

**GUILDFORD BOROUGH HOUSING ALLOCATION SCHEME  
(INCLUDING THE POLICY ON TRANSFERRING TENANTS)**

**January 2026**

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# **Guildford Borough Council Housing Allocation Scheme**

## **1 Introduction**

This document sets out the Council's Housing Allocation Scheme ("the Scheme") as required by s.166A of the Housing Act 1996. This Scheme recognises that the demand for social housing locally exceeds supply and identifies the priorities that the Council will follow to ensure that this scarce resource is allocated fairly and transparently. The Scheme applies to the letting of the Council's own stock and that of Registered Providers (RP's) to which it has nomination rights. The Scheme incorporates the Council's policy for transferring tenants that fall outside the definition of an allocation of housing as set out in s.159(4A) and (4B) of the Housing Act 1996.

In reviewing this scheme, the Council has consulted with the Guildford Borough Tenants Engagement Group tenants

### **1.1 Legal background**

In framing the Housing Allocation Policy and Choice Based Lettings Scheme the Council has had regard to the following:

- Housing Act 1996
- Homelessness Code of Guidance
- Allocation of Housing (Procedure) Regulations 1997
- Allocation of Housing (England) Regulations 2002
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006
- Allocation of accommodation: guidance for local housing authorities in England - was published in June 2012 – (updated)
- Armed Forces Act 2006
- Housing Allocations – Members of the Armed forces 2009
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- Improving access to social housing for members of the Armed Forces Statutory Guidance 2020
- Children's Act 2004, sections 10 and 11
- Domestic Abuse Act 2021
- Improving access to social housing for victims of domestic abuse in refuges or other types of temporary accommodation statutory guidance on social housing allocations for local authorities in England, 2018
- The Immigration and Social Security Coordination (EU Withdrawal) Act 2020
- The Equality Act 2010
- The Allocation of Housing (Qualification Criteria for Armed Forces) (England) (Amendment) Regulations 2024 (SI 2024/1225)
- Guildford Borough Council Tenancy Strategy 2020
- Housing Strategy 2025-2034
- Homelessness Prevention and Rough Sleeping Strategy 2025-2034

- Social housing allocations guidance - GOV.UK Joint housing protocols for care leavers: good practice advice (updated May 2024)
- Data Protection Act 2018 and UK GDPR
- Local Government and Social Care Ombudsman Guidance.

References in the Scheme to statute and case law, regulations, and ministerial guidance are necessarily limited. They are not intended as a substitute for the original sources, which should be consulted where necessary.

The Secretary of State may from time-to-time issue regulations or amend statutory guidance affecting housing allocations policy. The Scheme will be amended to reflect any such changes which will take effect from the date of implementation.

The Scheme is compatible with the Council's equality duties.

## **1.2 Statement on choice**

Guildford Borough Council offers choice to qualifying applicants for social housing by giving them an opportunity to express their preference for area and type of housing. Wherever possible such preferences will be taken into account in allocating accommodation. However, in order that the Council can meet its legal duties as a local authority in addressing housing need and ensuring the efficient management of its housing stock, this will not be possible in all cases and applicants will be advised accordingly.

Some homeless households have restricted choice, which is explained in section 20.2 of this document.

## **1.3 Data protection**

The Council will process applicants' personal data in accordance with data protection legislation. Personal information provided to any partner organisations as part of an application for housing will be processed in accordance with the Data Protection legislation. Information provided will be used to process the application and may be passed to third parties involved in assessing the application and offering an applicant accommodation.

Information regarding a person's application for housing will not be disclosed to any third party or member of the public without the applicant's consent, unless the Council is required to do so legally. By signing the housing application, an applicant gives consent for the Council to make relevant enquiries with regard to their housing need and their potential ability to manage a future tenancy. The declaration also gives consent to share such information with partner RP's or social housing providers when nominating applicants to be tenants of their properties.

Applicants on the housing registers have the right to see any entry relating to them that is held on electronic systems. Where there is third party information held on file, the partner organisations will seek their permission before disclosing documents to the applicant.

## **2 Scope**

This Scheme covers:

- The selection of applicants for Council tenancies; and
- Nominations to Registered Providers (RPs) and other social housing landlords.

Under the Housing Act 1996, transfers between existing secure or assured tenants are not considered allocations unless the tenant has a reasonable preference (see Section 7). Tenants without reasonable preference are therefore outside Part VI of the Act.

The Council aims to enable social tenants to move within the sector to support effective housing management and make best use of available stock. This Scheme outlines:

- The circumstances in which tenants may request a transfer; and
- Situations where the Council may initiate a transfer in the tenant's or the Council's best interests — for example, where a tenant:
  - Under-occupies their home;
  - Is experiencing financial hardship or at risk of arrears;
  - Requires adaptations better met through alternative accommodation;
  - No longer qualifies for their current property; or
  - Cannot continue living in their current accommodation due to changing needs.

Where the Council initiates a transfer, up to three suitable offers of alternative accommodation will normally be made. In such cases, the Council may seek a suspended possession order, including terms that refusal of suitable offers could result in possession proceedings.

This Scheme also sets out the relative priority given to transfer applicants. It excludes social housing tenants who do not reside within the borough.

#### Lettings Not Covered by the Scheme

The following are excluded from this Allocations Scheme:

- Granting secure tenancies to existing introductory tenants of the Council;
- Non-secure tenancies offered to homeless households under Part VII of the Housing Act 1996;
- Transfers ordered by a court under the Matrimonial Causes Act 1973 or related legislation;
- Successions to secure, flexible, or introductory tenancies following the tenant's death;
- Assignments of secure or introductory tenancies to qualifying successors;
- Mutual exchanges between Council or RP tenants;
- Any lettings excluded by future regulations issued by the Secretary of State; and
- Changes from joint to sole, or sole to joint tenancies through assignment.

### **3 Type of scheme**

This Scheme is a banding scheme. Qualifying applicants are placed in one of five bands ranging from A (high) to E (low) which reflects their housing need and the Council's priorities for housing allocation.

The criteria and details of the banding scheme are set out in section 8 below.

Available vacancies of social rented homes are advertised through Guildford Borough Council's housing portal and is a choice-based lettings scheme. Qualifying

applicants may express interest or “bid” for properties advertised.

