, including both social and affordable rent, in Broxtowe, Gedling and Rushcliffe are administered through a Choice Based Lettings (CBL) scheme known as **Homesearch**. The three Councils share a website and software system, but they each have their own allocations policy, that outline how the scheme works, sets out how properties are advertised, who can bid, how bids are made and how lettings and offers of accommodation are made.
- 1.2 This policy does not cover the allocations of social housing made by Registered Providers (housing associations) outside the Homesearch system, direct matches, mutual exchanges, Right to Buy or temporary decants to another property.
- 1.3 The policy contains an appendix to describe when the Council will make a “private rented offer” in discharge of its homelessness duties under section 193 of the Housing Act 1996 ( as amended by the Homelessness Reduction Act 2017) (see Appendix A).
- 1.4 The policy also details to process for Out Of Area Placements (see Appendix B).

### Broxtowe, Gedling and Rushcliffe Allocations Policies

- 1.5 Broxtowe, Gedling and Rushcliffe Borough Councils have individual allocations policies, which control the way the scheme operates in their respective areas. It is important that you make sure that you refer to the correct policy for the area in which you live to find out whether or not you qualify to join the scheme.
- 1.6 The Gedling Allocations Policy (‘the Policy’) sets out who can apply for social housing in Gedling and how priority is given to different applicants. It is worth noting here that by joining the register, it does not guarantee an offer of social housing.
- 1.7 If you need to contact us about the Policy, you can do so by:
  - Online at [www.gedling.gov.uk](http://www.gedling.gov.uk)
  - By email to [housingneeds@gedling.gov.uk](mailto:housingneeds@gedling.gov.uk)
  - Online at [www.home-search.org.uk](http://www.home-search.org.uk)
  - By letter addressed to the Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU
  - By telephone on 0115 901 3651 or 0115 901 3803 (ask for the Housing Needs Team)
  - In person by coming to the Civic Centre at Arnot Hill Park during usual business hours.

- 1.8 **If you would like a copy of this document in another format such as large print, Braille, audiotope or translated into a different language, please contact us on 0115 901 3861 or email [housingneeds@gedling.gov.uk](mailto:housingneeds@gedling.gov.uk).**

### **Aims and Objectives**

- 1.9 The Council will aim to make the best use of the social housing stock in the borough to meet the needs of residents. The aims of the policy are:
- To ensure that all regulatory and legal requirements are met;
  - To set out the requirement for considering eligibility and qualification;
  - To ensure that applicants are given 'reasonable' choice;
  - To set out the categories of applicants who will be given reasonable preference;
  - To set out the categories of applicants who will be given additional preference;
  - To confirm when local lettings policies and direct lets may be used;
  - To set out the legal framework for reviews.

### **Regulatory Code and Legal Framework**

- 1.10 The 'Allocation of Accommodation: Guidance for Local Authorities in England' is the statutory guidance issued in 2012 to Local Authorities in England under Section 169 of the Housing Act 1996. Housing authorities are required to have regard to it in exercising their functions under Part VI of the Housing Act 1996.
- 1.11 Section 166A of the Housing Act 1996 provides that authorities must have regard to their homelessness strategies when framing their allocations policy.
- 1.12 Additional guidance 'Providing Social Housing for Local People.' was issued in 2013 to assist housing authorities to make the best use of their flexibilities within the allocations legislation to better meet the needs of their local residents and their communities.
- 1.13 This policy has also been reviewed to comply with the requirements of the Homelessness Reduction Act 2018, and the new Code of Guidance.
- 1.14 The policy identifies the groups that will be given preference for social housing. The policy applies to existing tenants wishing to transfer from one tenancy to another and to new applicants, including people who are homeless. When we refer to an "applicant" in this document, it will refer to both new applicants including homeless people and tenants wishing to transfer (unless otherwise stated).
- 1.15 The policy will be effective from (?? to be completed) and will be kept under regular review to reflect changes in legislation or local housing priorities.

1.16 The Housing Act 1996, Part 6 states a housing authority allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation held by that authority
- Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
- Nominates a person to be an assured tenant of accommodation held by a private Registered Provider

1.17 For the purposes of this policy an allocation will be considered to be a nomination if the property has been advertised and shortlisted through the Homeseach Choice Based lettings Scheme.

#### **Direct Matches**

1.18 For direct matches, if a property has been advertised on several occasions, and there has been no or low interest expressed in the property, then the property could be directly matched to someone on the waiting list. Equally direct matches will be used for those applicants whose homeless application has been accepted.

### **2.0 Equality and Diversity**

2.1 We will promote equality of opportunity and anti-discriminatory practices when providing services. Communities thrive and prosper where individuals and groups are treated fairly and with respect, and are given equality of access to services.

2.2 The aim of the Policy is to ensure that you and all applicants for housing are treated fairly. In implementing this policy, people who can join this scheme will not be discriminated against on the grounds of race/ethnicity, age, disability, gender re-assignment, gender, religion or belief, marriage or civil partnership, pregnancy and maternity, sex or sexual orientation. Equality Act 2010.

2.3 We have carried out an Equalities Analysis and this will be kept under review.

### **3.0 Statement on offering choice**

3.1 We will offer choice where possible in allocating social housing within the Borough. However, the ability to offer choice has to be balanced against a legal requirement for an allocation scheme to ensure that those in the greatest housing need are given priority for social housing.

- 3.2 It must also be recognised that there is very high demand for affordable housing in Gedling Borough and that this demand cannot be fully met from the current social housing stock.
- 3.3 Applicants who have been in a high priority band for 8 weeks (Section 18.3) may have their application reviewed. This may result in you being placed in a lower band. We will notify you of any changes which are made to your application.
- 3.4 For any applicant owed a homelessness duty under S.195, 189B, 193(2) or 193c(4) of the Housing Act 1996 Part 7 ( as amended by the Homelessness Reduction Act 2017) the Council may make a direct offer of suitable accommodation at any time in order to resolve a threat of homelessness or homelessness itself. This may restrict the time an applicant is therefore able to bid for accommodation in an area where they would prefer to live. An offer of suitable accommodation could be made in an area either inside or outside the Borough that the Council consider is suitable for the applicant to live in where the need to offer suitable housing is more important than the need to respect the applicant's preference for the location where they wish to live.
- 3.5 Suitable offers can be either a private rented or social tenancy. Please see Appendix A.

#### **4.0 Confidentiality**

- 4.1 You will be asked on the application form to give permission for us to share the information provided with other members of the Choice Based Lettings scheme (such as Registered Providers) and other relevant agencies. We can also request specific information such as information from the Police or Probation service relating to convictions.
- 4.2 Sometimes, information must be shared even without your consent, e.g. to the police to prevent and/or detect crime (Crime and Disorder Act 1998, section 17 Safeguarding).
- 4.3 Subject to limited exceptions, you have the right to access the personal information we hold about you. This includes information we hold as paper and electronic records. If you would like to access the information we hold about you, please contact the Data Protection Officer at Gedling Borough Council.
- 4.4 We will use the information provided by you to progress your application to join the Choice based Lettings Scheme. The basis under which the Council uses personal data for this purpose is that this is necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the

Council, as per General Data Protection Regulations 2018 (GDPR). The information provided by you may include information regarding your health, this is special category of personal data and this information is used by the Council on the basis that it is necessary for reasons of substantial public interest and in accordance with the provisions of the Data Protection Act 2018.

4.5 The Data Controller is Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham, NG5 6LU. The Data Protection Officer can be contacted at the above address or by email at [dataprotectionofficer@gedling.gov.uk](mailto:dataprotectionofficer@gedling.gov.uk)

4.6 The information provided by you may also be used for the purpose of any other function carried out by the Council. Information about these functions and further information including how long we retain your data, who we share with and your rights can be found at <http://www.gedling.gov.uk/council/aboutus/policies/privacypolicies/>

## **5.0 How the housing allocation scheme will operate**

5.1 We and our partner councils will offer properties through Homesearch, a Choice Based Lettings scheme, which provides people searching for housing more choice in where they live. The scheme is designed to be simple to use and easy to understand, but some words have a special meaning as follows:

**Register** – to register you need to complete an online application form.

**Qualify** – we will decide whether you qualify for social housing in Gedling Borough when you have provided all the necessary information (see section 7 for details).

**Bid** – you need to look at the weekly property adverts on the Homesearch website and tell us about the properties you are interested in by placing a bid on the Homesearch website, phoning us or visiting either the Civic Centre or the Carlton Access Point in person (contact numbers are in section 23). This is known as bidding.

5.2 When you apply to join the scheme, we will process your application and assess whether you qualify for social housing. If you do, we will give it a priority band (see sections 14-16), which reflects your level of housing need. We will also explain any limitations on the size and type of property you can bid for. Once we have received your application form and all supporting information, we will process your application as soon as possible.

5.3 The majority of applications will be determined by Housing Needs Administrators, however if a decision is required, for example on whether or not to allow someone to join due to:



- The applicant being under 18 years old;
- The applicant having committed criminal and or anti social behavior;
- The applicant being an owner occupier;
- Financial circumstances;
- Applications made under “exceptional circumstances;”

This will be made by a senior officer. In addition, appeals against either exclusion from the scheme or the banding priority which you have been awarded will also be considered by a senior officer.

- 5.4 Properties are advertised every week, from Thursday at 00:01 to Tuesday at 23:59. This is known as the “advertising cycle”. The advertisements can be found on the Homesearch website. If you do not have access to a computer, they are available free of charge at the Civic Centre, Carlton Access point or libraries, via a PC. The advertisements give information about each property, such as the number of bedrooms, location, rent, property type, and whether pets are allowed. The advertisements also say who is eligible to bid for the property. This is at the landlord’s discretion, not the Council’s.
- 5.5 Once you have found a property that you are interested in that you are eligible to bid for, you can let us know, via the website, by phone or in person (contact details in section 21). Bidding does not involve any money (It is an expression of interest, not a financial offer.) You can bid for up to three properties in each cycle.
- 5.6 Before you bid for a property, make sure you read any eligibility criteria carefully to make sure that your bid is not wasted. During the bidding cycle, you can check your position in the queue for that property, and move your bids to different properties where you are better placed, to increase your chances of being successful.
- 5.7 Once the advertising cycle closes, all the bids received for each property are drawn together in a shortlist, and the property is normally considered for the person at the top of it (see section 22 for more details.) However, there may be instances where the property is offered to an applicant lower down the list, for example, to avoid under-occupation (where the household moving in has more bedrooms than they need) or to make the best use of the property i.e. when the household has medical needs or requires a property which has been adapted. Note: that it is the Landlord (NOT the Council) who makes the decision about who the property is offered to. Please also note that if you have any arrears of rent then a Landlord may decide not to offer to you, but to offer to someone who is lower on the shortlist but who has no rent arrears.
- 5.8 The property is usually offered to the applicant who is in the highest priority band, has been waiting the longest and who meets the criteria of any local lettings policy of the Landlord. If that applicant refuses, the property is offered to the next highest placed

applicant and so on, working down the short list until the property is let. If the property is subsequently refused and a long period has passed since the property was advertised, it may be re-advertised, or offered as a direct match.

## 6.0 Eligibility

- 6.1 To be eligible to join the housing register, you must: be **aged 18 or over**. In addition there are certain groups of people who are eligible for social housing.
- 6.2 Accommodation will not be allocated to persons from abroad who are ineligible for housing if:
- They are subject to immigration control unless he or she comes within a class prescribed in regulations made by the Secretary of State;
  - They are to be treated as ineligible for an allocation of accommodation as prescribed in regulations made by the Secretary of State;
  - The term 'person subject to immigration control' is defined in S.13(2) of the Asylum and Immigration Act as a person who under the Immigration Act 1971 required leave to enter or remain in the United Kingdom (whether or not such leave has been given);
- 6.3 However most registered providers will only offer tenancies to applicants with indefinite leave to remain.
- 6.4 The following categories of people do not require leave to enter or remain in the UK:
- British citizens;
  - Certain Commonwealth citizens with a right of abode in the UK;
  - Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area within the UK which allows for the free movement of people. (The Common Travel Area is the United Kingdom (England, Scotland, Wales and Northern Ireland) the Channel Islands, the Isle of Man and the Republic of Ireland);
  - EEA nationals, and their family members, who have a right to reside in the UK that is derived from EU law;
  - Persons who are exempt from immigration control under the Immigration Acts.
- 6.5 All potential circumstances cannot be included in the policy. The UK Border Agency provides a service to housing authorities to confirm the Immigration Status of an applicant from abroad. If there is any uncertainty regarding eligibility, enquiries will be made before accepting an application.

- 6.6 A joint tenancy, for two or more people, will not be granted if any of the applicants are ineligible. However, if one of the applicants is eligible then the tenancy may be offered to that applicant only. Ineligible family members may be taken into account in determining the size of accommodation which is allocated.
- 6.7 If you are not sure whether you are eligible, you should contact the Housing Needs Team for advice.

## 7.0 Qualification

- 7.1 To join the register, applicants must; Be aged over 18, unless the following circumstances apply:
- Young people accepted under the homelessness legislation;
  - Care Leavers with a recommendation from Children Services;
  - People referred and placed in specialist or supported accommodation by the Council who are ready to move on to independent living;
  - Teenage parents;
  - Exceptional circumstances following an assessment by the Housing Needs Team and where a guarantor will be available.
- 7.2 Any tenancy granted to a person under the age of 18 will be held in trust for them by a responsible adult, appointed to act on their behalf. Most landlords will only consider granting a tenancy to 16 and 17 year olds if a suitable support package is in place. However the majority of registered providers will only consider applicants who are 18 years or older.
- 7.3 The Localism Act 2011 has given local authorities greater freedom to set their own policies about who can apply for social housing in their area. This means that we now have more freedom over how we operate our allocations scheme and can now set criteria for who *qualifies* to join the housing register. If you do not qualify, then we will not register your application.
- 7.4 The Council has therefore decided to restrict applications to people who have a defined need for re -housing, and that people who are adequately housed but have a desire to move will not qualify for social housing. The only exceptions to this are:
- a)** Applicants willing to downsize to a smaller social housing property, and/or
  - b)** Older applicants who would be eligible for Sheltered housing, and/or
  - c)** Applicants who are in receipt of the medium or high rate of the care element of Disability Living Allowance or Personal Independence Payment, who are willing to move into a sheltered living property. This is because the supply of sheltered properties is closer to the demand for that type of housing, whereas demand for “general needs” social housing greatly outweighs the supply.

7.5 To qualify to join the housing register, you must have a local connection to Gedling Borough Council, or fall into an exception category, and you must also meet at least one criterion from list 1, and at least one criterion from list 2.

<b>LIST</b>	<b>Need for housing , or exception</b>
1a	Demonstrate your need for re housing by meeting the criteria set out for Bands 1, 2 or 3 (see sections 14 to 16).
1b	Occupy a social housing property in Gedling Borough and have one or more spare bedrooms, and be willing to move to a smaller property.
1c	A household with no children who have one member in the household aged over 50 <sup>1</sup> , and be willing to move into a sheltered living property.
1d	A household with no children but you or at least one person in your household is receiving the medium or high rate of the care element of Disability Living Allowance or in receipt of a Personal Independence Payment, and you are willing to move into a sheltered living property.

<b>LIST</b>	<b>Local connection, or exemption</b>
2a	Currently living in the borough and have done so consistently for the last 5 years. Unless you have been housed in either a temporary tenancy or to receive support by Gedling Borough Council's Housing Needs team.
2b	Currently be working in permanent paid employment in the Gedling Borough area for 16 hours per week or more, and have been employed in Gedling Borough for at least 5 years. Or is a social housing tenant who needs to move to Gedling Borough, to take up an offer of employment in the borough.
2c	The applicant provides or receives personal care from a parent, sibling or adult child who has lived in Gedling for the last five years and they need to move so that care arrangements can continue. Care must be provided for at least 3 hours per day and for at least 7 days per week. A Community Care Assessment and/ or confirmation of the arrangements by the Adult Services Department must be provided to evidence this. A letter from a GP is not sufficient.
2d	Have been accepted by Gedling Borough Council under the homelessness legislation. Applicants will be made one offer anywhere either within the borough or surrounding areas. Those applicants accepted as homeless under S195 and S189(b) who do not have a local connection or who are unlikely to be owed the Main S.193 Duty and / or are likely to be found intentionally homeless may only be offered a private rented property to end the homelessness duty.
2e	Have been accepted for priority re-housing as a reciprocal arrangement with another Council or Registered Provider (RP)

<sup>1</sup> This is at the discretion of the housing provider, who may have different age restrictions.

