



THE RUGBY BOROUGH COUNCIL

You are hereby summoned to attend an ORDINARY MEETING of the Rugby Borough Council which will be held at the TOWN HALL, RUGBY on Tuesday 23 April 2019 at 7.00 p.m.

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Apologies for absence.
2. Minutes
To approve the minutes of the meeting of Council held on 26 February 2019.
3. Declaration of Interests
To receive declarations of -
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 - non-payment of Community Charge or Council Tax.
4. To receive the Mayor's Announcements.
5. Questions pursuant to Standing Order 10.

6. To receive the reports of Cabinet and Committees which have met since the last meeting of the Council and to pass such resolutions and to make such orders thereon as may be necessary:

(a) Cabinet – 1 April 2019

(1) Review of overview and scrutiny arrangements – report of the Joint Overview and Scrutiny Committee – Corporate Resources Portfolio Holder.

(2) Adoption of the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism – Communities and Homes Portfolio Holder.

(b) Brooke Overview and Scrutiny Committee – 11 April 2019

(1) Reducing single-use plastics (report to follow).

7. To receive and consider the Reports of Officers

(a) Localism Act – Pay Policy Statement - report of the Executive Director as Head of Paid Service.

(b) Review of Housing Allocations Policy – report of the Head of Communities and Homes.

8. Correspondence.

9. Common Seal.

To order the affixing of the Common Seal to the various orders, deeds and documents to be made or entered into for carrying into effect the several decisions, matters and things approved by the Council and more particularly set out in the Committees' Reports adopted at this meeting.

10. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972.

To consider passing the following resolution:

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of information defined in paragraphs 1 and 3 of Schedule 12A of the Act.”

PART 2 – EXEMPT INFORMATION

1. To receive the private reports of Cabinet which have met since the last meeting of the Council and to pass such resolutions and to make such orders thereon as may be necessary:

(a) Private Report of Cabinet – 4 March 2019

(1) Future Recycling Options – Leader of the Council.

(b) Private Report of Cabinet – 1 April 2019

(1) Financial Services team restructure – Corporate Resources Portfolio Holder.

(2) Grounds Maintenance Review – Leader of the Council.

DATED THIS 11th day of April 2019

Executive Director

To: The Mayor and Members of Rugby Borough Council

QUESTIONS AT COUNCIL

A Councillor may ask a Question at the meeting by giving notice in writing of the Question to the Executive Director no later than midday on Monday 15 April 2019. The rules relating to Questions are set out in Standing Order 10 of Part 3a of the Constitution.

REPORT OF CABINET

1 April 2019

PRESENT:

Councillors Stokes (Chairman), Mrs Crane, Lowe and Ms Robbins.

Councillors Douglas, Ms Edwards and Roodhouse were also in attendance.

Note: An electronic version of the Cabinet reports referred to below can be found [here](#).

1. REVIEW OF OVERVIEW AND SCRUTINY ARRANGEMENTS – REPORT OF THE JOINT OVERVIEW AND SCRUTINY COMMITTEE

Cabinet considered a report concerning a review of the Council's overview and scrutiny arrangements. The report was circulated as part of the Cabinet agenda and all Members are requested to bring their copies to the meeting.

Recommendation of Cabinet

Cabinet decided to recommend to Council that -

- (1) the overview and scrutiny structure consist of two overview and scrutiny committees having set remits aligned to the four portfolio areas;
- (2) one overview and scrutiny committee be aligned to the Environment and Public Realm and Growth and Investment and the second be aligned to the Communities and Homes and Corporate Resources portfolios and these be given relevant names;
- (3) a programme of training be carried out for overview and scrutiny committee chairs, committee members, the Democratic Services team and Senior Management Team;
- (4) the scrutiny area of the Council website be improved to encourage better public engagement;
- (5) training opportunities be shared with Parish Councils through Warwickshire and West Midlands Association of Local Councils; and
- (6) the Council's Constitution be amended accordingly.

Recommended that – the recommendation of Cabinet be approved.

2. ADOPTION OF THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE (HRA) WORKING DEFINITION OF ANTISEMITISM

Cabinet considered a report concerning the proposed adoption of the International Holocaust Remembrance Alliance (IHRA). The report was circulated as part of the Cabinet agenda and all Members are requested to bring their copies to the meeting.

Recommendation of Cabinet

Cabinet decided to recommend to Council that the proposed International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism and the 11 contemporary examples be adopted.

Recommended that – the recommendation of Cabinet be approved.

**COUNCILLOR M STOKES
CHAIRMAN**

Council – 23 April 2019

Report of the Executive Director as Head of Paid Service

Localism Act – Pay Policy Statement

1. INTRODUCTION

The government in 2011/12 introduced legislative requirements for councils to prepare and publish policy statements for how they intend to manage the pay of the most senior staff. At the same time, it has stressed the importance of fair rewards by highlighting the need to safeguard the lowest paid. The concept of fairness was amplified in The Hutton Review of fair pay in the public sector (March 2011), which stressed the importance of the relationship between the top and median salaries in organisations, which is now required in the government's Code of Recommended Practice on Data Transparency.

The Council's first Pay Policy Statement was approved by full Council on 23 February 2012. Chapter 8 of the Localism Act 2011 requires local authorities to review this each financial year.

2. REVISIONS TO STATEMENT

There is one change due in 2019/20 that may impact on our pay multiples (see section 4 of the Pay Policy Statement for more information on pay multiples), as follows:

- New NJC (National Joint Council) (local government) pay scales have been introduced as part of the local government pay increase in April 2019. There have been higher percentage increases at the lower pay points to bring above the National Living Wage. In addition, a reduction in pay points at the lower end of the NJC scale means that the lower paid employees see larger increments each year. Around the middle of our pay scales, additional pay points have been introduced which will reduce the value of annual pay increments for these employees.

3. EMPLOYEE CONSULTATION

A copy of this revised statement has been circulated to Trade Union representatives.

4. RECOMMENDATION

The new pay policy statement shown at Appendix 1 be adopted with immediate effect.

PAY POLICY STATEMENT 2018/19

POLICY STATEMENT

The Council aims to have remuneration packages that ensure appropriate and fair pay and benefits for employees in a diverse range of roles and responsibilities.

1. Remuneration Provisions

Under section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”. This Pay Policy Statement sets out the Council’s approach to pay policy in accordance with the requirements of Sections 38 and 40 of the Localism Act 2011. The purpose of the statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees.

In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money. This is in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.

1.1 Definition of Chief Officers

The definitions of Chief Officers are taken from the Localism Act 2011. These currently include:

- Executive Directors
- Heads of Service
- Section 151 Officer and Deputy
- Monitoring Officer and Deputy

1.2 Definition of Lowest Paid Employees

The lowest paid persons employed under a contract of employment with the Council could potentially be on a full time [37 hours] equivalent salary at the bottom of our Grade A, which is, from April 2019, proposed to start at £17,364 per annum. For information, the National Living Wage will increase to £15,839 per annum in April 2019.

Whilst we may employ apprentices on a lower wage, they are considered to be on a training agreement with the Council, rather than a full employment contract. We also employ Casuals who will be paid at the Grade A salary quoted above. Apprentices and Casual employees have been excluded from our pay data.

2. Policy on Remuneration of Chief Officers

2.1 Levels of Pay for Each Chief Officer

Executive Directors and Heads of Service are paid on a salary, which is considered a market rate within the local government sector. The Council currently aims to provide salaries within the lower quartile to median range of market rates.

Executive Directors and Heads of Service are paid on a salary scale with three incremental levels.

A supplement is paid on basic pay to remunerate the additional responsibilities of the Section 151 Officer, Monitoring Officer and their deputies. These allowances however are not paid if the post is held by a Head of Service or an Executive Director.

The current levels of pay for each Chief Officer are set out in Appendix 1.

2.2 Value for Money

Value for Money, to the whole of the public sector, is considered when setting Chief Officers' pay. We generally seek to match salaries at the lower quartile pay benchmark level or, where there are recruitment and retention difficulties, at the median level. There are currently no arrangements in place, for Chief Officers, which could be perceived as seeking to minimise tax payments.

2.3 Elements of Remuneration for Each Chief Officer

In addition to basic salary, set out below and in Appendix 1, are details of other elements of 'additional pay' which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfillment of duties;

There is currently one Chief Officer in receipt of an Essential Car User allowance. This policy is for those employees that meet the business mileage requirements as set out in our Car Allowances Policy.

