

Lettings Policy

Policy Owner	Tenancy and Neighbourhood Housing Manager
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Data Impact Assessment Required / Completed	Not required as the policy does not involve any notable changes to the way in which Cottsway process personal data.
Reviewed By	Housing Team Leaders
Approved By	CLT 27/02/2025

1. Policy Statement

We are committed to delivering an excellent lettings service and will work with all our Local Authority partners to ensure we build sustainable communities through sensitively allocating properties, whether to new applicants or existing customers. We will work with our Local Authority partners to support their strategic housing functions and their statutory duties to prevent and address homelessness.

2. Definitions

Letting	Refers to the process whereby we rent a property both for new homes and subsequent relets
Choice Based Lettings (CBL)	A system operated by some local authorities enabling customers to bid for properties advertised
Nomination Agreement	Refers to an arrangement whereby a certain proportion of homes provided by us are allocated to customers from the housing waiting list of a local authority
Nomination	A household selected by a local authority as having a housing need for a Cottsway home
General Needs	Refers to our rented homes provided for customers to live independently and where we do not provide direct support or care services
Local Lettings Plans	Time limited allocation schemes that apply to more than a single dwelling and fall outside of the standard nomination agreement or lettings policy

Sensitive Let	A sensitive let will be requested where special consideration needs to be given over the allocation of a property
Decant	Refers to when a tenant must move from their substantive home
Management Move/transfer	Refers to when an existing Cottsway tenant is moved to another Cottsway property (happens in exceptional circumstances)
Direct match	Refers to when an applicant is matched via CBL to a specific property that is currently being advertised

3. Policy Scope and Objectives

- 3.1. In accordance with the RSH (Regulator of Social Housing) regulatory standards, specifically the Tenancy Standard, this policy sets out how we let our Social and Affordable rented homes and does not include garages, shared ownership or leasehold properties.
- 3.2. This policy outlines the range of housing options we offer and who can access them. It helps to make sure we let our homes in a fair, efficient, and transparent way which promotes the development of sustainable mixed communities and neighbourhoods and in line with our charitable status. We will aim to make the best use of our stock and minimise void time and rent loss.
- 3.3. We work across many Local Authority areas and let our vacant homes through Choice Based Lettings schemes (CBL) or nominations in line with each Local Authority agreements.

4. Regulatory and Legal Considerations

- 4.1. The Regulator of Social Housing (RSH) states that "Registered providers must allocate and let their homes in a fair and transparent way that takes the needs of tenants and prospective tenants into account." This policy sets out how we comply with this guidance in order to build strong, safe and sustainable communities.
- 4.2. In addition to this we are guided by the specifics of housing law as follows:
 - Housing Act 1988 – the legislation that governs the law between landlords and tenants. The Act introduced the concepts of assured and assured shorthold tenancies.
 - Housing Act 1996 – the legislation that regulates the provision and allocation of rented housing in England.
 - Localism Act 2011 – the Act which changes the powers of local government in England and ensures that decisions about housing are made locally.

- Homelessness Act 2002 – the legislation that amends the Housing Act 1996 and sets out duties of local housing authorities to help people who are homeless or at risk of homelessness.
- Equality Act 2010 – the legislation which outlaws direct discrimination, indirect discrimination, harassment and victimization. Housing providers must not discriminate against any person who has a protected characteristic.
- UK Data Protection Act 2018 – the legislation which updates data protection laws in the UK and implements the EU General Data Protection Regulations (GDPR).
- Human Rights Act 1998 – the legislation that protects our basic rights and freedoms in the UK, which includes the protection of family life and home.
- The Welfare Reform Act 2012 – the legislation made changes to rules concerning a number of benefits and the introduction of Universal Credit and Personal Independence Payments.
- The Prevention of Social Housing Fraud Act 2013 – the legislation which creates offenses relating to sub-letting and parting with social housing.

4.3. We are committed to complying with law and legislation concerning data protection and confidentiality and will only collect data that is adequate, relevant and limited to the function it is required for.