2f	Have been placed in care as a child outside the area, but wish to return to Gedling (and previously lived in Gedling) and are still classed as a care leaver.
2g	Be a former care leaver aged 25 or younger who has been placed in care as a child in the Nottinghamshire County Council area, and wish to live in Gedling.
2h	Have been accepted as part of a witness protection recommendation by the police. (NB supporting evidence will be required)
2i	Have been living in temporary/supported accommodation provided by a local housing authority outside Gedling, but have had a local connection to Gedling (2a, 2b) before you were placed there. Or have been placed in supported housing by GBC anywhere as part of their prevention / relief work to prevent homelessness. NB Time spent in supported accommodation in the borough, for example Framework etc. will not give the applicant a connection to the borough. Their local connection will be determined by where they lived before they moved into the temporary / supported accommodation.
2j	The applicants is serving in the regular Armed Forces, Reserve Forces or Territorial Army, or have left those forces in the last five years, unless dishonorably discharged.
2k	Comprise of a household where the applicant is aged 50 <sup>2</sup> or over and there are no children in the household and are willing to move into a sheltered living.
2l	Have no children but at least one person in your household is receiving the medium or high rate of the care element of Disability Living Allowance or Personal Independence Payment and you are willing to move into a sheltered living property.
2m	Another special reason. This will only be awarded by the Revenue & Welfare Support Manager where the applicants can demonstrate a special reason for needing to reside in the Borough that is not covered under any other local connection category.
2n	The applicants' circumstances require them to live close to a special medical facility or support service which is only available in the Borough.
2o	Those individuals who have been awarded leave to remain, and are currently residing in the Borough.

7.6 Please note that if you apply for sheltered housing, you can still be eligible even if you do not have a local connection (2j and 2k in list 2), however, you will be placed lower on a property shortlist than applicants who do have a local connection to Gedling (all other criteria on list 2). Applicants who fall within this category will remain on a band 3 unless a local connection can be demonstrated.

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This is at the discretion of the housing provider, who may have different age restrictions

7.7 If you have committed criminal or anti-social behaviour then you may not qualify to join the housing register, even if you meet the criteria set out in lists 1 and 2 above. We will assess each case on its own circumstances. Further details are set out in section 9.

7.8 If you do not qualify to join the scheme, we will give you advice about other housing options that may be available to you, such as renting a home in the private sector. You also have the right of appeal.

## **8.0 Who Cannot Join The Scheme?**

### **8.1 People under 18**

You must be at least 18 years old or over at the time of applying, unless the criteria detailed at 7.1 applies.

### **8.2 People living outside the Common Travel Area**

You must be resident in the Common Travel Area at the time of applying. Further information and a definition of the Common Travel Area is available at <https://www.gov.uk/government/collectios.../common-travel-area-cta/common-travel-area-cta>

### **8.3 People who are not 'habitually resident' in the UK**

If you have lived outside the Common Travel Area within the last two years, you may not be classified as 'habitually resident', even if you are a UK citizen. People who are not 'habitually resident' are not eligible for re-housing. We will assess each case on its own circumstances.

### **8.4 People subject to immigration control**

If you are subject to immigration control, as defined by the Asylum and Immigration Act 1996, you are not eligible for social housing. These groups of people are set out by regulations. Please see further information at section 6.

### **8.5 People who have committed criminal or anti-social behaviour**

We will assess each case on its circumstances as to whether applicants with a history of criminal or anti-social-behaviour qualify for the scheme. Details are set out in section 9.

## 8.6 Homeowners

If you own part or all of a home you will not be able to join the scheme unless:

- The only property you own is outside the United Kingdom, and it is not reasonable to expect you to occupy it;
- You are an older or disabled owner-occupier living in poor housing conditions or in unsuitable accommodation. The resources available to you would be taken into account (including grants available for repairs etc. and the capital value of the property) before a decision is taken about whether you would qualify to register on the scheme;
- The decision about whether a homeowner is able to join the scheme is at the Council's discretion.

## 8.7 Financial Circumstances

If it is considered that you have sufficient resources/equity in your home to resolve your housing situation, then you will be excluded from the housing register. We will take into account a range of factors, based on your ability to access either the private rented sector or owner occupation. As guidance we would usually consider that a property is affordable that equated to one third of your income taking into account issues such as family size. Usually if an applicant has assets/ savings which are valued at £6k or over they would be excluded from the scheme.

8.8 However some low demand sheltered accommodation may be available for applicants who do not have children and are aged over 55 with or without a local connection to the borough and regardless of their financial situation. Those applicants will be restricted to those properties.

## 8.9 Sanctuary Scheme

People who have been approved or had Sanctuary measures installed in their properties within the last 12 months, and where there has not been a change in their circumstances, will not usually qualify to join or remain on the Homeseach Choice Based Lettings Scheme.

## 9.0 Criminal and Anti-Social Behaviour

9.1 Some people's behaviour means that they are unsuitable to become social tenants. If you or anyone in your household who is on the application with you, have behaved or are currently behaving anti-socially then you may not be allowed to join the scheme. Examples of behaviour that may disqualify you are as follows:

- If you (either in your current tenancy or in a previous one) have been in serious breach of your tenancy conditions due to anti-social behaviour;
- If you have been served with an injunction;
- If you have been or are currently subject to another court order (such as a suspended possession order) on the grounds of anti-social behaviour;
- If you have been evicted by your landlord because of anti-social behaviour;

- If you (or anyone in your household or any of your visitors) have caused willful damage to a council or Registered Provider property.
- If you have a history of, or are currently perpetrating, serious anti-social behaviour and/or criminal behaviour.

9.2 Behaviour likely to be considered as serious anti-social behaviour, for example :

- Physical assaults (such as domestic, racial and homophobic violence);
- Severe damage to property (including buildings, cars etc.)for example, arson attacks;
- Threats of violence and/or damage, including threats to kill (this includes perpetrators of domestic violence);
- Persistent and offensive verbal abuse, due to a person's religion, ethnicity, sexuality, disability or other reason;
- The use of dwellings for the cultivation, supply or use of drugs;
- The use of the dwelling for illegal or immoral purposes;
- Persistent/wide spread criminal activity such as burglaries or vehicle crime;
- Violence to or threatening behavior towards the staff of Gedling Borough Council, a Registered Provider, another previous landlord, the Police, Councillors, Emergency Services personnel, or NHS workers etc. either in person, via correspondence or social media;
- Persistent noise nuisance continuing for long periods of time; and
- Stalking, harassment and coercive behaviour

9.3 **Additional information – disclosure of spent convictions** The Rehabilitation of Offenders Act 1974 allows most convictions (and cautions) to be considered 'spent' after a specified period of time. Once a caution or conviction is spent the person is considered rehabilitated and the ROA treats the person as if they had never committed an offence.

9.4 The Act aims to rehabilitate offenders by not making their past mistakes affect the rest of their lives. This includes individuals' ability to access housing from local housing providers.

9.5 Probation providers make regular referrals to local authorities and housing providers, as part of the support provided to an individual to enable them to secure suitable accommodation. Often, as part of that process, Local Authorities will ask for information relating to the individuals criminal record. A recent High Court ruling ([2016] EWHC 1850 (Admin)) found that Local Authorities must not take spent convictions into account when making decisions relating to housing allocations or entering an individual onto the housing register.

9.6 Local Authorities may disqualify people for the waiting list on the basis of past conduct, such as anti-social behaviour or Arson offences. However, if the applicant is convicted of an offence relating to antisocial behaviour or arson the authority must be careful to comply with the Rehabilitation of Offenders Act 1974.



- 9.7 Guidance on the Rehabilitation of Offenders Act 1974 can be found at: <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offendersact-1974>
- 9.8 All applications will be considered on their individual circumstances before a decision is made whether they will qualify for the scheme. We will take into account the nature and severity of the criminal or anti-social behaviour, how long ago the incidents occurred, and anything you tell us about them. A manager or senior officer will decide if you qualify. If their decision is to dis-qualify the application, the applicant will be advised of this and for how long the exemption will be applied. You will also have the right to appeal the decision.
- 9.9 If at any time after you have been accepted onto the scheme, we or a partner in the Homeseach scheme obtains evidence that you have exhibited unacceptable behaviour as outlined above, then your application maybe suspended or cancelled. You will be informed in writing of this, and will have the opportunity to appeal against this decision, in accordance with the appeals procedure (see section 17 about appeals).

## 10.0 Application Requirements

### Assessment Criteria

- 10.1 This section contains the assessment criteria.
- 10.2 **Family Applications**  
You will be considered as a family household if you have at least one dependent child living permanently within your household. Dependent children are defined as children aged up to 18 and who must be living with you as their main home. This includes children who are adopted or fostered on a long-term basis. Children aged over 18 but still living at home are regarded as adult members of the household. Proof is required of child benefit. Some children can receive child benefit up to the age of 20, and as such they would be considered as a dependent.
- 10.3 Children who do not live permanently in your home, or who have their main home elsewhere (for example, due to access arrangements) are not considered as permanent members of the household and will not be counted for bed spaces.
- 10.4 **Joint Applications**  
Joint applications can be accepted from couples and people who are not couples but have a long term commitment to live together, up to a maximum of four people, all of

whom need to meet the requirements of the allocations policy. If this applies to you then you and all the other applicants must agree that you are applying together.

10.5 You may make a joint application if the following applies:

- Partners who want to share a home;
- 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;
- One of the parties is a carer for another.

10.6 **Applicants no longer wishing to apply jointly**

If you and any other applicants in a joint application no longer wish to apply jointly, then you can all have separate applications. When a request to split the joint application is received, each applicant's circumstances will be reassessed separately and an appropriate band awarded from the original application date. However, if the re-assessment results in a higher band for one applicant, then the waiting time will only be effective from the date of their single application assessment.

10.7 **Single applications**

Single applicants can include single people living on their own, or people wanting to apply for a tenancy in their own right who may have other people included in their household on their application. If this applies to you and you are offered and accept a tenancy, the tenancy will be granted only in your name. A joint tenancy with a person who was not listed on the application will not normally be granted.

10.8 **Pregnant Applicants**

If you are pregnant you will be considered as a family applicant, requiring appropriately sized accommodation, as soon as your pregnancy has been confirmed. It is the choice of the registered provider if they will include your pregnancy in the household size calculation, prior to the children being born.

10.9 **Members of HM Forces**

If you are a serving or former member of

- The Regular Armed Forces;
- The Reserve Forces;
- The Territorial Army; or
- you have left those forces in the last five years and you have not been dishonorably discharged.

10.10 You will qualify for housing if you meet the criteria from list 1 in section 7 (recognised need for housing, or exception). You do not need a local connection to Gedling

Borough in order to qualify. If you do qualify for housing then you will be given additional preference by the Council, as described in section 15.

10.11 However, if you do not have a housing need, or do not meet the criteria set out in list 1 in section 7, then you will not qualify to join the scheme, even if you are a serving or former member of the Forces listed above.

10.12 We define former and serving members of the Armed Forces as:

- People who left the regular Armed Forces, Reserve Forces or Territorial Army within the last 5 years, except those dishonorably discharged;
- Serving members of the regular Armed Forces, Reserve Forces or Territorial Army who need to move because of a serious injury, medical condition or disability sustained as a result of their service;
- Bereaved spouses and civil partners of members of the Armed Forces, Reserve Forces or Territorial Army, leaving Services Family Accommodation following the death of their spouse or partner.

#### 10.13 **Prisoners**

If you are a prisoner serving a custodial sentence then you will not have your application considered until you have been released. This is because it would not be fair for you to apply for the scheme and build up waiting time while you are serving a custodial sentence and are in no position to move. The release date must be verified by probation or prison staff. Your last settled address will be used to establish whether you have a local connection. NB please provide the information requested at section 11 to enable us to assess your eligibility to join the scheme.

#### 10.14 **Applicants with rent/ mortgage arrears**

If you have current or former rent arrears from a private, Council or Registered Provider tenancy or related to a mortgage then you may join the scheme, but only if you have made arrangements to pay the arrears and adhered to the arrangement for a minimum period of 6 months (supporting evidence will be required). If your rent/mortgage account was in arrears for over 6 months you may be ineligible to join the scheme. All arrears must be declared. This is at the discretion of the housing provider.

#### 10.15 **Foster Carers**

If you have been approved as a foster carer and need an additional bedroom to commence a placement then you will be placed in Band 2 as soon as we have confirmation from Social Care or a Fostering agency.

#### 10.16 **Homeless Applicants**

The definitions of the stages of the Councils homeless duty are:

- **Duty** - To provide assistance/ advice to all eligible applicants who are homeless.
- **Relief** - Where the local authority is satisfied that the applicant is both homeless

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and eligible, assistance will be provided to help the applicant to secure accommodation that will be available for at least 6 months.

- **Main** - To secure ongoing accommodation for priority need applicants.

**10.17 The Main Section 193(2) Homeless Duty**

Applicants who are homeless and are owed the Main Duty when the Relief Duty comes to an end because they have been assessed as being in priority needs and unintentionally homeless will be placed in Band 1.

10.18 All applicants who are owed this duty will be placed on auto-bid and made one suitable offer either within or outside the borough, regardless of the areas requested by the applicant (unless the applicant(s) are fleeing in which case only areas considered to be safe will be offered) in order to prevent or relieve homelessness successfully. If the applicant refuses the offer, the homeless duty will end on their application will be placed on hold for 1 year. Applicants have the right of appeal, further details are contained in section 17.

10.19 The duty may be ended with any accommodation that is not social housing that is suitable and offered or secured for a 12 month minimum 'Fixed term Tenancy'.

**NB Applicants owed the Main Duty will be eligible for assistance, have a priority need and will not be homeless intentionally.**

**10.20 The Section 189(b) Relief of Homelessness Duty**

Applicants who are homeless and are owed a relief duty and would be likely to be owed the Main Duty and would be, or would likely be found to be in priority need and un-intentionally homeless, will be placed in band 2, and placed on auto bid.

10.21 Applicants owed a Relief Duty but where they would not be owed or are unlikely to be owed the Main Duty when the Relief Duty comes to an end, or non-priority applicants with a local connection, assessed as unintentionality homeless where they have been issued with a decision that the relief duty has ceased and no further duty is owed despite the applicant still be being homeless, will be placed in Band 3, and awarded an additional 6 months waiting time.

**10.22 The Section 195 Prevention of Homelessness Duty**

Applicants with a local connection who are owed a Prevention Duty and who would be likely to be owed the Main Duty if the Relief Duty were to end unsuccessfully will be placed in band 3.

10.23 Applicants who are owed this duty will be placed on auto-bid and made one suitable offer either within or outside the borough regardless of the areas requested, ( unless the applicant(s) are fleeing in which case only areas considered to be safe will be

offered) by the applicant in order to prevent or relieve homelessness successfully. The duty may be ended with any accommodation that is not social housing that is suitable and secured or offered with a reasonable prospect of being available for at least 6 months

10.24 Applicants without a local connection who are owed a Prevention Duty but where they would not be owed or are unlikely to be owed the Main Duty ( i.e. non-priority and intentionally homelessness ) when the Relief Duty comes to an end will be placed in Band 3. In these instances, applicants will only be offered one suitable private rented offer, secured or offered with a reasonable prospect of being available for at least 6 months either within or outside the borough, regardless of the areas requested by the applicant, ( unless the applicant(s) are fleeing in which case only areas considered to be safe will be offered. Please see section 17 for further information) in order to prevent or relieve homelessness successfully.