The Executive Director who is the Council's Returning Officer receives an Election Allowance. This allowance is set by central government. It varies each year depending on the number and type of elections in the year. The Monitoring Officer, who is the deputy Returning Officer, also receives recompense for any work carried out on the running of an election.

For an exceptional piece of work or an exceptional achievement, a Chief Officer may be awarded an honorarium. An honorarium is either a one off payment or can be a monthly allowance for a temporary period.

These elements of remuneration for 2018/19 are set out in Appendix 1.

2.4 Pay Levels on Recruitment

The pay level offered on recruitment is typically the bottom point of the salary grade. In situations, however, where the individual recruited has a high level of knowledge or skills, and/or previous relevant experience, a higher salary, up to the maximum salary for that post, may be authorised, by the recruitment appointment panel, who would be advised by Human Resources.

From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector.

Where the Council is unable to recruit to a post at the designated grade, it will consider increasing the salary scale to be closer to the 'market rate' for the job. For those Chief Officers below the level of Head of Service, we may authorise a market forces supplement. Such supplements are reviewed, at least on a three yearly basis.

Where the Council remains unable to recruit chief officers under a contract of service, or there is a need for interim support to provide cover for a vacant substantive chief officer post, the Council will, where necessary, consider and utilise engaging individuals under 'contracts for service' (for example a consultancy contract or a contract with a sole trader/freelancer). These will be sourced through a relevant procurement process ensuring the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service.

2.5 Increases to Pay

Any cost of living increases agreed through the National Joint Council for Local Government Services (NJC) are applied to Chief Officers pay. This is typically on 1st April each year.

Chief Officers will receive an incremental increase to their pay as follows:

Chief Officers appointed between 1st October and 31st March will receive an increment after six months service.

Chief Officers appointed between 1st April and 30th September will receive an increment on the following 1st April.

Thereafter, all Chief Officers will receive increments annually on 1st April until they reach the top of their grade.

All increments are subject to satisfactory performance and will be withheld if the Chief Officer has a live formal written warning for absence, conduct or performance issues.

Where a Chief Officer has given exceptional performance then they may be awarded additional increments in line with our policy on Accelerated Increments. This is subject to their pay not exceeding the maximum salary for their post.

As mentioned above, Chief Officers' pay, for Heads of Service and above, will be measured against the market on, at least, a three yearly basis to ensure we maintain consistency with our peer local authorities. Where there are significant changes in market rates then a pay benchmarking assessment will be carried out for Chief Officers. Pay levels were benchmarked, in April 2016, for Executive Director and Heads of Service as part of the proposed restructure of the Senior Management Team. Pay levels for other Chief Officers were benchmarked in 2017/18.

Where a Chief Officer is, for more than three months, temporarily working in a higher level role, then they receive the higher salary relevant to that role. Shorter periods of 'acting up' may be remunerated by an honorarium or the officer receives the higher salary of the new role for the specified period.

2.6 Performance Related Pay or Bonuses

Exceptional performance of Chief Officers is recognised by either accelerated increments or an honorarium, as detailed previously. Poor performance may result in an increment being withheld.

2.7 Termination Payments

In the case of redundancy, a redundancy payment would be made to a Chief Officer in line with our Redundancy policy.

In the case of termination due to ill-health, then there would be no termination payment but a higher pension benefit may be approved by the pension scheme. The pension benefit may include a lump sum in addition to an on-going pension payment.

Any contractual payments such as outstanding annual leave are usually included in payments on termination of employment. Similarly, any monies owing to the Council would be deducted from payments made on termination.

The Council's approach to [statutory and] discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age, is set out within its policy statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 [and if adopted] Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.

Any other payments falling outside these provisions or the relevant periods of contractual notice shall be subject to a formal decision made by the Leader of the Council with delegated authority to approve such payments.

The Council may choose to make a payment under a Settlement Agreement to protect against compensation claims that could be expensive or bring the Council into disrepute. These are not frequently used and will always be less than two years' salary.

Where a Section 151 Officer or Monitoring Officer or their deputies cease carrying out these statutory roles, or a supplement is no longer considered appropriate at that level of role, then the supplements paid will be ended by giving three months' notice. Consideration will be given to waive this notice period at the request of the individual.

3. Policy on Remuneration of our Lowest Paid Employees

Our lowest paid employees' salary is determined by the grade for their post, which is underpinned by a job evaluation scheme, rather than being paid a market rate for their job. Market supplements are given to some posts where there are recruitment and retention difficulties. Currently none of our lowest paid employees receive a market supplement on their salary to bring it up to market rates.

With the increases to the NJC (local government) pay scales in April 2019, we do not pay any employees, other than second year apprentices over the age of 25 years at the National Living Wage level. The National Living Wage will be £8.21 from April 2018.

In other aspects, there is equity of remuneration policy across all our employees. The same policies set out above apply to our lowest paid employees.

There are some differences for Casual employees, but these differences are due to their different contractual employment relationship and not due to the difference in seniority of role.

4. Relationship between Remuneration of our Chief Officers and Other Employees

The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers, as included within the Hutton 'Review of Fair Pay in the Public Sector' (2011). The Hutton report was commissioned by the Government to explore the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organisation. The report concluded that the relationship to median earnings was a more relevant measure and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between highest paid salary and the median average salary of the whole of the authority's workforce.

Our current pay level multiples are as follows, using full time equivalent salaries for all posts:

Pay Level Multiple	As at March 2019	Policy for 2019/20 to maintain Chief Officers' pay within the following multiples
The lowest paid employee and the highest paid Chief Officer	1 : 6	1 : 10
The lowest paid employee and average (median) Chief Officer	1 : 4	1 : 7
The lowest paid employee and average (mean) Chief Officer	1 : 4	1 : 7
The average (median) pay for all employees and the highest paid Chief Officer	1 : 4	1 : 7

5. Accountability and Decision Making

In accordance with the Constitution of the Council, Cabinet are responsible for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements in relation to employees of the Council.

6. Publicity and Access to Information

This policy including appendices will be available on our web site www.rugby.gov.uk.

In addition, for posts where the full time equivalent salary is at least £50,000, the Council's Annual Statement of Accounts will include a note setting out the total amount of

- salary, fees or allowances paid to or receivable by the person in the current and previous year;
- any bonuses so paid or receivable by the person in the current and previous year;
- any sums payable by way of expenses allowance that are chargeable to UK income tax;
- any compensation for loss of employment and any other payments connected with termination; and
- any benefits received that do not fall within the above

7. Related Documents

Redundancy Policy
 Retirement Policy
 Recruitment Policy
 Honoraria Policy
 Capability Procedure
 Disciplinary Procedure
 NJC Job Evaluation Scheme Outline
 Car Allowances Policy

Date last revised:

April 2019

Date of next review:

April 2020

LEVEL AND ELEMENTS OF REMUNERATION FOR CHIEF OFFICERS

Basic Pay

	Pay as at April 2019 (per annum)
Executive Director	£92,203 - £97,354**
Head of Service	£65,418 - £70,569**
Section 151 Officer and Monitoring Officer	Supplement of £2,418*
Deputy Section 151 Officer and Deputy Monitoring Officer	Supplement of £1,205*

* Only paid if the Chief Officer is at a level below Head of Service

** Pay rates are expected to increase by 2% from April 2019, but there is no agreement yet on this proposal so the March 2019 figures are shown here.

Essential Car User Allowance

Band	Mileage Bandings	Top Mileage	RAC/AA Mileage Rate (ppm)	Allowance (£)
1	500 - 1000	1000	0.61	610
2	1000 - 1500	1500	0.61	915
3	1500 - 2000	2000	0.61	1220
4	2000 - 3000	3000	0.61	1830
5	3000 and above (Typically up to 4000)	4000	0.61	2440

Election Allowance Paid in 2018/19

Post:	Allowance
Executive Director (Returning Officer)	£3,574

Honorarium Payments: None expected for 2019/20.

Council – 23 April 2019

Review of Housing Allocations Policy

Report of the Head of Communities and Homes

1. Introduction

The aim of the Housing Allocations Policy is to have a clear and transparent methodology for allocating our limited supply of social housing to those with greatest need through the use of a banding system to determine the priority of individual applicants.

Changes have been identified to ensure that the policy is robust and can withstand potential legal challenge and takes into account best practice and evolving case law.

Following approval of this revised policy, a review of all existing Housing Waiting List applications will be undertaken in accordance with this revised policy.