4.4. During the lettings procedure we request and require data that is sensitive. We will not share this data or use it for any other purpose than it is intended.

5. Policy Details

5.1. At the time of the large-scale voluntary transfer (LSVT) Cottsway retained the right to allocate 25% of our vacancies directly to our existing customers annually, in West Oxfordshire. We will invoke this right when a need arises for emergency housing for a current Cottsway tenant, when there is stock 'decanting' taking place, or to make best use of our homes.

5.2. **Empty Homes Standard** – We will carry out all essential repairs that we believe are necessary to ensure your home is in a safe, secure, clean and habitable condition.

5.3. **Rent in Advance** (RIA) - New customers (including those transferring) will be expected to pay a month's rent in advance from the start of their tenancy in accordance with the terms of the tenancy agreement. We will refer customers onto other agencies that may assist with funds, during the assessment period. We will take into account personal circumstances when assessing affordability to pay RIA.

5.4. **Local lettings plans** - On occasion we will create local lettings plans in conjunction with the relevant Local Authority to ensure that the mix of residents on our developments assist community cohesion. Local Lettings plans implemented for new build homes apply only to the first let unless a separate policy is agreed for subsequent lets.

- 5.5. **Sensitive Lets** - We may request a property is relet sensitively, in line with specific requirements on a case-by-case basis with stricter requirements regarding to applicant behaviour.
- 5.6. **Adapted Homes** - Where homes have been built, or adapted to be accessible to people with disabilities, we will work with our local authority partners to allocate these to people with similar needs wherever possible to make best use of our homes. The vacancies will be advertised with specific attributes to ensure applicants who require adapted accommodation are prioritised above households without a need. Where these criteria cannot be met, we will let the home to the next applicant who qualifies under this policy.
- 5.7. **Management Moves** – We will only consider a management move in exceptional circumstances where there is a significant need and where all other options have been exhausted. Management transfers are moves which are considered outside of the normal local authority nominations arrangements.
- To resolve ongoing and serious neighbour disputes where formal tenancy action cannot be taken to resolve the issues
 - Where the applicant is accepted as homeless by the local authority due to violence/abuse or the threat of violence/abuse. Where this involves issues of domestic abuse, refer to our Domestic Abuse policy
 - The property they currently reside in is deemed unsuitable due to an ongoing medical condition and this need is confirmed in writing by a suitably qualified medical professional
 - Where leaving the household in their existing home would present a risk to life due to the condition of the property for example severe damp and mould and where this has not been caused by an act or omission by the tenant, a member of their household or a visitor to their home
 - Customers accepted for a management move must demonstrate that they are also on the local housing register and have registered for a mutual exchange
 - Customers accepted for a management move will be given one reasonable offer of accommodation and refusal of this may mean no further offers are made.
- 5.8. **Under and over-occupation** - To maximise choice for our customers we will work with other providers to share housing opportunities through CBL banding to reflect appropriate priority for such cases.
- 5.9. **Mutual Exchanges** – In accordance with the Tenancy Standard Cottsway supports customers to exchange homes. We subscribe to a national digital home swapping service that enables our customers to register free of charge. If a customer requires support with this service our Tenancy Support Team will provide assistance including to those not engaged online (refer to our Mutual Exchange Policy).

5.10. **Occupancy criteria** - We will work flexibly with our customers to satisfy their housing requirements.

