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# 1 Aims

- 1.1. This policy aims to help Portsmouth City Council (the council) achieve the following:
- Provide affordable housing for rent for local residents in housing need
  - Create sustainable, balanced communities
  - Give priority to local residents with the greatest housing need
  - Make the best use of the available social housing stock, ensuring residents have the maximum benefit from the available housing
  - Minimise the cost of homelessness to the city
  - Enable applicants to make informed choices about their options
  - Ensure statutory duties are performed, including those found in the Equality Act 2010
- 1.2. The policy's guiding principle is to make sure that homes are allocated fairly and efficiently whilst taking into account applicants' individual needs and expressed preferences.

# 2 Scope

- 2.1. This policy sets out the council's arrangements for allocating housing accommodation within the meaning of Part VI of the Housing Act 1996, including:
- The selection of applicants to be offered secure and flexible tenancies by the council
  - Nominations to assured tenancies and assured shorthold tenancies (including starter tenancies) to be offered by private registered providers of social housing
- 2.2. The policy also sets out the arrangements for some allocations that fall outside of Part VI of the Housing Act 1996, including:
- Transfers of existing council tenants where the move is at the instigation of the council
  - Transfers of existing council tenants where the tenant does not have a 'reasonable preference' according to Part VI of Housing Act 1996
- 2.3. The following types of move or need to move fall outside the scope of this policy and of Part VI of the Housing Act:
- Mutual exchanges
    - Tenants of the council or private registered providers can access help from their landlord if they wish to move to the right size property by exchanging with another tenant
    - Applicants who would only be entitled to a *recognised housing need* level of priority on the housing register would often be more likely to

find a move by way of mutual exchange, and may be explicitly encouraged to seek a move by that method

- The succession to or assignment of a tenancy where someone has a statutory right to succeed
  - The transfer of a tenancy by way of court order in family proceedings
  - The grant of a secure tenancy to an existing introductory tenant, or assured tenancy to a starter tenant
  - The renewal of a fixed-term flexible tenancy
  - The provision of temporary accommodation in relation to any duty or power under Part VII of the Housing Act 1996
- 2.4. The housing register is very rarely an immediate housing solution. Applicants will likely be advised where they stand very little or no chance of being rehoused, and more realistic housing options will be discussed with them.
- 2.5. Acceptance onto the housing register is not a guarantee that an offer of accommodation will be made.
- 2.6. The council's tenancy strategy and the lettings and tenancy policies of local private registered providers detail the respective types of tenancies offered. Applicants will be advised during the offer process of the type of tenancy they are being offered.

### 3 Local context

- 3.1. There is huge demand for affordable rented homes in Portsmouth. This policy seeks to define a consistent framework, which can be used to allocate the limited number of vacancies that become available.
- 3.2. Portsmouth has seen very significant levels of homelessness in recent years. Homelessness significantly contributes to the number of households on the housing register, and in particular the number of households registered as having an urgent need to move. A greater proportion of households on the register who are homeless means a smaller proportion who are current tenants of the council or local private registered providers. It is these tenants who, when rehoused, return a property to be allocated via the housing register. This policy seeks to strike a balance between prioritising those with the most urgent need, ensuring the housing need of current tenants is also met, and maximising the number of households who can be helped with the available housing.
- 3.3. Portsmouth is an island city with limited space. Living in a flat and/or not having access to a personal garden is typical. As is living in a different part of the city to close friends, family, work, etc.

### 4 Legal framework

- 4.1. In framing this scheme, regard has been had to:

- Part VI of the Housing Act 1996 and related statutory guidance, e.g.:
    - 'Allocation of accommodation: guidance for local authorities'
    - 'Providing social housing for local people'
    - 'Right to Move and social housing allocations'
    - 'Improving access to social housing for victims of domestic abuse'
    - 'Improving access to social housing for members of the Armed Forces'
  - Part VII of the Housing Act 1996
  - The Localism Act 2011
  - The Children Act 1989
  - The Equality Act 2010
  - Council policies and strategies, for example:
    - The Homelessness Strategy
    - The Tenancy Strategy
- 4.2. This policy is framed to give overall reasonable preference to applicants who fall within the categories set out in section 166A(3) of the Housing Act 1996 over those who do not. The policy is also framed to give additional priority to those with the most urgent need on an overall basis, whilst making best use of the housing stock available to the council.

## 5 The scheme in operation

- 5.1. Applications to join the housing register should be made to Housing Needs Advice & Support. Requests should initially be made by telephone or by making contact via the council website.
- 5.2. Anyone who is identified or who identifies themselves as having any accessibility needs will be assisted appropriately. Types of help may include interpretation, translation, or adjustments to allow for a person's disability.
- 5.3. Applications are assessed and processed by officers from within Housing Needs Advice & Support.
- 5.4. Applicants will be expected to engage with the assessment process, to provide information reasonably requested, and to provide documentary evidence where reasonably requested. Such documents might include proof of identification and proof of finances.
- 5.5. A refusal to provide such information and/or evidence may result in an application being stalled until it is provided, and possibly cancelled if it is not provided within a reasonable period. In cases where the failure to provide documentation is a result of a person's support needs or hardship, appropriate assistance will be offered to make doing so possible.
- 5.6. It may be necessary to carry out a home visit or to make further enquiries of a third party in order to assess an application. If an applicant unreasonably refuses to allow a visit or such enquiries to take place, their application may

be stalled until it is allowed, and possibly cancelled if it is not allowed within a reasonable period.