2. Consultation

In reviewing the policy, consultation has been undertaken with Elected Members through a Members Conversation, held in October 2018, feedback from that event has been used in the creation of the final version of this policy.

Consultation has also been undertaken with members of the Tenant Panel and with Registered Providers and again feedback has been considered in preparing this final version of the policy.

3. Summary of Changes

The revised Housing Allocations Policy is shown at Appendix 1. The main changes made to the policy are;

- **Removal of Band 4 and Reserve List**

The current Allocations Policy allows applicants with no identified housing needs to be placed on the waiting list. This category has previously been available for hard-to-let properties. However there are no realistic timescales for them to receive an offer of accommodation. The intention is therefore to remove this band so that only applicants with an identified housing need are accepted onto the waiting list.

- **Debts relating to Housing**

The current policy requires those with previous housing related debts to clear those debts or to have maintained a payment arrangement for a continuous period of at least six months and that all debts are cleared before an offer can be made. However, where we have a full homelessness duty for an applicant this means that they remain in temporary accommodation and there is no incentive to clear the debt especially if the applicant has been housed in a Council property.

Under the new policy it is recommended that if the applicant is able to demonstrate that a repayment plan is in place and is being maintained, no time period is stipulated because you may have one applicant making very small payments over a period of six months but another applicant making larger payment over a shorter period of time. Officers will assess each case on its own merits. In addition those applicants with a full homelessness duty will be demoted to Band Three until the debt is cleared to ensure that there is an incentive to clear the housing related debt.

- **Homeowners**

The criteria for homeowners has been changed to ensure that only homeowners with insufficient equity to secure private rented accommodation for a period of six months can be placed onto the Housing Waiting List.

Where homeowners require adaptations to their property to make it suitable for their needs they will be referred to the Warwickshire Heart Service. If it is determined that the property is not suitable for adaptation they will be able to join the Housing Waiting List. Where adaptation would be in excess of £30,000 and can discretionary funding is not available, they would be able to join the Housing Waiting List, those applicants failing the means test would be expected to fund their own adaptations.

- **Reduction in offers of suitable accommodation**

The number of offers of suitable accommodation that will be made has been reduced from three to two. Where two offers are refused with no justifiable reason there application will be treated as withdrawn.

- **Pets**

It is recognised that some properties are not suitable for applicants with certain types of pets, therefore a decision to offer a property to applicants with pets will be made on a case by case basis.

5. Equality Impact Assessment

An Equality Impact Assessment on this policy was undertaken on 28 March 2019 and is shown at Appendix 2. The Equality Impact Assessment will be reviewed by 01 October 2022.

6. Recommendation

The revised Housing Allocations Policy, as at Appendix 1 to the report, be approved and supersedes all previous versions of the Housing Allocations Policy



Appendix 1

HOUSING ALLOCATIONS POLICY

April 2019

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Foreward

One of Rugby Borough Council's priorities is to ensure that residents have a home that works for them and is affordable. There is great demand for all tenures of housing whether that be owner occupation, private rental or social housing.

Social housing is a limited resource which means that it is important to maintain a balance between creating sustainable communities and helping those who have the highest need for accommodation. This updated Housing Allocations Policy has been formulated to support residents in a sustainable and transparent way to meet the housing needs of households as effectively as possible.

The Homelessness Reduction Act 2017 introduced the most fundamental changes to homelessness legislation since such statute came into being in 1977. The scope of homelessness services provided by councils has been greatly extended and means that those at risk of becoming homeless must receive support at the earliest opportunity. Some of the changes incorporated into this policy reflect these new priorities and demonstrate the council's commitment to support homeless households.

At the heart of our approach is an ambition to promote financial inclusion and to support residents by working in partnership with them. This policy enables us to ensure that those most in need of housing are given priority for suitable housing which will best address their situation.

The Allocations Policy will provide clear and helpful guidance about who can be included on the council's housing waiting list. The policy will be kept under regular review to ensure it meets local housing needs and remains relevant and fit for purpose.



Councillor Emma Crane
Portfolio Holder
Communities and Homes



Raj Chand
Head of Communities and Homes

1. Introduction

This document describes how to apply for social housing, how an applicant will be assessed and what service standards they should expect. It sets out who is and who is not able to join the list and what priority, if any, the application will be given.

The key objectives of this Allocations Policy are to:

- Provide housing applicants in Rugby with a fair and easy to understand way of letting social housing properties
- House those in the greatest housing need
- Make best use of social housing stock in the area

The Allocations Policy will help applicants to understand their realistic prospects of obtaining housing through the Council or with Housing Associations as well as the likely time frames. The policy also promotes other housing options such as private renting in order to meet the needs of applicants.

The Council can also nominate applicants for a tenancy with a housing association and this will be in accordance with this policy.

2. Applying, Initial Assessment and Information Needed

2.1 How to make an application

Applications for the Housing Waiting List will be made initially through self-referral via an on-line portal on the Council's website. After completing the on-line form, a member of the Community Advice and Support Team will contact the applicant to provide initial information regarding;

- eligibility
- the assessment process; and
- to discuss alternative options for seeking accommodation.

The Officer will work with them, guiding them through the process from initial contact to final decision.

The Council recognises that some applicants will require additional support and will refer applicants to other agencies to provide support or access accommodation based support.

2.2 What information you will need to apply

After completing the self referral form, an officer from the Community Advice and Support team will contact the applicant to arrange an initial assessment meeting to discuss the application. When attending the meeting with the officer from the Community Advice and Support Team, the applicant will need to bring, proof of identity for all the persons on the application, and proof of residence for all persons aged 16 years or over, covering the past 2-years. Examples of acceptable proof are, **one** of the following:

For main applicants:-

- Passports and birth certificates (photo id)
- Marriage certificates
- Driving licence
- National Insurance number card
- Mortgage statements
- Council correspondence
- P60
- Payslips
- Bank statements

For children / young people

- Birth certificates
- Child benefit notification letter

Foreign nationals are required to provide

- Proof of Immigration Status to confirm that they are eligible for social housing.

2.3 Income and Expenditure

The Council will need to be satisfied that any accommodation provided is financially affordable. At the start of the registration process and upon being made an offer of accommodation, you will be required to provide details of your income and expenditure. Support will be provided to ensure that any tenancy will be financially viable. This support may be provided internally by Council Officers or by referral to an external agency working in partnership with the Council. Advance rental payments will be expected from those applicants for whom it is financially viable. The Tenancy Coach Service will work with clients to undertake a financial assessment.

2.4 Obligation to be Truthful

It is a criminal offence (under Section 171 of the Housing Act 1996) to withhold information that the council may reasonably require to assess an application, or to provide false information that leads to an applicant gaining a tenancy. The council will take appropriate action (including legal action) against anyone who gains a tenancy, or tries to gain a tenancy, through knowingly providing false information. A person guilty of an offence under this section is liable on summary conviction to a fine. Legal proceedings may begin if:

- any false information is given, or information withheld, on application to the Housing Waiting List
- any false information is given, or information withheld, in response to subsequent review letters or other update mechanisms
- any false information is given, or information withheld, by applicants during a review.

Applicants who give false or misleading information will be excluded from the Housing Waiting List for a period of 2-years. Possession proceedings will be issued if a tenancy has already been granted and any associated costs recovered from the applicant.

3. Tenancy Ready

If following the initial assessment meeting, the applicant is deemed not to be tenancy ready based on the following criteria;

- Life Skills
- Tenancy Skills
- Financial inclusion

Applicants will be required to engage with the Council's Tenancy Coach Service.

The Tenancy Coach will need to be satisfied of the following;

- The applicant can demonstrate that the rent is affordable and are aware of the need for paying rent (in advance), council tax and household bills
- The applicant's ability to budget for and pay other bills
- The applicant knows how to report a repair
- The applicant knows how to manage their home, utilities and minor maintenance (such as reading a utility meter, changing a light bulb etc)
- The applicant knows how to improve life / work skills / opportunities for volunteering

This will be assessed at the point a property is offered, based on information gained at the point of application.

This support may be provided by Council Officers or by referral to an external agency working in partnership with the Council.

The aim of this is to ensure that the Council supports prospective tenants to have a sustainable tenancy.

4. How the Housing Waiting List Works

The Housing Waiting List covers both those who apply for general needs housing (accommodation intended for those under the age of 60) and those whose preference is for Independent Living accommodation.

Independent Living accommodation is for those applicants over the age of 60 years who wish to apply for designated older person's accommodation. Vacancies that fall within this category will only be open to this group of applicants. This will also cover couples where 1 person is of qualifying age for pension credit and the other is between 50 and 61.

