



Nominations Agreement

Between Durham County Council and Registered Providers

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1. Definitions

bands	These are categories of housing need that make up the system we use to show the level of priority that applicants have on our housing register.
Choice-Based Lettings	Choice-Based Lettings (CBL) is a way of letting properties that allows applicants to see the number and type of properties available. Applicants bid for properties they are interested in, and everyone can see how many bids were made and what band the successful applicant was in.
Durham Key Options (DKO)	This means the partner organisations that provide a single advertising scheme for housing across County Durham.
housing register	Our housing register is a list of everyone seeking housing with our partner landlords.
letting policy	All our full partner landlords have a shared set of rules on how properties will be advertised and let. This is our letting policy.
Local Authority	For our scheme, the local government authority is Durham County Council.
local letting policy	This is a policy that takes account of local circumstances, for example the shortage of affordable housing in rural areas.
nominations agreement	This kind of agreement says how the local authority and registered providers must co-operate and work in partnership to help people in housing need and to prevent homelessness.
priority date	This is the date when a person is given additional priority, which will be later than their application date.
Registered Providers	These are social landlords registered with the Homes and Communities Agency to provide social housing. Most are housing associations, but some are registered charities, companies, trusts and co-operatives.
true void	the preferred definition of the CLG Allocations Guidance looks at the status of the departing tenant to decide whether a void is true or non-true. In line with the previous guidance, true voids are empty homes that are available to let, <i>excluding a reasonable proportion</i> of housing set aside to satisfy internal transfers, decants, mobility and move-on agreements.

Any references in this agreement to a numbered section mean a section of this agreement unless stated otherwise.

2. Introduction

- 2.1. This document is a nominations agreement produced by Durham County Council (DCC) in consultation with social housing providers within County Durham. A Choice Based Lettings Scheme (Durham Key Options) is operated across County Durham. Partners signing up to this nominations agreement will be agreeing to operate within the scheme. There will be no charge for Registered Providers (RPs) to advertise via the nominations agreement.
- 2.2. Properties will be advertised in line with the banding structure operated by Durham Key Options (DKO) (see appendix 1).
- 2.3. Each Registered Provider shall request nominations for at least 50% of all 'true void' properties (see the definition of a true void in Section 1).

3. Aims and objectives

- 3.1. This agreement is in line with the aims and objectives of the DKO Letting Policy:
 - to provide a housing letting system which is easily understood and accessible to all, which covers all types of tenure (such as renting and shared ownership), and enables people to make choices about where they want to live
 - to increase mobility across all tenures, for example through tenancy exchanges and by helping people to switch from renting to shared ownership
 - to provide housing options including low-cost or shared ownership and tailored advice, along with access to registered providers' and private landlords' properties
 - to ensure a more effective use of housing across County Durham
 - to provide mixed, cohesive and sustainable communities through choice and housing options
 - to provide accurate information on lettings, including priority transfers, across County Durham to highlight future priorities for development and investment, and to provide better information for strategic planning
 - to increase the overall supply of properties and therefore help authorities to meet their statutory housing duties
 - to help make savings on lettings by improving efficiency across County Durham
 - to help prevent homelessness by operating a housing register and by taking a thorough and robust approach to offering housing options
 - to help people in hardship and vulnerable people, including older people and those with a disability requiring additional support
 - to build effective partnerships across all the region's housing sectors – statutory, voluntary and private
 - to build community cohesion while enabling housing applicants to have choice in where they live.

- 3.2. However, more specific to this agreement, the following objectives and aims are in place:
- to increase the proportion of households in the county rehoused by RPs
 - to increase the proportion of households nominated by DCC to RPs
 - to ensure that voids are let as quickly as possible to the appropriate nominees
 - to improve the standards of service and information provided to potential RPs
 - to increase accountability of DCC and the RPs
 - to streamline the nomination process in order to provide ease of access for all service users.
- 3.3. Partners of Durham Key Options are committed to working with RPs to create sustainable communities within the strategic framework set out in the Council's *Housing Strategy for County Durham*.
- 3.4. The Council believes that the nominations agreement plays an important part in building balanced and successful communities. We will work with RPs to ensure that nominations made for new developments and relets contribute to the overall aim of sustainable communities.
- 3.5. RPs should notify Durham County Council and partners of Durham Key Options in advance of any letting of any special requirements relating to a property, group of properties or estate (local letting policy). This would include any special considerations relating to the social profile of the estate.
- 3.6. The need to create and maintain sustainable communities must also work in harmony with Durham County Council's overall strategic objectives. This would include fiscal and legislative considerations, in particular S.166A of the Housing Act 1996. RPs need to consider such matters, and the wider objectives of social housing, when framing their allocations policies and dealing with issues around individual nominations. This may include adjustments to policy to accommodate for issues surrounding Welfare Reform.