Our eligibility criteria:

One bedroom for each person or couple aged 16 or over
One bedroom for two children of the same gender aged 15 or under
One bedroom for two children aged 10 or under, regardless of their gender
A pregnancy that is 28 weeks + will be classed as a child in the household and requiring a bedroom. NB: benefit entitlement may impact the affordability of an offer
Preference for bungalows and adapted homes will be given to individuals over the age of 55 or families who for reasons of ill-health or disability will benefit from this type of accommodation
A customer or partner with disability who needs a non-resident overnight carer will be considered for an extra bedroom
Single applicants or those with children can be accepted for flats above the ground floor if it is practical and desirable for the total mix of that community, provided it does not conflict with any local lettings plan already in place
A 2-bedroom bungalow may be allocated to a single person or a couple if all the occupants are of pensionable age and full affordability checks are satisfied, and there is no one in greater need
We will not usually permit pets in schemes where there are carpeted internal communal areas, however this can be considered on a case-by-case basis
Pets may be allowed in properties with their own entrance, with or without shared gardens, provided that we are satisfied the customer is able to look after the animal concerned, the total number of pets in the block is manageable and that prior permission has been sought and granted in writing
Where homes have planning restrictions, they will be offered according to any Section 106 or other agreements (e.g. age restricted schemes or rural schemes requiring local connection)
Apply restrictive covenants regarding parking and vehicular presence
Where there are local lettings plans, we will ensure lettings meet the agreed criteria

5.11. **Applicants under 18 years old** - Where an applicant is under the age of 18 years, they will only be eligible for an offer of accommodation if they meet the following conditions:

- The applicant is supported by a government or voluntary agency and Cottsway is satisfied with the level of support being/to be provided
- They pass a full affordability check
- They have a trustee and guarantor who are willing to sign and support their tenancy until their eighteenth birthday

Minors who succeed to or request an assignment will be dealt with under our succession and assignment policy.

- 5.12. **Letting homes to members of staff/involved customers/board members** - Cottsway employees, board members and involved customers are eligible to apply for homes in the same way as any other applicant. Additional steps are taken to ensure that the allocation has been made fairly and that the individual is able to manage any actual or perceived conflicts between work and home. This also applies to employees who are existing customers looking for a transfer to another property. Employees, board members and involved customers applying for accommodation will be subject to the same refusals criteria as any other applicant. Cottsway reserves the right to refuse an offer of accommodation if the offer is deemed to be inappropriate. Cottsway has specific processes around lettings to employees, board members and involved customers to ensure that allocations are fair and transparent and appropriate. This aligns with Cottsway's Probity Policy.
- 5.13. **Refusal of an applicant** – Cottsway will take a customer focused approach to letting homes and as such will try to identify an approach which allows a household to be made an offer of accommodation. However, there may be some circumstances where a household is not suitable for the property and in these cases Cottsway may refuse to make an offer. The reasons for refusal (below) may apply to all lettings including mutual exchange and transfers. Cottsway reserves the right to use any information received in its decision making.
- 5.14. In the event of the highest bidder applicant being rejected we will explain clearly in writing why we have reached our decision, and their right to appeal our decision (see appeals section 7)

We will not house an applicant if:

- 5.15. The applicant or person moving with them has held a previous tenancy which has not been conducted in a satisfactory manner within the last three years
- 5.16. The applicant has previously been evicted from a Cottsway property within the last 3 years
- 5.17. The applicant has been the perpetrator of ASB or unacceptable behaviour within a Cottsway property within the last 3 years
- 5.18. The applicant is legally not eligible for social housing, such as those subject to immigration control and who do not have a 'Right to Rent'.
- 5.19. Unacceptable behaviour is that which, if the applicant or household member were a Cottsway tenant, would entitle Cottsway to a notional possession order on any grounds in Schedule 2 of the Housing Act 1988 (other than Ground 8).

Unacceptable behaviour could also include:

- Conviction for illegal or immoral purposes
- Causing nuisance and annoyance to neighbours or visitors

- Committing criminal offences in or near the home that may pose a threat to neighbours or the community
- Allowing the condition of the property to deteriorate or causing damage to the property
- Obtaining a tenancy by deception, for example by giving false information
- Being violent or threatening behaviour towards neighbours or visitors
- Being violent or threatening to members of staff or other professional representatives
- Being violent towards a partner or other family members
- Those that have not had a fixed term tenancy renewed by us or another social landlord
- They owe or previously owed any debt to Cottsway or another landlord from a previous tenancy(ies).
- They currently owe any debt to Cottsway or another landlord and have either not cleared it or made reasonable attempts to address the debt. (*Reasonable means consistent repayments for at least 12 months or at least halved the debt*)