- 5.7. A refusal to fully engage in the assessment process, to provide reasonably requested information or documentary evidence, or to allow sufficient enquiries to take place, may result in negative inferences and as such a lower level of priority than would otherwise be awarded.
- 5.8. It is an offence for anyone to give false information or withhold information the housing authority has reasonably requested, in connection with the allocation of social housing. Anyone found to have given false information to obtain priority for social housing will be excluded from the housing register. Section 146 of the Housing Act 1996 gives a housing authority the power to seek possession of a tenancy granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.
- 5.9. The unpredictability of which households will join the register, what registration choices they make, and which properties will become available mean providing precise estimates of waiting times is not feasible. Information can be provided on request, though, in relation to the number and type of properties that have previously become available for allocation, along with the number of households registered for any given type of property.

## 6 Reviews

- 6.1. All applicants have the right to ask for a review of certain decisions made regarding their application. A request for a review of a decision should be made within 21 days. Late requests will be considered in exceptional circumstances.
- 6.2. Any review will be conducted by an officer more senior to the original decision maker except in the case of a decision made by the exceptional circumstances panel, where a decision will be reconsidered by the Head of Housing Needs Advice & Support and/or the Assistant Director for Housing Need & Supply. The applicant will be notified of the decision in writing.
- 6.3. The types of decisions that are reviewable are those that relate to:
  - Eligibility or qualification
  - The level of priority awarded
  - The type of accommodation registered for
  - Exclusion from the housing register
  - An allocation being deferred or withdrawn

## 7 Eligibility

- 7.1. Applicants must be 'eligible' in order to join the housing register and/or be allocated accommodation.

- 7.2. 'Eligibility' refers to the national legislation which excludes certain categories of applicants from being allocated social housing according to whether an applicant is a 'person from abroad', subject to immigration control, or within a class prescribed by the secretary of state.
- 7.3. It is not practical to define precisely all the circumstances in which the restrictions apply. Anyone unsure of their status should seek detailed advice from Housing Needs, Advice & Support.
- 7.4. The following applicants are exempt from having to meet the eligibility criteria:
- Current secure or introductory council tenants
  - Current assured tenants of private registered providers who became tenants following an allocation by a local housing authority

## 8 Qualification criteria

- 8.1. Applicants must meet the qualification criteria in order to join the housing register and/or be allocated accommodation.

### Local connection criteria and exemptions

- 8.2. Applicants must meet at least one of the following local connection criteria or exemptions.
- Current residents of Portsmouth who have been continuously living in the city for the last three months
  - Former residents of Portsmouth who have previously lived in the city for five continuous years or more, at least one year of which was as an adult
  - Current tenants of the council living in the PO1 to PO9 postcodes
  - Close family members of Portsmouth residents who need to move to the area to give or receive care and/or support
    - The resident of Portsmouth must have lived in the city for five or more continuous years within the PO1 to PO6 postcodes
    - Close family members are defined as mother, father, son, daughter, brother or sister (or equivalent relatives where there is a sufficient degree of closeness)
    - This criterion will only apply where the person's care and/or support needs cannot be met without a move and where significant hardship would otherwise be caused
  - Current members of the British Armed Forces or former service personnel

- Bereaved spouses and civil partners of members of the British Armed Forces upon leaving accommodation provided by the Ministry of Defence following the death of their spouse or partner
- Divorced or separated spouses and civil partners of service personnel who need to move out of accommodation provided by the Ministry of Defence
- Serving or former members of the Reserve Forces who need to move because of a serious injury or disability sustained as a result of their service
- People who are employed and work in Portsmouth
  - The work should be actually carried out in Portsmouth
  - The work need not be permanent nor full-time, but should be more than marginal or short-term in nature, with a degree of regularity
- Current tenants of a council or private registered provider in another area who need to move to be nearer to work or to take up an offer of work, and failure to do so would cause them hardship
  - A mutual exchange must first be considered
  - The work must not be marginal or short-term in nature
  - The degree of hardship that would result from failure to move should be considered on an individual basis
- Current residents of Havant (PO7 to PO9 postcodes)
  - This type of local connection will only allow an applicant to be considered for properties in the Havant area, for example Leigh Park, Crookhorn, Wecock Farm.
- People to whom the council has accepted a duty under section 189B, 193 or 195 of the Housing Act 1996 (as amended)
  - Anyone fleeing violence who would not ordinarily meet other local connection criteria in this section should be considered in accordance with this homeless legislation.
- People who are experiencing or have experienced domestic abuse and need to move for reasons connected to that abuse.
- People aged under 25 who are or have been an eligible child or relevant child in accordance with the Children Act 1989.
  - An eligible child is someone who is aged 16 or 17, currently being looked after, and was looked after by a local authority in England or Wales for a period of 13 weeks (or periods amounting in total to 13 weeks) since the age of 14, at least one day of which must have been since attaining age 16.
  - A relevant child is someone who is aged 16 or 17, is no longer a looked-after-child, but is a former eligible child.