4. Equal opportunities

- 4.1. Durham County Council is committed to promoting equality of access to, and appropriate use of, its services and facilities; and will treat all people equally regardless of race, gender, disability, age, marital status, sexual orientation or belief.
- 4.2. This commitment applies in all of our activities and we work to ensure that people are treated equally whether they are:
- Seeking employment with or are in the employment of the Council
 - Seeking or using the Council's services or applying for funds
 - Contracting to supply or purchase goods or services to or from the Council.

5. The nominations procedure

- 5.1 As soon as a termination notice has been received on a property the Registered Provider will e-mail a completed *Property Details Pro-forma* (appendix 3) to the Housing Solutions CBL Team. This must be before 1pm to guarantee the advert goes on the website at midnight that day (if not, it will go on the following day). The CBL Team will prepare the marketing information in line with the Council's entitlement policy. However, there may be occasions when exceptions to this rule will apply and these will be considered. Where RP policy differs significantly from DKO, a copy of the policy should be forwarded to the CBL Team for publishing on the DKO customer website.
- 5.2 The CBL Team will advertise the property within the next bidding cycle. The bidding cycle will open every Monday midnight, Tuesday midnight, Wednesday midnight, Thursday midnight and Friday midnight; and will run for 6 days. Applicants can bid for properties any time during this period. Properties will be advertised in a dedicated property newsletter, in customer outlets and on the DKO website: www.durhamkeyoptions.co.uk
- 5.3 Following the close of the bidding cycle, the CBL team will shortlist 6 suitable applicants and send the details to the Registered Provider using the *Nominee Information Form* (appendix 4). This will be done within 1 working day of the bidding cycle closing. If the list of 6 applicants is exhausted then the Registered Provider would be entitled to then go to their own waiting list. However, the RP can also request further nominees (if any).
- 5.4 Each Nominee Information Form will include a priority number- this is the order the Registered Provider should consider the nominations i.e. '1' being the first choice and '6' being the last. Priority order is decided by band. If two applicants have the same band then their priority date (see Section 1) will determine who is placed higher on the shortlist.
- 5.5 The Registered Provider will contact the nominees in priority order and make the necessary arrangements to make the offer to the suitable applicant. The applicant has 2 days to respond.
- 5.6 During the period of time between making the offer and the applicant accepting the offer, the CBL Team will match the application in Priority 1, so that no further bids can be made. The applicant will be given 2 days to respond to an offer. However, it is the duty of the Registered Provider to contact the CBL Team to notify a property has been offered to an applicant. The RP must notify the CBL Team within 1 week of an acceptance, rejection or skipping (see Section 6) so allocation records can be updated.
- 5.7 The Registered Provider will complete the final part of the Nominee Information Form (the 'return slip') indicating whether the nominee is accepting or rejecting the offer, and return to the CBL Team as soon as possible. Rejection reasons should be clearly detailed.
- 5.8 If no bids are received during the bidding period, then the CBL team will notify the Registered Provider within 1 working day of the bidding cycle closing so the Registered Provider can let the property through their own waiting list or request immediate re-advertisement.

5.9 The Registered Provider will complete a *Monthly Lettings Return Form* (appendix 5) - quarterly returns will be accepted from RPs but the Council would welcome a monthly return where possible- showing all allocations made within the specified time period, highlighting those properties where nominations were requested. Where requests for nominations have been made on less than 50% of the properties, then an explanation should be given in the comments column. The completed form should be returned to the CBL Team within the first 10 days of the following month (or quarter), using the *List of contacts* (Appendix 2) - see 7.4 which outlines information to be monitored.

6. Refusal of a nomination

6.1 There may be some nominations made for whom RPs are unable to provide a suitable letting. Nominees should only be refused (also known as skipping) in the following specific circumstances:

- If the circumstances of the nominee have changed since they were last assessed by Durham Key Options (and/ or if new information about the applicant has come to light)
- If Durham Key Options forward a nominee that does not meet the requirements of the RPs policy, as stated in the advert (e.g. advert states no single applicants but single applicant passed across)
- If the applicant has a history of unacceptable behaviour that would prevent the RP offering a tenancy (RP policy may be referred to)
- If the property is unsuitable for the nominee
- If there are local circumstances that have not been taken into account
- If the nomination conflicts with issues relating to the charitable status of the organisation.