The allocation and selection process is set out in sections 20-22 below.

#### **4 The Joint Housing Register**

The Council maintains a Joint Housing Register (“the Register”) of qualified applicants in partnership with RP’s managing housing in the borough.

The Register is the primary access route into social housing in Guildford. The demand for housing exceeds supply and the Register exists to enable all qualifying households who are in housing need to be included on a single list. By joining the Register, those in housing need can be considered for vacancies that occur in properties owned or managed by the Council or any of its RP partners to which the Council has nomination rights. This maximises their opportunities for re-housing and ensures the efficient use of housing stock.

The Register includes the following types of qualifying applicant:

- new housing applicants
- homeless households
- applicants with special needs requiring supported housing
- current tenants of the Council or its RP partners wishing to move.

Applicants wishing to apply for social housing in the borough must be eligible and fulfil the criteria set out below.

##### **4.1 Eligibility for an allocation of accommodation**

A person is not eligible for an allocation of accommodation if they are:

- subject to Immigration Control (within the meaning of the Asylum and Immigration Act 1996) and not otherwise re-included by regulations made by the Secretary of State
- a person from abroad excluded by regulations made by the Secretary of State
- not habitually resident in the United Kingdom (other than those with rights of residence as former EU citizens) or required to leave the UK by the Secretary of State.

If the main applicant is eligible and not subject to immigration control, non-eligible dependent children and other family members will be considered providing that they are resident within the country.

Non-dependent adult children, non-relatives, carers, lodgers and live in help will not normally be taken into account.

For the purposes of this scheme a child is defined as a member of the household if that child is under the age of 18.

##### **Habitual residence**

In addition, most persons from abroad who are not subject to immigration control (including British Citizens) must also be habitually resident in the Common Travel Area and/or have the right to reside in the Common Travel Area in order to be eligible

to join the Housing Needs Register. The Common Travel Area consists of the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.

Applicants who have been resident in the Common Travel Area continuously for the two years prior to their housing application are likely to be habitually resident. The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area. Where two years continuous residency have not been established (visits abroad for holidays or to visit relatives may be disregarded), the Council will need to make further enquiries to determine whether the applicant is habitually resident. See Annex 2 of Allocation of accommodation government guidance manual.

## **4.2 Qualifying persons**

A person will qualify for inclusion on the Register if they are eligible, aged 16 years or over, and

- have a local connection with the borough as described in section 4.3.1
- do not own a home or have an interest in a home anywhere in the world as described in section 4.3.2
- have not sold or disposed of a home or assets within the last five years as described in section 4.3.2
- have income, savings or capital below the prescribed thresholds set out in section 4.3.3; and
- whose behaviour and conduct is responsible and meets the expectations described in section 4.3.4.

Existing social housing tenants living in the borough within a reasonable preference category and other 'relevant tenants' will qualify to join the Register.

A relevant tenant is someone who has a secure, flexible or assured tenancy, is resident in social housing in the borough, which the Council owns or has nomination rights to the subsequent vacancy, and where it is in the Council's interest to enable them to move from their present home. This would include the efficient management or use of social housing stock, to permit major repairs or redevelopment of the land for new housing or other purposes.

Social housing tenants living outside Guildford borough will not qualify for the Register, nor will spouses/ partners including ex partners residing with them.

## **4.3 Qualification criteria**

### **4.3.1 Local connection**

The Council has elected to restrict access to the limited social housing available to applicants with a local connection with the borough. Therefore, applicants without a local connection will not qualify for inclusion in the Register unless specifically provided for in legislation.

A local connection is defined by reference to s199 Housing Act 1996. A person has a local connection because of

- (i) Current residence in the borough and that residence was of his/her own

- choice,
- (ii) employment within the borough
  - (iii) family connections or
  - (iv) special circumstances.

This Scheme differentiates applicants that have a 'long and substantial' local connection from those that have a lesser local connection. Applicants with a lesser local connection will normally be awarded a lower priority for the allocation of housing than those with a long and substantial local connection (see section 8)

A 'long and substantial local connection' is established if an applicant:

- has lived within the borough by choice for at least three years continuously, preceding the date of application, and continues to do so, or
- has a permanent job and has worked within the borough for more than two years continuously preceding the date of application, and continues to do so (not necessarily with the same employer), or
- has a close relative (mother, father, adult brother, adult sister or adult children) living within the borough, the relative has lived within the borough continuously for more than five years, and continues to do so, or
- is a 'relevant tenant'.

A lesser local connection is established if an applicant:

- has lived in the borough by choice for at least 6 months continuously, preceding the date of application, and continues to do so, or
- has a permanent job within the borough for less than two years

**and**

- meets one of the reasonable criteria under s.166A(3) of the Housing Act 1996. (See section 7 The assessment process.)

exceptions may be made in special circumstances, for example where applicants are fleeing domestic abuse or other vulnerable people for whom returning to their area of origin would place them at risk.

Residence in the borough in consequence of being detained through an Act of Parliament (such as prison or Approved Premises) does not constitute residence of choice.

### **The definition of employment for local connection purposes**

In order to be considered in employment for local connection purposes the applicant or their partner (if accepted as being part of their household) must be employed for more than sixteen hours per week, the majority of their time must be spent within the borough and the employment must not be of a casual nature.

In the case of the self-employed or those on zero hours contracts, satisfactory evidence of their employment in the borough will be required. The local connection must be maintained throughout the period of the application up to and including the allocation process and sign-up of a tenancy.

### **Members of the Armed Forces and the Reserve Forces**

Members and former members of UK armed forces and reserve forces will not be disqualified from access to the Register on the grounds that they do not have a local connection with the borough.

The same will apply where

- the application is made by a bereaved spouse or civil partner of a member of the armed forces leaving Service Family Accommodation following the death of their spouse or partner; or
- a serving or former member of the reserve forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service.