#### **Accepting the property offered**

10.25 You will be able to request a review if you do not believe the property is suitable for your needs. However, you will be advised to accept the tenancy while awaiting the outcome of this review as, if it proves unsuccessful, we will have discharged our homelessness duty and you will be required to leave any temporary accommodation provided. No further accommodation will be offered. By accepting the offer, if your appeal about the suitability of the property is unsuccessful, you will still have somewhere to live.

10.26 Properties cannot be held pending a review, and therefore our advice is to accept the tenancy, but you will need to sign for the tenancy and move in immediately pending the outcome of the review. If the offer is refused then no further offers of social housing will be made.

10.27 If you are homeless with no fixed abode then you must provide a 'care of' address where you can receive post. This could be a friend, a relative or a support agency's address.

### **11.0 Information you need to provide**

11.1 To accompany your application form, you will need to provide some information about you and your household. Your application cannot be registered without this information, so please make sure you have provided the following:

11.2 **Identification** – Proof of identity for all members of your household is required, such as a current passport, driving license or birth certificate. All documents must be in date.

- 11.3 **If you are a current tenant of a Homesearch member, and you are struggling to supply proof of identify, please contact your housing provider.**
- 11.4 **Children** – You will need to provide recent proof for all children who live permanently at your address. This must be a letter confirming Child Benefit or Tax Credits for each child living with you permanently. Please make sure that the letters shows your child/children’s name and date of birth.
- 11.5 **Immigration status** - If you are not a UK citizen you will need to provide proof that you are eligible for social housing in the UK, such as Home Office documentation.
- 11.6 **Residency Checking** - The Council has to confirm that you are living at the address you state on your application form. The Council may use credit reference agencies to do this. If you are not registered for Council Tax or are not on the electoral roll, you will need to provide some other proof that you live at the address on your application form (such as a utility bill in your name, a NHS medical card, benefit letters etc.). These addresses must prove a minimum of 3 years consistent residency in Gedling Borough. NB bank statements are not sufficient.
- 11.7 You must also give full information about any criminal and/or anti-social behaviour as detailed in section 9 above. An applicant who has a conviction may still be accepted, but this is at the Council’s discretion. Before an offer of a property is made further checks may be completed to ensure the suitability of the accommodation, such as Disclosure and Barring Service – (DBS) checks. Which would need to be provided at the applicants expense.
- 11.8 You must also provide full details relating to any rent or mortgage arrears as detailed at section 10. Partner landlords may wish to include former arrears in the terms of their tenancy agreement. Please see the “Supporting Documentation Check list” in the application form, which will tell you the information required. Applicants with additional support needs will be supported and assisted to provide the necessary information.

## **12.0 Assessing Applications**

12.1 When an application is received it will be assessed by a member of the Housing Needs Team who will contact the applicant to request any further supporting evidence which is required. Applicants will only be accepted, awarded a band and allowed to bid once all the evidence has been received. The registration date for allocation purposes is the date that application was activated following all verifications being completed.

### **12.2 Medical Need**

If you are applying to move because you have a medical condition, a mobility problem or a permanent physical disability, you will need to provide information about your

condition and how your condition is affected by your current housing (e.g. if you need to move following a stroke which has affected your mobility to such an extent that you can no longer manage stairs and require ground floor accommodation).

12.3 We may need further information regarding your need to move home. This could be a letter from your GP, Social Worker, Occupational Therapist or other health or social care professional who knows about your condition, and proof of any disability benefits which you are in receipt of.

#### 12.4 **Welfare Need**

You should provide as much information as possible about why you need to move. Examples of a need to move on welfare grounds could include because you need to provide or receive essential care to or from a relative. A Community Care Assessment and / or confirmation of the arrangements by the Adult Services department must be provided to evidence this; or because you need to be near essential services that you could not access without moving. You may also need to provide proof of your need from your GP, social worker or other registered social care provider.

#### 12.5 **Threatened with loss of accommodation**

If you have been asked to leave your home, you will need to provide proof, such as a copy of your notice to quit; possession order or letter from your employer or family member (if you live in tied accommodation). Enquiries will be made with your landlord and where there is evidence that you have colluded with your landlord in the issuing of a notice to quit, you will be excluded from joining the scheme for 1 year in line with other grounds for exclusions.

#### 12.6 **Deliberate worsening of circumstances**

Deliberate worsening of circumstances arises where the Council decides that you have given up accommodation that was suitable for your needs where there was no requirement or obligation to do so. To reduce the likelihood of people moving into poorer accommodation in order to qualify more quickly for re-housing. If you are found to have deliberately worsened your circumstances, you will not normally qualify for housing based on this situation for 12 months after you deliberately worsened your own circumstances. Examples of deliberate worsening of circumstances might include:

- Selling or giving up any property that was affordable and suitable for your household's needs;
- Moving from a secure or assured tenancy to insecure or overcrowded accommodation with family or friends, where there is no good reason for this move;
- Where there is evidence that it was reasonable that you could have remained in your original accommodation;
- Arranging for another person to move into your home, creating an overcrowded situation, where there was no good reason for this move.

12.7 Where you have little or no control over your move to alternative accommodation, this will not normally be considered as a deliberate worsening of circumstances.

### 13.0 False Statements and Withholding Information

13.1 Section 171 of the Housing Act 1996, as amended by the Homelessness Act 2002, states:

*“A person commits an offence if, in connection with the exercise by a local housing authority of their functions under the Act: a) he knowingly or recklessly makes a statement which is false in a material particular, or b) he knowingly withholds information which the authority has reasonably required him/her to give in connection with the exercise of those functions.”*

13.2 This means that it is an offence for which you may be prosecuted in the Magistrates Court to give false information or knowingly withhold information you have been asked for regarding your housing application.

13.3 If you are found to have given false information, you may be excluded from registering with Homesearch for a period of 1 year. If you have given false information and have obtained a property through Homesearch, the landlord may bring proceedings for possession of the property.

### 14.0 Allocations Policy and Banding Scheme

14.1 Once an application has been processed and determined to be eligible, the Council will place the application in one of three bands:

- **Band 1 – Urgent** – This is the highest band and is for applicants who are in urgent need of housing e.g. have been accepted as homelessness or cannot be discharged from hospital. In view of their urgent need for re-housing they will be placed on auto bids and matched to the next suitable property, as opposed to other applicants on lower bands who can bid for properties of their choice.
- **Band 2 – High** This band is for applicants who have a clear need to move, for example if they are fleeing harassment or are ready to move on from supported accommodation, but who will be allowed to bid for properties.
- **Band 3 – Moderate Need** – This band is for people with an acknowledged housing need, but who’s housing situation is not urgent, for example, applicants who are receiving homeless prevention advice or are interested in moving into older persons accommodation.

#### Band 1 – Urgent Priority

14.2 All applicants receiving a band 1 priority, with the exception of under occupation, will be placed on autobid. This means that applicants cannot place their own bids, but the system will place bids for them on the most suitable properties which they are most

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likely to be matched to. Suitability is determined by the number of bedrooms not the property type, i.e. a two bedroomed flat as opposed to a two bedroomed house.

#### 14.3 **Urgent Medical Priority**

This applies if you have a permanent (life-long or terminal) or chronic medical condition, illness or disability and as a result of this condition you are unable to continue to occupy your current accommodation. Your current home must be assessed by a housing, health or social care professional or medical practitioner as no longer being accessible or suitable. You will only be awarded an Urgent Medical Priority where re housing is the only realistic option. Examples include:

- If you cannot be discharged from hospital to your present home; or
- If you are unable to access essential parts of your home e.g. bathroom, kitchen.

#### 14.4 **Urgent Property Factors**

This applies to you if:

- You are a tenant of a partner Registered Provider and live in the Gedling Borough but are required to leave your home as a result of a regeneration scheme, major repair order demolition/ clearance; or
- Your home is subject to a demolition order; or
- Your home is subject to Environmental Health action, such as statutory overcrowding, or has a Category 1 hazard (as defined by the Housing Act 2004) which cannot be resolved, in the near future and is likely to lead to homelessness, or which presents an immediate risk to your health and safety (until the remediation works have been carried out by the satisfaction of the Environment Health team); or
- You live in the Gedling Borough area, and are unable to return to your home due to extensive works required following a fire or flood. This would need to be confirmed by Environmental Health Officers and or other supporting evidence.

#### 14.5 **Statutory Overcrowding**

This applies to you if your current accommodation has been assessed as being statutorily overcrowded by an Environmental Health Officer, as defined in Part 6 of the Housing Act 1985. This assessment will take into account the number, ages, and gender of your household members living with you in the property along with the number and sizes of rooms.

14.6 A claim of overcrowding is usually only considered where it arises as the product of natural growth (i. e. when a new child is born, adopted or fostered). Overcrowding caused by people of any age coming (back) to live in the property would not usually be awarded this priority, unless there is proof that the person causing the overcrowding had no other option but to move into the property. In this case, the application will only be placed in this band once the situation has existed for 12 months. We will determine

over-crowding after considering the best use of the rooms available to the household. An Environmental Health referral could be made for a home visit / inspection.

#### 14.7 **Urgent management cases**

This applies if you are a tenant of a partner Registered Provider and currently live in Gedling Borough, and your landlord has made a firm recommendation that you should move urgently. This is called a 'management move' and an award of Band 1 will only be granted following approval by a manager from the Registered Provider and the Council.

#### 14.8 **Under occupation by two or more bedrooms**

This applies if you are a tenant of a partner Registered Provider and live in Gedling Borough and your current home is too big for the needs of your household by two or more bedrooms.

14.9 You will only be considered for this category if you are willing to move to a one-bedroom home or give up two bedrooms. The property you bid for must have at least two bedrooms fewer than the property you currently live in. For example, if you live in a three bedroom house and are accepted in this category you will only be able to bid for zero to one bedroomed properties.

#### 14.10 **Care Leavers**

Accepted applications from care leavers who, if after 8 weeks on band 2 have not secured a property, will have their priority increased to band 1 and placed on auto bid.

#### 14.11 **Homelessness**

This band will be awarded where the Council has accepted a Main Homelessness Duty i.e. eligible for assistance, have a priority need and not be homeless intentionally. The applicant will be placed on auto-bid from the date accepted, and directly matched to the next available suitable property in any area either within or outside the borough regardless of the areas requested by the applicant in order to prevent or relieve homelessness successfully. The applicant may also have a duty ended with any accommodation that is not social housing that is suitable and secured or offered for a 6 month minimum 'Fixed Term Tenancy'.

14.12 In terms of the size of property you will be offered, in recognition of the impact of welfare reform and also the practice of avoiding under occupation by registered providers in the borough the following table will determine the number of bedrooms. This means that children will be expected to share a bedroom until

- Two children of the same sex when one reaches 18 years old
- Two children of different sex when one reaches 10 years old.

- 14.13 If you feel that the property is not suitable for your needs, then you have the right of appeal, please see section 17. Properties cannot be held pending a review, and therefore our advice is to accept the tenancy, but you will need to sign for the tenancy and move in immediately. By doing this if your appeal is unsuccessful, you will still have somewhere to live.
- 14.14 If you are offered a suitable property, whether social housing or private rented housing, and refuse it, then the Councils duty to secure you accommodation will be discharged. No further offers will be made and your application will be removed from the choice based lettings system. You will not be able to re-apply to join the scheme for one year.

### **Band 2 – High Priority**

#### **14.15 Homelessness Relief**

This Band will be awarded where an applicant is owed a Relief Duty and who would be likely to be owed the Main Duty if the Relief Duty were to end unsuccessfully. The applicant will be placed on auto-bid in this band from the accepted date and directly matched to the next suitable available property either within or outside the borough regardless of the areas requested by the applicant in order to prevent or relieve homelessness successfully. The applicant may also have the duty ended with any accommodation that is not social housing that is suitable and secured or offered with a reasonable prospect of being available for the next six months.

- 14.16 Registered providers will be advised not to skip or accept refusals from the applicant without referring to the Housing Needs Team first. Where refusals are deemed to be unreasonable the band may be reduced to band 3 whilst still in the Relief of Homelessness stage.
- 14.17 NB Applicants owed a Relief Duty but where they would not be owed or are unlikely to be owed the Main Duty when the Relief Duty comes to an end will be placed in band 3. Equally where enquiries are being made to ascertain a local connection prior to a formal referral being made to another Council, applicants will be placed in band 3.

#### **14.18 No Local Connection**

If an applicant were to become homeless the new local connection section referral power under:

- section 198a(1) would allow for a referral of the Relief Duty to be made at this point, and would mean an applicant would then be no longer owed a reasonable preference because the prevention duty would have ended, and the Relief Duty would not be owed as the authority has exercised its power to refer the 198b Relief of Homelessness Duty to another LA in England, where the applicant does have a local connection. The referring LA does not owe the applicant a section

198b Relief Duty once the referral is made.

- Section 189b(2) Unless the authority refer the applicant to another local housing authority in England ( see section 198(A1), the authority must take reasonable steps to help the applicant to secure that suitable accommodation becomes available for the applicants occupation.
- Section 198(A1) If the local authority would be subject to the duty under section 198B (initial duty owed to all eligible persons who are homeless) but consider that the conditions are met for a referral of the case to another local housing authority in England, they may notify that authority of their opinion.
- Section 189B(2) and 198 (A1) confirm that when the Relief Duty has been referred the referring local authority does not owe the applicant the Relief Duty S.189b. They would only owe the relief duty if the authority considering the referral rejected that referral and the referring authority accepted the reasons for the rejection.

14.19 This priority will only be awarded to you following an interview with a Housing Needs Officer and does not normally include family/parental exclusions. You may come in this category if:

14.20 You are a private tenant and have been served with a valid notice to quit through no fault of your own and you do not have the available resources to secure further private accommodation;

14.21 You are an owner-occupier faced with repossession through no fault of your own, where mortgage rescue or other options are not viable, and you do not have available resources to secure accommodation in the private sector;

14.22 You are, a tenant of tied accommodation (for example, a care taker in a school) retiring through age or ill health, or you are being made redundant, and you do not have available resources to secure accommodation in the private sector.

**14.23 Personal Protection/Harassment**

If you are at risk in your current home in the Gedling Borough area because you are experiencing harassment which may be racial and /or homophobic harassment, domestic violence or other threats of violence, and where all housing options have been explored, then you will be allocated to this category. You will need to provide evidence from the police, anti-social behaviour unit or other relevant agency and will only be offered accommodation which is considered a safe distance from the threat (i.e. at least 5 miles away). If you are a current tenant of a registered housing provider we will require supporting evidence from your landlord, such as confirmation that they would consider you for a management move.

14.24 If you are fleeing to the borough from another area, we will assess your situation by taking a homeless application.

**14.25 Succession**

14.26 Applicants who have succeeded to the tenancy of a property in Gedling owned by one of the partner Registered Providers, where the property is unsuitable for the successor, because, for example, it is too big, or has special adaptations, and suitable alternative accommodation is being sought, will be placed in this band.

14.27 Applicants who are occupying a property owned in Gedling by one of the partner Registered Providers where the landlord has not agreed to a non-statutory right of succession.

**14.28 Move-on from specialist and supported accommodation**

If you are ready to move onto independent living from supported accommodation, and you are not leaving care, then you will be awarded this category. We will need confirmation from the accommodation or support provider that you are ready to move on and have the life skills to maintain an independent tenancy, and details of any move-on support package in place. This band is available only where we have referral arrangements. You will also need to be able to prove a local connection to the borough for the last 5 years. If you cannot prove a local connection you will not be able to join the list.

14.29 For those applicants who have been placed in supported housing by the council as part of the Council's prevention role they will be placed in band 3. F

14.30 Different criteria apply to leaving care applicants. Please see section 14.

**14.31 Severe Overcrowding**

If your household is subject to severe overcrowding, and is assessed as being two bedrooms short of the number of bedrooms required or where there is gender overcrowding, then you will be placed in Band 2. Gender overcrowding is defined as:

- Where a child aged 10 or over has to share a bedroom with a child or adult of the opposite sex;
- Where a child aged 1 or over has to share a bedroom with their parent or parents.