- Exceptional applications as agreed by the Exceptional Circumstances Panel (see Chapter 11)

### Housing need

- 8.3. Applicants are not able to join the register if their current housing is adequate for their needs. A housing need must exist as recognised by Chapter 9 and/or the banding scheme at Appendix 1.

### Age

- 8.4. Applicants must be at least 18 years of age.

### Resources

- 8.5. Applicants are not generally able to join the register if they own a property which could be either occupied by them or sold to resolve their housing need. Ownership could be freehold, leasehold or shared ownership for this purpose.
- 8.6. Applicants are not able to join the register if they have sufficient income they could reasonably use to meet their housing need. Applications should be considered on an individual basis, including a household's specific circumstances and housing need. As a guide, a household containing a higher-rate taxpayer would typically be considered to have sufficient income.
- 8.7. Applicants are not able to join the housing register if they have sufficient savings or assets that could be reasonably used or accessed in order to resolve their housing need. Savings or assets of £16,000 would typically be considered a sufficient amount.
- 8.8. Lump-sum payments made in connection to leaving the British Armed Forces will be disregarded for the purposes of paragraph 8.7.
- 8.9. Paragraphs 8.5 to 8.7 can be disregarded in exceptional circumstances, for example owner-occupiers who cannot stay in their own home and need to move to sheltered accommodation or to an accessible property.

### Support needs

- 8.10. Applicants are not able to join the housing register if they are assessed as not having the ability to manage a tenancy either independently or with low level tenancy support with which they are willing to engage.
- 8.11. Applicants identified as having a higher level of housing related support needs can have their housing and support needs assessed to determine the most appropriate type of housing for them (see Chapter 14).

### Unacceptable behaviour

- 8.12. Applicants may not be able to join the housing register if they or a member of

their household have been guilty of serious unacceptable behaviour and are deemed unsuitable to be a tenant.

8.13. In determining whether an applicant or household member would be an unsuitable tenant and whether are able to join the register, account should be taken of the following:

- The seriousness of the behaviour
- The length of time that has elapsed since the behaviour occurred
- Whether the behaviour in question would likely entitle the council to obtain an outright possession order if carried out as a tenant
- The actual and potential impact of the behaviour on other residents
- Any relevant vulnerabilities and support needs
- Whether there have been any changes in circumstances since the behaviour was engaged
- The housing need of the household

#### Exceptions

8.14. In exceptional circumstances the Exceptional Circumstances Panel has discretion to deem an applicant who would ordinarily not qualify as qualifying.

## **9 Banding scheme**

9.1. The banding scheme (Appendix 1) will determine the level of priority a household should be awarded on the register.

9.2. Additional priority within each band is given to:

- Care leavers: applicants who have previously been in the care of Portsmouth City Council for any period of time as a child
- Current or former members of the British Armed Forces
- Current or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- Bereaved spouses or civil partners of those serving in the British Armed Forces where the bereaved spouse or civil partner has to recently or will soon need to leave accommodation provided by the Ministry of Defence

9.3. Further detail is provided below for some types of housing need.

#### Medical, welfare or disability related grounds

9.4. A person who needs to move because their accommodation is having an impact on their health or welfare will be awarded priority according to the following.

- *Urgent housing need* - accommodation is having a serious impact on a severe or progressive health problem or disability and an urgent move is required to prevent a serious risk to their health

- *Significant housing need* - accommodation is having a significant impact on a person's health or welfare and/or is having a significant impact on their functional abilities or activities of daily living, but they do not meet the criteria for an urgent level of priority
  - *Recognised housing need* - accommodation is having a moderate or variable impact on a person's health or welfare
- 9.5. The need to move on medical, welfare or disability grounds could be related to accommodation having an impact on any of the following.
- A person's physical health
  - A person's mental health
  - A person's physical disability
  - A person's mental disability
  - A person's learning disability
  - A person's neurodivergence
  - A person's vulnerability due to their age
  - A person's care needs
- 9.6. The impact must be more than temporary.
- 9.7. The information considered will vary according to the circumstances of individual applications but can include evidence from health professionals, occupational therapists, and providers or care and support.
- 9.8. Applications from households who require a wheelchair-accessible property will involve an occupational therapist. The occupational therapist would first consider whether the current accommodation could be adapted to meet the household's needs, and consideration would be given as to whether it is reasonable and practicable to do so.