- 5.20. **Immigration Status** - We will not house an applicant who is legally not eligible for social housing, such as those subject to immigration control and who do not have a 'Right to Rent'.
- 5.21. We will house applicants who have permanent or limited leave to remain in the UK. If an applicant has limited leave to remain, any offer of accommodation will be regarded by us as non-secure and cannot be used as permanent accommodation or permanent status for benefit entitlement.
- 5.22. We will comply with Right to Rent legislation when considering direct applications, to ensure we meet legal requirements under the Immigration Act 2014 (as amended by the Immigration Act 2016).
- 5.23. **Housing Debt** - In all cases where an applicant owes rent/occupancy charge, mortgage or other housing debts and has defaulted on repayment we will communicate with previous landlords and lenders to request references regarding rental and mortgage accounts. This will form part of our pre-tenancy assessment to help us understand the reasons for the housing debt before we make our decision
- 5.24. **Re-housing schedule one offenders** - If an applicant is a Schedule One offender (registered sex offenders, violent offender) we will work with the 'responsible authorities', through the Multi-Agency Public Protection Arrangement (MAPPA) to establish:
- The background to the application
 - The risk assessment findings and recommendations
 - What support is in place
 - What "type" of property is being considered and its location

Additionally, we will:

- Request advice from local police, public protection officers, probation and any other support agencies
- Hold a risk assessment meeting with all relevant parties and the decision process will be recorded through our safeguarding protocols for transparency
- Consider the estate management implications of an offer

5.25. **Appropriate Support-** We will ensure that where the applicant tells us they are receiving support that the support is adequate and appropriate for their needs before an offer of accommodation is made.

We will ensure:

- We are clear what support is required
- Contact has been made with both local authority and other agencies to secure support and it is not available
- The level of support required would not seriously undermine Cottsway's ability to support other customers in the scheme or block
- We reserve the right to refuse an applicant if are unable to make reasonable adjustments to enable the customer to live in the home.

5.26. **Providing False Information** - It is a criminal offence for a person to withhold information or provide incomplete or false information to obtain a tenancy at the point of application.

5.27. The same applies if they do not volunteer information which might be deemed reasonable for them to have done so in the pre-tenancy assessment.

5.28. If they provide conflicting information or are found to have provided false information during the pre-tenancy assessment, an applicant may be refused or, if they have already been allocated a property, we may act to recover the tenancy.

5.29. If an applicant's circumstances change at any time before the tenancy start date, they are required to update us as this could affect their eligibility for the property.

5.30. **Pre-Tenancy Assessments/Affordability Criteria** - As part of the pre-tenancy assessment, we will check household information, including proof of identity and financial support needs. We will require documentary evidence to ensure the eligibility criteria is met.

5.31. Where applicants pass the pre tenancy assessment and there is a significant delay with the property handover dates, we will reassess their application to ensure they are still eligible for the property, if there is significant change in their circumstances we may withdraw an offer.

- 5.32. All successful applicants must meet the affordability criteria. In some circumstances, bidders may not meet the criteria, and we may look to find alternative resolution to their housing needs.
- 5.33. For example, sometimes applicants bid for properties with 'affordable rent', which may cause them financial hardship. We will encourage them to bid for alternative assured rent properties to make their budget go further, sign post them to independent money advice services to maximise income opportunities or refer them to other support agencies for further assistance.
- 5.34. Included in the affordability criteria is their ability to pay the initial month's rent in advance (RIA). We will only vary this condition in exceptional circumstances, having regard to all their personal circumstances and additional information provided by the local authority.
- 5.35. **Pre-Tenancy Training** - We are committed to preparing applicants for their new tenancies and this includes an introduction to household budgets and money management advice. As part of our commitment to sustainable tenancies we offer applicants pre-tenancy training on a voluntary basis.
- 5.36. **Pre-Tenancy Support** - This can be made available for new customers who require support to set up their new tenancy and can be at the request of the applicant, a Cottsway officer or part of a multi-agency approach.