Household Member	Bedroom Eligibility
Couple/single person	1 bedroom
Single adult(age 18+)	1 bedroom
Person with confirmed medical need for own bedroom	1 bedroom
1 child or 2 children of the same sex until one is 18 years old.	1 bedroom
2 children of different sexes, until the eldest is 10 years old	1 bedroom
2 children of different sexes where one is aged 10+ years old	2 bedrooms
The needs of transgender household members to have their own room will be included.	1 bedroom

14.32 Once the criteria have been reached the higher band will be awarded, but the Council cannot advise when a property will be offered, as this is dependent on both the availability of stock and the level of need in the borough.

**14.33 Under-occupation**

If you are a tenant of a partner Registered Provider, and live in Gedling Borough, and your present home is too big for the needs of you and your household by one bedroom, and you wish to move to smaller accommodation, you will be placed in Band 2. The property you bid for must have 1 bedroom less than your current home.

**14.34 High medical priority**

If you or a member of your household has a serious medical condition, illness or disability which is made worse by your current accommodation, and as a result of this condition a move is essential as it is not reasonable to continue to occupy your current accommodation on a long term basis, and it cannot be adapted in a reasonable timeframe you will be placed in Band 2. The Supporting evidence required would be a report from an Occupational Therapist, or Social Care report.

**14.35 Foster Carers**

If you have been approved as a foster carer and need an additional bedroom to commence a placement (when confirmed in writing by the Social Care or Foster Agency) you will be placed in Band 2.

**14.36 Care Leavers**

Those care leavers aged under 25 years old who are either moving on from care or who's current accommodation arrangements have broken down are able to approach the Council for assistance. Supporting information will be required from adult / Children's' Social Care.

14.37 Accepted applications from care leavers will be placed in band 2 for 8 weeks. If after 8 weeks a property has not been secured, the applicants banding will be increased to band 1 and they will be placed on auto bid.

14.38 Please see the local connection criteria at 2F & 2G

**14.39 Human Trafficking / Exiting Modern Slavery**

Those individuals who have been trafficked/placed in slavery and who have subsequently been awarded leave to remain will be assessed with reference to the homelessness person's legislation.

**14.40 Seeking Asylum**

Those applicants who are seeking asylum and have been granted leave to remain will be assessed with reference to the homelessness person's legislation.

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#### 14.41 **Social housing tenants who no longer require adaptations**

If you are a tenant of a partner Registered Provider currently living in an adapted property with significant adaptations in Gedling Borough (for example, a stair lift, through floor lift or a level access shower ) which are no longer required (when confirmed by for example an Occupational Therapist) then you will be placed in Band 2.

### **Band 3 – Moderate Priority**

#### 14.42 **Lodgers with dependent children or who are pregnant**

If you share facilities (e.g. kitchen, bathroom) with family, friends, an ex-partner or a landlord who lives in the same property (but not people who are tenants, joint tenants or owners of the property they occupy) then you will be placed in Band 3.

#### 14.43 **Homelessness Prevention with a Local Connection**

The Council will give 6 months waiting time priority to those homeless applicants who are not in priority need. This band will be awarded where an applicant with a local connection is owed a Prevention Duty and would be likely to be owed the Main Duty if both the Prevention Duty and the Relief Duty were to end unsuccessfully. The applicant will be placed on auto-bid in this band from the date accepted, and directly matched to the next suitable available property, either within or outside the borough, regardless of the areas requested by the applicant in order to prevent or relieve homelessness successfully, unless they are fleeing in which case only areas considered safe will be offered. The applicant may also have the duty ended with any accommodation that is not social housing that is suitable and secure and offered with a reasonable prospect of being available for at least 6 months.

#### 14.44 **Homelessness Prevention Other Circumstances**

This band will be awarded where an applicant is owed a Prevention Duty but where they would not be owed a Main Duty when the Relief Duty comes to an end because they have been assessed, as or are likely to be:

- Not in a priority need;
- Intentionally homeless;
- Have refused an offer of suitable accommodation as discharge of the Council's Main, Prevention or Relief Homelessness Duties, after being suspended for 1 year;
- Do not have a local connection or where enquiries are being made to ascertain a local connection prior to a formal referral being made to another Council.

14.45 In these instances, the prevention duty will only be ended with a suitable and secured offer of a private rented property with a reasonable prospect of being available for at least 6 months.

**14.46 General overcrowding**

If your household is overcrowded by one bedroom then you will be placed in Band 3 (unless it is due to gender overcrowding when you will be awarded Band 2. 14).

**14.47 Applicants aged under 50<sup>3</sup> with no children and with no other housing need**

If there are no children in your household, but you or another applicant is receiving the medium or high rate of the care element of Disability Living Allowance or Personal Independence Payment, and are willing to move into a sheltered living property, you will be placed in Band 3, for sheltered accommodation, even if you do not have a local connection to the borough. Those applicants who meet this criteria, but do have a local connection will be prioritised over those who do not. Applicants without a local connection will not be eligible for a higher banding than 3.

## **15.0 Additional Preference Groups**

15.1 We have decided that we wish to give additional preference to applicants from certain groups. We will achieve this by applying additional waiting time to these applicants, so that if this applies to you, then you will be placed higher within a single band than you would otherwise be.

**15.2 Armed Forces applicants**

We support the principles of the Armed Forces Community Covenant. The aims of the Community Covenant are to:

- Encourage local communities to support the Armed Forces community in their area and vice versa;
- Nurture public understanding and awareness amongst the public of issues affecting the Armed Forces community;
- Recognise and remember the sacrifices faced by the Armed Forces community;
- Encourage activities which help to integrate the Armed Forces community into local life; and
- Encourage the Armed Forces community to help and support the wider community, whether through participation in events and joint projects, or other forms of engagement.

15.3 In order to further these aims, if you qualify for housing (see section 7) and you are a serving member of the regular Armed Forces, Reserve Forces or the Territorial Army, or you have left those forces in the five years prior to your application, you will be

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<sup>3</sup> This is at the discretion of the housing provider, who may have different age restrictions.



awarded an additional nine months' waiting time. This means that your effective date will be nine months earlier than the registration date on your housing application form.

## **16.0 Reviews**

16.1 Your application will be reviewed every 6 – 12 months, and we will ask you to tell us if your circumstances have changed in anyway. It is important to respond to your letter, phone call or email. If we do not hear from you within 14 days, we will assume that you no longer need housing and will remove you from the housing register.

16.2 As well as the annual review, we may review your application at any time in order to confirm that we still have the correct information. If we are not able to contact you, via letter, email or phone call then we may suspend your application. If we do this, we will write to inform you. If we still do not hear from you, we may cancel your application. It is important therefore that you tell us if your address, email or telephone number has changed after you completed the forms.

### **16.3 Changes in circumstances**

You should let us know about any changes in your circumstances immediately. For example, someone moves in or moves out, or there is a change to your income. Changes will mean that we have to review your application and your priority banding may change, or mean you no longer qualify to remain on the housing register.

16.4 If you are moved to a lower band, because your need for housing has reduced, you will keep the same "effective date" to determine how high up that band you will be. However some changes may mean you no longer qualify to remain on the housing register.

16.5 If you are moved to a higher band, because your need for housing has increased, your "effective date" will change to the date your change of circumstances request was approved.

16.6 This is so that applicants who have been in this high level of need for a longtime will remain above applicants who have recently joined this band.

16.7 If you move to a new property, and still wish to remain on the housing register, then you will need to complete a new form or visit the website to find out if you still qualify to remain on the scheme. If your application is closed, and you then re-apply to join the housing register, your registration date will be from the new application, not the previous one.

16.8 If you bid for a property successfully, and it is later found that your housing situation was different from the most recent details you provided to us, then this is an offence (please see section 13) for which you could be prosecuted and the offer might be

withdrawn or the landlord may take action to recover possession of the property. You could also be excluded from the housing register for 1 year.

## **16.9 Periodic Reviews**

If you have been placed in a priority band, either 1 or 2, and you are not regularly placing bids, we may review your application and contact you to discuss why you have not been placing bids. This may result in your application being re-banded or removed from the waiting list.

## **17.0 Appeals**

### **17.1 Appeals against qualification and banding decisions**

If you disagree with the band you have been placed in, or have been advised that you do not qualify to join the scheme, you have the right to ask for your application to be looked at again (this is an 'appeal'). You should submit any relevant additional information you feel will support your application. Your request for an appeal should be sent in writing within 21 days of your original registration or banding notification letter. The request for an appeal can either be made by the applicant or their representative. A senior officer will review your application and write to you to tell you the outcome of the appeal, usually within 21 working days.

17.2 If your appeal is accepted, and your application is placed in the higher band, your "effective date" will be backdated to the date the new information was provided, unless there are exceptional circumstances.

### **17.3 Appeals against non-qualification or anti-social behaviour**

If you have been notified that you do not qualify to join the scheme, because of criminal or anti-social behaviour, you have the right to appeal against the decision. All appeals should be made within 21 days of you receiving the letter confirming that you are not able to join the scheme in writing.

17.4 If you can provide evidence that your behaviour has improved and you are suitable to become a tenant (perhaps following a successful private tenancy or stay in supported accommodation) you may be allowed to reapply to join the scheme. The time needed to demonstrate a change in behaviour will depend on the circumstances of each case and is at the Councils discretion, though usually for 1 year. Any offer of a property will still be at the discretion of the Registered provider.

17.5 Appeals against suitability of accommodation as a final offer (accepted homelessness duty only). If you are offered accommodation in discharge of our homelessness duty, you have the right to request a review of the offer if you think the accommodation offered is not suitable. However, if you intend to request a review of this type, we strongly advise you to accept the offer pending the outcome of the review so that you

will have somewhere to live in the mean time, and also as the Council may no longer have a duty to provide you with temporary accommodation. The request must be made, ideally in writing, within 21 days of you receiving the offer letter, giving clear reasons for the request, and any supporting evidence. The appeal can be made by either the applicant or their representative. Appeals against the suitability of a property appeals are usually determined within 56 days. Whilst your appeal is being considered, your application will be suspended pending the outcome.

## 18.0 Choosing a home

18.1 Properties are advertised every week. The adverts are available on the website at [www.home-search.org.uk](http://www.home-search.org.uk). The website can be viewed from any computer that has internet access (such as at the local library or through friends and relatives and from the computer kiosks provided in our offices at both the Civic Centre and Carlton Access Point - Carlton Fire Station, 46 Manor Road, Carlton, NG4 3AY (open Wednesdays from 8.45am until 12.30pm and 1.30pm until 5.15pm) and via mobile phones.

## 19.0 Choosing the right property

19.1 The advertisements contain details of the property type, who the landlord is, where the property is and how much the rent is. The advertisements contain a range of symbols which give you more details about the property and help you to bid for the right property for your household.

	How many bedrooms the property has		Wheelchair accessible or
	Property has a garden		No pets allowed except guide or assistance pets
	Sheltered accommodation		Off-road parking

## 19.2 Property Types

The property advertisement will tell you who is allowed to bid for each property. The table below shows who is eligible for what type and size of property. Here are some general guidelines:

<b>Property type</b>	<b>Occupancy standard</b>
2 Bed Houses	Usually let to families with one or two children
3 Bed Houses	Usually let to families with two or more children, dependent on the age and sex of the children. 3 bed properties are also suitable for extended families.
1bed flats/maisonettes	Usually let to single people or couples without dependent children.
2+bed flats/maisonettes	Usually let to families with one or two children Person with a carer
Parlour houses	These are houses with two living rooms and are usually let to larger families or families who have a medical recommendation for a ground floor bedroom
1 Bed Bungalows– General Let	Usually let to single people or couples who need single level accommodation
2 Bed Bungalows– General Let	Usually let to single people or couples who need single level accommodation, with one or more children.
1 Bed Bungalow– Sheltered or Retirement Housing	Usually let to single people or couples over 50*, who need sheltered accommodation and where there is a need for single level accommodation.
2 Bed Bungalows – Sheltered Housing	Usually let to single people or couples over 50*, who need sheltered accommodation with two bedrooms (for example, there is an evidenced need i.e. proof of carers allowance and a care plan is in place.), and where there is a need for single level accommodation.
Supported accommodation (sheltered housing)–	Usually let to people over 50*. People aged under 50 who have a need for the services of sheltered or retirement accommodation may also be eligible. i.e. if they are in receipt of disability benefits

\*This is at the discretion of the housing provider, who may have different age restrictions.

### 19.3 **Note : Resident Carers**

- An extra bedroom will be allocated for those households with resident carers.
- Note: Proof of overnight care every night is required, and could be provided by, for example, an Occupational Therapist or Social Care officer or receipt of carers allowance
- \*Many different housing providers participate in Homesearch, and each may have different age restrictions for their sheltered or retirement accommodation. The advertisement will state what the minimum age requirement for any property is.
- Enquiries should be directed towards the housing provider.
- Enquiries about specific properties should be raised directly with the landlord.

## 20.0 **Restrictions**

### 20.1 **Age**

Some properties are only suitable for people over a particular age. The property advertisement will tell you if there is any age restriction.

### 20.2 **Local Lettings Policies**

These are policies that have been agreed with the landlord to help create sustainable communities. Local Lettings Policies are restricted to particular areas or estates and have set criteria written to meet the objectives of each scheme. The property advertisement will tell you if there is a local lettings policy in place and what the criteria are.

### 20.3 **Sensitive Lets**

There will be occasions where certain properties are advertised on Homesearch as “sensitive lets”. These will generally be properties where it has been identified that it is in the best interest of the community for them to be allocated to a particular type of household, for instance, to persons of a certain age. Each landlord will have their own procedures for identifying properties that will be subject to “sensitive lets”, and this information will be contained in the property advertisement.

### 20.4 **Direct Lets**

A direct let is where a property is let to a registered applicant without it being advertised, or when a property has been previously advertised but not allocated. All members of the Homesearch partnership have the ability to undertake direct lets under certain circumstances. This may include but is not limited to:

- Lets to homeless applicants who have not secured a property within a reasonable times scale;
- Emergency re-housing when requested by the Police or other statutory organisation (only by the agreement of the senior officer);
- In other exceptional circumstances( by agreement of the senior officer);

- Where a property has previously been advertised on Homesearch but there have been no suitable applicants.

20.5 It is the intention of the Homesearch Partnership to let the vast majority of available vacancies via the property advertisements.

#### 20.6 **Hard to Let Properties**

Where no bids have been placed on a property for four consecutive weeks and a direct let is not suitable, the Registered Provider will be able to advertise for a tenant by methods other than Homesearch (for example, in the local press).

### 21.0 **How to bid (express your interest)**

21.1 Expressing your interest (also known as bidding) on a property lets the Council know which properties you would like to be considered for. Bidding doesn't involve any money (except the cost of a telephone call if you choose to bid that way). If you bid on line it's completely free.

21.2 You can bid for up to three properties in each advertising cycle.

21.3 Bidding for a property is simple. Make a note of the Property Reference Number (at the top of each advert) for the properties you are interested in.

#### 21.4 **Online**

Logon to the website at [www.home-search.org.uk](http://www.home-search.org.uk) and follow the "How to Express Your Interest" instructions.

#### 21.5 **In Person**

You can also bid in person at the Gedling Customer Contact Centre at the Civic Centre on the self serve computers, and the Carlton Connection Point - Carlton Fire Station, 46 Manor Road, Carlton, NG4 3AY.(Open Wednesdays from 8.45am until 12.30pm and 1.30pm until 5.15pm).

#### 21.6 **By Proxy**

Someone can place bids on your behalf if you wish. This could be a family member, support worker, social worker or someone else. This may be useful if you do not have a computer, or if you will struggle to use the methods above. Please let us know if you want someone to bid on your behalf.

#### 21.7 **Bidding for properties in another area.**

Whilst applicants may be able to bid on properties in another borough, priority will always be given to those applicants who do meet the local connection criteria to that borough.

### 21.8 **If you do not express your interest**

If you do not bid for suitable properties, we may review your priority on the housing register and it maybe suspended or closed (see section 16).