Social Housing Tenants – criteria for those who wish to be considered under “The Right to Move”

Social housing tenants will not be disqualified from access to the Register on the grounds that they do not have a local connection with the borough where they are:

- seeking to transfer from another local authority area in England and
- able to demonstrate “Reasonable Preference” (as defined in s166A(3)(e) of the Housing Act 1996, Part VI), because they:
  - need to move to borough to avoid hardship; and
  - they need to move because the tenant works in the district; or
  - they need to move to take up an offer of work; and
  - where the Council is satisfied that failure to meet this need would cause hardship (to the tenant or to others).
- for a social housing tenant to fulfil the criteria of this exemption, the Council must be satisfied that they need, rather than want or wish, to move for work related reasons. A number of factors will be taken into account in determining this including\*:
  - the distance and/or time taken to travel between work and home
  - the availability and affordability of transport, taking into account level of earnings
  - the nature of the work and whether similar opportunities are available closer to home
  - other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
  - the length of the work contract
  - whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.

\*This is not an exhaustive list.

The tenant will not qualify if work is short-term or marginal in nature, or if it is ancillary to work in another area. Voluntary work is also excluded (in this context “voluntary work” means work where no payment is received or the only payment is in respect of any expenses reasonably incurred).

In determining short term, the Council will consider the following:

- whether work is regular or intermittent

- the period of employment and whether or not work was intended to be short-term or long-term at the outset (contracts of employment that were intended to last for less than 12 months could be considered to be short-term).

The Council will take account of the following in determining whether the work is marginal:

- the number of hours worked (less than 16 hours a week is likely to be considered to be marginal in nature)
- the level of earnings.

The employment must not be ancillary to work in another local authority's area. This means that, if the person works occasionally in the local authority's area, even if the pattern of work is regular, but their main place of work is in a different local authority's area, the work is excluded from the definitions within this policy.

The Council will also consider whether the tenant is expected to return to work in the original local authority area. Verification will be sought from the tenant's employer.

A person who seeks to move into the Guildford area to be closer to work in a neighbouring authority does not qualify.

The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service).

Where the tenant has been offered a job and needs to move to take it up, they must be able to demonstrate to the Council's satisfaction that they have a genuine intention to take up the offer. The Council will ask to see a letter of acceptance and may wish to contact the employer to verify the position.

### **Care Leavers [Homelessness Reduction Act 2017]**

A care leaver who is the responsibility of Surrey County Council, or has been living in this area for at least two years (including time under the age of 16) and is owed care leaving duties by another children's service authority, are treated as having the local connection criteria of this scheme until they reach the age of 21.

### **Students**

Students who come to reside in the borough in order to take up a course of study on a full or part-time basis will not qualify as having a local connection, even if they meet the lesser local connection criteria through employment or residence.

On completion of their course of study, former students remaining within the borough may begin to build a local connection.

Applicants from the borough that move away to take up a full or part time course of study and intend to return to live in the borough may qualify to join the Register if they meet the local connection criteria at the start of their period of study. Such applicants will be expected to return to live in the borough within six months of the end of their course to continue to qualify for the Register.

### **Residence in hostels or supported accommodation**

The borough has more supported housing and homeless hostel places than other boroughs and districts in Surrey and Hampshire.

Residents of hostels and supported housing schemes will not be able to build a local connection for the purpose of admission to the Register through residence in such accommodation, although may do so once they move on to ordinary housing in the

area. Those with a local connection at the time of acceptance as a resident of a hostel or supported housing will retain that connection for the period of residence.

Exceptions may be considered where the Council has arranged a placement in a hostel or supported housing directly under a homelessness duty, or where an organisation does so acting on the Council's behalf.

### **Applicants of No Fixed Abode**

Applicants that do not have settled accommodation or are of no fixed abode will need to be able to provide satisfactory evidence of their local connection to qualify to join the Register. Those who cannot provide evidence need to be engaging with HOST( Homeless outreach and support team).

### **Temporary residence elsewhere**

Qualifying applicants who move outside the borough will cease to qualify for inclusion on the Register, and will be removed, unless they qualify on other grounds.

Exceptions will apply when

- the move is temporary
- the applicant has been placed outside the borough in supported accommodation but the intention is that they will return, or
- long stay hospital patients are placed outside the borough.

### **Prisoners**

Time spent in prison will be considered as temporary residence outside the borough.

If an applicant has been convicted of an offence and remains in prison for more than a year (including any time spent on remand) they will continue to qualify for inclusion on the Register, but will not accrue any priority based on waiting time over and above their first year spent in prison.

Offenders leaving prison on licence may move to Probation Service Approved Premises or other specialist accommodation for a period as part of their resettlement plan. Offenders with a local connection to the borough will retain their local connection if placed in such premises or other designated supported accommodation for offenders in another area.

Offenders without a local connection placed in Guildford Approved Premises or other similar accommodation will not gain a local connection through residence there.

### **Other exceptions/special reasons**

Further exceptions may be made in special circumstances. For example:

- for older people seeking to move to sheltered housing in the area so as to receive support of family who may not meet the five year residential requirement
- for applicants fleeing domestic abuse, or for other vulnerable people for whom returning to their area of origin would place them at risk
- exceptions may also apply if the Council has agreed to assist another Council or housing provider through a reciprocal or partnership arrangement
- an exception may be made if the applicant or partner is able to demonstrate to the Council's satisfaction that a local connection exists to the borough

through special/exceptional circumstances.

#### **4.3.2 Ownership of property or assets**

Applicants who own their own home or other property /land will not normally qualify for social housing.

Applicants will not qualify to join the Register if they or a member of their household

- own a home or property/land where they have a right to reside, anywhere in this country or elsewhere, or
- have assets, equity or a legal interest in a property/land which may be used to:
  - acquire accommodation suitable to their needs
  - put right problems they have with their current home, or
  - fund alternative suitable accommodation, or
- have within five years of the date of their application disposed of or deprived themselves of an asset without good cause which they could reasonably have been expected to use to resolve their housing difficulties.
- Those who have previously benefitted from the Right To Buy /Right To Acquire anywhere in the UK. Exceptions may be made on a case by case basis, such as relationship breakdown, where one partner is unable to live in the property and has no legal right to force the sale or release any equity.

The Council will consider the reasons for any disposal of that accommodation and will take into account how any equity may have been used as it is expected any equity will continue to be available to the applicant to meet any ongoing housing need.