6.2 RPs may also refuse a nomination if the nominee has abandoned a property or been *evicted within the previous last 6 years*, for the following reasons:

- Rent arrears
- Anti-social behaviour
- Damage to the property
- Relevant criminal conviction.

6.3 Nominations that are refused on grounds other than those specified above should be due to exceptional circumstances. RPs should give a detailed response on the return slip of the Nominee Information Form to advise the nominee as to why they have been skipped.

Following receipt of the return slip, if there are any concerns/appeals over the refusal reason a meeting may be arranged between representatives from Durham County Council and the Registered Provider in order that an amicable agreement can be reached (see 6.5). If an RP mis-advertises a property and rejects nominees who believed they qualified for the property it cannot qualify as an assumed nomination (see 8.9).

6.4 Dispute resolution

The following procedure will apply:

- 6.4.1 Discussion between officers from the RP lettings team and the DCC Housing Solutions Core Team
- 6.4.2 Discussion between the relevant section manager from the RP and the Council's CBL Co-ordinator
- 6.4.3 Discussion (meeting where necessary) between the RP Housing Manager and the DCC Housing Solutions Manager.

6.5 Any such decision will not carry over to future cases, and each individual dispute will be considered on their specific merit at the time of nomination.

7. **Percentage of nominations**

- 7.1 In accordance with the regulatory framework for social housing in England from April 2010, where housing has been provided with public funding other than through the Local Authority, all RPs shall give 50% of true voids to the Local Authority.
- 7.2 Where the Local Authority has provided funding or below market value land or some other subsidy for a scheme, 100% nominations shall be given for the first lettings- subsequent lets are negotiable.
- 7.3 This agreement recognises that, whilst the statutory duty for homelessness lies with Durham County Council, RPs will assist the Council to comply with this responsibility. These duties are set out in Part VI Section 170 and Part VII Section 213 of the Housing Act 1996. The regulatory framework for social housing in England states that Housing Associations must work with Local Authorities to enable them to fulfil their duties towards the homeless and people in priority need.
- 7.4 A minimum of 10% of properties offered for nomination through the Durham Key Options scheme shall be to statutorily homeless applicants.
- 7.5 Durham Key Options will pass a minimum of 6 nominations (providing there are 6 nominees to pass to the RP) on any single occasion to assist in efficient turnaround times and success in the interview / background check process.
- 7.6 All Registered Provider properties (including sheltered) will be advertised in accordance with Durham County Council policy delivered through Durham Key Options.
- 7.7 The percentage of nominations may be reduced or increased by mutual agreement where issues of local demand are prevalent, decants are required or local lettings policies are agreed.

8. Nominations monitoring

- 8.1. Durham County Council will monitor the RPs performance against the quotas that have been agreed.
- 8.2. RPs are to provide a lettings return form to Durham County Council (see 5.9). It is preferred that these will be returned monthly although it is understood that some RPs will prefer to return these quarterly. The Council must receive them within the first 10 days of the following month (or quarter).
- 8.3. The Monthly Lettings Return Form lists all the lettings the Registered Provider has made within a month in *tenancy start date order*. RPs may use their own form but all information requested should be included.
- 8.4. Durham County Council will use the information provided within this form to monitor all lettings made within a particular month and will examine the following:
 - Number of true voids and non-true voids let
 - Property types of all lettings made
 - Quality of properties let (low, medium, high demand)
 - Number of bedrooms in each property let
 - Ethnic origin and gender of all applicants housed
- 8.5. Durham County Council will also monitor skipping reasons.
- 8.6. All RPs should participate in the NFHA's continuous recording (CORE) system, which collects information about every Registered Provider letting that is made.
- 8.7. Nominations shall be monitored by Durham County Council to ensure they have nominated a fair proportion of all nominees from the various demand groups.
- 8.8. The Registered Provider will monitor the Council to ensure that they are complying with the agreement.
- 8.9. If a nomination fails (due to an RP skipping applicants, applicant's rejecting offers or in cases of no nominees) then an RP will be allowed to consider letting the property to an applicant from their own list but still include the property as an 'assumed nomination' in their returned figures. This means that the RP is not unfairly treat when nominating a property in good faith, it is then not let to an applicant through the DKO register. The nomination can be included by the RP towards the 50% requested.
- 8.10. The nomination agreement will be reviewed annually, every April. Both parties will use reasonable endeavours to agree any necessary amendments to this nomination agreement.
- 8.11. To ensure that all our lettings are open and transparent, we publish feedback on the number of bids, the banding of successful applicants, and their date of application/priority date on the DKO website. This enables applicants to assess their likely chances of success and help them make realistic decisions on their housing options.

