ALLOCATIONS POLICY
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1.0 Scope

This policy covers all applications and allocations of social housing. It includes all properties for social rent or affordable rent allocated through the Council’s Choice Based Lettings (CBL) system called HomeSearch. The CBL system is shared with Gedling Borough Council and Rushcliffe Borough Council, the three Councils share a website and software system, but they each have their own allocations policy.

This policy does not cover allocations of social housing made by registered providers outside of the HomeSearch system, mutual exchanges or temporary decants to another property.

2.0 Purpose

The purpose of the policy is to set out who can apply for social housing, how priority is given to different applicants and how the housing register is maintained.

This policy does not set out how applicants can apply to HomeSearch or bid for properties. Full details can be found on the HomeSearch website - www.home-search.org.uk/ or by contacting a member of the Lettings Team at Broxtowe Borough Council.

3.0 Aims and Objectives

We aim to meet make the best use of the social housing stock in the borough to meet the needs of residents. The aims of the policy are:

- To ensure that all regulatory and legal requirements are met
- To set out the requirements for considering eligibility and qualification
- To ensure that applicants are given choice
- To set out the categories of applicants who will be given reasonable preference
- To set out the categories of applicants who will be given additional preference
- To confirm when local lettings policies and direct lets may be used
- To set out a framework for reviews

4.0 Regulatory Code and Legal Framework

The ‘Allocation of accommodation: guidance for local housing authorities in England’ is statutory guidance issued in 2012 to local housing authorities in England under s169 of the Housing Act 1996. Housing Authorities are required to have regards to it in exercising their functions under Part 6 of the Housing Act 1996 and Localism Act 2011.
Additional guidance ‘Providing social housing for local people’ was issued in 2013 to assist housing authorities to make best use of the flexibilities within allocation legislation to better meet the needs of their local residents and their local communities.

S166A of Housing Act 1996 provides that authorities must have regard to their homelessness and tenancy strategies when framing their allocations scheme.

**5.0 Policy**

**5.1 Definition of an ‘allocation’**

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

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

For the purpose of this policy an allocation will be considered to be a nomination if the property has been advertised and shortlisted through the HomeSearch Choice Based Lettings system.

This applies to existing tenants if:

- The allocation is made at the tenants request
- The tenant has reasonable preference (as defined in this policy)

This policy and definition does not apply if the Council initiates a transfer for management purposes.

**5.2 Choice**

Broxtowe Borough Council is committed to enabling applicants to play an active role in choosing where they want to live whilst continuing to house those in greatest need and making the best use of the social housing stock in the borough.

Through HomeSearch applicants have a choice about where they wish to live, the type of accommodation they wish to occupy and who they wish to have as a landlord. The promotion of choice to applicants will help create sustainable tenancies and communities.
5.3 Eligibility

There are certain groups of people who are eligible for social housing.

The eligibility provisions do not apply to applicants who are already secure, introductory or assured tenants of a private registered provider.

Accommodation will not be allocated to persons from abroad who are ineligible for housing if:

- They are subject to immigration control unless he or she comes within a class prescribed in regulations made by the Secretary of State
- They are to be treated as ineligible for an allocation of accommodation as prescribed in regulations made by the Secretary of State

The term 'person subject to immigration control' is defined in s13(2) of the Asylum and Immigration Act as a person who under the Immigration Act 1971 required leave to enter or remain in the United Kingdom (whether or not such leave has been given)

The following categories of people do not require leave to enter or remain in the UK:

- British citizens
- Certain Commonwealth citizens with a right to abode in the UK
- Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area with the UK which allows free movement
- EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law
- Persons who are exempt from immigration control under the Immigration Acts

All potential circumstances cannot be included in the policy. The UK Border Agency provides a service to housing services to confirm the Immigration Status of an applicant from abroad. If there is any uncertainty regarding eligibility, enquiries will be made before accepting an application

A joint tenancy, for two or more people, will not be granted if any of the applicants are ineligible. However, if one of the applicants is eligible then the tenancy may be offered to that applicant only. Ineligible family members may be taken into account in determining the size of accommodation which is allocated.