### Overcrowding

- 9.9. A person who needs to move because their accommodation is overcrowded will be awarded priority according to the following.
- *Urgent housing need* - the household are lacking three or more bedrooms according to 9.10 to 9.16
  - *Significant housing need* - the household are lacking two bedrooms according to 9.10 to 9.16
  - *Recognised housing need* - the household are lacking one bedroom according to 9.10 to 9.16
- 9.10. In calculating the number of bedrooms a household requires, each of the following are considered to require a bedroom. They should be considered in sequential order. Each person can only be counted once.
- I. Any adult couple living as partners

- II. Any two family members of the same gender where the age difference is less than 15 years
  - III. Any two children of different gender but both aged under 10
  - IV. Any other child
  - V. Any other single adult
- 9.11. In exceptional circumstances, an additional bedroom may be required eg where there is an evidenced and significant additional need of a family member who as a result is unable to share with siblings, for example in relation to their neurodivergence. Such cases are the exception, should only be considered based on evidenced need and must be sustainable in terms of affordability.
- 9.12. Only a room that is a bedroom or could reasonably be expected to be used as a bedroom should be considered when assessing the number of bedrooms available to a household.
- 9.13. A bedroom under 10.2 square metres should only be considered as being available to one person. A bedroom between 4.5 square metres and 6.5 square metres should only be considered as being available to a child under 10. A room under 4.5 square metres should not be considered as an available bedroom.
- 9.14. Applications from households containing children who are currently living in a studio flat or a room within a house in multiple occupation will be considered to have zero bedrooms currently available to them.
- 9.15. Applications from households not containing children who are currently living in a studio flat or a room within a house in multiple occupation will be considered to have a single bedroom available to them.
- 9.16. Assessment of the number of bedrooms available to a household will assume the household to be making best use of the space and rooms available to them.

#### Insanitary or unsatisfactory housing conditions

- 9.17. All reasonable steps should have been taken to attempt to remedy any disrepair or property defect before an application to join the housing register is approved. This will involve tenants raising any concerns initially with their landlord and escalating any concerns as appropriate (eg via the Private Sector Housing team if a private tenant, or via their landlord's complaints process / relevant ombudsman if a social housing tenant).
- 9.18. If the problem persists or cannot be resolved by following the above steps, consideration will be given to how that problem impacts on the household (eg assessing whether there is a resultant need to move on *medical, welfare or disability related grounds*).
- 9.19. The most serious cases of disrepair will be considered under homelessness legislation where appropriate, for example where an impact on health is clear, immediate and severe.

- 9.20. Secure tenants of the council or assured tenants of private registered providers living in Portsmouth who are under-occupying their property and wish to move to a smaller property are considered to be living in unsatisfactory housing and will be awarded an urgent or exceptional level of priority according to the banding scheme.
- 9.21. Households approved for a priority transfer are considered to be living in unsatisfactory housing and will be awarded an urgent level of priority.

#### Homelessness and threatened with homelessness

- 9.22. The level of priority awarded will depend on which of the statutory tests an applicant satisfies according to Part VII of the Housing Act 1996 (as amended).
- 9.23. If it is not reasonably likely that homelessness can be prevented by helping an applicant remain in their current accommodation, the housing register can be considered provided a homelessness assessment and personal housing plan identifies it as a suitable housing option.
- 9.24. Households owed the main housing duty under s.193 of the Housing Act 1996 or assessed as very likely to be owed that duty as a result of a current homelessness application will be awarded an *urgent* level of priority.
- 9.25. Households who are homeless or threatened with homelessness but do not meet the criteria in 9.24 will be awarded a *recognised housing need* level of priority.

#### Deliberate worsening of housing circumstances

- 9.26. Where an applicant has deliberately worsened their own circumstances in order to qualify to join or gain priority on the housing register, the assessment of their needs will be based on the circumstances before their situation changed.
- 9.27. An applicant assessed as having deliberately worsened their own circumstances can apply to have their application assessed after 12 months, whereby their current housing circumstances will be considered.

## **10 Priority transfers**

- 10.1. Unless stated otherwise in agreed nomination agreements, the council and registered providers in the city can recommend a tenant for a priority transfer to assist them with the management of a tenancy or neighbour issue, for example to alleviate a neighbour conflict when other reasonable steps have been exhausted, or to allow urgent works to be carried out in a property.
- 10.2. The referring landlord will provide the council with a statement of case that

reasons why it is proportionate and necessary to approve a household for a priority transfer.

- 10.3. Requests for priority transfers will be considered by a panel of senior officers from Housing Needs Advice & Support, chaired by either the Head of Housing Needs Advice & Support or the Assistant Director of Housing Need & Supply. The panel will consider any proposed benefits of approving a priority transfer for the tenant, landlord and community against the impact on other households on the housing register.
- 10.4. Referrals made from within the council will be heard by senior managers from both the Housing Needs Advice & Support and Local Authority Housing services. Should consensus not be reached, the Director of Housing, Neighbourhoods and Building Services will make a determination.
- 10.5. For referrals made by private registered providers, a suitable representative will be invited to attend a panel discussion of the referral where the panel and/or the landlord consider it necessary.
- 10.6. Recommendations for priority transfers are made by social landlords in the city. Individuals cannot apply to Housing Needs Advice & Support to be specifically considered for a priority transfer
- 10.7. Households approved for a priority transfer will be awarded an urgent level of priority on the housing register.