### 21.9 **Automatic Bidding**

This is when we make bids on your behalf. Automatic bids will be placed on the accommodation that best suits your situation, based on available properties and the general housing circumstances of the borough. Automatic bids are based on property size not type, for example, if you are eligible for a two bed roomed property, bids will be placed for both flats, masionettes and houses. Automatic bids will be placed on those properties where there is the greatest chance of the bid being successful.

21.10 Automatic bidding may be used in circumstances such as:

- Where the Council has accepted either a Main Homelessness Duty, a Relief Homelessness Duty or Homelessness Prevention Duty
- If you are vulnerable and ask Homesearch to make bids on your behalf.

21.11 If you think you may need extra help to use Homesearch, or if you need this information in a different format (for example, another language), please contact us. If you require any assistance with your on line application, help is available from the One Stop and appointments can be booked via 0115 901 3901 or for any enquiries regarding the application please ring 0115 901 3803 or 0115 901 3651.

## **22.0 What happens next?**

### 22.1 **Short listing**

Once the advertising cycle closes, Homesearch creates a short list of applicants who have bid for a property. The short list sorts all the bids by:

- Priority band (i.e. Band 1, then Band 2, then Band 3)
- The date you were placed in the band (effective date)

### 22.2 **Local connection**

The Registered Provider (housing association) will normally offer the property to the applicant who has a local connection, from the highest band who has been registered for the longest time. If you are made an offer and refuse it, the property will then be offered to the next person on the shortlist.

22.3 However, there are some exceptions to this general rule, such as where local lettings policies apply, or where the landlord will not allow any under-occupation of the property, or where you have rent arrears and the landlord has decided that he does not wish to

let to anyone with rent arrears. If it is because the landlord does not want under occupation, then he may offer the property to the highest-placed applicant whose household will make the most efficient use of the property within the band they are placed. For instance, this means that on a shortlist for a three bedroom house, a family with one child, or two young children, may be by passed in favour of a lower-placed but larger family within that band that needs all three bedrooms. This is at the discretion of the registered provider (housing association). Full details will be advertised with the property.

#### **22.4 Offers**

If you have been successful with your bid, the landlord that owns the property will contact you with details of the potential offer. Each landlord may have a different process that they follow when offering a property.

#### **22.5 All landlords participating in the Homesearch scheme reserve the right to:**

- Give preference to applicants who specifically need the services or facilities that are part of the property;
- Carry out checks on the information you provided as part of your application;
- Carry out further checks with statutory agencies on the applicants that have been successfully shortlisted for a sensitive let property;
- Carry out a property inspection;
- Withdraw an offer if you have provided inaccurate information;
- Withdraw an offer if the property becomes unavailable for letting;
- Not make an offer to anyone who has rent arrears.
- Not to make an offer to anyone with a history of criminal / antisocial behavior.

#### **22.6 Viewing**

Each landlord may have a different process for viewings, but you should have the opportunity to view the property before deciding whether you wish to accept an offer.

#### **22.7 Refusing Offers**

If you refuse or do not respond to offers, we will review your priority and may suspend your Homesearch application pending a review.

#### **22.8 Different rules apply to applicants who have applied as homeless to the Council. See section 10 or more details.**



## 23.0 Complaints

23.1 If you are not satisfied with the way we have dealt with your application, or how we have considered your request for a review or appeal, then you can make a complaint to the Council in a number of ways:

- By using the online complaint form at [www.gedling.gov.uk](http://www.gedling.gov.uk)
- By email to: [housingneeds@gedling.gov.uk](mailto:housingneeds@gedling.gov.uk)
- By letter (to Civic Centre, Arnot Hill Park, Arnold, Nottingham, NG5 6LU)
- By telephone on 0115 901 3901
- Or in person at the Civic Centre, Arnot Hill Park, Arnold, Nottingham, NG5 6LU.

23.2 You can also ask someone to send us feedback on your behalf. Equally advice centers such as the Citizens Advice Bureau can help you. However you will need to give your representative authority for us to discuss your case with them.

23.3 If you make a complaint to us, we will follow a three stage complaint process:

### **Stage 1 - Service Department Complaint** (Investigated at point of service delivery)

- An acknowledgement should be sent within 2 working days of receipt of the complaint.
- A full response should be sent within 10 working days of receipt of the complaint. If this is not possible because of the complexity of the complaint, the customer will be advised that the investigation is continuing and giving an indication of when it will be completed. Regular contact should be maintained until the complaint is resolved.
- The customer will be advised in the Council's response of what they need to do to progress to stage 2 if they remain dissatisfied with the outcome of the complaint.

### **Stage 2 - Service Department Reviews**

- An acknowledgement should be sent within 2 working days of receipt of the request for a review.
- The relevant Service Manager (or Director if the stage 1 complaint was dealt with by the Service Manager) will ensure that an objective review is carried out for any stage 2 complaint that is received. As well as reviewing the original complaint and the Council's response under stage 1 of the complaints procedure it will also take in to account any further relevant information provided by the customer.
- A full response should be sent within 10 working days of the request for a review. If this is not possible, because of the complexity of the complaint, the customer will be advised that the investigation is continuing and giving an indication of when it will be completed. Regular contact should be maintained until the complaint is resolved.
- The customer will be advised in the response that they may complain further to the Local Government and Social Care Ombudsman if they remain dissatisfied with the outcome and sent details of their procedure.

### **Stage 3 – Referral to the Local Government and Social Care Ombudsman (Ombudsman)**

- Any correspondence received from/sent to the Ombudsman will be handled by the Council's Service Manager: Legal Services on behalf of the Council's Monitoring Officer who will enter the referral on to the LGO system. The actual referral will also be sent to the relevant Service Manager for their comments.
- To contact the Local Government Ombudsman
- Call 0300 061 0614 for help making a complaint
- Text 'call back' to 0762 481 1595
- Lines are open Monday to Fridays 8.30am to 5.00pm ( Except public Holidays)
- Website: [www.lgo.org.uk](http://www.lgo.org.uk) using the online form
- The Local Government Ombudsman has a leaflet called "Complaint about the Council? How to complain to the Local Government Ombudsman." You can get a copy by telephoning or writing to the address above, or you can download it from the Ombudsman's website.
- If you contact the Local Government Ombudsman without giving us the opportunity to resolve the issue first, then your complaint will be judged as premature and passed to us to resolve.

#### **County Court Appeals**

23.4 An applicant can appeal to the County Court on any point of law for one of the following reasons:

- If they feel the review decision is legally incorrect; or
- If the Council has not met the time limit to complete the review process

23.5 All appeals must be made to the County Court within 21 days of the review decision.

23.6 Applicants considering an appeal to the County Court are advised to obtain independent legal advice .e.g. from the Citizens Advice Bureau or Shelter.

23.7 The Council is not legally obliged to provide the applicant with accommodation during the appeals process.

#### **Complaints to the Local Government Ombudsman**

23.8 If an applicant is not satisfied with the review decision, they can complain to the Local Government Ombudsman. The Ombudsman will not consider certain matters, for example, if 12 months has passed since the cause for the complaint occurred or when matter is, or could be, subject to court proceedings.

23.9 The Ombudsman will consider a complaint if an applicant believes they have been treated unfairly as a result of maladministration. Examples include where the Council may have:

- Delayed taking action without good reason;
- Taken into account irrelevant considerations or ignored relevant considerations;
- Not followed rules ( legal or local procedures);
- Given the wrong decision;
- Not reached a decision in the correct way.

## **24.0 Accommodation options during and after a review decision**

24.1 During the review process, the Council is not legally obliged to provide the applicant with temporary accommodation. Applicants will be advised to accept the final offer of accommodation whilst the review is being considered. This is because the applicant will have somewhere to stay during the review process and there is no guarantee of a further offer of accommodation following the outcome of the review.

## **25.0 Reviewing the Allocations Policy**

25.1 The new policy will be reviewed in line with any significant change in legislation, guidance issued by the Government of significant case law.

## Appendix A: Private Rented Offer (Homelessness) Policy

When the Council is working with people who are either homeless or at risk of becoming homeless, properties in the private rented sector will be considered, as detailed in the national guidance (detailed below).

### Purpose

To set out when we will make a private rented offer, within the meaning of Section 193 of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) to a homelessness applicant.

To set out the factors we will take into account when assessing the suitability of a private rented offer, in relation to the condition of a property and its location.

To set out what steps an applicant can take if they do not believe that accommodation offered is suitable.

This approach will also be used to appraise out of area placements.

### Background

For any applicant owed a homelessness duty under section 195, 189B, 193(2) or 193C(4) – deliberate and unreasonable failure to co-operate, of the Housing Act 1996 Part 7, as amended by the Homelessness Reduction Act 2018 the Council may make a direct offer of suitable accommodation at any time in order to resolve a threat of homelessness or homelessness itself by means of an offer of suitable private rented housing, where the applicant is being offered a tenancy of a least twelve months (s.193(2)) or 6 months (s.195, S189B)

We understand that many people would prefer to live in social housing than the private rented sector, because the rent can be lower and social tenants normally enjoy greater security of tenure via an assured tenancy. However, there is much greater demand for social housing than there is supply in Gedling. There are over 630 applications on the Housing register as at October 2019, and only 320 approx. lettings of social (including sheltered housing) housing per year. Each social housing property advertised attracts an average of 15 – 45 bids, of which only 1 can be successful.

Most private rented properties are ready immediately and there is a wide range of choice available, although some or all of that choice maybe outside Gedling. Whilst we provide good-quality accommodation, it is only a temporary solution, and so it is in the interests of all parties to minimise the time that applicants have to spend in temporary accommodation, often by using the private rented sector. We will also look to the private rented sector for those applicants who have been accepted, but who are currently not staying in temporary accommodation, for example those who are staying with family or friends.

### Policy aims and objectives

The policy will ensure comprehensive and consistent needs and risk assessments are carried out for each statutory homeless household. This approach will ensure applicants' needs are appropriately met and risks to personal safety and that of staff and the community are minimised. This policy and the needs assessments procedure will ensure there is no discrimination on the grounds of gender, age, religion or belief, race or ethnicity, disability, marriage or civil partnership, pregnancy and maternity sex or sexuality and gender re-assignment.

Each case will be assessed on an individual basis to avoid blanket policies. The policy will comply with:

- The Housing Act 1996, as amended by the Homelessness Act 2002;
- The Localism Act 2011;
- Equality Act 2010;
- The Homelessness (Suitability of accommodation) (England) Order 2012;
- The Homelessness Reduction Act 2017;
- The Homelessness code of Guidance 2018.
- Ministers letter regarding Out Of Area Placements.

### Assessment Procedure

When we make a decision to accept a main homelessness duty to an applicant. We will assist applicants to find accommodation; this might include searching for properties, liaising with landlords and arranging incentives such as the Discretionary Housing Benefit and use of the Council's prevention fund.

We will place bids on behalf of homeless applicants on any suitable social housing that becomes available, via auto-bids on the CBL scheme and assist applicants to search for private rented properties that may be suitable.

A private rented offer will be considered for all homeless households owed a duty under section 195, 189B, 193(2) duty initially, but a thorough assessment process will be undertaken to ensure that this type of accommodation is appropriate.

Private rented accommodation must meet the requirements of Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012, if it is to be considered as suitable when offered:

- To bring to an end the s103(2) Main Duty;
- As a final accommodation offer made in the 189B relief stage; or
- To an applicant who has a priority need in order to prevent or relieve their homelessness.

Article 3 does not apply to accommodation secured for households that do not have a priority need, or to accommodation that the Council helped the applicant to secure (for example through a deposit Guarantee or financial assistance) but which the applicant

identified themselves. However, Councils will need to make reasonable efforts to ensure that private rented accommodation is safe and in reasonable condition and that applicants have sufficient guidance for them to consider the standards of the accommodation.

Where the landlord confirms they are willing to offer a tenancy to the applicant, this will constitute a private rented offer and a final offer letter will be sent to the applicant. If the applicant does not accept this offer of accommodation then the Council will consider that it has discharged its duty in full to secure accommodation for the applicant, and no further offers of accommodation will be made. Equally this will also end the duty to provide temporary accommodation.

When assessing the suitability of accommodation, the Council will also take into account:

- Bedroom eligibility under the Local Housing Allowance rates;
- Financial circumstances and affordability;
- Physical mobility / health needs;
- Mental and emotional health needs;
- Practical support needs;
- Cultural or faith related needs;
- Risks to personal safety;
- Risk to self (e.g. substance misuse / self-harming);
- Recent housing history;
- Ability to manage finances and maintain a tenancy;
- Ability to manage personal health and hygiene;
- Whether school children are due to sit final exams;
- Distance / journey to place of employment;
- Other relevant issues raised by the applicant.

### **Suitability of Accommodation**

When assessing whether a property is suitable, the Council will use the criteria set out by the Government. We will normally regard a property as suitable unless, in our opinion:

- It is not in a reasonable condition;
- Any electrical equipment supplied does not meet safety regulation standards;
- Reasonable fire safety precautions have not been taken;
- The landlord has not taken reasonable steps to prevent carbon monoxide poisoning;
- The landlord is not a fit and proper person;
- It is a House in Multiple Occupation subject to licensing (either mandatory or discretionary), and has not been properly licensed;
- It does not have a valid Energy Performance Certificate;
- It does not have a gas safety record;
- An adequate written tenancy agreement has not been provided.

We will also take into account the circumstances of the applicant and their household (for instance, disability or health needs) and make sure that any property offered as a private rented offer is suitable for their particular needs.

#### **Affordability of accommodation**

We will also take into account whether the accommodation is affordable to the applicant in the long term, or whether the rent would be excessive given their income (including any Housing Benefit or Universal Credit they would be entitled to) and their essential household expenditure.

Applicants should note that if they need to claim Housing Benefit or Universal Credit to pay their rent, they will only be eligible for the Local Housing Allowance rate for the size of property they require. For instance, a couple with two children under 10 would be eligible for the two bedroom rate, not the three bedroom rate.

Single applicants who need to claim Housing Benefit or Universal Credit to pay their rent and are under 35 years old should note that they will normally be eligible for the Local Housing Allowance shared room rate, not the higher 1 bedroom rate. We will normally try to assist these applicants to find shared accommodation, as this may be more affordable for them.

#### **Location of accommodation**

So far as possible, we will aim to find accommodation within Gedling so that applicants do not need to move out of the borough. However, Gedling has higher house prices and higher rents than many of its surrounding areas and very few properties advertised in the private rented sector are priced to be affordable under the Local Housing Allowance rates. This is particularly the case for family sized properties.

We will therefore look for properties located outside Gedling, which may be suitable for a private rented offer. When deciding whether a property is suitable, we will take into account:

- The distance of the property from Gedling Borough Council;
- The significance of any disruption to the employment, caring responsibilities or education of any member of the applicant's household;
- The proximity and accessibility to medical facilities or other support which are essential to any member of the household's wellbeing ( and whether they could access alternative facilities or support in the area they were moving to);
- The proximity and accessibility to local services and transport.

When we discharge our duty by securing that applicant a property that is in a different local housing authority's area, we will notify that authority of the name of the applicant, the people who form part of their household, the fact that we have discharged our homelessness duty, and that the duty will reoccur on us should they become homeless again (except if intentionally) within the next two years. If the household becomes

homeless again after two years of our duty being discharged, they should normally approach the Council where they now reside for advice and assistance.

### **Reviews on the suitability of accommodation offered**

As part of the offer process and in accordance with the Allocation Policy and Procedures, applicants will be advised of their right to request a review on the suitability of the accommodation offered. Applicants will also be advised of the advice services, for example: Citizens Advice Bureau or Shelter who could support them in this matter.

### **Review Process**

Applicants can request a review within 21 days once we consider an offer to be suitable and that the Council's duty under the homeless legislation can be discharged. Review requests must be made in writing to the senior manager. Review requests can either be made by the applicant or their representative. We will advise the applicant of the full procedure and process for completing a review of the suitability of the accommodation offered. A senior manager will consider review requests received after 21 days, but is not obliged to agree to carry out the review. Once a review request has been received, the Housing Needs Team will write to the applicant to:

- Acknowledge the request
- Provide details of the review procedure

The benefits manager or other appropriate manager will complete the review within 56 days of receiving the applicant's review request (unless a longer period is agreed, by the applicant and the Council).