5.4 Qualification

To join the housing register, applicants must:

1. Be aged over 18, unless due to the following exceptional circumstances:
• Homeless young people to whom a duty is owned under Housing Act 1996, Part 7
• Care Leavers with a recommendation from Children’s Services
• Teenage parents

Any tenancy granted to a persons under the age of 18 will be held in trust for them by a responsible adult, appointed to act on their behalf

2. Have been a resident in the borough of Broxtowe for 3 out of the last 5 years, unless one of the exceptions below applies:

• Members of armed forces who have been discharged within 5 years preceding the allocation of social housing
• Bereaved spouses and civil partners of members of the armed forces leaving Services Family Accommodation following the death of their spouse or partner
• Serving or former members of the Reserved Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service
• Applicants who have been accepted as a reciprocal arrangement with another local authority or registered provider
• Broxtowe Borough Council care leavers who have been placed outside of the borough
• Applicants who have confirmation of a job offer in the borough
• Applicants who are victims of domestic violence who cannot return to their home due to fear of violence
• Applicants who are subject to witness protection
• Applicants over the age of 60 who are applying for Retirement Living accommodation (these applicants will be placed in Band 4)

Homeowners or those with a financial interest in property will be disqualified except for the following circumstances:

• Home owners over the age of 60 who are applying for Retirement Living accommodation (these applicants will be placed in Band 4)
• Applicants who fall within one or more of the categories in Band 1 or 2 who do not have the financial resources/ equity in their home to enable them to resolve their housing needs
Applicants will not qualify if they are not available to occupy accommodation, if they were to be offered a property. This includes prisoners and those in tied accommodation. In these circumstances applicants should reapply when their circumstances change.

5.5 Types of applicant

*Single applicants* – The majority of these applicants will be those who want to live alone, but also includes those who want to live with others but not have a joint application. If a single applicant accepts a tenancy, the tenancy must be granted in their name only.

*Joint applicants* – Applicants who have a long term commitment to live together. If joint applicants accept a tenancy, the tenancy must be granted in the name of all of the joint applicants.

*Family applicants* – Applicants who have at least one dependant child (aged up to 18). This includes adopted and foster children. Applicants who are pregnant will be considered as family applicants as soon as their pregnancy has been confirmed.

*Applicants no longer wishing to apply jointly* – If applicants in a joint application no longer wish to apply jointly, separate applications can be made from the original joint application. Each application will be reassessed. If the applicant is awarded the same or lower band then the original registration date will be used. If they are awarded a higher band then the registration date will be the date that they are placed in the higher band.

5.6 Reasonable preference

Broxtowe Borough Council is required to give ‘reasonable preference’ to certain groups over other groups. These groups are:

- Applicants who are homeless (in accordance with Part 7 of the Housing Act 1996 as amended and extended by the Homelessness Act 2002) including those who are intentionally homeless and those who are not priority need
- People who are owed a duty by any housing authority under s190 (2) or 195 (5) of the Housing Act 1996 (or under s65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any housing authority under s192 (3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds
- People who need to move to a particular locality in the borough, where failure to meet that need would cause hardship (to themselves or others).

The Allocations Policy has been framed to ensure that the groups listed above have been given reasonable preference within the appropriate band.
5.7 Additional Preference

Housing authorities have the power to frame their allocation scheme to give additional preference to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing needs. All housing authorities must consider, in the light of local circumstances the need to give effect to this provision. People with urgent housing need include:

- Those who need to move urgently because of a life threatening illness or sudden disability
- Families in severe overcrowding which poses a serious health hazard
- Those who are homeless and require urgent re-housing as a result of violence or threats of violence, including those escaping domestic abuse

Additional preference must also been given to:

- Former members of the Armed Forces
- Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- Serving or former members of the Reserved Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service

The Allocations Policy has been framed to ensure that groups with urgent housing need, including those listed above have been given additional preference within the appropriate band.

5.8 Banding

Broxtowe Borough Council has a duty to offer choice and to ensure that the needs of reasonable preference and additional preference categories are met.

The most appropriate way to achieve this is to operate a needs based banding system with bands arranged to reflect the level of housing need.

The current housing circumstances and needs of each applicant will be the determining factor in deciding which Band an applicant receives. Once placed in an appropriate band, applicants will be ordered within the band by date order so that priority within a band is given to the applicant with the earliest band date.
Allocations Policy

If an applicant’s circumstances reflect more than one of the situations in the bands, the situation in the highest band will be used. No additional priority is given if circumstances reflect more than one situation.