## 11 Exceptional circumstances panel

- 11.1. The vast majority of applications will be assessed according to the banding scheme. It is not possible for the banding scheme to adequately reflect every type or combination of housing need.
- 11.2. A panel of senior officers from Housing Needs Advice & Support can consider what priority to award an application where the circumstances are not dealt with by the banding scheme.
- 11.3. The Exceptional Circumstances Panel also has discretion to award a different level of priority to that laid out by the banding scheme or to authorise an allocation ahead of its ordinary turn in one of the following scenarios.
  - To enable a statutory duty to be met where it otherwise likely would not have been, for example the public sector equality duty under the Equality Act 2010 or the provisions of the Homelessness (Suitability of Accommodation) (England) Order 2003
  - To make greater use of the limited housing available, for example, by freeing up a property that would allow a chain of lettings where multiple additional households would be offered accommodation as a result, or by relieving an acute level of demand on certain types of accommodation

- To provide one property to a family currently occupying two separate properties, thus freeing up an extra property for allocation to another household
  - To negate the need to move a person who would be entitled to join the housing register but is already in a suitable property. For example, where a non-tenant is left in occupation of a property that meets their needs, they do not have a statutory right to succeed to that property, but they will inevitably be owed a rehousing duty by the council
  - Where the relationship between joint tenants of the council has broken down, both parties would be in priority need according to homelessness legislation, and the council would likely be expected in law to accommodate both parties if the tenancy was determined by the courts
  - Where a significantly vulnerable person is threatened with homelessness as a result of a tenant of the council moving to another property and the remaining person having no alternative housing available to them
  - In order to avoid a child or care leaver being left without any accommodation where all other accommodation have been exhausted, and where all necessary support will be provided by relevant agencies to ensure the sustainability of future accommodation
  - The circumstances of the case are exceptional to the extent that an additional level or priority is warranted.
- 11.4. The panel will determine the appropriate level of priority to be awarded to any such application.
- 11.5. In exercising its discretion the panel will consider the circumstances of the individual application, the potential benefits of awarding a different level or priority or allocating a property out of ordinary order, as well as the impact such a decision would have on other applications.
- 11.6. Individuals cannot apply to Housing Needs Advice & Support for their case to be specifically considered by the Exceptional Circumstances panel. Their application will be assessed according to this policy and the banding scheme. The application can be referred for consideration by the Exceptional Circumstances Panel if the assessing officer concludes the policy and banding scheme does not adequately reflect their situation and/or the case meets one of the example descriptors given at 11.3.
- 11.7. Only a minority of applications will be awarded additional priority or receive an allocation out of turn as authorised by the exceptional circumstances panel. The proportion of properties let under exceptional circumstances will be monitored and reviewed as part of any review of this policy.

## 12 Registration for housing

### Bedrooms

- 12.1. The number of bedrooms a household can be registered for will be the number required by that household according to 9.10 of this policy, subject to 12.2 to 12.4.
- 12.2. Unborn babies within three months of their estimated due date will be treated as a child member of the household when considering the number of bedrooms a household can register for. Unborn children will not be considered in any calculation of overcrowding.
- 12.3. In exceptional circumstances, an additional bedroom may be required, for example where a child with evidenced and significant additional needs is as a result unable to share with siblings, for example in relation to their neurodivergence. Such cases are the exception, should only be considered based on evidenced need and must be sustainable in terms of affordability.
- 12.4. A household might be registered for fewer bedrooms than the number allowed under 12.1, for example where the number of bedrooms required is more than three or where the offer is considered a suitable one in accordance with homelessness legislation.

#### Registration choices

- 12.5. Registration choices will be restricted for some applicants, for example those who are homeless or threatened with homelessness, or in scenarios detailed at paragraphs 12.10, 12.13, 12.20. For most other cases, an applicant can restrict their registration to only include properties meeting their preferences.
- 12.6. Applicants can express a preference as to the type of property they wish to be registered for, including:
  - Which type of property (house, flat, maisonette)
  - Which floor levels
  - Which areas of the city
- 12.7. Only households containing children aged up to and including 16 are able to register for houses. Exceptions will be allowed where the applicant currently lives in a house and is registered as a result of under-occupation, where a house must be considered in order to meet accessibility-related needs assessed by an occupational therapist, or where approved by the Exceptional Circumstances Panel.
- 12.8. The choices made on registration can and often will greatly impact on the length of time an applicant waits for an offer of accommodation. Advice and information can be given to any applicant who wants to know how their choices are likely to affect their likelihood of receiving an offer and likely timescales.
- 12.9. If any applicant wishes to restrict their registration choices to the extent that such a property does not exist within the local authority's housing stock, the application will be deferred unless and until registration choices are expanded sufficiently.

12.10. The level of choice afforded to an applicant may be restricted in some cases, for example where they have been assessed as having an urgent or exceptional level of priority, or where the type of accommodation they need is particularly scarce. This will be the case where an urgent need to move has been identified yet there is very likely going to be a lengthy wait for their preferred choice of property.

#### Accessibility

12.11. Applications from households who require a wheelchair-accessible property will involve an assessment by an occupational therapist. Where there is a need to move, an occupational therapist will identify which type of accessible property a household should be registered for.

12.12. The different categories of accessible property are as follows:

- Disabled person unit - fully accessible property throughout, suitable for indoor wheelchair-use, including the kitchen
- Indoor wheelchair use - accessible property, suitable for indoor wheelchair-use, excluding the kitchen
- Wheelchair access - access to the property is suitable for wheelchair users but the inside of the property is not fully suitable for wheelchair-use
- Restricted mobility - not suitable for wheelchair-use, but meets the needs for someone with restricted mobility because there are a maximum of one or two steps to the property and it has accessible bathing facilities and/or a stairlift.