The review will be carried out by the a senior manager so long as they have not been involved in the original decision. If they have been involved in the original decision, the review will be carried out by a senior manager.

### **Review outcomes**

The review outcome can be:

- Unsuccessful – in this situation the Council's original decision will stand.
- Successful – in this situation the Council will amend the original decision.

Once the review has been completed, the Housing Team will write to the applicant informing them of the review decision. The letter will be sent to the applicant or will be available for collection from the Council offices.

The outcome letter will explain the review decision, how the Council reached this decision and the right to appeal the review decision to the County Court if the applicant believes the decision is legally incorrect. An appeal must be made within 21 days of being notified of the review decision.



## **Appendix B: Out of Area Placements**

In accordance with the Code of Guidance, whilst the Council will endeavour to rehouse applicants in the borough, due to the pressure for housing, and the issues around securing affordable housing, it may be necessary to secure accommodation outside the borough. In such instances the same checks as those used for accessing accommodation in the private sector. Detailed at Appendix A will be followed. In addition, a Section 208 will be sent to the relevant local authority.

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## Appendix C: Summary of key changes in the draft allocations policy

Change Reference	Page number	Paragraph number	Description of the Change	Reason for the Change
1	3	1.1	Added paragraph – Private rented offer	Further clarification
2	5	1.8	Added a section on direct matches	Further clarification
3	5	3.4	Inclusion of a paragraph detailing the approach to be taken for the HRA.	To comply with the Homelessness Reduction Act 2017.
4	6	3.5	Added suitable offers can be a private or social tenancy. Please see section 26.	Clarification.
5	6	4.4	Added GDPR clause.	To be compliant with GDPR.
6	7	5.3	Explained how and by whom decisions on applications will be made.	Further clarification.
7	8	6.1	From 16 – 18 years old.	Under 18 year olds can only be offered tenancies in exceptional circumstances.
8	9	7.1	7.1 expanded the grounds to house someone who is under 18 years old.	Further clarification.
9	10	7.4	Included in the first paragraph the need for applicants to have either a local connection or an exemption	Further clarification.
10	11	7.4	Local Connection criteria: increased from one year to five years.	To better manage the limited supply of social housing within the borough, and demand management.
11	11	7.4	Added “or is a social housing tenant who needs to move to Gedling Borough.”	Further clarification.
12	11	7.4	7.2d Definition of homeless applicants banding.	To comply with the Homelessness Reduction Act 2017.
13	11	7.4	7.2g Extension of the local connection criteria for Care Leavers.	To comply with the Homelessness Reduction Act.
14	11	7.4	7.2g Inclusion of people who are moving as part of the witness protection scheme.	Clarification.

15	11	7.4	2.i Clarification that applicants placed in any supported housing by GBC as part of the Councils' homeless duty are eligible to join the scheme.	Clarification.
16	12	7.4	2m Another special reason determined by a senior manager.	Gives necessary flexibility to the policy.
17	12	7.4	Added "The applicants circumstances require them to live close to a medical facility or support service which is only available in the Borough."	Further clarification
18	12	7.4	Added "Those individuals who have been awarded leave to remain."	Further clarification
19	12	7.5	Added "Applicants who fall in this band will remain on band 3 unless a local connection can be demonstrated."	Further clarification
20	12	8.2	Link provided for a definition of the Common Travel area.	Policy clarification.
21	13	8.6	Enhanced description of the exceptions which would enable homeowners to join the scheme.	Policy clarification.
22	13	8.6	The decision about whether a homeowner is able to join the scheme is at the Council's discretion.	Clarification.
23	13	8.7	Definition given on how applicant's finances would be assessed.	Policy Clarification.
24	14	8.8	Definition given on how applicants who had benefitted from Sanctuary Schemes property modifications would be assessed.	Policy Clarification.
25	14	9.2	Included social media to the last bullet point.	Updating.
26	14	9.2	Stalking, harassment and coercive behaviour.	Policy clarification
27	14	9.3	Policy explains that the decision will be made by a senior manager.	Policy clarification.
28	15	9.3	Provide guidance on spent convictions	Policy clarification.
29	16	10.9	Old policy advised prisoners could apply 8 weeks before their release date, proposed change is	Unfair policy as prisoners can accrue waiting time, when they would not be physically able to move.

			that they can only apply once they have been released.	
30	16	10.10	Expanded to include mortgage arrears and expanded the definition to determine a timeframe for arrears which is set at 6 months. This is because using a financial value would be unfair on those applicants who do not receive any HB as for those in receipt of HB their rent could be as little as a few pounds each week, were as someone who was not claiming HBs rent would be around £80 and therefore to set a financial limit would be unfair.	Unfair to only ask for rent arrears.
31	17	10.12	4 new sections added to explain how the various stages of working with potentially homeless applicants will be assisted.	To comply with the Homelessness Reduction Act 2017.
32	18	10.13 The main Section 193(2) Homeless Duty	Added "All" to the section advising all homeless applicants will be placed on band 1 auto bid once their application has been processed and the Council accepts a duty to rehouse.	To make clear to applicants how their accepted homeless application will be prioritised.
33	18	10.13 The main Section 193(2) Homeless Duty	Added "If the applicant refuses the offer, the homeless duty will end and their application will be placed on hold for 1 year. Applicants have the right of appeal, further details are contained in Section 19.	To make clear to the applicant the repercussions of refusing their offer of accommodation and provide advice about how they can appeal against the decision.
34	19	11.7	Advising that DBS checks may be undertaken	Clarification.
35	19	11.8	Reference to the check list	Clarification.
36	22	14.0	Introduction of auto bidding for all applicants. Bar those who are downsizing.	To ensure that people are more quickly rehoused and do not wait for specific property types. i.e. bungalows as opposed to ground floor flats, of flats as opposed to houses.
37	22	14.2	Added "In the near future."	Clarification.
38	22	14.3	Added "An Environmental Health referral could be made for a home visit / inspection."	Clarification

39	23	14.4	Added clarity on who makes the decision.	Clarity on decision making.
40	23	14.6	New category proposed in response to the provisional actions of the corporate responsibility to care leavers. Which is to include a defined approach within the allocations policy	In response to the Councils' Corporate Parenting Responsibilities.
41	23	14.7	New section defining how homeless applicants will be assisted.	To comply with the Homelessness Reduction Act 2017.
42	24	14.8	Added a one year exclusion if people refuse their offer.	Clarity.
43	24	15.1	New section defining how homeless applications will be assisted and explaining the role of a local connection.	To comply with the Homelessness Reduction Act.
44	25	15.3	Added a definition of at least 5 miles away.	Clarity.
45	25	15.3	Added "If you are a current tenant of a registered housing provider we will require supporting evidence from your landlord, such as confirmation that they would consider you for a management move."	Clarity.
46	25	15.3	Added: "If you are fleeing to the borough from another area, we will assess your situation by taking a homeless application."	Clarity.
47	26	15.5	Added: "For those applicants who have been placed in supported housing by the Council as part of the Council's prevention role they will be placed in band 3."	Clarity.
48	26	15.6	Added: "The needs of transgender household members will be included. Evidence will be required of support/ counselling."	Equality.
49	26	15.6	Added: "Once the criteria have been reached the higher band will be awarded, but the Council cannot advise when a property will be offered, as it is dependent on both the availability of stock and the level of housing need in the borough."	Managing expectations.
50	27	15.10	New category proposed in response to the Council's	To assist Care Leavers and in response to the

			Corporate parenting responsibility to care leavers.	Councils' Corporate Parenting Responsibility.
51	27	15.11	Definition included.	To define how those affected will be assessed.
52	27	15.12	Definition included.	To define how those affected will be assessed.
53	28	16.2	New section defining how homeless applications will be assisted. Included the awarding of an additional 6 months waiting time	To comply with the Homelessness Reduction Act 2017.
54	28	16.3	New section defining how homeless applications will be assisted. Band 3 homeless also placed on auto bid.	To comply with the Homelessness Reduction Act 2017.
55	28	16.5	Eligibility criteria expanded to include Personal Independence Payment.	Policy updated to include additional benefits.
56	28	16.5	Added "Applicants without a local connection will not receive a higher band than 3."	Clarification.
57	30	18.1	Now just referred to as reviews and timeframe changed to 6 – 12 months	Clarification.
58	31	19.2	Added: "Whilst the appeal is being considered, your application will be suspended pending the outcome of the appeal.	Clarification.
59	31	18.3	Clarification of reviews applied to both band 1 and 2 applicants.	Clarification.
60	31	19.1	Defined that it would be a manager who would review the application.	Clarification of roles and responsibilities. Links back to point 5.3.
61	32	21.1	Added: "No pets allowed except guide or assistance pets."	Clarification.
62	33	21.2	Section added explaining how residents carers will be included in the occupancy standard calculation.	Clarification of policy.
63	35	23.5	Options expanded to include the Carlton Connection Point.	Policy updated to include the Carlton Connection Point.
64	35	23.7	Whilst applicants may be able to bid on properties in another borough, priority will always be given to those applicants who do meet the local connection criteria to that borough first.	Clarification.

65	35	23.8	Added contact details.	Additional information.
66	37	25	Added the new policy.	Need to include the updated policy.
67	40	26	Clarification provided on the use of the private sector to accommodate homeless applicants.	Clarification of the policy.
68	40	??	Added details about the assessment process for out of area placements.	Compliance with the Code of Guidance.



## Appendix D: Local Connection – Definition and Exclusions

LIST 2	Local connection, or exemption
2a	Currently living in the borough and have done so consistently for the last 5 years. Unless you have been housed in either a temporary tenancy or to receive support by Gedling Borough Council's Housing Needs team outside the borough.
2b	Currently be working in permanent paid employment in the Gedling Borough area for 16 hours per week or more, and have been employed in Gedling Borough for at least 5 years. Or is a social housing tenant who needs to move to Gedling Borough, to take up an offer of employment in the borough.
2c	The applicant provides or receives personal care from a parent, sibling or adult child who has lived in Gedling for the last five years and they need to move so that care arrangements can continue. Care must be provided for at least 3 hours per day and for at least 5 days per week. A Community Care Assessment and/ or confirmation of the arrangements by the Adult Services Department must be provided to evidence this plus evidence of carers allowance etc. A letter from a GP is not sufficient.
2d	Have been accepted by Gedling Borough Council under the homelessness legislation. Applicants will be made one offer anywhere either within the borough or surrounding areas. Those applicants accepted as homeless under S195 and S189(b) who do not have a local connection or who are unlikely to be owed the Main S.193 Duty and / or are likely to be found intentionally homeless may only be offered a private rented property to end the homelessness duty.
2e	Have been accepted for priority re-housing as a reciprocal arrangement with another Council or Registered Provider (RP).
2f	Have been placed in care as a child outside the area, but wish to return to Gedling (and previously lived in Gedling) and are still classed as a care
2g	Be a former care leaver aged 25 or younger who has been placed in care as a child in the Nottinghamshire County Council area, and wishes to live in
2h	Have been accepted as part of a witness protection recommendation by the police. (NB supporting evidence will be required)
2i	Have been living in temporary/supported accommodation provided by a local housing authority outside Gedling, but have had a local connection to Gedling (2a, 2b) before you were placed there. Or have been placed in supported housing by GBC anywhere as part of their prevention / relief work to prevent homelessness. NB Time spent in supported accommodation in the borough, for example Framework etc. will not give the applicant a connection to the borough. Their local connection will be determined by where they lived before they moved into the temporary / supported accommodation.

2j	The applicants is serving in the regular Armed Forces, Reserve Forces or Territorial Army, or have left those forces in the last five years, unless dishonorably discharged.
2k	Comprise of a household where the applicant is aged 50 or over and there are no children in the household and are willing to move into a sheltered living.
2l	Have no children but at least one person in your household is receiving the medium or high rate of the care element of Disability Living Allowance or Personal Independence Payment and you are willing to move into a sheltered living property

## Appendix F: New Allocations Policy Equality Impact Assessment

New Allocations Policy					
The main objective of (please insert the name of accessed document stated above):	To Determine the eligibility criteria to join the Councils housing register, and then to define the criteria for each of the 3 priority bands, as required by Part VI, Housing Act 1996 and by statutory guidance.				
What impact will this (please insert the name) have on the following groups? Please note that you should consider both external and internal impact: <ul style="list-style-type: none"> <li>• External (e.g. stakeholders, residents, local businesses etc.)</li> <li>• Internal (staff)</li> </ul>					
Please use only 'Yes' where applicable	Negative	Positive	Neutral	Comments	
Gender	External			X	
	Internal				
Gender Reassignment	External			X	
	Internal				
Age	External	X			Applicants have to be 18 years and older to be eligible to join the Council's housing register. In addition certain age restrictions are applied to older persons accommodation
	Internal			X	
Marriage and civil partnership	External			X	
	Internal			X	

Disability	External		X		Preference is given to those applicants with disabilities who need adapted properties to make better use of the stock
	Internal			X	
Race & Ethnicity	External			X	
	Internal			X	
Sexual Orientation	External			X	
	Internal			X	
Religion or Belief (or no Belief)	External			X	
	Internal			X	
Pregnancy & Maternity	External		X		For the purposes of allocating properties, pregnant applicants are considered for family housing.
	Internal			X	
Other Groups (e.g. any other vulnerable groups, rural isolation, deprived areas, low income staff etc.). Please state the group/s:	External			X	
	Internal			X	

Is there is any evidence of a high disproportionate adverse or positive impact on any groups?	Yes		Only those applicants who meet the eligibility standard are able to join the register. This is in accordance with the relevant legislation and also the need to prioritise social housing for those applicants with the greatest need who have a local connection to the borough, as it is a scarce resource.
Is there an opportunity to mitigate or alleviate any such impacts?		No	The eligibility requirements contained in the legislation are specific. With regard to the wider powers granted to Councils as part of the localism agenda, the decision here is to prioritise those applicants in the greatest need due to the limited availability of social housing in the borough.
Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?	Yes		Partially – as information is only available on those applicants who apply to join the councils housing register as opposed to the wider population of the borough. Though applicants are advised, through correspondence such as the Councils magazine, 'Contacts' to contact the authority of they are experiencing problems with their housing.
In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out:			
Planned Actions	Timeframe	Success Measure	Responsible Officer
Internal consultation Revenues & Welfare Support Legal Finance	2 weeks	Range of responses with the majority in agreement with the proposed policy	A Bennett
External consultation Current applicants Registered providers Key statutory and Voluntary organisations.	12 weeks	Range of responses with the majority in agreement with the proposed policy	A Bennett

Authorisation and Review

Completing Officer	A Bennett
Authorising Service Manager	J Davies
Date	30/09/2019
Review date ( if applicable)	

## Appendix G: Registered Providers

Accent Housing Limited  
Acis Group Limited  
Advance Housing and Support Limited  
Anchor Trust  
ASRA Housing Association Limited  
Bespoke Supportive Tenancies Limited  
De Montfort Housing Society Limited  
Derwent Housing Association Limited  
EMH Housing and Regeneration Limited  
Framework Housing Association  
Gedling Homes  
Golden Lane Housing Ltd  
Heart Of England Housing Association Limited  
Home Group Limited  
Housing & Care 21  
Inclusion Housing Community Interest Company  
Leicester Housing Association Limited  
Longhurst & Havelok Homes  
Metropolitan Housing Trust Limited  
Nottingham Community Housing Association Limited  
Orbit Group Limited  
Places for People Homes Limited  
Places for People Living+ Limited  
Progress Care Housing Association Limited  
The Guinness Partnership Limited  
Tuntum Housing Association Limited

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## Report to Cabinet

**Subject:** Community Asset Transfer of Haywood Road Community Centre

**Date:** 9 October 2019

**Author:** Service Manager Community Relations

### Wards Affected

Porchester

### Purpose

To obtain Cabinet approval for the community asset transfer of Haywood Road Community Centre, from Gedling Borough Council to Haywood Road Community Association by way of a 99 year, full repairing lease.