The banding process will ensure that applicants in the greatest need receive the most preference for re-housing. Once an applicant has been assessed and placed into a Band, the applicant will not move to another Band unless there is a change in the applicant’s circumstances.

Broxtowe Borough Council has 4 application bands, shown in the tables on the next pages.
Band 1

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Urgent Medical Priority</strong></td>
<td>Applicants who have a permanent or chronic illness or disability and as a result of their condition are unable to continue to occupy their current accommodation. An applicant's current home must be assessed by a housing, health, or social care professional as not being accessible or suitable. Priority will only be awarded where their current home is not able to be adapted to suitably meet their needs.</td>
</tr>
<tr>
<td><strong>Demolition</strong></td>
<td>Applicants whose home is subject to demolition.</td>
</tr>
<tr>
<td><strong>Category 1 Hazards</strong></td>
<td>Applicants whose home has been assessed by the Council’s Environmental Health Team as being subject to a category 1 hazard under the Housing Health and Safety Rating System which cannot be resolved whilst they are in occupation.</td>
</tr>
<tr>
<td><strong>Statutory Overcrowding</strong></td>
<td>Applicants whose current accommodation has been assessed as being statutorily overcrowded by an Environmental Health Officer. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property.</td>
</tr>
<tr>
<td><strong>Severe Under Occupation</strong></td>
<td>Tenants of one of the HomeSearch partners whose current home is too large for the needs of their household by two or more bedrooms.</td>
</tr>
</tbody>
</table>
### Band 2

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Homelessness</strong></td>
<td>Applicants to whom the Council has accepted main housing duty in accordance with the Housing Act 1996, Part 7.</td>
</tr>
<tr>
<td><strong>Homelessness Prevention</strong></td>
<td>Applicants who the Council has assessed as being threatened with homelessness within 8 weeks and likely to be owed the main housing duty in accordance with the Housing Act 1196, Part 7 if they were to make a formal homelessness declaration.</td>
</tr>
<tr>
<td><strong>Harassment</strong></td>
<td>Applicants who are at risk in their current property because they are experiencing serious and sustained harassment, violence or threats of violence and likely to be owed the main housing duty in accordance with the Housing Act 1196, Part 7 if they were to make a formal homelessness declaration.</td>
</tr>
<tr>
<td><strong>Succession</strong></td>
<td>Applicants who have succeeded a property owned by one of the HomeSearch partners but the property is unsuitable due to the size or adaptations.</td>
</tr>
<tr>
<td><strong>Care Leavers</strong></td>
<td>Applicants who are leaving care, in accordance with the Nottinghamshire County Wide Care Leavers Protocol.</td>
</tr>
<tr>
<td><strong>Move on from specialist and supported accommodation</strong></td>
<td>Applicants who have been assessed by their current support providers as being ready to move to independent accommodation and live independently. Priority will only be awarded following completion of a satisfactory recommendation from the accommodation providers</td>
</tr>
<tr>
<td><strong>High Medical Priority</strong></td>
<td>Applicants or a member of their household who have a serious medical condition, illness or disability which is made worse by their current accommodation and as a result of their condition it is not reasonable to continue to occupy their current accommodation on a long term basis.</td>
</tr>
<tr>
<td><strong>Severe Overcrowding</strong></td>
<td>Applicants whose current accommodation is assessed as being two bedrooms short of the required number of bedrooms. The best use of all rooms in the house will be considered when calculating the number of bedrooms. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property.</td>
</tr>
<tr>
<td><strong>Under Occupation</strong></td>
<td>Tenants of one of the HomeSearch partners whose current home is too large for the needs of their household by one bedroom.</td>
</tr>
<tr>
<td><strong>Unsuitable accommodation due to adaptations</strong></td>
<td>Tenants of one of the HomeSearch partners whose current home is an adapted property but the adaptation is not longer required.</td>
</tr>
<tr>
<td>Band 3</td>
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<tr>
<td>----------------------------------------------------------------------</td>
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<tr>
<td><strong>Homeless but not in priority need</strong></td>
<td></td>
</tr>
<tr>
<td>Applicants who have been assessed by the Council to be homeless or threatened with homelessness but not in priority need.</td>
<td></td>
</tr>
<tr>
<td><strong>Intentionally Homeless</strong></td>
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<tr>
<td>Applicants who have been assessed by the Council as being homeless intentionally</td>
<td></td>
</tr>
<tr>
<td><strong>Discharged Homeless Duty</strong></td>
<td></td>
</tr>
<tr>
<td>Applicants who have been accepted as being owed a full housing duty following a homelessness application made under Housing Act 1996, Part 7 and who have declined an offer of accommodation which was considered by the Council to be a reasonable offer of accommodation suitable to the applicants needs</td>
<td></td>
</tr>
<tr>
<td><strong>Lodgers with dependent children</strong></td>
<td></td>
</tr>
<tr>
<td>Applicants with dependent children, or who are pregnant and who are lodging with family or friends.</td>
<td></td>
</tr>
<tr>
<td><strong>Moderate Medical Priority</strong></td>
<td></td>
</tr>
<tr>
<td>Applicants whose household includes a person who has an illness or disability which is affected by their current accommodation and whose condition would benefit from alternative accommodation but a move is not essential</td>
<td></td>
</tr>
<tr>
<td><strong>Overcrowding</strong></td>
<td></td>
</tr>
<tr>
<td>Applicants whose current accommodation is assessed as being one bedroom short of the required number of bedrooms. The best use of all rooms in the house will be considered when calculating the number of bedrooms. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property.</td>
<td></td>
</tr>
<tr>
<td><strong>Welfare Need</strong></td>
<td></td>
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<tr>
<td>Applicants who experience hardship in their current accommodation and who need to move to improve their situation. This includes applicants suffering from financial hardship and applicants who need to move to be closer for specialist education, medical facilities or support.</td>
<td></td>
</tr>
<tr>
<td><strong>Employment</strong></td>
<td></td>
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<tr>
<td>Applicants who need to move to take up an offer of employment.</td>
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</tbody>
</table>
## Band 4