This is a complex area and some exceptions may be necessary, for example<sup>9</sup>, where the Council might otherwise have a statutory duty to assist the household under homelessness legislation or where one partner is unable to live in the property and has no legal rights to enforce a sale or the release of any equity after a relationship breaks down.

Elderly owner-occupiers with a local connection who need sheltered accommodation may also qualify.

All applications will be considered on their respective merits, taking into account all relevant circumstances.

#### **4.3.3 Income, savings and capital**

Where applicants have income, savings or capital above agreed thresholds they will not qualify for inclusion in the Register.

The following income thresholds will apply<sup>10</sup>:

- single people - an annual household gross income over £40,000
- couples without children - an annual household gross income over £60,000
- families (including single parents) - an annual household gross income in over £70,000.

The maximum savings threshold is £30,000 for all households taking into account the value of any assets or capital. This would normally exclude pension funds assets needed to provide income in retirement<sup>11</sup>.

Each application will be considered on its merits and exceptions may apply in special

cases, for example, a Council tenant with savings in excess of £30,000 living in a family sized property who was assessed as needing to downsize to one bedroom accommodation.

The income figures are based on the evidence of household income in the borough set out in the West Surrey SHMA Guildford Addendum 2017 . The financial thresholds will be kept under review and may be varied at the discretion of the ?, taking account of affordability of housing in the borough.

#### **4.3.4 Behaviour and conduct**

The behaviour of applicants, any member of their household or persons who might reasonably be expected to reside with them, will be taken into account in determining their qualification to join and to remain on the Register.

The Council reserves the right to exclude, suspend or reduce the priority banding of an applicant for varying periods, taking into account their conduct and behaviour as set out in this section and section 4.3.5 of this scheme.

The behaviour that may affect qualification to join and to remain on the Register is wide ranging and is set out below.

##### **a) Rent arrears and other housing debts**

Applicants will not qualify for inclusion on the Register if they, or a member of their household, regardless of whether they have a local connection to Guildford and meet other eligibility and qualification criteria, have housing related debts and do not have in place (and are keeping to) an arrangement with the Council or any other housing provider to pay the outstanding amount.

Where a sole applicant is jointly liable for the debt, the sole applicant will remain responsible for the debt until it has been cleared.

Where an applicant has been accepted onto the housing register and a new housing-related debt is accrued, a repayment plan and the first payment would normally be expected to be made within 28 days of notification to the Council or the application will be suspended.

#### **Repayment arrangements**

A suitable repayment arrangement will normally mean having an agreed plan in place and payments maintained for at least six months.

If the applicant ceases to repay the debt by the agreed instalments, without good cause, they may be suspended from the Register until they begin to repay the debt again. If they fail to recommence payments within six months, they may be excluded from the Register<sup>13</sup>.

In order to qualify for an offer of accommodation, an applicant should not normally have any housing related debts. This applies at the time of bidding and up to and including the sign up date.

The onus will be on the applicant to prove that they have maintained any repayment plan or cleared any debt

#### **Disputed debts**

If the applicant disputes that they owe a housing related debt, the onus will be on them to prove that they are not responsible for the debt or to reach a resolution to the

dispute through any appropriate means, such as their RPs complaints procedure or the relevant ombudsman.

Consideration will be given to backdating the applicant's date of qualification for the register if it is shown that they were not responsible for the debt.

### **Definition of housing related debts**

Housing related debts include:

- rent arrears at a current or former tenancy
- Housing Benefit or Universal Credit overpayment at a current or former tenancy
- court costs associated with possession action or injunctions to address anti-social behaviour
- rent arrears from any temporary or emergency accommodation placements
- rent arrears from any current or previous hostel or supported housing placements
- withheld deposits or claims on any bonds which were provided by this Council or any other social housing provider to secure a private tenancy
- an outstanding loan for rent in advance made by this Council to the applicant in order to secure a private tenancy
- any housing debt which has been written off by a social housing landlord
- outstanding re-chargeable repairs associated with a current or former social housing tenancy.

### **Bankruptcy, debt relief orders and other debts that have been written off or are non-recoverable**

The behaviour associated with the build-up of any debt will be taken into consideration where a housing related debt

- has been part of any bankruptcy proceedings or Debt Relief Order
- has been written off by the landlord,
- is a Housing Benefit or Universal Credit overpayment and the relevant agency is no longer seeking recovery.

If it can be shown that the applicant did not comply with the terms and conditions of their original tenancy and a debt arose which was subsequently written off, the applicant will normally be suspended for a period of one year.

In exceptional cases, if the debt is very substantial and arose as a consequence of a deliberate act or omission by the applicant, such as the applicant's failure to pay a private landlord the Local Housing Allowance they received, the applicant may be suspended for up to three years.

### **Social housing tenants seeking to downsize**

Social housing tenants living in the borough with housing related debts who need to move to smaller homes may qualify to join or remain on the Register. This includes tenants adversely affected by regulations removing the spare room subsidy for social housing tenants ('bedroom tax').

Other tenants in the borough may also qualify to join or remain on the Register. For example, Council tenants who are eligible for a grant under the Transfer Incentive Scheme (for under-occupation moves) and it is sufficient to clear all outstanding housing related debts.

## **Other exceptions**

- This policy may be varied in exceptional cases of the appropriate officer as defined by the councils an applicant or tenant has substantially reduced a debt, has complied with an agreement to repay the debt and will continue to repay the debt on transfer
- the applicant or tenant's need to move overrides the requirement to clear all housing related debts on social welfare or medical grounds.

### **a) Anti social behaviour and other breaches of tenancy**

The Council takes anti-social behaviour seriously and does not believe that tenants or those living in a community should be adversely affected by the behaviour of their neighbours or those living nearby.

Applicants will not qualify to join the Register if they or a member of their household has been involved in anti-social behaviour or other unacceptable housing related behaviour<sup>16</sup>, and they are unable to demonstrate that they can comply with the conditions of tenancy satisfactorily.

The minimum period of non-qualification for anti-social/unacceptable behaviour will be for one year. Higher thresholds may apply in some circumstances.