12.13. If a very lengthy wait is expected until a suitably accessible property is likely to be offered to a household, they may be registered for accommodation that better but not wholly suits their needs in the meantime. In these cases, the household would retain their original level of priority on the housing register whilst they wait for the property they need.

#### Sheltered housing

12.14. Sheltered housing provides housing-related support services to enable residents to live as independently as possible in their own home.

12.15. To be eligible for sheltered housing a person must:

- Either be 55 years old or older or have appropriate support needs which could be met by sheltered housing
- Have a defined housing need
- Have defined a support and/or health need
- And be likely to benefit from sheltered housing

#### Extra care housing

12.16. Extra care housing is specially designed housing where care and support is provided on site, where residents are typically older people.

12.17. Eligibility for extra care housing is considered by Portsmouth's Adult Social Care team, in conjunction with occupational therapist input. Criteria include the need for an assessed package of care.

#### Under-occupation

12.18. Households on the register as a result of under-occupation can be offered a greater degree of choice to allow their larger property to be freed up for a family who has a need for it, for example:

- A household without children currently living in a house can be registered for a smaller house
- A household with only a one bedroom need currently living in a three or four bedroom property can be registered for a two bedroom property so long as it would be affordable for them

#### Homelessness and threatened with homelessness

12.19. Any offer of accommodation to applicants on the register as a result of homelessness or a threat of homelessness must be suitable according to homelessness legislation.

12.20. Registration choices will be restricted for such applicants, with very limited choice as to the property types, areas and floor levels for which they are registered. Choice will be even more limited in cases where the type of property required is particularly scarce.

## **13 How properties are allocated**

13.1. This policy seeks to balance the following needs:

- The urgent housing need of those who are homeless, for example those in temporary accommodation
- The housing need of applicants in unsuitable accommodation
- The need to house a greater number of households by ensuring a high volume of existing social tenants are housed (and their properties in turn freed up for households in the above categories)

13.2. For the purpose of this policy all households on the register will fall into one of the following allocation groups.

- i. Registrations from homeless households accommodated by the council = homeless households currently accommodated by the local authority and supported housing residents registered for move-on accommodation
- ii. Transfer Registrations = current secure tenants of the council and tenants of private registered providers who are living within the city
- iii. Non-transfer Registration = all other registrations

- 13.3. Offers of accommodation for general needs (ie not sheltered) accommodation will be made to households within these allocation groups according to a published quota. This will enable the council to ensure a distribution of properties which serves those with the greatest housing need whilst also ensuring existing tenants are moved, and that a greater number of households can be moved as a result of the properties freed up in turn.
- 13.4. The percentages of lets assigned to each allocation group will be dynamic to changing local housing conditions and pressures. The percentages at any one time will be approved by the Director of Housing Neighbourhood and Buildings and will be published on the council's website.
- 13.5. The proportion of accommodation offered to each of the allocation groups will be reviewed from time to time and at least annually. Reviews will consider the make-up of the register and the impact of the existing proportions.
- 13.6. The differing demand for sheltered accommodation and the relative scarcity of wheelchair-accessible properties and properties that have four or more bedrooms mean these types of properties will be allocated as if all applicants fall into a single allocation group.
- 13.7. Subject to a vacant property being reserved for one of the three allocation groups, when a property becomes available for allocation, a list will be generated of all the applications registered for the type of property in question, taking account of factors including:
- The property type: whether it is a house, flat or maisonette - but also whether it is a type of property reserved for certain applicants such as accessible or sheltered accommodation
  - The number of bedrooms it has
  - The area in which it is situated
  - The floor level on which it is situated
  - The landlord of the property
- 13.8. When requesting an allocation from HNAS, a landlord may place restrictions on categories of applicants that can be allocated the property. Any such restriction would be considered if it is a reasonable step based on building safety risk assessment carried out in accordance with the Building Safety Act 2022. Any restrictions placed by the landlord should be proportionate to mitigate the level of risk, and made in accordance with the Equality Act 2010.
- 13.9. Allocations will then be made in order of priority banding, then by any additional priority awarded in accordance with this policy, and then by length of waiting time. The order of banding priority is as follows:
1. Exceptional priority
  2. Urgent housing need
  3. Significant housing need
  4. Recognised housing need

13.10 There are some limited exceptions to this order of allocation:

- Where an out-of-turn allocation is authorised by the exceptional circumstances panel under 11.3.
- Where an offer to a household which is not top of the generated list would allow for a 'chain' of lettings, meaning a greater number of households' housing needs are met. Chain lettings are approved by the exceptional circumstances panel and are most likely to be used in response to the availability of new developments or very large or unusually adapted properties, and where households being overlooked would not have unusually specific housing needs which would have been met by the property in question.
- Where there has been a serious management problem with the available property and consideration needs to be given to the suitability of the next tenant. Any decision not to offer a property in this circumstance should be rare and must be in the best interest of all persons it impacts on. Any allocation will involve consultation with the landlord of the property and with the council's Community Safety team.
- Where the property is in an area to have experienced recent and persistent incidences of anti-social behaviour. Allocations in such situations may need to be considered by the Exceptional Circumstances Panel. Any allocation will involve consultation with the landlord of the property and with the council's Community Safety team.
- A household might not be offered a property if it is clear from what they have told us that they would not be interested in the property, for example because pets are not allowed in the property.