The council does have discretion, in certain circumstances, to let to households with

a particular need. For example, the council may let a property within an independent living scheme to a younger person, who is receiving the higher level of Care / Mobility component of Personal Independence Payment or Disability Living Allowance.

Each case will be considered with regard to the personal circumstances of the person involved, as well as any potential impact upon those persons living as part of a community of older people in an Independent Living scheme.

5. Who is and who is not allowed on the Housing Waiting List?

5.1 Ineligible due to Immigration Status

Some people travelling to the United Kingdom from abroad are not entitled to social housing on the basis of their status as detailed in Section 160A of the Housing Act 1996 as amended and Nationality, Immigration and Asylum Act 2002. Where a registration form indicates that this may be an issue, checks will be made to confirm the eligibility status of an applicant.

Applicants who may potentially be affected will need to provide evidence of their immigration status. This could be via their passport or other travel documents that have been issued.

If an applicant is subject to this section we have no duty to offer a home. Advice on other housing options will be provided by the Community Advice and Support Team.

5.2 How do you qualify to go on the Housing Waiting List?

The council has the right (under Housing Act 1996 section 160ZA (7)) to determine 'classes' or criteria for households who do or do not qualify for entry to the Housing Waiting List. The following criteria have been laid out by the council for this provision. Please contact the Community Advice and Support Team if you need further information.

5.3 No Housing Need

A household will not be accepted on to the Housing Waiting List unless they have a housing need. This means they fall within one of the categories required to have a 'reasonable preference' as laid out in the Housing Act 1996 s167 (2), these are:

- people who are homeless (within the meaning of Part 7);
- people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3);
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- people who need to move on medical or welfare grounds; and
- people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

A household must fulfil one of the following residency criteria to be accepted onto the Housing Waiting List:

- Currently live, or have lived, within the borough of Rugby and have done for at least 6 out of the last 12-months or 3 out of the last 5-years.
- Have immediate family (mother, father, brother, sister, son, daughter, grandparents, step-relatives, adoptive parents) who are currently living in the Rugby borough area and have done for at least five years or more.
- Have a contract of employment within the Rugby Borough area, if this is a zero-hours contract then they must prove that they have worked in the borough during the previous 4-weeks. This proof will be requested at the point of application and again at the time that an offer of a property is made.
- The need to care for, or receive care from someone who lives in the borough. Evidence will be requested from a professional agency to support care required or being provided.

The following households will be exempt from these criteria:

- People who are moving into the borough to take up work or escape violence.
- People connected to the armed forces.
- Applicants who meet the reasonable preference criteria as set out in the Housing Act 1996 section 167(2) but have no local connection will be placed in band 3
- Social housing tenants who need to move because the tenant works or has been offered work in the borough and has a genuine intention to take up the offer.

5.4 Debts Relating to Housing, Convictions and Anti-Social Behaviour

- If an applicant owes any property related debts to a council, a social or private landlord, and the debt is being pursued by the landlord, they must be able to demonstrate that a repayment arrangement has been entered into with the landlord and payments have been made in accordance with the arrangement for a continuous period. An applicant who has not demonstrated that they have a sustained repayment arrangement will have their banding priority reduced by two bands;
For example; an applicant assessed as meeting the criteria for being placed into Band 1 will be placed into Band 3 until they can show the repayment arrangement has been complied with for a continuous period.
- If the applicant is in receipt of Universal Credit, property related debt not subject to a repayment arrangement must not exceed the equivalent of two months' rent. This is to allow for a possible delay in the payment of Universal Credit.
- Neither the applicant nor any member of his or her household has been convicted of a criminal offence related to their current or previous property or vicinity of property within 2-years preceding the date of application where the council considers the offence serious enough to pose a risk to other tenants. This can include drug dealing from the property or burglary.

- Neither the applicant nor any member of his or her household has been convicted of a criminal offence serious enough for the council to consider them to be a risk to other tenants in the last 10-years.
- Neither the applicant nor any member of his or her household has been subject to any civil or criminal actions or sanctions relating to tenancy or property within the last five years. This would include; Community Protection Notices, injunctions relating to anti-social behaviour, etc. The Council will consider each case on its merits taking into account whether these orders would pose a serious risk to other tenants.

5.5 Affordability

An applicant will not qualify for the Housing Waiting List if the household's gross income is more than;

- £45,000 (gross income before deductions for tax, national insurance, etc.) per year for a couple or single person with children
- £25,000 (gross income before deductions for tax, national insurance, etc.) per year for a single person without children
- Or have Savings (including shares, investments, etc) of more than £16,000

The above limits apply and will be checked both at the point of application and at the point of offer of a tenancy.

5.6 Home Owners

Applicants with sufficient levels of equity that would enable them to access market housing within the Borough will not qualify for the Housing Waiting List. "Sufficient levels" will be calculated by comparing the equity in the property with the cost of renting suitable accommodation (including deposits and moving costs) for a period of six months.

For example; an applicant will have equity, from the sale of their current property, of £30,000. They require a house with two bedrooms. The average price of renting a two bed property is £700 per calendar month. For the purposes of calculating sufficient levels of equity;

Total rent for 6 month (£700 x 6)	£4,200
Deposit	£ 700
Moving Costs	£1,000
Total costs	£5,900

The applicant would be assessed as having sufficient levels of equity to access housing on the open market and would not qualify for the Housing Waiting List.

Equity levels will be checked at the point of application and again at the point of an offer being made.

Homeowners requiring adaptations to their property, will be referred to the Warwickshire Heart Service. If the means test shows that they qualify for funding but that the property is inappropriate for adaptations, they will qualify to join the Housing Waiting List. Those who qualify for adaptations costing more than £30,000 and fail to

secure discretionary funding will qualify to join the Housing Waiting List. Those failing the means test will be expected to fund their own adaptations.

5.7 Council Discretion and Allocations to which Part 6 and this Policy do not apply

The council retains the ability, in exceptional circumstances, to exercise its discretion when making decisions with regard to including persons on the Housing Waiting List. Such cases will be referred to the Community Advice and Support Team Leader / Manager for agreement.

The range and complexity of cases means that sometimes Officers will deal with scenarios that are not covered by the existing Allocations Policy. Transfers that the housing authority initiates for management move purposes (for example; a household requiring a move very quickly due to emergency) will be referred to the Head of Communities and Homes as they have delegated authority to make a decision.

6. Information about Applicants and Applications

6.1 Joint Applications

Joint applications will be accepted, provided both customers are eligible, aged 16 or over and intend to occupy the property together as their only or main home.

6.2 Multiple Applications

Only one application can be considered at a time.

6.3 People Aged 16 and 17

Applicants who are 16 or 17 years old can only be a tenant of a council property, if the tenancy is held in a Deed of Trust on their behalf.

The Deed of Trust must only be completed in the following circumstances:

- The applicant must be 16 or 17-years old
- The applicant has been offered a property or qualified to succeed to a tenancy of another tenant under the Housing Act
- The property being offered must be the applicants only home
- The signer of the Deed of Trust must be over 18 and be a suitable and responsible adult (Rugby Borough Council cannot act in this capacity)
- The signer of the Deed of Trust understands that they are not liable for rent arrears but that they will assist the young person to conduct their tenancy in a satisfactory manner and there will be an expectation of assistance if the young person has to go to court because of their tenancy.

6.4 Divided Households

Where a household is living apart only one application can be registered. In order to determine which property provides the basis of the housing needs assessment the circumstances at both addresses will be considered.

The address with the lowest housing need will be used to consider housing need and priority for the Housing Waiting List.

6.5 Change of Circumstances

It is the applicant's responsibility to advise the council of any changes in contact details (home and mobile telephone numbers and email addresses). If they do not inform the council of a change of contact details they may miss out on properties that become available. The applicant should also contact the Community Advice and Support Team to report any change to their circumstances which may affect their priority for housing.

Any changes should be reported via email to housingsupportteam@rugby.gov.uk

Change of circumstances include:-

- A change of address for the applicant or any other person on the application
- Any additions to the family or any other person that they would wish to join the application (although it is for the council to decide whether they will allow a person to join the application)
- Any change in their income, assets or savings
- Any change in their medical conditions or property requirements

6.6 Review of Applications

The council will review all applications on the Housing Waiting List on a regular basis. If the applicant fails to respond to the review, their application will be deleted from the Housing Waiting List. If good reason can be shown why there was a failure to respond to the review within one calendar month of the application being closed then the application may be reinstated.