Anti-social/unacceptable behaviour may be demonstrated in the case of:

- former social housing tenants by
  - eviction from a social housing tenancy
  - conviction for using their home for immoral or illegal purposes
  - conviction of an offence committed in, or in the vicinity of their former social housing tenancy
- existing social housing tenants by a
  - possession order
  - demoted tenancy
  - a notice of seeking possession being served for a breach of tenancy linked to anti-social behaviour

for example

  - nuisance to neighbours
  - causing the condition of the property to deteriorate by a deliberate act, or by neglect
  - making a false statement to obtain a tenancy
  - breaching a condition of their tenancy agreement
- housing applicants who have
  - been evicted from a private rented tenancy for anti-social behaviour
  - been convicted of social housing fraud
  - been convicted of Housing Benefit or Universal Credit fraud
  - been responsible for other behaviour that the Council considers makes them unsuitable to be a tenant.

### **Anti-social behaviour in hostels or supported housing**

Residents evicted from hostels or supported housing may still qualify for inclusion on the Register if they meet the other qualifying criteria. There are strict rules within such housing and the threshold for eviction is lower than in general needs housing. Normally residents in hostels or supported housing have licences rather than tenancies and therefore may be evicted without a court order.

If an applicant has been evicted from any hostels or supported housing schemes more than once and the anti-social behaviour involved serious violence or significant damage to premises (such as arson) they may be excluded from the Register.

In other cases of anti-social behaviour, the applicant might be placed in a lower priority band until they have demonstrated a willingness to comply with tenancy conditions and engage with services provided for their support.

#### **b) Deliberately worsening circumstances**

Where there is evidence that an applicant has deliberately worsened their circumstances within the last five years, they will no longer qualify to be on the Register and will be suspended for one year. Any period of suspension will not count when calculating the length of time the applicant has been on the Register.

Deliberately worsening circumstances may include the failure to take reasonable actions or follow advice which would prevent them becoming homeless or improve their housing circumstances.

Examples include:

- failure to take up an offer of suitable private or social rented accommodation which, given their situation, would be reasonable to do so
- deliberately moving to unsuitable accommodation where other more reasonable housing options are available
- deliberately remaining in unsuitable accommodation where other more reasonable housing options are available
- failure to bid for suitable accommodation that was available and which they would have been offered
- if they have a need for specialist accommodation on grounds of health or disability where such accommodation is in very short supply<sup>18</sup> and they are unreasonably selective about the type of accommodation or area they will consider.

This list of examples is illustrative and not exhaustive.

Applicants will normally be advised that they have worsened their chances of housing and given the opportunity to redress this prior to action being taken to exclude them from the Register.

#### **c) Failure to co-operate**

Where there is evidence that an applicant has not co-operated with officers to increase their prospects of being offered social rented housing, they will be suspended for six months. Any period of suspension will not be counted when calculating the length of time the applicant has been on the Register.

Examples of non co-operation include:

- failing to provide information such as bank statements or details of previous addresses
- refusing to give permission to contact other agencies for information that is needed to assess their housing need, such as the police, probation, social services, their mortgage company or landlord etc
- refusing to give permission to view their property or visit them to assess the suitability or condition of the accommodation.

This list of examples is illustrative and not exhaustive.

Applicants will be given up to 28 days to remedy any non co-operation and if they fail to comply will risk being suspended for at least six months or not permitted to join the Register.

New applicants will not qualify to join the Register unless they provide all the required information within 28 working days of their application.

This will also apply to any housing applicants that are at risk of homelessness within 56 days who fail to comply with their personal housing plan. If, for example, they refuse to consider or view suitable private rented accommodation, or hostel accommodation without good cause, they may be considered to have failed to co-operate and will be placed in Band D for a minimum of 6 months or until such time as it takes for them to co-operate<sup>19</sup>.

**d) False, misleading or fraudulent information**

Applicants who have deliberately given false information (inc amending documents to mislead) or withheld information in connection to their housing/homelessness application will result in their housing application being cancelled.

**e) Abusive, threatening or violent behaviour towards council staff**

The Council will not tolerate abusive, threatening or violent behaviour towards its staff.

The Council reserves the right to suspend or exclude the applicant for any abusive, threatening or any violent behaviour towards staff.

Applicants will not qualify to join the Register if they or a member of their household has been abusive, threatening or violent towards Council staff.

In accordance with the Violence at Work Policy, the applicant may also be placed on the Council's 'Violent Warning Marker' system.

Applicants on the Register engaging in such behaviour will receive a written warning. Up to three warnings may be issued depending on the severity of the behaviour.

Following a first warning that their behaviour towards staff is unacceptable, if an applicant continues to exhibit such behaviour they may receive a second warning and be suspended from the register until their behaviour improves. If they continue to behave in the same way, they will be excluded from the Register.

If the behaviour is such that it is necessary to involve the police, only one warning will be given, even if the applicant is not charged with any offence.

There is a one year minimum period of non-qualification for abusive, threatening and violent behaviour towards staff but higher thresholds may apply in some circumstances. The applicant will also be required to make a formal apology for any such behaviour prior to re-qualifying to join the Register.

If an incident results in a successful prosecution for assault or a more serious offence on a member of staff then the housing applicant may be excluded from the Register for a minimum of five years.

**Exceptional circumstances**

This policy may be varied in exceptional cases, for example, the applicant or tenant's need to move is considered a sufficiently high priority to override their behaviour on social welfare or medical grounds.

#### 4.3.5 Suspensions and Exclusions from the Register

##### **Applicants with special needs**

Where the Council has reason to believe that unacceptable behaviour is due to a physical, mental or learning disability, the person will not be excluded from the Register without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support. In such cases, the Council will consult as appropriate with any relevant agencies.

##### **Suspension and Exclusion periods and other conditions associated with behaviour**

Applicants may be suspended or excluded from applying to join or remain on the Register for varying periods. Normally the minimum period is six months unless the applicant can demonstrate they meet other conditions.

Where eviction has occurred or is being pursued on the grounds of anti-social behaviour and rent arrears, the applicant will need to address both issues in accordance with this Scheme before qualifying for inclusion on the Register.

If an applicant is excluded from the Register for a fixed period, or until they meet the applicable conditions, the period of exclusion will be disregarded when calculating the time they have been on the Register.