To authorise the Deputy Chief Executive and Director of Finance to approve the terms of the lease.

### Key Decision

This is not a key decision.

### Recommendation(s)

#### THAT:

- 1) In accordance with the Community Asset Transfer Policy, agree to the transfer of Haywood Road Community Centre from Gedling Borough Council to Haywood Road Community Association by way of a 99 year, full repairing lease under a 'peppercorn rent' arrangement; and
- 2) Authorise the Deputy Chief Executive and Director of Finance to approve the terms of the lease.

## 1 Background

1.1 Cabinet adopted a Community Asset Transfer Policy (CAT) in October 2015. The policy has some key aims.

- To identify the process and tools that will enable the successful

delivery of a future asset transfer programme.

- To recognise the capacity needs of local groups wishing to take on local authority assets.
- To ensure a thorough risk assessment of asset transfer is undertaken.
- To define the legal form a transfer agreement would take.

1.2 In accordance with the CAT policy, organisations wishing to take on more responsibility for a community facility must engage in consultation with relevant stakeholders, ensure that the required statutory policies and public liability insurances are in place and demonstrate a robust business plan for ongoing management of the facility. These details need to be submitted to the Council by way of a formal submission.

1.3 A CAT submission process has been adopted for that purpose, and a CAT officer hub appointed, comprising of estates, facilities management, legal, finance and community centres management officers, to consider CAT submissions as they arise.

1.4 On receipt of a CAT submission, a subsequent six week public notice of consultation is undertaken and the CAT Officer hub is convened to make an initial assessment of the application. The recommendations of that assessment are then put to Cabinet.

1.5 An initial submission was received from Haywood Road Community Association (HRCA) on 26 March 2019 followed by additional supporting documents on later dates. A subsequent public consultation period ended on 12 August 2019.

#### 1.6 **CAT Officer Hub Considerations**

The CAT officer hub met on 24 July 2019 to assess the submission made by HRCA, which consisted of the following documents:

- Completed CAT Application
- Business Plan 2019-22
- Governing Documents – Haywood Road Community Association Constitution
- Annual accounts for 2 previous financial years, including financial projections
- Health & Safety Policy, Checklist and Risk Assessment Process
- Equalities Policy
- Policy for Safeguarding Children, Young People and Vulnerable Adults
- Room Booking Policy
- Complaints Procedure, and
- Insurance Policy details.

1.7 Following the meeting of the CAT Officer hub an Equalities Impact Assessment and Building Viability Assessment were both completed. These can be viewed as appendices.

### 1.8 **Public consultation period**

The consultation period yielded only one comment from a member of the public asking whether the green space would be accessible following community asset transfer. A response was given confirming the community asset transfer related to the community centre only and the green space will be accessible for public use. Appendix D shows a plan of the designated area proposed for community asset transfer. The land within the bold black line is proposed for transfer.

### 1.9 **Findings**

In reviewing HRCA's submission, the following positive observations were made by the CAT officer hub.

- The submission included all documents required by the process, including all of the necessary statutory policies, apart from insurance policies and the most recent annual accounts. These were subsequently shared by HRCA.
- HRCA has been formally established as a Charitable Incorporated Organisation (CIO) and has been entered onto the Register of Charities with the Registered Charity Number 1183051.
- HRCA has undertaken consultation with the local community to engage and secure their ideas, as well as keeping them informed of progress in the developments at the Centre. A number of community-wide sessions have been held, most recently to confirm and secure agreement to the new constitution and the agreement to submit the application to the Charity Commission. The HRCA vision commits to on-going consultation and engagement with the community aiming 'to develop the CIO's and the Centre's ambitions by becoming a listening and responsive organisation on behalf of the users, residents and the wider community across Mapperley'.
- The priorities and vision set out in the submission reflect those of the Council, specifically the intention 'to be a successful Community Centre, opening its doors to a range of opportunities to the local community, reflecting its needs and aspirations for the benefit of all.'
- The HRCA business plan 2019/22 offers a vision, mission, governance arrangements, a set of key values and ambitions to work with the local community. The mission sets out to maintain a

strong working relationship with the Council and commits to working with the long standing anchor tenant, Haywood Road Pre-school. The plan offers a SWOT assessment, risk assessment and a review of finances to inform a three year budget and forecast. It also refers to the group's intention to develop a marketing plan to enhance the Centre's brand and will introduce a model of monitoring and evaluation of the business plan objectives to ensure it remains relevant and responsive to local need.

- The CIO has a strong committee with a broad range of skills and experience. The ongoing desire to work with the wider community to develop and manage the Centre as a community hub will support the organisation's sustainability.
- In the last three years the usage of the Centre has increased significantly. The CAT submission identified a 244% increase in annual footfall by 2018.
- The Centre works through a core letting of space to the successful Pre-School Club and via regular and ad hoc bookings by community groups and local users. Existing users are the Art group, Circle Dance group and Scrabble group, alongside new groups now offering yoga, meditation, Weight Watchers, martial arts and drama. The Centre is increasingly used for social events, children and family parties and celebrations, including many organised for the local community.
- Room hire charges are competitive when compared with the local market. The business plan and annual accounts have reported significant increases in revenue and surplus between 2015-16 and 2018-19.
- The financial plan for the centre was compared with the five year building maintenance plan set out in the independent structural survey. It was noted that the plan adequately addressed the projected 'statutory' and 'essential' costs through provision for an on-going maintenance reserve. Funding options are being explored to undertake remodelling of the kitchen areas and a commitment to enhance the disabled toilet facilities has been made. HRCA has successfully applied for a grant of £3,000 from Nottinghamshire County Council's Local Improvement Scheme (LIS) as a contribution towards enhanced kitchen facilities at the Centre. These elements in tandem with the internal improvements to the building made by the Council in preparation for asset transfer have

the potential to substantially increase the viability of the centre by attracting a wider range of users, thereby having the potential to address some of the 'desirable' and 'beneficial' maintenance costs set out in the maintenance plan.

1.10 In accordance with the Community Asset Transfer Policy, consideration has been given to the appropriate rental value of the lease. Section 123 of the Local Government Act 1972, gives the Council the power to dispose of land in a manner it wishes but stipulates it may not do so for a consideration less than best that can be reasonably obtained. The General Disposal Consent (England) 2003 enables the Council to dispose of land at less than best consideration that can reasonably be obtained in certain circumstances. A peppercorn rent has been agreed for Haywood Road Community Centre following an assessment of Haywood Road Community Association's business plan. The plan sets out the intention for the Centre to "open its doors to a range of opportunities to the local community, reflecting its needs and aspirations for the benefit for all" and "to provide a focal point for the development of community activities and support community engagement and a responsiveness to local needs". It is therefore deemed the following circumstances apply in accordance with the General Disposal Consent (England) 2003.

- The asset transfer will contribute to the promotion and improvement of economic and social well-being of residents within the wider local area.

1.11 All necessary facilities, legal and financial investigations have been undertaken and an operational transition plan for the community asset transfer has been established to ensure the smooth transfer of the building. This covers key themes such as the transfer of health and safety responsibilities, contractor liaison, operational and maintenance procedures and post transfer support offered by the Community Relations Service Area. The Council's Legal and Property Services have investigated all relevant land issues, building and site covenants and current maintenance responsibilities and the transfer of these are being agreed with HRCA within the Heads of Terms. Financial investigations have also been undertaken; in particular some additional costs have been identified in support of the transfer process following consideration of the Legal and Property assessments. These additional costs are explained in the Financial Implications of this report.

#### 1.12 **Consultation with the Chair of Overview and Scrutiny Committee**

The constitution requires the Executive to consult with the Chairman of the Overview and Scrutiny Committee and local ward members where a 99 year lease is proposed. The draft copy of this Cabinet Report has therefore been shared with them for comment.

- 1.13 The following feedback has been received from the Chairman of the Overview and Scrutiny Committee:

Everything contained within the report seems reasonable and sensible and I hope that the Haywood Road Community Centre will continue to be a great asset for the community. I would just want to be sure that the necessary improvements to provide disabled toilet facilities are carried out as planned: is there a mechanism for doing this?

The following response has been given to this feedback:

With regard to the provision of a fully accessible disabled toilet, the Council will include a clause in the lease agreement with Haywood Road Community Association that will stipulate the requirement for this work to be undertaken.

## **2 Proposal**

- 2.1 It is proposed that:

- In accordance with the Community Asset Transfer Policy, Cabinet agree to the transfer of Haywood Road Community Centre from the Council to Haywood Road Community Association by way of a 99 year, full repairing lease under a 'peppercorn rent arrangement';
- The Deputy Chief Executive and Director of Finance be authorised to approve the terms of the lease.

## **3 Alternative Options**

- 3.1 An alternative option is not to agree to the transfer of the Community Centre and maintain the current arrangements. This option would restrict the Council in achieving best value and projected savings in the Community Centres Management budget, and limit the potential for innovation and growth of services to the community. It would also conflict with the adopted CAT policy that sets out the required legal agreements when a building or land is transferred. The current arrangement with HRCA is 'a tenancy at will' which is not consistent with the principles set out in the policy.
- 3.2 A further alternative is to consider the site for disposal. However, this option has been previously considered by Cabinet on 02 February 2017. At this meeting it was agreed to authorise officers to progress community transfer of the centre to a community group or organisation which meets the criteria outlined in the Council's CAT Policy.

- 3.3 Another option would be to effect community asset transfer of the Haywood Road Community Centre by freehold transfer, under different lease arrangements or by entering into a licence. This option would potentially restrict the ability of the new management organisation to access grant funding and to pursue other opportunities for sustainability and growth.

## **4 Financial Implications**

- 4.1 HRCA is a member of the local Community Asset Transfer Partnership that is facilitated by the Community Relations Service Area. Previous meetings attended by representatives of the group have offered training, advice and support to local organisations with an interest in running community buildings. This has been supported by the previously accessed external funding relating to “Locality’s” Community Ownership and Management of Assets programme.
- 4.2 At the Cabinet meeting on 2 February 2017 it was agreed to allocate a budget of £20,000 from the asset management fund to undertake priority works to improve the condition of the community centre. Following consultation with HRCA a proposed schedule of works were agreed and these were completed in March 2019. This involved:
- an independently commissioned building condition survey
  - a refurbishment of the community centre toilets
  - knocking through new doorways between the old bowls changing rooms and the main corridor of the centre, and
  - other minor aesthetic works.
- 4.3 In addition to these works the Council has also removed a water storage facility for the former bowling green and all water and toilet amenities from the former outdoor toilet block. Both of these are within the footprint of the community centre site proposed for community asset transfer.
- 4.4 Subject to successful completion of the community asset transfer, the proposed budget savings for the Haywood Road Community Centre cost centre will be £1,000 per annum based on 2019/20 budgets.

## **5 Appendices**

- 5.1 Appendix A: Equalities Impact Assessment
- 5.2 Appendix B: Building Viability Assessment
- 5.3 Appendix C: Haywood Road Community Centre Photo and Location Plan
- 5.4 Appendix D: Plan of Land Designated for Transfer

## **6 Background Papers**

6.1 Community Asset Transfer Policy

## **7 Reasons for Recommendations**

- 7.1 On 02 February 2017, Cabinet resolved to authorise officers to progress community transfer of Haywood Road Community Centre to a community group or organisation which meets the criteria outlined in the Council's Community Asset Transfer Policy.
- 7.2 The Gedling Plan 2019-20 includes the corporate action "Support Community Asset Transfer."
- 7.3 To facilitate a transfer of Haywood Road Community Centre in accordance with the Council's Community Asset Transfer Policy and to enable officers to draw up a lease agreement that confirms the transfer of Haywood Road Community Centre to Haywood Road Community Association.



## Appendix A: Equality Impact Assessment

Name of project, policy, function, service or proposal being assessed:	Proposed Asset Transfer of Haywood Road Community Centre to Haywood Road Community Association				
The main objective of the Asset Transfer proposal	To agree a long-term lease for Haywood Road Community Centre that supports the future sustainability of the Centre as a local community hub.				
Please use only 'Yes' where applicable	<b>Negative</b>	<b>Positive</b>	<b>Neutral</b>	<b>Comments</b>	
	<div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; margin-right: 10px;">Page 113</div> <div style="background-color: #d9c89d; padding: 5px;"><b>Gender</b></div> </div>				
<b>Gender Reassignment</b>					
	Internal			Yes	
	External			Yes	
	Internal			Yes	
<b>Age</b>	External		Yes		Both older and younger people will benefit from enhanced services as a result of the proposal.

# Appendix A: Equality Impact Assessment

					Existing long-standing users will continue, such as the Arts Group and Circle Dance that offer opportunities for older residents and the Haywood Road Pre-school has now extended its hours enhancing community early years' provision in the local area. The Centre also encourages bookings for family and children's parties and events.
	Internal			Yes	
<b><u>Marriage and civil partnership</u></b>	External		Yes		Enhanced potential for family events and parties, including wedding receptions.
	Internal			Yes	
<b><u>Disability</u></b>	External		Yes		Haywood Road Community Association has a robust Equalities policy and intends to make positive adaptations to the building to enable a wider range of groups and activities for all abilities.

## Appendix A: Equality Impact Assessment

	Internal			Yes	
<b><u>Race &amp; Ethnicity</u></b>	External		Yes		Haywood Road Community Association has adopted an Equalities Policy and a Statement of Values that demonstrates an inclusive approach to offering appropriate and accessible services to a range of ethnicities, religious beliefs, sexual and gender orientation.
	Internal			Yes	
<b><u>Sexual Orientation</u></b>	External		Yes		Haywood Road Community Association has adopted an Equalities Policy and a Statement of Values that demonstrates an inclusive approach to offering appropriate and accessible services to a range of ethnicities, religious beliefs, sexual and gender orientation.
	Internal			Yes	
	External		Yes		Haywood Road Community Association has adopted an Equalities Policy and a

## Appendix A: Equality Impact Assessment

					Statement of Values that demonstrates an inclusive approach to offering appropriate and accessible services to a range of ethnicities, religious beliefs, sexual and gender orientation.
	Internal			Yes	
<b>Pregnancy &amp; Maternity</b>	External		Yes		HRCA has agreed to extend the operational hours of the long standing user Haywood Road pre-school. This is the only Pre-school provision in the local vicinity.
	Internal			Yes	
<p><b>Other Groups</b> (e.g. any other vulnerable groups, rural isolation, deprived areas, low income staff etc.)</p> <p>Please state the group/s:</p> <p><b>Existing user groups</b> Low income groups Those with a health condition</p>	External		Yes		<p>Haywood Road Community Association business plan sets out a commitment to retaining all existing user organisations and providing an enhanced, flexible use facility.</p> <p>The room hire rates of the centre are very competitive and therefore accessible to low income groups.</p>

## Appendix A: Equality Impact Assessment

					The organisation's Statement of Values challenge oppression of and encourage participation from the broad range of protected characteristics.
<b>Authorisation and Review</b>					
<b>Completing Officer</b>		<b>Lance Juby</b>		Yes	
<b>Authorising Director</b>		<b>Helen Barrington</b>			
<b>Date</b>		<b>09/09/19</b>			
<b>Review date ( if applicable)</b>		No			
any groups?					
Is there an opportunity to mitigate or alleviate any such impacts?			No		
Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?			No		
In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out:					
Planned Actions	Timeframe	Success Measure	Responsible Officer		
None					

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## Appendix B: Viability of Assets for Transfer to Community Organisations Summary 2019