13.11. Where there are no registrations which meet the criteria of a property that becomes available for allocation, that property can be allocated to a household who would not ordinarily meet the qualification criteria of this policy providing it is in the interest of the council and its residents to do so.

13.12. Waiting time is calculated as the length of time accrued since being assessed as having at least the current level of urgency to move, providing there has been no intervening period where there was no housing need. For example, where an adult child leaving the family home results in household's circumstances changing from having a significant overcrowding need to having an identified overcrowding need, they will retain their waiting time for the whole period.

## **14 Applications from people with significant support needs**

- 14.1. Applicants assessed as having significant support needs can be considered for supported housing.
- 14.2. Supported housing in the city varies by provider, location, and support offered. Several specialist supported housing pathways have been established to

provide a coordinated approach to housing for people with support needs.

- 14.3. An assessment by an Independent Supported Housing Assessor will identify what type of supported housing a person needs and is able to access.
- 14.4. The type of support provided can include assisting with money management, tenancy skills, social skills, managing healthy relationships, accessing employment and training, a person's health and wellbeing and their relationship with substances.
- 14.5. Supported housing providers can assist individuals who are ready to live independently to access appropriate move-on accommodation, for example in the private rent sector. A number of social housing tenancies are made available each year to help provide move-on accommodation in some cases.
- 14.6. Supported housing is not allocated via the housing register and is not subject to this policy. Different types of supported housing are accessed via different routes, with providers having differing criteria; more information about supported housing is available on request.

## **15 Special lettings arrangements**

- 15.1. Special lettings arrangements may be applied for new developments, where a large number of homes are being let in one location, for example, following a major refurbishment, or where the type of property being let is particularly unusual.
- 15.2. Any special lettings arrangements will follow the general principles of the allocations scheme but may incorporate variations in order to ensure best use is made of the available housing stock.
- 15.3. Details of any special lettings arrangements will be published on the council website prior to the properties being allocated.
- 15.4. Special lettings arrangements will only apply to first lettings. Any subsequent vacancies will be let subject to the normal allocation scheme conditions.

## **16 Refusing an offer**

- 16.1. An applicant will be expected to provide reasons for their refusal of an offer of accommodation.
- 16.2. An applicant on the register as a result of being owed a homelessness duty who refuses a suitable offer of accommodation will only remain on the housing register if they continue to be owed the respective duty under homelessness legislation. Refusal of a suitable offer of accommodation will typically end any given homeless duty.
- 16.3. Other applicants who refuse an offer of accommodation that met the

requirements of their registration (such as a chosen geographic area) may be advised that the next offer they receive will be the final one. Consideration will be given to the applicant's personal circumstances and their reasons for refusal.

- 16.4. A further refusal of accommodation that met the requirements of their registration may result in the application being cancelled. Consideration will be given to the applicant's personal circumstances and their reasons for refusal.
- 16.5. A person removed from the housing register for this reason will be able to reapply after 12 months or if there has been a significant change to their circumstances.
- 16.6. An applicant in receipt of an offer by way of a direct nomination who refuses a suitable offer of accommodation will also only remain on the housing register if they are owed a relevant duty under homelessness legislation except for in exceptional circumstances.

## **17 Suspension of applications and withdrawal of offers**

- 17.1. An application may be suspended and/or an offer of accommodation be deferred or withdrawn in the following situations.
  - Where an applicant owes rent arrears to a current or previous landlord and either does not have a suitable arrangement in place to address the arrears where it is affordable to do so or is not keeping to such an arrangement. Consideration will be given to the level of arrears, the reason for the arrears, the steps being taken to clear the arrears, the housing need, and any other applicant's circumstances. Any social housing tenant on a suspended possession order will not be offered a property without their current landlord's agreement.
  - Where an applicant intentionally refuses to fully engage in the assessment process or refuses to provide information that would reasonably be expected in order to carry out a comprehensive assessment of their circumstances.
  - Whilst an application is reassessed or whilst information is awaited from the applicant or a third party in order to ensure their registration is accurate and up to date.
  - Where there has been a material change to an applicant's circumstances that would likely change the outcome of the assessment and/or their housing requirements.
  - Where a landlord can evidence that an allocation would cause a contravention of an existing building safety assessment carried out in accordance with the Building Safety Act 2022.

## 18 Direct nominations

- 18.1. A small percentage of properties each year are reserved to be nominated to by specific agencies working with certain groups of vulnerable people, for example people with learning disabilities or vulnerable families leaving hostel accommodation. These are known as 'direct nominations'
- 18.2. The number of direct nominations awarded to each respective group is kept under review with consideration given to availability of accommodation and evidenced need.
- 18.3. The number of direct nominations awarded to each respective group will be approved by the Director of Housing Neighbourhood and Buildings and will be published on the council's website.