6.7 Removal from the Housing Waiting List

An application will be cancelled from the Housing Waiting List in the following circumstances:

- At the request of the applicant
- Failure to respond to a Housing Waiting List Review without good cause
- If the applicant becomes ineligible for housing
- If the applicant has been housed by another local authority or social housing provider
- Where the applicant moves and does not provide either a current address or up to date contact details
- Where attempts have been made to contact the applicant in relation to finding a suitable home and the applicant fails to contact the Council and there are no exceptional circumstances which prevented contact being made.

The applicant will be informed of the reason for removal from the Housing Waiting List, using their last known address. They will have a right to request a review of the decision made on their housing application.

A fresh application will be considered if, for example:

- The applicant's immigration status has changed
- The applicant can demonstrate good behaviour for a minimum of 2 years
- A minimum of 2-years has passed since the applicant has knowingly given false or misleading information, or withheld information that has been reasonably requested.
- The applicant's financial circumstances have changed and they now meet the affordability criteria.

7. Priority on the Housing Waiting List

7.1 The Banding System

Properties are allocated to applicants in greatest housing need. To establish the applicant's priority on the Housing Waiting List all applications will be placed into a band. The Bands are 1+ 1, 2, or 3.

Band 1+

This applies to a very limited number of cases where there is cumulative urgent housing need, or applicants are covered by the Military Covenant (see appendix 1)

Band 1

Those with urgent housing need.

Band 2

Those with a high housing need.

Band 3

Those with a moderate housing need.

The banding allocated will be based on the highest banding allocated from the following categories;

- Condition of current property
- Violence and serious harassment
- Hardship
- Homelessness
- Medical / Disability
- Over Crowding and Size of current accommodation
- Serving and former members of the Armed Forces
- Under Occupation of current accommodation
- Welfare Grounds
- Leaving short-term Supported Accommodation

In addition to the banding allocated to an applicant, the date of the application will also be used in determining priority within each band.

7.2 Condition of Current Property

Banding decisions available

Band 1

- Applicants who are required to leave their home as a result of an emergency Prohibition Order served under the Housing Act 2014.
- Applicants in properties that are assessed as having a lack of facilities or that are subject to statutory Prohibition or Demolition Orders in accordance with legislation and statutory regulations. This would also include situations where the condition of the property occupied is seriously detrimental to the health of any of the household and the defects to the property cannot be readily remedied.
- Existing tenants of the Council who are being decanted to enable regeneration or improvement of properties.

Decision making criteria

- A copy of the Prohibition Order, Demolition order or Housing Health and Safety Ratings System (HHSRS) identifying issues resulting in potential high risk of harm will be required.
- A Council decision to regenerate or improve a property and that tenants are required to move out.

7.3 Violence and serious Harassment

Banding decisions available

Band 1

Applicants who cannot continue to live in their current home because of serious harassment or violence.

Decision making criteria

In these circumstances evidence would be required to support the case and an investigation will be carried out in conjunction with other agencies as appropriate.

Examples would include:

- An applicant suffering domestic abuse from a partner, former partner or relative with whom they currently reside and for whom the use of an injunction or other form of legal action may not be appropriate.
- An applicant suffering serious harassment and legal remedies are not working or are inappropriate. Harassment implies a degree of deliberate intent with some underlying motive and can be distinguished from neighbour disputes or nuisance.

7.4 Hardship Grounds

Banding decisions available

Band 1

Where the applicant has an urgent need to move to a specific area and serious hardship (financial or personal) would be caused if they did not move.

Band 2

Where the applicant has a non-urgent need to move to a specific area and serious hardship (financial or personal) would be caused if they did not move.

Decision making criteria

An assessment will be made to identify the impact of the current accommodation on the applicant and the degree of hardship that is being caused by their current accommodation.

Examples of circumstances relating to Band 1 include;

- An applicant needs to move to take up employment and the failure to move would lead to significant financial hardship. A financial assessment will need to be undertaken to show the level of financial impact.
- An applicant needs to move to provide care and support to a vulnerable relative and there is no other alternative without causing a significant amount of hardship to the applicant. This would not only take into account financial hardship but also the impact on the quality of life of the applicant and their household.
- The applicant is unable to afford their current housing costs. A financial assessment will need to be undertaken to show the level of financial impact and that no other expenditure can be reduced to meet the housing costs.

Examples of circumstances relating to Band 2 include;

- An applicant needs to move to take up an education opportunity and the failure to move would lead to significant financial hardship. A financial assessment will need to be undertaken to show the level of financial impact.
- An applicant needs to move to provide care and support to a vulnerable relative and there is no other alternative without causing personal hardship to the applicant. This would not only take into account financial hardship but also the impact on the quality of life of the applicant and their household

Council Discretion

The Community Advice and Support Team Leader / Manager may exercise discretion regarding the following;

- Care and Support for a non-relative would be considered, where it can be shown that no other support networks exists.

7.5 Homelessness

Banding decisions available

Band 1

- Applicants assessed as statutorily homeless owed a main duty.
- Applicants to whom the authority owes a prevention or relief duty for whom social housing is deemed the only appropriate tenure.

Band 2

- Those owed a prevention or relief duty with local connection to Rugby Borough
- Those who have made a homeless application and are assessed as homeless but do not have a priority need (those without dependent children, non-care leavers and those without significant illness or disability). This will have been set out in a decision letter received by the applicant.

Band 3

- Applicants assessed as statutorily homeless owed a main duty, but have a property related debt without a sustained payment arrangement in place.
- Those owed a prevention or relief duty with no local connection to Rugby Borough.
- Those owed a prevention or relief duty with local connection to Rugby Borough but have a property related debt without a sustained repayment arrangement, or criminal conviction
- Those deemed to be intentionally homeless as the result of an adverse main duty decision
- Those homeless applicants who do not engage with prevention and relief activities required of them (including refusal of a suitable or final offer).

Decision making criteria

The Council has a duty under Part VII of the Housing Act (as amended by the Homelessness Act 2002) to ensure that homeless applicants owed a full housing duty are provided with suitable accommodation. Applicants meeting this criterion will receive a letter from the Council confirming that they have a duty to assist the applicant to obtain housing. Homeless applicants to whom the full duty is owed will be placed in Band 1.

Homeless applicants are awarded priority within the allocations scheme because of their urgent need to be rehoused. For this reason homeless applicants will be placed in Band 1 and this banding will be taken from them if they do not accept an allocation which the council considers to be suitable and reasonable. Failure to accept the offer will mean that the council has discharged its responsibility to house the applicant unless the applicant submits an appeal to the Community Advice and Support Manager and the appeal is successful. This is known as a Suitability Appeal.

A homeless applicant can move into a property and request a suitability appeal. If the applicant is successful in an appeal they will receive another offer. Due regard will be given to the individual's circumstances and the reason for the refusal of the property.

An offer of accommodation is likely to be in the private rented sector rather than an offer of a tenancy for social housing.

7.6 Medical / Disability

Banding decisions available

Band 1

Where there is evidence to support that the applicant is unable to continue to live in their current accommodation due to medical need or disability.

Band 2

Where the applicant is experiencing a significant detrimental effect on the ability to live independently in their current accommodation.

Band 3

Where a move to more suitable housing would improve the applicant's health.

Decision making criteria

An assessment will be made to;

- Identify the impact of the current accommodation on the applicant.
- a further assessment will be made to identify any adaptations that could be made to their current accommodation to make it more suitable.
- How alternative accommodation, and what type would better meet the applicant's needs, should the existing property not be adapted within reasonable timescales and cost.

In all cases evidence will be required to both support the application and prescribe the impact on the applicant. Evidence could be provided from a Doctor, other Medical Specialist, Occupational Therapist or qualified support worker.

Examples would include;

- If an applicant has an upstairs bathroom and is unable to access the upstairs with or without additional aids. (e.g. stair lift), are likely to qualify for band 1.
- If an applicant has an upstairs bathroom, and can access the upstairs with difficulty, they are likely to be placed into band 2.
- If an applicant has an upstairs bathroom, and can access the upstairs but with some discomfort, they are likely to be placed into band 3.

7.7 Over Crowding and Size Criteria

Banding decisions available

Band 1

Overcrowded because the current property is short of three or more bedrooms

Band 2

Overcrowded because the current property is short of two bedrooms

Band 3

Overcrowded because the current property is short of one bedroom

Decision making criteria

The number of bedrooms required for the household is compared with the number of rooms within the property that could reasonably be used as a bedroom, the actual use of the room is not taken into account (e.g. a separate dining room could be used as a bedroom).