<table>
<thead>
<tr>
<th>Lodgers without dependant children</th>
<th>Applicants who share facilities with family or friends.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Private Housing Tenants with a desire to move</strong></td>
<td>Applicants who live in private rented accommodation, including shared housing or accommodation with a resident landlord who have been assessed as not having a need to move</td>
</tr>
<tr>
<td><strong>Social Housing Tenants with a desire to move</strong></td>
<td>Tenants of one of the HomeSearch partners who have been assessed as not having a need to move</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>Any other applicant who does not meet the criteria set out in Bands 1, 2 and 3</td>
</tr>
</tbody>
</table>
5.9 Verification

All applicants will be required to provide information to enable their application to be processed, this includes:

- Identification which confirms the applicants current address
- Identification which confirms the applicants signature
- Proof of current tenancy status
- Details of previous five years accommodation, including address where the applicant was not the tenant
- Details of all household members
- Financial information, including any interest in property

Extra information or evidence may also be required from some applicants, including:

- Nationality or immigration status
- Assessments made by professionals in support of application, eg Medical and health professionals
- Proof of pregnancy
- Access to children and evidence of child benefit
- Details of convictions
- Information regarding additional support needs
- Landlord references, including details of rent arrears or tenancy conduct
- Confirmation of circumstances regarding the Armed Forces

It is not possible to list every document that may be required. When an application is received it will be assessed by a member of the Lettings Team who will contact the applicant to request the supporting evidence. Applicants will only be accepted, awarded a band and allowed to bid once all evidence has been received. The registration date, for allocation purposes, is the date that the application was activated following all verifications being completed.

An applicant who has a conviction will be accepted. Before an offer of property is made, further checks will be completed to ensure that suitability of the accommodation. Applicants will be made aware of this process.

An applicant who has former rent arrears will be accepted. When an offer of property is made the applicant will need to provide proof that a payment plan has been arranged and maintained for a minimum of 12 weeks. Partner landlords may wish to
include former arrears in the terms of their tenancy agreement. Broxtowe Borough Council will do this on all occasions.

Applicants with additional support needs will be supported and assisted to provide the necessary information.

Applicants will be asked to declare if they are a 'related party', these are applicants who are either:

- Staff of any of the partner registered providers
- Local Authority elected members
- Partner registered providers board members
- A relative of any of the above

Applications from related parties will be verified in the same way as other applicants but the banding and any offers of accommodation will be approved by the Head of Housing.