9. Sharing of information

- 9.1 Where possible, and where the information is available, it is very important that RPs are informed by Durham County Council and Durham Key Options of all relevant information relating to the applicant. In addition, Durham Key Options will inform RPs, where possible, if they are aware that a nominee has a history of violence or aggressive behaviour, which may mean that staff will be at risk.
- 9.2 All partners must agree when tenancies are coming to an end, to waive the usual 4 week notice period in favour of 2 weeks, if an offer has been made through DKO scheme. Full partners of DKO also have this stipulation in their working agreement, so notice periods are reciprocated to other RPs. If there is any dispute, the CBL Co-ordinator must be contacted and they will contact the relevant managers to ensure this agreement is kept.

10. Liaison

- 10.1 Section 170 of the Housing Act 1996, requires a Registered Provider, when a local authority requests, to co-operate to such an extent as is reasonable in offering accommodation to people with priority on the authority's housing registers.
- 10.2 There may be some circumstances where a case conference is required between Durham Key Options, the Registered Provider and any appropriate support services (e.g. Stonham) in order to discuss the needs of the applicant in more detail and ensure that a partnership approach is adopted from the outset. Any party can request such a conference, and all appropriate parties should make reasonable effort to attend. If DCC request a conference, this will be clearly indicated on the Nominee Information Form.

11. Regulations: The national standards for social housing in England from April 2010

- 11.1 Tenancy standard: Required outcomes for allocations:-
- 11.2 RPs shall let their homes in a fair, transparent and efficient way.
- 11.3 They shall take into account the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how they:
- make the best use of available housing
 - are compatible with the purpose of the housing
 - contribute to local authorities strategic housing function and sustainable communities.
- 11.4 There should be clear application, decision making and appeals processes.

12. Termination of agreement

Either party may end this nomination agreement for any reason providing that that party has given three months written notice of the wish to terminate. Upon the termination of their nomination agreement, in accordance with this clause 12, neither party shall have any continuing liability to the other.

13. Signed declaration between Durham County Council and RP

Author name: John Kelly
Position: Choice Based Lettings Co-ordinator
Version: April 2017

Durham County Council has read and fully understands the Nominations Agreement and Nominations Procedure. Durham County Council agrees to work in partnership with the Registered Provider and honour the Nominations Agreement and Nominations Procedures. Where any disputes occur we will address and resolve them at the next available meeting between parties.

DCC Representative signature:

Print name:

Position:

Date:

The Registered Provider has read and fully understands the Nominations Agreement and Nominations Procedure. The Registered Provider agrees to work in partnership to honour the Nominations Agreement and Nominations procedure. Where any disputes occur we will address and resolve them at the next available meeting between parties.

Registered Provider:

RP Representative signature:

Position:

Print name:

Date:

Appendix 1 – Banding structure

Band 1 – Urgent housing need

Applicants in this band receive priority for all eligible properties in the first instance as follows:

- Regeneration schemes within County Durham.
- Urgent medical reasons.
- Applicants severely overcrowded (2 bedrooms short of their needs).
- Homeless applicants accepted as statutorily homeless with a full duty to be rehoused.
- Applicants living in intensive supported housing where their support plan says they are ready to move to an independent tenancy.
- Care leavers.

If there are competing bids within this band, the order of priority will be:

1. regeneration cases
2. urgent medical cases
3. all other cases.

Band 2 – General housing need

- Applicants in unsanitary, overcrowded (one bedroom short of their needs) or otherwise unsatisfactory housing.
- Applicants who need to move for medical or welfare reasons.
- Armed or reserve forces connection (discharged in the last 5 years).
- Applicants who need to move to a particular locality to avoid hardship.
- Non-statutorily homeless.

Band 3 – Low housing need

- Applicants wishing to live independently with no other housing need.

Band 4 – Without housing need

- Applicants who are adequately housed and have no housing need.

Appendix 2 – List of contacts for Durham County Council

Correct on 1 April 2017:

Housing Solutions Strategic Support Team

Durham County Council
North Terrace
Civic Centre
Crook
County Durham
DL15 9ES

Main Telephone: 03000 262544

Email: choicebasedlettings@durham.gov.uk

Appendix 3 - Property Details Pro-forma (to be completed by RP)