Size criteria

In determining the household, it will take into account;

- Applicant
- Partner (if living permanently with the applicant)
- Only children permanently living with the main applicant are included. In the case where a child is the subject of shared custody, but does not usually live with the applicant, they will not be considered as part of the household for the purpose of applying to the housing register.
- Anyone else who usually lives with the applicant on a permanent basis.

In determining the number of bedrooms required, one bedroom is required for each of the following;

- Applicant and Partner
- Two children of different sexes up to the age of 10
- Two children of the same sex under the age of 16
- Each child over the age of 16
- Each child in receipt of the higher or middle rate of care component of Disability Living Allowance or Personal Independence Payment.
- Where an overnight carer is required

Council Discretion

The Community Advice and Support Team Leader / Manager may exercise discretion regarding the following;

- Where the applicant is an approved foster carer, the size of the property required will take into account the number of children normally fostered during the last 12 months.
- Where the applicant is downsizing from a current Rugby Borough Council Property, this will be subject to an assessment of need and affordability.
- Under-occupation of a larger hard-to-let property, this will be subject to a financial assessment confirming that the rent is affordable.

The Council will also take into account any recent moves that have been made by the applicant and it is deemed that this was to facilitate a later request for social housing. This would include where the applicant has moved from a property that was of a suitable size to one where they are now deemed to be overcrowded. In these case the accommodation that best met their accommodation needs will be treated as the accommodation still occupied by the applicant.

7.8 Serving / former members of the Armed Forces

Banding decisions available

Band 1+

- Those who have a connection with the armed forces as set out in the Armed Forces Covenant, see appendix 1.
- Bereaved, divorced or separated spouses or civil partners of those serving in the armed forces where;
 - (i) The bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner.
 - (ii) The divorced or separated spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation.

Decision making criteria

In accordance with The Allocation of Housing (Qualification Criteria for armed Forces) (England) Regulations 2012, the local connection criteria will not be applied to applicants who are homeless, threatened with homelessness or living in unsuitable conditions which renders their property uninhabitable.

7.9 Under Occupation

Banding decisions available

Band 1

- Current Council tenants moving on affordability grounds
- Current Council tenants moving from a family sized property to more suitable sized accommodation

Decision making criteria

This is where a current council tenant is living in a property that is larger than they require and wish to move to a smaller property.

The applicant will be required to provide an income and expenditure statement to ensure that accommodation is affordable.

7.10 Welfare Grounds

Banding decisions available

Band 1

Where the applicant has an urgent need to move, and failure to move would have a serious impact on the wellbeing of the applicant. Evidence will need to be provided from a Doctor, other Medical Specialist, Occupational Therapist or qualified support worker.

Band 2

Where the applicant has a high need to move to a specific area.

Examples of circumstances relating to Band 1 include;

- Applicant or partner is pregnant and within third trimester and living in a House in Multiple Occupation.
- Parents forced to live apart (where they have previously lived together), except where it could be reasonably be expected for both parents to live in either of the homes that they occupy.
- A child separated from parents (where they have previously lived together) where the child cannot occupy the current home of the parent, and that they will live as a family unit.
- Applicants with a high degree of vulnerability and their housing situation is having a detrimental effect on their quality of life.

Examples of circumstances relating to Band 2 include;

- Applicants who need to move to receive care or support.
- Applicants who need to move as part of an agreed support plan to re-integrate them into the community.

7.11 Those leaving short-term Supported Housing

Banding decisions available

Band 1

Applicants who are in short term supported housing (up to 2-years) and are required to move on to alternative accommodation urgently.

Decision making criteria

Confirmation about these circumstances will be required from the organisation providing the supported accommodation.

8. Applicant takes steps to worsen their situation

Where the Council has reason to believe that an applicant has deliberately made their housing situation worse to support their application for social housing, the Council will make further investigations. In these cases the Council may use their previous accommodation (that best met their needs) when considering an application for social housing, e.g. an applicant has moved from a property that was suitable for their medical condition to a property that is not suitable for their needs. In this case they would be treated as though they still lived in the accommodation that met their needs.

9. What Happens if I am Unhappy with a Decision About My Application?

If you are unhappy with a decision you can request a review of any decision made by the Council on your housing application (under Part VI of the Housing Act 1996). Examples may be:

- Decisions about the facts of your case which are likely to be, or have been taken into account in considering whether to allocate housing accommodation
- Ineligibility for allocation based on immigration status

Decision letters issued will advise of the right of review and provide guidance on the review process.

Only one review request can be made. If following the internal review, you disagree with the outcome of the review, on the grounds that material facts have not been taken into account, you can appeal to the County Court.

9.1 Requesting a review of a decision

A request for a review can be made in writing or verbally to a member of the Community Advice and Support Team. It must be requested within 21 days of the receipt of the letter containing the decision to be reviewed.

9.2 How long will a review take?

A review will be considered within 28 days and a written response outlining the outcome and the reasons for the outcome within five working days of the decision being made.

9.3 Who undertakes a review?

Reviews are carried out by an officer who was not involved in the original decision and who is senior to the officer responsible for the original decision.

9.4 Complaints

If you disagree with the handling of your application, you can make a complaint through the Council's Complaints procedure. Details of the Complaints procedure can be found on the Council's website.

10. How will properties be let?

10.1 Shortlisting

Applicants are matched to suitable properties and will be placed in the order of banding priority. If two or more applicants within the same band are matched to the same property for which they qualify, their application date or the date they entered their current band will be used to determine the higher priority.

Where properties are targeted at specific client groups, they will be given priority for that type of accommodation e.g. accessible accommodation for clients with disabilities.

In addition to the priority by Banding, local connection criteria will also be taken into account.

Prior to allocation, some properties may be deemed as sensitive lets. In these cases the broader circumstances of the applicant will be taken into consideration. Before an offer is made.

10.2 Viewing Properties and Receiving Offers

A member of Housing Services Team will contact applicants if they are shortlisted for the offer of a tenancy. An applicant is expected to keep the Housing Services Team updated of any changes in their contact details. If an applicant does not return contact within 24 hours of being contacted regarding an offer of a tenancy, then they will be overlooked for that offer. This timescale may be extended if there are exceptional circumstances which prevented contact being made.

If the applicant fails to return contact on three occasions, their application will be suspended. An interview will be required to seek reinstatement.

10.3 Pets

Certain council owned properties are not suitable for households with certain types of pets. Applicants may be contacted when they come up for properties that meet their need, but a formal offer may not be made if the property is not suitable for their pet(s). The final decision on suitability of a property will be made by an Officer of the Council.

10.4 Refusing a Property Offer

Applicants who refuse more than two offers of suitable accommodation will have their priority reviewed. Where there is no justifiable reason for the refusals, their application will be treated as withdrawn

An applicant who has been accepted as statutory homeless will receive one offer of suitable accommodation. Refusal of a suitable accommodation offer will result in the applicant being moved into Band Three.

10.5 Withdrawal of an Offer

There may be occasions when the offer of a tenancy may be withdrawn. Reasons for withdrawal could include, but are not limited to;

- A change in the applicant's circumstances
- The applicant is found to be ineligible for the property
- Where the offer may put a vulnerable person at risk
- The applicant has attempted to obtain a tenancy by deception

10.6 Lettings to Council Employed Staff and Elected Members of the Council

In order to ensure that the council is seen to be treating all applicants fairly, any application for housing from council employees, Elected Members or associated persons or contractors working for the council must be disclosed. These applicants will be assessed in the normal way, but any offer of housing must be approved by the Housing Services Manager in conjunction with the council's Monitoring Officer.

10.7 Making Best Use of our Housing Stock

The Council has housing stock that is either categorised as general needs (aimed primarily at those of working age and have no additional support requirements), or Independent Living Accommodation aimed at those of Pensionable age and may have additional support needs.

The council will, wherever possible, seek to make best use of the existing housing

stock. Where accommodation has no demand, the council reserves the right and discretion to consider a change of use for that property. For example, converting a larger property into accommodation for shared use or converting a property designated as Independent Living Accommodation into general use or vice versa.

10.8 Legislative Changes

Any legislative changes that impact on the Allocations Policy will be referred to the Head of Communities and Homes for a delegated decision.

11. Local Policies and Plans

11.1 Rural Allocation Policy

For some properties in rural settings a local connection to the parish will need to be established.