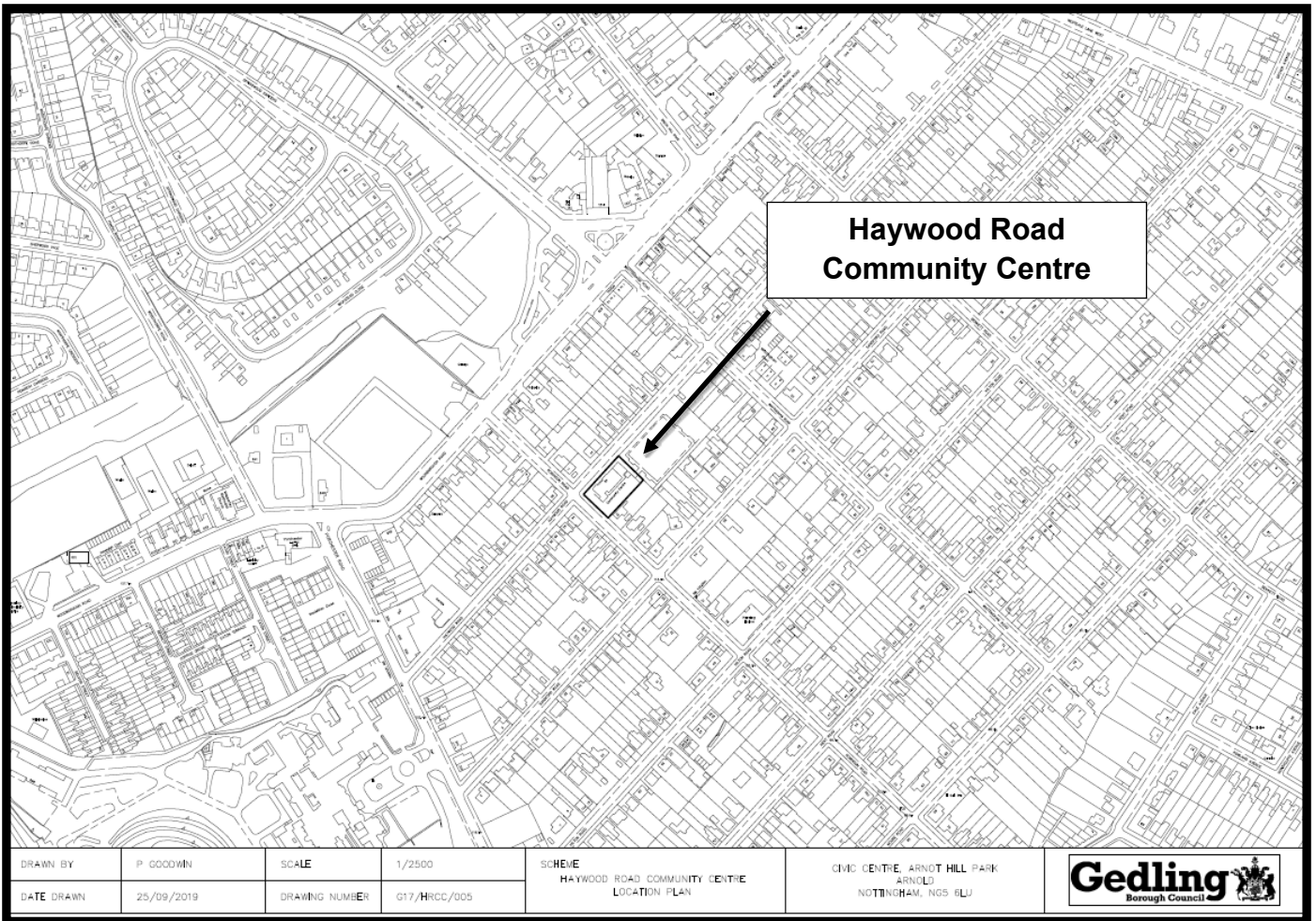
Asset: Haywood Road Community Centre Date of Survey: 24 July 2019

<b>Core Asset Register</b>				
	<b>Yes</b>	<b>No</b>	<b>Evidence</b>	
Is the site registered as a core asset?		No		
<b>Health and Safety Compliance – Documentation attached</b>				
Asbestos Management Plan	Yes		Asbestos survey undertaken; Local Asbestos Management Plan in place	
Fire Risk Assessment	Yes		Fire risk assessment undertaken – action plan in place. Reviewed and discussed with Haywood Road Community Association (HRCA) caretaker.	
Fixed Electrical Certification	Yes		Copy of last certification available	
Legionella Management Scheme	Yes		Legionella survey undertaken – action plan in place	
Gas Safety Certification	Yes		Copy of last certification available	
<b>Asset Condition Acceptability – Visual Assessment</b>				
	<b>Yes</b>	<b>Evidence</b>	<b>No</b>	<b>Evidence</b>
External (Grounds)	Yes	Water storage tank and water systems in outdoor toilet block removed		
External (Building)	Yes	Improvement plan approved and agreed with HRCA. Re-painted external woodwork. Sound condition.		
Internal (Building)	Yes	Improvement plan approved and agreed with HRCA. Internal toilets improved and other additional internal works undertaken. Boiler thermostat has also been replaced.		
<b>Other Improvements or Restrictions that may affect Transfer – Documentation attached</b>				
	<b>Yes</b>	<b>Evidence</b>	<b>No</b>	<b>Evidence</b>
Is the venue Disability	Yes	Aesthetic improvements made to		

Discrimination Act compliant? (DDA)		existing toilets. HRCA committed to future disability toilets improvements.		
Is there any Legal or other restriction on the land or building that would prevent transfer?			No	The building is registered as an Asset of Community Value, but this status does not affect the completion of this community asset transfer.



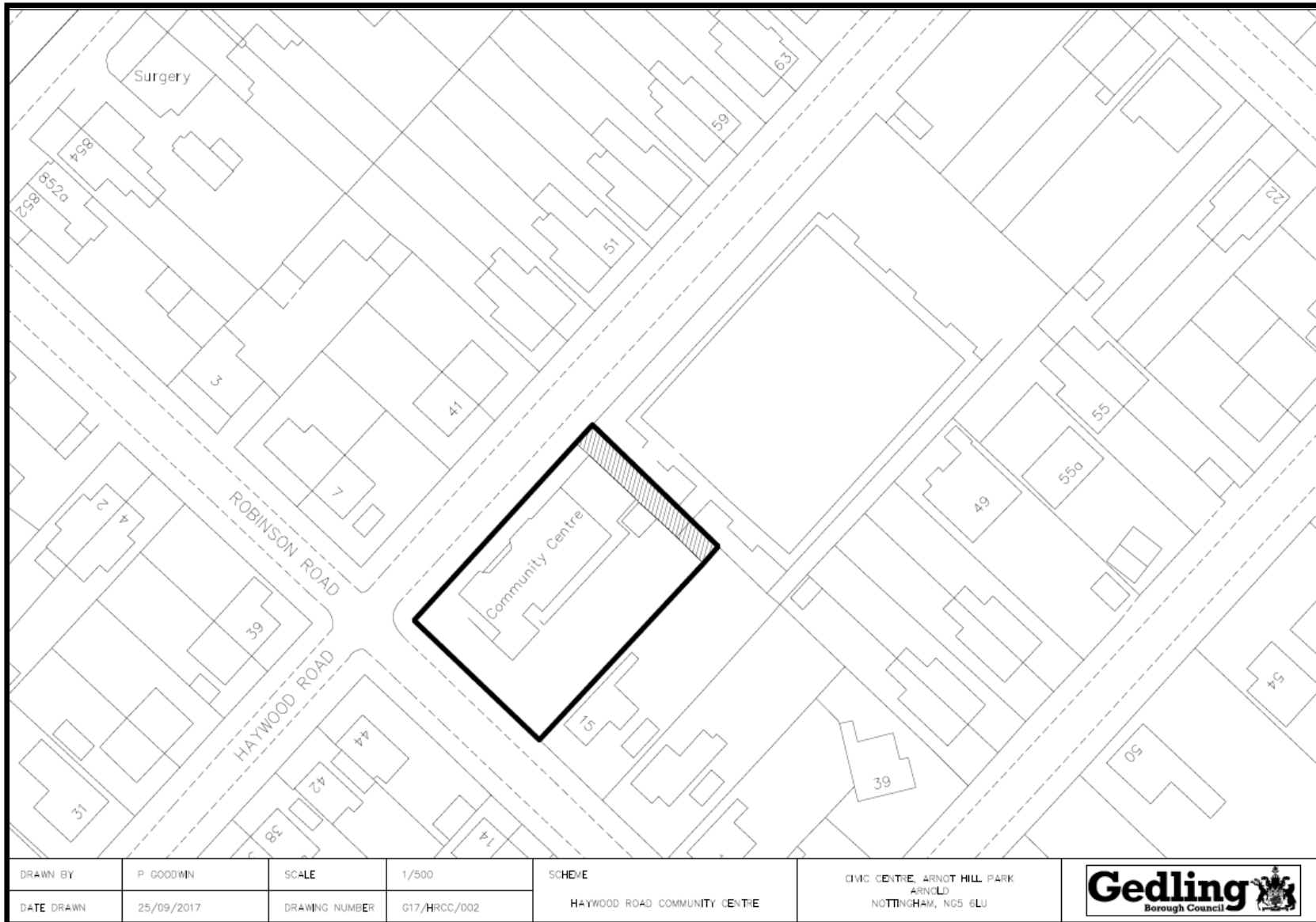
# Appendix C: Haywood Road Community Centre Photo and Location Plan



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**Appendix D: Plan of Land Designated for Transfer**

Page 123



DRAWN BY	P GOODWIN	SCALE	1/500	SCHEME	CIVIC CENTRE, ARNOT HILL PARK ARNOLD NOTTINGHAM, NG5 6LU	
DATE DRAWN	25/09/2017	DRAWING NUMBER	G17/HRCC/002	HAYWOOD ROAD COMMUNITY CENTRE		

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## Report to Cabinet

**Subject:** Forward Plan

**Date:** 9 October 2019

**Author:** Service Manager, Democratic Services

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### Wards Affected

Borough-wide.

### Purpose

To present the Executive's draft Forward Plan for the next four month period.

### Key Decision

This is not a Key Decision.

### Recommendation(s)

It is recommended THAT Cabinet notes the contents of the draft Forward Plan making comments where appropriate.

### Background

- 1 The Council is required by law to give to give notice of key decisions that are scheduled to be taken by the Executive.

A key decision is one which is financially significant, in terms of spending or savings, for the service or function concerned (more than £500,000), or which will have a significant impact on communities, in two or more wards in the Borough.

In the interests of effective coordination and public transparency, the plan includes any item that is likely to require an Executive decision of the Council, Cabinet or Cabinet Member (whether a key decision or not). The Forward Plan covers the following 4 months and must be updated on a rolling monthly basis. All items have been discussed and approved by the Senior Leadership Team.

## **Proposal**

- 2 The Forward Plan is ultimately the responsibility of the Leader and Cabinet as it contains Executive business due for decision. The Plan is therefore presented at this meeting to give Cabinet the opportunity to discuss, amend or delete any item that is listed.

## **Alternative Options**

- 3.1 Cabinet could decide not agree with any of the items are suggested for inclusion in the plan. This would then be referred back to the Senior Leadership Team.
- 3.2 Cabinet could decide to move the date for consideration of any item.

## **Financial Implications**

- 4 There are no financial implications directly arising from this report.

## **Appendices**

- 5 Appendix 1 – Forward Plan

## **Background Papers**

- 6 None identified.

## **Reasons for Recommendations**

- 7 To promote the items that are due for decision by Gedling Borough Council's Executive over the following four month period.

# Gedling

Borough Council



## FORWARD PLAN

### FOR THE FOUR MONTH PERIOD 1 OCTOBER 2019 TO 31 JANUARY 2020

This Forward Plan sets out the details of the key and non-key decisions which the Executive Cabinet, individual Executive Members or Officers expect to take during the next four month period.

The current members of the Executive Cabinet are:

Councillor John Clarke – Leader of the Council

Councillor Michael Payne – Deputy Leader and Portfolio Holder for Resources and Reputation

Councillor Peter Barnes – Portfolio Holder for Environment

Councillor David Ellis – Portfolio Holder for Public Protection

Councillor Gary Gregory – Portfolio Holder for Community Development

Councillor Jenny Hollingsworth – Portfolio Holder for Growth and Regeneration

Councillor Viv McCrossen – Portfolio Holder for Young People and Equalities

Councillor Henry Wheeler – Portfolio Holder for Health and Wellbeing.

Anyone wishing to make representations about any of the matters listed below may do so by contacting the relevant officer listed against each key decision, within the time period indicated.

Description of the decision	Date decision is expected to be taken and who will take the decision?	Responsible Officer	Documents to be considered by the decision maker	Cabinet Portfolio	Open / Exempt (and reason if the decision is to be taken in private)  Is this a Key Decision?
<b>Quarterly (Q2) Budget Monitoring and Virement Report</b> To update members on financial performance for the 2nd quarter of the 2019/20 year.	<b>7 Nov 2019 Cabinet</b>	Alison Ball, Service Manager Finance	Officer Report	Portfolio Holder for Growth and Regeneration	Open  Yes
<b>Prudential Code Indicator Monitoring 2019/20 and Quarterly Treasury Activity Report for Quarter ended 30 September 2019</b> To inform Members of the performance monitoring of the 2019/20 Prudential Code indicators, and to advise Members of the quarterly treasury activity as required by the Treasury Management Strategy.	<b>7 Nov 2019 Cabinet</b>  <b>20 Nov 2019 Council</b>	Sue Healey, Principal Accountant	Officer Report	Portfolio Holder for Resources and Reputation	Open  No
<b>Gedling Plan Quarter 2 Performance Report</b> To inform Cabinet in summary of the position against Improvement Actions and Performance Indicators in the 2019/2020 Gedling Plan for the most recent quarter	<b>7 Nov 2019 Cabinet</b>	Alan Green, Performance and Project Officer	Officer Report	Leader of the Council	Open  No
<b>Draft Sport and Physical Activity Strategy</b> To receive the draft sport and physical activity strategy.	<b>7 Nov 2019 Cabinet</b>	Debbie Roberts, Project Manager	Officer Report	Portfolio Holder for Housing, Health and Wellbeing	Open  Yes
<b>Adoption of the Sport and Physical Activity Strategy</b> To agree the final sport and physical activity strategy	<b>12 Dec 2019 Cabinet</b>	Debbie Roberts, Project Manager	Officer Report	Portfolio Holder for Housing, Health and Wellbeing	Open  Yes
<b>Willow Farm Development Brief June 2019</b> For Cabinet to approve a development brief for land at Willow Farm.	<b>12 Dec 2019 Cabinet</b>	Graeme Foster, Principal Planning Officer	Officer Report	Portfolio Holder for Growth and Regeneration	Open  Yes



Description of the decision	Date decision is expected to be taken and who will take the decision?	Responsible Officer	Documents to be considered by the decision maker	Cabinet Portfolio	Public / Exempt (and reason if the decision is to be taken in private)  Is this a key decision?
<b>Quarterly (Q3) Budget Monitoring and Virement Report</b> To update members on financial performance information for the 3rd quarter of the 2019/20 year.	<b>30 Jan 2020 Cabinet</b>	Alison Ball, Service Manager Finance	Officer Report	Portfolio Holder for Resources and Reputation	Open  Yes
<b>Gedling Plan Quarter 3 Performance Report</b> To inform Cabinet in summary of the position against Improvement Actions and Performance Indicators in the 2019/2020 Gedling Plan for the most recent quarter	<b>30 Jan 2020 Cabinet</b>	Alan Green, Performance and Project Officer	Officer Report	Leader of the Council	Open  No
<b>Gedling Plan 2020/21 (including General Fund Revenue Budget)</b> To approve the priorities, objectives and top actions for the Council for the forthcoming year with the associated revenue budget.	<b>13 Feb 2020 Cabinet</b>  <b>5 Mar 2020 Council</b>	Alison Ball, Service Manager Finance	Officer Report	Portfolio Holder for Resources and Reputation	Open  Yes
<b>Capital Programme and Capital Investment Strategy</b> To approve the capital investment strategy and capital spending programme for the next financial year.	<b>13 Feb 2020 Cabinet</b>  <b>5 Mar 2020 Council</b>	Alison Ball, Service Manager Finance	Officer Report	Portfolio Holder for Resources and Reputation	Open  Yes

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