Such applicants will have their date in the priority band amended and forward dated so as to reflect the period of their suspension or exclusion.

| <b>Behaviour</b>                              | <b>Period of suspension/<br/>exclusion</b>  | <b>Conditions</b>  |
|---|---|--|
| <b>Rent arrears and housing related debts</b> | No minimum period. If the applicant can evidence that they are paying back the debt regularly and have done so continuously for six | Until such time that an applicant takes responsibility for the debt and can demonstrate they are paying it back regularly. A suitable repayment arrangement will normally mean having an agreed plan in place and payments |

|   |  |   |
|---|--|---|
|   | <p>months they will qualify. Otherwise they will be suspended until six months have elapsed since they began paying off the debt.</p> <p>A deliberate act or omission to pay rent may lead to exclusion for up to three years.</p> | <p>maintained for a period of at least six months.</p> <p>If the applicant ceases to pay the debt in regular instalments, they may be excluded from the Register, unless there is good cause, until they begin to repay the debt again.</p>   |
| <b>Anti-social behaviour</b>                | <p>Minimum period -12 months.</p> <p>Tenants evicted from a social housing tenancy for a second time will face a minimum exclusion period of three years.</p>  | <p>Applies to applicant, all household members and those reasonably expected to reside with them.</p> <p>Will qualify when the applicant and all members of their household can demonstrate they can conduct a tenancy satisfactorily.</p> <p>If an applicant has support needs they will need to demonstrate they can co-operate and sustain a tenancy, with support if necessary.</p> <p>When a Notice of Seeking Possession expires, the breach that led to its service is resolved, or they no longer have a demoted tenancy, an applicant may qualify to join the Register 12 months afterwards.</p> |
| <b>Deliberately worsening circumstances</b> | 12 months  | Applicants will normally be advised of the risk of exclusion and an opportunity to address it before any action is taken.   |
| <b>Failure to co-operate</b>                | Minimum period six months or until such time as it takes for them to co-operate  | Applicants will normally be given up to 28 days to remedy any non co-operation.   |
| <b>Surrender of social housing</b>          | 12 months  | Applicants will be unable to rejoin the register for 12 months and will not be able to rely on previous residency if they leave area  |

|  |  |  |
|--|--|--|
| <b>Abusive, threatening or violent behaviour towards Council staff</b> | <p>Minimum period – 12 months.</p> <p>Higher thresholds apply subject to the severity involved.</p> <p>If an incident results in a successful prosecution for assault or a more serious offence the housing applicant may be excluded from the</p> | <p>Up to three warnings may be issued subject to the severity of any behaviour or incident.</p> <p>The applicant will be required to make a formal apology for any such behaviour prior to re-qualifying to join the Register.</p> |
|--|--|--|

### **Notification of a decision to suspend or exclude**

If at any time, the Council obtains information that leads it to believe that an applicant already on the Register is ineligible or no longer qualifies to be on the Register, it will inform the applicant in writing. The applicant shall have 28 days to provide information showing that they are eligible or still qualify. If they fail to reply within this period, or reply but the Council remains of the view that they are ineligible and do not qualify to be on the Register, they will be removed from it.

Anyone who is being excluded from the Register will be informed in writing of the Council's decision, giving its reasons. Applicants have the right to ask for a review of a decision to exclude them from the Register. (See section 23, Review procedure.)

### **The end of a suspension or exclusion period**

If an applicant is suspended or excluded from the Register, it will be their responsibility to re-apply to the Council and request to be reinstated. Such applicants will need to demonstrate to the satisfaction of the Council that they have addressed any issues that led to the suspension or exclusion and that they now qualify to be on the Register.

### **New applications from non-qualifying applicants**

When an applicant who was ineligible or did not qualify considers that their circumstances have changed they may make a fresh application to the Council. The application will be considered afresh on its merits and against the Council policy and local conditions at the time of the fresh application.

A new application will not usually be re considered within twelve months of a review decision that an applicant is ineligible or non-qualifying, unless there is new information to support the application.

## **5 Classification of a household**

Persons not a member of the applicant's immediate family will only be considered as part of the household if the Council is satisfied that it is reasonable for that person or persons to reside with the applicant.

Examples of such cases are set out below.

- A partner who is living in a permanent relationship with the new applicant or

tenant and who continues to be and has been part of the household for a minimum period of six months prior to the application.

- Dependent children (under 18) that have always lived with the applicant or have lived in the household for at least six months prior to the application, will normally be considered part of the household.

The applicant may be required to provide evidence that a child resides with them and that this arrangement is reasonable. For this purpose, consideration will be given to the details of any residence order or informal or negotiated agreements. In cases where a 50/50 residence arrangement exists consideration will be given to the way in which the arrangement is operated. Where the arrangement is that the child spends a greater part of the week with one parent than the other it may be concluded that that is their principal home. Normally, children will only be accommodated in one home even if a 50/50 residence arrangement exists.

Children of members of the household who visit, as part of access arrangements but have a permanent place of residence available elsewhere will not be considered to be part of the household.

- Adult children living in the family home may be considered to be a separate household if they live with their partner or have a child.

Adult children with disabilities living in specialist residential or group homes will not normally be considered to be part of the household.

Adult children will be considered as a separate household where it would be reasonable to do so and will be considered on a case by case basis.

- A dependent relative unable to live independently and has been part of the household for a minimum of six months.

The applicant is required to provide documentary evidence to support this and the Council may seek independent medical advice or information from social services.

- **Carers**

Where the applicant can demonstrate to the satisfaction of the Council that a full time live-in carer<sup>21</sup> is necessary, this will be taken into account in determining the size of accommodation needed for their household. The applicant is required to provide written confirmation from a qualified medical professional or social worker that such a carer is necessary.

- **Separated partners that continue to reside in the same home**

Where an applicant is separating or has separated from their partner but both continue to reside at the same address, they must demonstrate to the satisfaction of the Council that they are in fact two separate households. Normally the applicant would be expected to have been living elsewhere for at least six months before they would be offered social housing.

## **6 Applications**

### **6.1 Registration process**

All new applicants requesting re-housing and tenants requesting transfers must complete an on-line application form to join the Register. Once completed the applicant must sign the declaration confirming that the details they have provided are correct. Checks will be made as part of the verification process that the details are correct but the onus is on the applicant to give the correct information on their application.