**5.10 Transfer applicants**

To ensure the most appropriate use of housing stock on some occasions priority will be given to applicants who are not currently a tenant of any of the HomeSearch partners. On these occasions the advert will clearly state: ‘Preference to non-transfer applicants’.

Priority will continue to be given to those in higher priority bandings. For example, a transfer applicant in Band 1 is a higher priority than a non-transfer applicant in Band 2.

Applicants can only apply for a transfer after they have been in their current accommodation for 12 months.

**5.11 Local Lettings Policies**

Section 166A(6)(b) of the Housing Act 1996 enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of the Act.

If this is to be used, a separate local lettings policy will be written. This is particularly appropriate for new build schemes, large estates and areas with problems of anti-social behaviour.

The Council will support registered providers to introduce local lettings policies where there is evidence for a need for a separate policy.

If a property will be allocated according to a local lettings policy the advert will clearly state: ‘Allocations will be made in accordance with a local lettings policy’
5.12 Direct Allocations

It is expected that the majority of allocations will be made following the bidding process via HomeSearch but there are sometimes cases where it is necessary to make offers to applicants outside of these arrangements. There are two categories of direct allocations:

Urgent housing management cases – such cases are exceptional and an offer must be approved by the Head of Housing, each case will considered in regards to its individual circumstances but could include witness protection or other reasons when people need to be moved for matters of safety

Lower demand properties – if a property has been advertised and shortlisted via HomeSearch and the property has not been let, then the property can be offered directly to an applicant. Although a direct offer will be made the same level of checks will be completed. It is important to note that if direct offers are made by registered provider partners then the allocation is not subject to this policy. All offers made by Broxtowe Borough Council are subject to this policy.

5.13 Change of circumstances

Applicants must inform Broxtowe Borough Council of any change of circumstances. This can be done by telephone or in writing. The applicant may be asked to provide additional information or evidence. If this is required the application will be suspended until the necessary documents have been provided.

An applicant’s banding may change. If the applicant is awarded the same or lower band then the original registration date will be used. If they are awarded a higher band then the registration date will be the date that they are placed in the higher band.

5.14 Annual Review

On the anniversary of their registration all applicants will receive a review letter. This will ask the applicant to confirm that they wish to remain on the list and that there has not been a change in their circumstances since their application or last review.

If an applicant has not responded within 28 days of the date of their review letter then their application will be cancelled.

Applicants with additional support needs may be contacted differently, for example by telephone.

5.15 Review of urgent applications

If an applicant has been placed in the either Band 1 or 2 their application will be reviewed 12 weeks following their registration date. The purpose of this review is to ensure that appropriate bids are being placed and to monitor any refusal reasons.
Applicants will be given advice on how to increase the possibility of an offer of a property.

5.16 Right to Review

Housing authorities must inform applicants that they have the right to information about certain decisions and a right to review those decisions.

Applicants will be informed in writing of any decision:

- That they are ineligible for an allocation of accommodation under s106ZA(2) or (4)
- That they are not a qualifying person under s 106ZA(7)

Therefore if an application is not accepted following the guidance in sections 5.3 and 5.4 of this policy then the applicant must be informed in writing of the decision. If the applicant has additional support needs then other methods, such as telephone or visit should be used in addition to providing the information in writing.

If an applicant wants to request a review, it is expected that this will be received in writing within 21 days of the decision letter. In exceptional circumstances requests will be accepted via other methods or after 21 days.

Broxtowe Borough Council will complete the review within 28 days. The review will be completed by an officer senior to the officer who made the original decision.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- South Nottinghamshire Homelessness Strategy
- Tenure Strategy
- Voids Management Policy
- Local Lettings Policy
- People with additional support needs policy
- Advertising of properties procedure
- Homeless applicants procedure
- Pre-tenancy checks procedure
- Tenancy risk assessment procedure

7.0 Review

This policy will be reviewed every year to ensure that it meets current statutory guidance and legislation.

A full review will be completed every 3 years.
8.0 Appendix

Appendix 1 - Size and types of properties that applicants can bid for

9.0 Document History and Approval

<table>
<thead>
<tr>
<th>Date</th>
<th>Version</th>
<th>Committee Name</th>
</tr>
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<tbody>
<tr>
<td>Dec 2017</td>
<td>1</td>
<td>Housing Committee - Draft version for consultation</td>
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