## 19 Data governance

- 19.1. The council will take reasonable steps to verify information provided by applicants in support of their application.
- 19.2. The council will retain information provided by applicants securely and confidentially in compliance with the General Data Protection Regulations.
- 19.3. The council will share relevant information with its housing partners in relation to an offer of accommodation. This can include financial information and details of any tenancy related support needs.
- 19.4. More information on how personal data is used is available on the council website.

**END**

## Appendix 1: Banding scheme

### 1. Exceptional band

An exceptional level of priority will be awarded in the following circumstances.

- 1.1. Where an exceptional level of priority has been awarded by the exceptional circumstances panel in accordance with the policy.
- 1.2. Applicants awaiting an offer of accommodation before they can be discharged from hospital or other NHS in-patient setting and who are otherwise ready for discharge with an approved housing register application.
- 1.3. Where a household member has been assessed by the council's occupational therapist as having an exceptional need to move to an accessible property.
- 1.4. Tenants of registered providers living in Portsmouth and council tenants of Portsmouth City Council (the council) who wish to move from a disabled persons unit or property suitable for indoor wheelchair use.
- 1.5. Tenants of registered providers living in Portsmouth and tenants of the council who are under-occupying a property and wish to move to a smaller property, where their current property would be allocated as a four bedroom property or larger.
- 1.6. Tenants of the council living in a property that has been assessed by the council as having a hazard posing a significant and imminent risk of harm or danger and the property cannot be made safe within a reasonable period.

### 2. Urgent band

The urgent band will be awarded in the following circumstances.

- 2.1. Households living in overcrowded accommodation where they lack three or more bedrooms.
- 2.2. A household who needs to move because their accommodation is having an impact on their health or welfare to the extent that the accommodation is having a serious impact on a severe or progressive health problem or disability and an urgent move is required to prevent a serious risk to their health.
- 2.3. Households registered for a priority transfer in accordance with the policy.
- 2.4. Households awarded an urgent level of priority by the exceptional circumstances panel in accordance with the policy.
- 2.5. Households assessed as having an urgent need to move to an accessible property in conjunction with the council's occupational therapist.

- 2.6. Households nominated for a direct nomination to the housing register in accordance with the quotas allowed by the policy.
- 2.7. Tenants of registered providers living in Portsmouth and tenants of the council who are under-occupying a property and wish to move to a smaller property, where their current property would be allocated as a three bedroom property or smaller.
- 2.8. Applicants living in a council property or a registered provider's property in Portsmouth who are entitled to succeed to a tenancy under the relevant landlord's succession policy or applicable law.
- 2.9. Households owed the main housing duty under s.193 of the Housing Act 1996 or assessed as very likely to be owed that duty as a result of a current homelessness application where homelessness cannot be prevented and a personal housing plan is in place and being complied with.
- 2.10. Social Housing Tenants who need to move because their home is scheduled to be demolished, redeveloped or subject to major works but where the criteria at 1.6 are not met.
- 2.11. Private sector tenants living in unsatisfactory housing conditions that the council's private sector housing team has identified as posing a serious risk to health and that enforcement action is unable to resolve.
- 2.12. Care leavers aged between their 18th and 25th birthdays who have previously been in the care of Portsmouth City Council and have been assessed by both Children's Social Care and HNAS as having the required skills and experience to manage a tenancy independently, where an independent tenancy is assessed as being more appropriate than supported housing or other housing options.

### **3. Significant band**

The significant band will be awarded in the following circumstances.

- 3.1. Households living in overcrowded accommodation where they lack two bedrooms.
- 3.2. A household who needs to move because their accommodation is having an impact on their health or welfare to the extent that the accommodation is having a significant impact on a person's health or welfare and/or having a significant impact on their functional abilities or activities of daily living, but they do not meet the criteria for an urgent level of priority.
- 3.3. Households awarded a significant level of priority by the exceptional circumstances panel in accordance with the policy.
- 3.4. Households assessed as having a significant need to move to an accessible property in conjunction with the council's occupational therapist.

#### **4. Recognised band**

The recognised band will be awarded in the following circumstances.

- 4.1. Households living in overcrowded accommodation where they lack one bedroom.
- 4.2. A household who needs to move because their accommodation is having an impact on their health or welfare to the extent that the accommodation is having a moderate or variable impact on a person's health or welfare.
- 4.3. Households awarded a significant level of priority by the exceptional circumstances panel in accordance with the policy.
- 4.4. Households assessed as having a moderate or variable need to move to an accessible property in conjunction with the council's occupational therapist. This will include applicants who are otherwise adequately housed but living with their parents and want to live independently but require accessible accommodation.
- 4.5. Households who are homeless or threatened with homelessness but who do not meet the criteria at 2.10 and their homelessness cannot be prevented.
- 4.6. Local authority tenants or tenants of registered providers who need to move to be nearer their work or to take up an offer of work where failure to move would cause hardship, in accordance with the policy.

#### **5. Additional priority**

Additional priority is awarded within each band to the following applicants.

- 5.1. Current or former members of the British Armed Forces.
- 5.2. Current or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- 5.3. Bereaved spouses or civil partners of those serving in the British Armed Forces where the bereaved spouse or civil partner has had to recently or will soon need to leave accommodation provided by the Ministry of Defence.
- 5.4. Care leavers: applicants who have previously been in the care of Portsmouth City Council for any period of time as a child.