Any applicant or a member of their household who provides false information when applying for housing can be prosecuted and can be given an unlimited fine. Under Section 171 of the Housing Act 1996 it is an offence to:

- knowingly or recklessly provide false information, or
- knowingly or recklessly withhold information that should have been given.

The fraud and investigations team will also take into account the following offences;

- Fraud Act 2006, section 2- fraud by false representation: The offence is committed when a person dishonestly and knowingly makes a false representation which you are under a legal duty to disclose with the intention of making a gain for yourself or causing loss to another.
- Forgery and Counterfeiting Act 1981- Section 1: The offence is committed when a person makes a false instrument, with the intention to use it to induce somebody to accept it as genuine, and by the reason of so accepting it to do or not to do some act to own or any other person's prejudice.

Possession proceedings can be instigated if a tenancy was obtained by giving false information. Applicants will also be expected to sign to give authorisation to contact other agencies, e.g., RPs, social services, current or former landlords, to obtain and share relevant information about them.

When submitting the housing application, the applicant must provide the required supporting documentary evidence. This needs to be original documents and not screenshots. This will normally include:

- proof of identity for all household members
- evidence of their right to reside in the UK if they are not British Citizens.
- proof of current address
- proof of local connection
- proof of income, savings and assets
- any other evidence required to demonstrate they are eligible and qualify to join the Register.

Upon receipt of the required information the applicant's application will be assessed.

Incomplete application will be closed.

If supporting documentary evidence is not received with the application the application will be placed on hold.

An email will be sent to the applicant to inform them they have new notifications, they are asked to log into their account to see the new notifications. The notification will require them to provide the documentary evidence within 28 days of the date of the notification. Failure to provide the documentation will result in the rejection of the application. The effective registration date of the application will be the date the fully completed form with all necessary documentary evidence is received by Case Services.

If an applicant is not eligible or does not qualify for inclusion on the Register, the Council will notify them in writing, giving the reasons for the decision and informing them of the right to request a review of the decision. (See section 23 Review procedure.) A copy of this letter will be sent to Social Services or other involved voluntary or statutory agency if it is considered appropriate on safeguarding grounds.

If the Council is satisfied that the new applicant or tenant is eligible and qualifies for inclusion on the Register, an initial housing needs assessment is made based on the

information available. The applicant will be placed in the appropriate bedroom category for their household size and in one of the five priority bands in date order of registration. (See section 8 Priority bands.)

The applicant will be notified in writing of the decision confirming their registration date, priority Band and the bedroom category and an assessment of the period of time that will elapse before a suitable property may become available.

Although housing register applications and homeless applications are dealt with separately, when there is an active homeless investigation, and the applicant has only recently applied to join the register then the homeless investigation will normally take precedence over the housing application. The housing application will normally<sup>24</sup> be placed on 'hold' until we have issued our decision in relation to any homelessness duty we might owe to the household.

## **6.2 Application update and renewal**

Applicants are required to notify the Council promptly of any changes in their personal circumstances in order that any necessary amendments can be made to their application. Failure to disclose any relevant information may lead to exclusion from the Register. (See section 4.3.5 Suspensions and Exclusions from the Register.)

Once a year, normally on the anniversary of an application, applicants placed in Bands A to E will receive an automated email reminder from the Guildford Borough housing portal to renew their application. Failure to renew the application will result in the cancellation of the application. This will not apply to current care leavers whose applications will be monitored separately.

If the applicant wishes to appeal against a decision to cancel their application, they may contact the Council in writing within 21 days of the date of the application being cancelled to request a review. (See section 23 Review procedure.)

The Council considers that applicants wishing to be considered for social housing should take responsibility for ensuring that they comply with the renewal process. It is therefore unlikely that applicants who fail to comply or follow the renewal process will retain their initial registration date, except in very exceptional circumstances.

If following an update or the renewal of an application a change in the applicant's circumstances results in a band change, the Council will inform the applicant via their electronic application the new band, the reason for it, the applicable priority date and of their right to request a review of this decision. (See section 23, Review procedure.)

## **6.3 Data retention**

Application forms and associated information from any cancelled or excluded applicants will be retained for a maximum period of six years unless there is a debt to the Council, when it will be retained for a longer period, in accordance with the data retention arrangements for the Council. This may be reviewed from time to time in line with legislation and good practice guidance.

## **7 The assessment process**

Qualifying applicants and tenants are assessed according to the needs of their household and their local connection. They are placed in one of five priority bands A to E. (See section 8 Priority bands.)

The system for determining priority has been designed to ensure that reasonable preference is given to the following categories of people, as set out in s.166A(3) of

the Housing Act 1996:

- people who are homeless (within the meaning of Part VII of the 1996 Act  
people who are owed a duty by any local housing authority under the Housing Act 1996 Pt VII
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- people who need to move on medical or welfare grounds, including grounds relating to a disability
- people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

The Scheme allows additional preference to be given to those households identified as having the most urgent housing needs. In addition, the Council will take into account local circumstances in determining which applicants are to receive preference under the Scheme.

## **8 Priority bands**

The Applicant's local connection as defined in section 4.3.1 above affects the priority band in which an applicant may be placed.

The five priority bands are:

Band A – Highest Priority Preference (Emergency and high priority applicants who have a long and substantial local connection . Social housing tenants the Council seeks to move as an urgent priority.)

Band B – High Housing Need Preference (Applicants with an urgent need to move who have a long and substantial local connection or those who have been in the Armed forces or Social housing tenants assessed as having a priority need to move.)

Band C - Normal Preference (Applicants with an identified housing need who have a long and substantial local connection to whom the Council is required to give reasonable preference<sup>27</sup>. This includes qualifying Forces personnel and family members, and applicants where agreement exists with a partner agency to provide accommodation.)

Band D - Lower Preference (Applicants with a lesser local connection who are in a reasonable preference category or have a low level of housing need.)

Band E - All other cases.

<sup>27</sup> As defined by the Housing Act 1996 Part VI.