A local connection to a parish is established if the applicant has, at the time of registration on the Housing Waiting List:

- been continuously resident within the parish, or adjoining parish, for the last 5-years
- been a person, or persons residing permanently in the parish, or an adjoining parish for 5 years, or more, within the previous 20-years
- has a contract of employment at a workplace within the parish, or adjoining parish, and this work is not of a casual or temporary nature
- current family associations within the parish, i.e. parents, sons, daughters, brothers or sisters who have lived within the parish, adjoining parish, for the last 5-years
- Someone needing care from a person in the Parish

If there is not an applicant that meets the above local connection criteria, we will adopt the following approaches, listed in order of how we will use them:

- Firstly, we will consider applicants resident in the parish, or adjoining parishes that have lived there from 4-years down to 12-months; those having been resident longest receiving highest priority.
- Secondly, if there are still no qualifying applicants we will then consider those resident in the surrounding parishes, initially resident for 5 years, then if there is no suitable applicant, those that have lived there from 4-years down to 12-months; those having been resident longest receiving highest priority.

Finally, if there is still no qualifying applicant in the adjoining or surrounding parishes we will consider other applicants resident within the borough initially resident for 5-years, then if there is no suitable applicant, those that have lived there from 4-years down to 12-months; those having been resident longest receiving highest priority.

The Rural Allocation Policy applies to all villages and rural communities within the boundaries of the borough, with the exception of the town of Rugby and the villages of Dunchurch and Long Lawford.

11.2 Local Lettings Plan

A Local Lettings Plan (LLP) is a set of guidelines and/or criteria governing which households can be allocated accommodation in a specific designated area.

The criteria will be based on one or a number of characteristics presented by the household applying for housing set in conjunction with the needs of the designated area and the requirement to produce safe and sustainable communities.

There are two types of Local Lettings Plan used by Rugby Borough Council:

- Local Lettings Plans for re-lets in a designated area
- Local Lettings Plans for first time lets on new developments

As a general rule, LLPs for re-lets are introduced as a result of one or more of the following issues being in evidence in a designated area:

- General anti-social behaviour (ASB)
- High levels of vulnerable people congregated within a small area
- Drug-related nuisance
- Where there is a refurbishment programme in the area requiring tenants to decant temporarily or permanently

LLPs for new developments are written to ensure that mixed, balanced and sustainable communities are created at the outset and to ensure that one particular applicant group does not place an undue burden on local services.

Applicants will be informed if the property they are moving into is considered under a Local Letting Plan.

11.3 Incentive Scheme

To try and make better use of its limited housing stock, the council offers an incentive scheme for tenants who want to move out of large family council houses into an independent living scheme. To be eligible, tenants must live in council housing that is suitable for a family, i.e. a 2, 3, 4 or 5 bedroom house (not a flat).

Under this scheme the council will pay for the tenant's removals as well as the disconnection and reconnection of their cooker and the transfer of their telephone line.

A payment of £1,000 is also made by the council toward the miscellaneous costs associated with moving. Although you will technically be renting two properties for one week whilst you are moving, rent will only be charged on one of them. We will only ask you to pay for repairs to the property if we think it is because of deliberate damage or neglect. If you do not pay for this damage or neglect, we will take the money out of your Incentive Scheme payment. Please contact the Housing Services Team if you would like to discuss the Incentive Scheme. They can be contacted on housingservices@rugby.gov.uk

11.4 Succession, Left in Occupation and Ineligible Successors

If your tenancy started after 01 April 2012, there is one statutory right of succession, and that is for a spouse, civil partner or a person living with the tenant as if they were a spouse or civil partner. The successor must be living with the tenant at the time of death. No other family member has an automatic statutory right of succession unless the tenancy agreement expressly allows for someone else to succeed, this is in accordance with Section 160 of the Localism Act 2011.

If your tenancy started before 1 April 2012, then Section 87 of the Housing Act 1985 allows for only one statutory succession on a secure tenancy, either a surviving spouse or civil partner or a member of the deceased tenant's family ("family" is defined under section 113 Housing Act 1985). If the current tenant is already a successor there can be no further statutory succession.

Section 88 of the Housing Act 1985 specifies that the only allowable succession will have already taken place if the current tenant;

- 1) Succeeded to that tenancy under the provisions for statutory succession (even if the tenancy was still an introductory one when the succession took place), or
- 2) Was a joint tenant and has become the sole tenant, or
- 3) There has been a previous assignment of the tenancy, other than an assignment ordered by the courts as part of divorce proceedings, on termination of a civil partnership, under the Children Act or for an exchange

For all other applicants, they must provide proof that they have lived with the tenant throughout a 12-month period ending with the tenant's death and been a member of the tenant's family (defined under section 113 Housing Act 1985) which is restricted to the following:

- Persons living together as if they were spouse or civil partner
- Parent
- Grandparent
- Child, including stepchild and any illegitimate child
- Grandchild
- Brother
- Sister
- Uncle
- Aunt
- Nephew
- Niece
- Step-relations, half relations

Where a tenant has succeeded to a tenancy that is dated pre 2012 and they are under occupying the property we can seek possession on the ground that they are under occupying but this does not apply to spouse, civil partner or persons living together as if they were spouse or civil partner.

12. Data Protection and Access to Information

12.1 Data Protection

When an applicant applies to the Housing Waiting List, the council will only seek information that they require to assess the applicant's application and housing needs. All data is held in accordance with the General Data Protection Act 2018. More information can be found on the Council's website detailing information to be collected, how it is to be stored and who it may be disclosed to.

The applicant (data subject) has the right;

- To request a copy of information that is held about them;
- To correct data that we hold about them that is inaccurate or incomplete;
- In certain circumstances they can ask for data we hold about them to be erased from our records;
- Where certain conditions apply, to have a right to restrict the processing;
- In some circumstances, to have the data we hold about them transferred to another organisation;
- To object to certain types of processing such as direct marketing;
- To complain if we refuse a request they may make using these rights and they are not happy with our reasons

12.2 Confidentiality

Confidential information held about applicants will not be disclosed to third parties apart from:

- Where the individual who is the subject of the confidential information has consented to the disclosure
- Where the council is required by law to make such disclosures
- Where a disclosure is made in accordance with Data Protection Act 1998

12.3 Complaints regarding Data Protection

Complaints regarding Data Protection can be made to the Council's data Protection Officer, or to the Office of the Information Commissioner. Full details can be found on the Council's website.

12.4 Equality and Diversity

The allocations scheme aims to recognise and support diversity to ensure that no sections of society are excluded and that the service meets the needs of those who require additional care and support. This policy seeks to meet the needs of all applicants regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and to comply with all relevant legislation.

12.5 Legal Framework

This Policy has had regard to any legislative requirements (please see below) and Codes of Guidance issued by the Ministry of Housing, Communities and Local Government and the Homes and Communities Agency. The policy also has regard to the Warwickshire Tenancy Strategy under the Localism Act s153 and our current Homelessness Strategy under Homelessness Act 2002 s1

The legislative framework we have had regard to is The Housing Act 1996 (as amended by the 2002 Homelessness Act) which requires local authorities to make all lettings and nominations in accordance with a published allocation scheme. A summary of the allocation scheme must be published and made available free of charge to any person who asks for a copy. A summary of the Allocation Scheme and general principles is available from Rugby Borough Council offices at the Town Hall, Evreux Way, Rugby CV21 2RR and on the council's website www.rugby.gov.uk

The Housing Act 1996 (as amended), requires local authorities to provide reasonable preference in their allocation scheme to people with high levels of assessed housing need. This includes homeless people, those who need to move due to welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

The Localism Act 2011 allows local authorities to have significant control over who qualifies for housing and the priority given to national and locally determined groups that are assessed as being in housing need. These flexibilities are now reflected in this Allocations Scheme.

This Allocations Scheme takes into account the Allocation of Accommodation Code of Guidance for Housing Authorities 2012 which replaced all previous statutory guidance on social housing allocations. The Allocations Scheme is drafted and framed to ensure it is compatible with the council's equality duties including the Equality Act 2010. The policy will be regularly reviewed to ensure that its implementation does not have a disproportionate disadvantage for a person with a protected characteristic as compared to those that do not share that characteristic.

The Armed Forces Covenant

The Armed Forces Community Covenant is a promise from the nation ensuring that those who serve or have served in the Armed Forces, and their families, should be treated with fairness and respect in the communities, economy and society they serve with their lives.

Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given the most such as the injured and the bereaved.