Registered Provider	
Contact name	
Contact tel. no.	
E-mail address	

Property Details

Street number (this will never be advertised)	<i>Mandatory</i>
Address	<i>Mandatory</i>
Postcode	<i>Mandatory</i>
Area	<i>Mandatory - Refer to Area List</i>
Maximum no. of people	<i>Mandatory</i>
Age restrictions on property	<i>Mandatory</i>
Prevent single applicants bidding (Yes/No)	<i>Mandatory</i>
Allow Under Occupation (Yes/No)	<i>State if subject to financial assessment</i>
Accommodation Size	<i>Mandatory</i>
Property type	<i>Mandatory - Type of property e.g. semi-detached house or 1st floor flat etc</i>
Floor	<i>If applicable</i>
Pets allowed (Yes/No)	<i>Mandatory</i>
Energy Performance Certificate	<i>Rating, if known</i>
Garden	<i>Please specify garden, yard/ front or back (Please mention whether garden is maintained by Landlord)</i>
Heating type	<i>If known (this will be advertised as 'Gas' if not given)</i>

Bathroom type	<i>Separate wc, bath, shower, over the bath shower etc</i>
Parking	<i>Are there parking facilities, off street or on street?</i>
Access	<i>Steps, lift (if flat), ramp, level access, no lifts (if flat)</i>
Adaptations	<i>Delete as appropriate: Lift access/ level access shower/ bath lift/ level access to property</i>
Water meter (Yes/No)	<i>Mandatory</i>
Gross rent (and charges)	<i>Mandatory</i>
Council Tax band	<i>If known (this will be advertised as 'A' if not given)</i>
Payment cycle	<i>Eg 48/49/50/51/52 weeks</i>

Insert photo if available:

Any other marketing information to be shown on property advert:

(this would include any conflicts with the DKO policy or references to a local lettings policy)

Please return this form by no later than 1pm, if you wish for the property to be advertised at midnight on the same day. If a form is received after this time, we will notify you the deadline was missed and the property will be advertised on the next cycle, unless you tell us not to (advertise).

Appendix 4 – Nominee Information Form

Local Authority	Durham County Council
Contact name	
Contact tel. no.	
E-mail address	

Property address	
Nom. Reference	

Nominee Details

Priority Position No.	
Band & Date of application	
Full name of applicant	
Date of birth	
National Insurance number (if available)	
Contact tel. no.	
Email address (if available)	
Other family members (include full name, relationship and DOB)	
Current address	
Date moved in	
Current landlord (we are unable to pass contact details for private landlords)	
Six year address history (if this is not given unfortunately we do not have this information)	

Assistance/ Support details (if this is not given unfortunately we do not have this information)	
Has court action ever been taken due to rent/ mortgage arrears? (Details to be given)	
Has court action ever been taken due to nuisance/ harassment/ other ASB? (Details to be given)	
Medical information (including adaptations required)	
Other information (including reason for banding, if not already stated)	

For use by the RP

Was the offer accepted or rejected or was the applicant 'skipped'?	<i>Mandatory (Please also complete a, b OR c)</i>
a) If accepted, what is the tenancy start date?	
b) i) If applicant rejected the offer, what was the reason? (this information is vital due to policy changes implemented April 2013)	
ii) What was the rejection date?	
c) If applicant was skipped, what was the reason? ** (please give reason from list) **	

**** Please remember that nominations are to be let following the Durham Key Options Policy and nominations should only be rejected by an RP in the following specific circumstances:**

- If the circumstances of the nominee have changed since they were last assessed by Durham Key Options (and/ or if new information about the applicant has come to light)
- If Durham Key Options forward a nominee that does not meet the requirements of the RPs policy, as stated in the advert (e.g. advert states no single applicants but single applicant passed across)
- If the applicant has a history of unacceptable behaviour that would prevent the RP offering a tenancy (RP policy may be referred to)
- If the property is unsuitable for the nominee
- If there are local circumstances that have not been taken into account
- If the nomination conflicts with issues relating to the charitable status of the organisation.

Appendix 5 – Monthly Lettings Return Form

Local Authority:	Month:	Registered Provider returning form:	Number of voids on last day of month:
Durham County Council			

	Address	Tenancy start date	Property type	Property size	Demand (High/med/low)	Nomination requested by RP (Y/N)	If so, allocated to nominee? (Y/N)	Housing need (Homeless/General)	Gender (M/F)	Ethnicity
1										
	Comments:									
2										
	Comments:									
3										
	Comments:									
4										
	Comments:									
5										
	Comments:									
6										
	Comments:									
7										
	Comments:									

	Address	Tenancy start date	Property type	Property size	Demand (High/med/low)	Nomination requested by RP (Y/N)	If so, allocated to nominee? (Y/N)	Housing need (Homeless/General)	Gender (M/F)	Ethnicity
8										
	Comments:									
9										
	Comments:									
10										
	Comments:									
11										
	Comments:									
12										
	Comments:									
13										
	Comments:									
14										
	Comments:									
15										
	Comments:									