6. Tenure/ Tenancy types

- 6.1. For all lettings (relets and new builds) we will issue either an affordable rent or social rent tenancy. This will depend on the grant funding at the time of construction. We will generally offer Starter Tenancies for all new rented lettings (relets and new builds).
- 6.2. Listed below are the types of tenancies we will offer customers:

Starter Assured Shorthold Tenancies (SAST)

Cottsway will normally grant a Starter Assured Shorthold Tenancy (SAST) that will convert to a full Assured Tenancy after a year provided it has been conducted in a satisfactory manner and action has not commenced to end it.

Licence

Where practicable, Cottsway will assist its Local Authority partners in the provision of temporary weekly licenses under urgent circumstances to accommodate households who are homeless and in priority need. This arrangement will be reviewed by both Cottsway and the Local Authority on an ongoing basis.

Decant Licence

A decant tenancy will also be issued where there is an emergency need to decant an existing tenant from their substantive tenancy.

Full Assured Tenancy

This tenancy type will be granted to all existing tenants who already enjoy a full assured tenancy whether with Cottsway or other Registered Providers.

Preserved Assured Tenancy

This is specifically reserved for those existing Cottsway tenants who already enjoy a preserved assured tenancy, and no other person or applicant will be granted this tenancy type or the specific rights contained within the agreement.

7. Appeals

- 7.1. In accordance with the tenancy standard our appeals process will be fair, reasonable, and accessible and will follow the guiding principles of;
- 7.2. The applicant will be advised at the earliest opportunity if their application has been unsuccessful with clear reasons for that decision and this will be followed up in writing.
- 7.3. We will provide guidance of how to appeal and support through a third party if required.
- 7.4. All appeals will be considered by the Tenancy and Neighbourhood Manager and no further right of appeal is available. The aim is to review the allocation process and ensure it adhered to our policies and procedures and to establish (where necessary) whether the original decision was correct and/or reasonable.
- 7.5. A property will not be held vacant whilst an appeal is being considered (this is to ensure an applicant is released from the bidding process to allow them to move on).
- 7.6. If the appeal is upheld, we *may* allocate the original property if it remains available and unallocated, if this is not an option the applicant may apply for further Cottsway properties, and this appeal decision will be taken into account.
- 7.7. Appeals should be made in writing within five working days of the decision and a response will be received no later than ten working days after the appeal is received.

8. Monitoring and Reporting

- 8.1. Headline performance information is captured via team performance indicators (PI's) monthly. This information is regularly reviewed by the Housing Management Team and is presented to the Corporate Leadership Team (CLT) for oversight.

9. Customer Feedback

- 9.1. We will undertake an independent survey with all new customers to capture satisfaction with their home and their moving-in experience through our feedback and complaints process we will capture feedback and learning to improve our service delivery. We will make this information available to our customers.

10. Responsibility

- 10.1. The Head of Housing has overall responsibility for effectively implementing this policy.

11. Equality, Diversity and Inclusion

- 11.1 Cottsway are opposed to all grounds of discrimination covered by the Equality Act 2010. We will treat all applicants fairly and consistently in line with this policy and our Equality and Diversity Policy and will comply with all legislation.

12. Associated Documents Policies and Procedures

Void Management Policy
Lettings Procedure
Anti-Social Behaviour Policy
Tenancy Agreement
Equality Diversity and Inclusion Policy
Easy Move Policy
Decant Policy
Pets Policy
Mutual Exchange Policy and Procedure
Probity Policy

13. Review

- 13.1. We will regularly review this policy to address changes in legislative, regulatory, best practise or operational matters. The review period for this policy is every three years subject to any changes in legislation or regulation and/or recommendations by the Audit and Risk Committee and the business which may trigger an earlier review.