The obligation involves the whole of society: it includes statutory, voluntary and charitable bodies, private organisations, and the actions of individuals in supporting the Armed Forces.

The issue the Covenant is addressing is the fair and equal access to goods, services, information and support whether from statutory, voluntary or commercial organisations.

This means:

- Ensuring that service personnel, ex-service personnel and their families are NOT disadvantaged through military service.
- Ensuring a level playing field so that there is equal access to any form of service or support or information.
- Special consideration is given on a case by case basis and is at the discretion of the organisation providing it.

The purpose of the Armed Forces Covenant is to put the individual (or family) in a position comparable to that of an equivalent citizen (or family) that is not in the Armed Forces. This is about bringing the Armed Forces individual / family UP to the level of the ordinary citizen rather than getting them beyond what an ordinary citizen may be entitled to. There is no special treatment apart from the support to reduce the disadvantage members of the Armed Forces and families may experience. The Armed Forces Covenant does not confer a legal right to the provision of services and support over and above what is the legal right and entitlement of an ordinary citizen.

Special consideration is appropriate in some cases, especially for those who have given the most such as the injured and the bereaved.

Special Consideration is proportionate and related to the sacrifice the individual or family have made. This is discretionary and provided by the organisation to which

the request for special consideration is made on a case by case basis. It does not confer any right or entitlement, it can only be asked for and not enforced.

EQUALITY IMPACT ASSESSMENT (EqIA)

Context

1. The Public Sector Equality Duty as set out under section 149 of the Equality Act 2010 requires Rugby Borough Council when making decisions to have due regard to the following:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sex/gender
 - sexual orientation
3. In addition to the above-protected characteristics, you should consider the crosscutting elements of the proposed policy, such as impact on social inequalities and impact on carers who look after older people or people with disabilities as part of this assessment.
4. The Equality Impact Assessment (EqIA) document is a tool that enables RBC to test and analyse the nature and impact of what it is currently doing or is planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. The questions will enable you to record your findings.
6. Where the EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. Once completed and signed off the EqIA will be published online.
8. An EqIA must accompany all **Key Decisions** and **Cabinet Reports**.
9. For further information, refer to the EqIA guidance for staff.
10. For advice and support, contact:
Minakshee Patel
Corporate Equality & Diversity Advisor
minakshee.patel@rugby.gov.uk
Tel: 01788 533509

Equality Impact Assessment

Service Area	Communities and Homes
Policy/Service being assessed	Allocations Policy
Is this is a new or existing policy/service? If existing policy/service please state date of last assessment	Revision of existing policy 22 December 2016
EqlA Review team – List of members	David Wortley
Date of this assessment	28 March 2019
Signature of responsible officer (to be signed after the EqlA has been completed)	

A copy of this Equality Impact Assessment report, including relevant data and information to be forwarded to the Corporate Equality & Diversity Advisor.

If you require help, advice and support to complete the forms, please contact Minakshee Patel, Corporate Equality & Diversity Advisor via email: minakshee.patel@rugby.gov.uk or 01788 533509

Details of Strategy/ Service/ Policy to be analysed

<u>Stage 1 – Scoping and Defining</u>	
(1) Describe the main aims, objectives and purpose of the Strategy/Service/Policy (or decision)?	To provide the Council with a clear Housing Waiting List Allocations Policy to meet the needs of applicants for social housing with the limited housing supply available to the Council
(2) How does it fit with Rugby Borough Council's Corporate priorities and your service area priorities?	Ensure residents have a home that works for them and is affordable
(3) What are the expected outcomes you are hoping to achieve?	<ul style="list-style-type: none"> • Provide housing applicants in Rugby with a fair and easy to understand way of letting social housing properties • House those in greatest need • Make best use of social housing stock available
(4) Does or will the policy or decision affect: <ul style="list-style-type: none"> • Customers • Employees • Wider community or groups 	The policy will affect Council Officers making decisions regarding applicant priority on the Housing Waiting List, those allocating properties and applicants applying for social housing. These applicants can fall into all the protective characteristics; gender, race, disability, sexual orientation, religion/belief, age, gender reassignment pregnancy and maternity, marriage and civil partnerships. However the Council only collects information on; gender, age, ethnicity, disability, pregnancy and maternity
<u>Stage 2 - Information Gathering</u>	
(1) What does the information tell you about those groups identified?	Information currently held will be updated following adoption of this policy. A review of all current applications will be undertaken in accordance with the revised policy.

<p>(2) Have you consulted or involved those groups that are likely to be affected by the strategy/ service/policy you want to implement? If yes, what were their views and how have their views influenced your decision?</p>	<p>Consultation undertaken with a wide variety of organisation, including; Elected Members through a Members Conversation. Registered Providers via email and the Tenants Panel via email.</p> <p>Feedback has been used to inform the final version of the policy.</p>		
<p>(3) If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary.</p>	<p>Not Applicable</p>		
<p><u>Stage 3 – Analysis of impact</u></p>			
<p><u>(1)Protected Characteristics</u> From your data and consultations is there any positive, adverse or negative impact identified for any particular group, which could amount to discrimination?</p> <p>If yes, identify the groups and how they are affected.</p>	<p>RACE</p>	<p>DISABILITY</p> <p>Positive impact expected</p>	<p>GENDER</p> <p>Positive impact expected</p>
	<p>MARRIAGE/CIVIL PARTNERSHIP</p>	<p>AGE</p>	<p>GENDER REASSIGNMENT</p>
	<p>RELIGION/BELIEF</p>	<p>PREGNANCY MATERNITY</p>	<p>SEXUAL ORIENTATION</p>

<p><u>(2) Cross cutting themes</u></p> <p>(a) Are your proposals likely to impact on social inequalities e.g. child poverty, geographically disadvantaged communities? If yes, please explain how?</p> <p>(b) Are your proposals likely to impact on a carer who looks after older people or people with disabilities? If yes, please explain how?</p>	<p>Yes</p> <p>Affordability has been taken into account when making a decision to add applicants to the Housing Waiting List</p> <p>Yes</p> <p>The policy impacts positively on carers by taking into account those who need to move to receive care and support or to provide care and support.</p>
<p>(3) If there is an adverse impact, can this be justified?</p>	<p>Yes</p> <p>Affordability of applicants to meet their own housing needs is part of the decision making process.</p>
<p>(4) What actions are going to be taken to reduce or eliminate negative or adverse impact? (this should form part of your action plan under Stage 4.)</p>	<p>Not Applicable</p>
<p>(5) How does the strategy/service/policy contribute to the promotion of equality? If not what can be done?</p>	<p>It recognises the needs of vulnerable individuals such as the disabled, people with mental health and learning vulnerabilities and those fleeing violence and provides them with priority through the policy to enable them to access affordable housing which meets their needs.</p>
<p>(6) How does the strategy/service/policy promote good relations between groups? If not what can be done?</p>	<p>Properties will become vacant across the Borough and are allocated on a case by case basis based on the individual needs of the applicant.</p>
<p>(7) Are there any obvious barriers to accessing the service? If yes how can they be overcome?</p>	<p>No, the Community Advice and support Team will work with clients on an individual basis to ensure that all clients can access the service and adjustments can be made to the way that the service is provided to accommodate the needs of the client.</p>

<u>Stage 4 – Action Planning, Review & Monitoring</u>																														
<p>If No Further Action is required then go to – Review & Monitoring</p> <p>(1) Action Planning – Specify any changes or improvements that can be made to the service or policy to mitigate or eradicate negative or adverse impact on specific groups, including resource implications.</p>	<p>EqIA Action Plan</p> <table border="1" data-bbox="887 459 2128 691"> <thead> <tr> <th data-bbox="887 459 1133 536">Action</th> <th data-bbox="1133 459 1379 536">Lead Officer</th> <th data-bbox="1379 459 1626 536">Date for completion</th> <th data-bbox="1626 459 1872 536">Resource requirements</th> <th data-bbox="1872 459 2128 536">Comments</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Action	Lead Officer	Date for completion	Resource requirements	Comments																				
Action	Lead Officer	Date for completion	Resource requirements	Comments																										
<p>(2) Review and Monitoring State how and when you will monitor policy and Action Plan</p>	<p>A review of the Policy will be undertaken by 01 October 2022, unless legislation changes or operational changes need to be incorporated.</p>																													

Please annotate your policy with the following statement:

‘An Equality Impact Assessment on this policy was undertaken on (date of assessment) and will be reviewed on (insert review date).’