Examples of the type of case that would fall into each band are summarised as follows:

| <b>BAND A</b>   |
|---|
| <b>Highest Preference Criteria</b>  |
| <p><i>Time limited. All cases actively managed and reviewed every three months. This band is only granted in exceptional circumstances. Long and substantial local connection criteria will apply, and may only be waived in exceptional circumstances.</i></p> <p><i>Excludes applicants with savings or assets above £20,000 unless there are exceptional circumstances.</i></p>    |
| Emergency medical and or disability grounds because the applicant's current accommodation is wholly inappropriate and is severely affecting their medical condition.  |
| Exceptional circumstances on welfare grounds with supporting evidence of a need to move because to stay would be life threatening, including special emergency mobility arrangements.   |
| Severe Environmental Health grounds that cannot be rectified within a 12 month period for example, Extreme disrepair, Category 1 Hazard, Closure /Demolition Order.   |
| <b>Exceptional Strategic Lettings (transfers).</b> The Council needs to move a tenant in order to create vacancies within the housing stock or facilitate a move very urgently.   |
| Decant (to redevelop or carry out major repairs).   |
| GBC stock-Management transfer.  |
| Social housing tenants needing to move to purpose built or adapted accommodation due to their health or disability approved by the Disability Panel for specific types of accommodation only.   |
| Successors under occupying.   |
| Approved ineligible successors with long residence moving to smaller accommodation.   |
| High priority under occupation (social housing tenant releasing two beds or more).  |
| To release an adapted property (subject to certain qualifications).   |
| <b>Band B</b>   |
| <b>Higher Housing Need Criteria</b>   |
| <p><i>Applicants who are to be given additional preference, in cases which are considered to be a high priority and except where not required ( eg Armed Forces) have a long and substantial local connection. Most cases, other than those marked *, are time limited and reviewed every six months.</i></p> <p><i>Excludes applicants with savings or assets above £20,000.</i></p> |
| Urgent need to move on medical or disability grounds; accommodation is not wholly inappropriate but it is unable to address a major proportion of their housing needs.  |

|   |
|---|
| Urgent need to move on welfare grounds.   |
| Loss of tied accommodation, through no fault of applicant. Notice to Quit served.   |
| Surrey House Project -Care leavers completing this project will be placed in this band when deemed ready to be housed.  |
| *Qualifying Forces personnel and bereaved spouses/civil partners where the forces member are suffering from a serious injury, illness or disability which is attributable (wholly or in part) to that service. (means anyone falling within the definition in Section 374 of the Armed Forces Act 2006) |
| Former tenants who voluntarily gave up their tenancy for special reasons by agreement and are now ready to be re-housed, and otherwise would become homeless (for example, hospital, rehabilitation placement, supported accommodation, care).  |
| Special reciprocal arrangements with other councils/Registered Providers.   |
| <b>High Priority Strategic Lettings (transfers).</b>  |
| Transfers within or move on from supported housing (whereby the resulting vacancy is released back to the Council) or to make best use of supported accommodation available on a case by case basis.  |
| Social housing tenants needing to move to purpose built or adapted accommodation due to their health or disability approved by the Disability Panel for specific types of accommodation only.   |
| *Priority overcrowding. For example, short of two or more bedrooms [transfers only].  |
| Under-occupation (social housing tenant by one bedroom) with nomination rights to resulting vacancy.  |
| Separated households (two existing social housing tenants wishing to become one household and neither property is suitable for the household to live in – releasing both properties for re- letting).   |
| Social housing tenants in one bedroom flats with two children when the oldest child is three or in the case of twins from the age of two.   |
| Social housing tenants with two children in one bedroom, upper floor flats willing to accept a like-to-like transfer to ground floor one bedroomed accommodation.   |
| <b>Band C</b>   |
| <b>Normal Preference Band Criteria</b>  |
| <i>Other reasonable preference cases and those with an identified housing need and a long and substantial local connection. This includes qualifying Forces personnel and family members, and applicants where agreement exists with a partner agency to provide accommodation.</i>                     |
| <i>Excludes applicants with savings or assets above £20,000 unless there are exceptional circumstances.</i>   |

|   |
|---|
| Need to move on medical grounds and/or disability with no other element of reasonable preference. The applicant's housing circumstances can be demonstrated to be having an adverse effect on the medical condition but re-housing would have a marginal impact only on the long-term improvement to the condition and there are no other suitable housing options. |
| Statutorily homeless households with a long and substantial local connection.   |
| Unintentionally homeless households and those asked to leave current accommodation through no fault of their own.   |
| Those of no fixed abode or at risk of rough sleeping actively engaged with housing options with a resettlement plan.  |
| Surrey Looked After Children seeking housing for when they leave care, and Surrey care leavers over the age of 18 living in supported or other suitable accommodation that meets their needs. This will include those not yet assessed as being ready or able to take up independent accommodation.   |
| Overcrowding – one bedroom deficient.   |
| Households with unsatisfactory or insanitary housing conditions including: <ul style="list-style-type: none"> <li>• lack of facilities, disrepair, Category 2 hazard</li> <li>• sharing with household members not included within their application.</li> </ul>  |
| Applicants in supported housing assessed as ready or suitable for move on into general needs accommodation.   |
| Applicants ready to move on from hostels or similar accommodation for example women's refuge, single person's hostel.   |
| Applicants assessed as suitable for sheltered or extra care housing.  |
| Applicants who need to move to a particular locality in the borough, where failure to meet that need would cause hardship (to themselves or to others), for example the applicant has permanent employment which they cannot continue unless they live within a specific locality within the area but are otherwise adequately housed.                              |
| Tenants in private rented accommodation.  |
| Tied tenants seeking alternative accommodation.   |
| <b>Other Strategic Lettings (transfers).</b>  |
| Those applicants living in social housing bedsit or studio accommodation after two years of holding a tenancy.  |
| Overcrowding – one bedroom deficient.   |
| Tenants assessed as suitable for sheltered or extra care housing.   |
| Right To Move – social housing tenants living in another local authority area within England and having an assessed need to move to the area to take up or continue employment within the district in accordance with the criterion set out in Section 4.3.1  |
| <b>Band D</b>   |
| <b>Lower Preference Band Criteria</b>   |
| <i>Applicants with a lesser local connection who are in a reasonable preference category or have a low level of housing need.</i><br><i>This band includes applicants with savings above £20,000 but below £30,000 that would otherwise qualify for a higher band.</i>  |
| Statutorily homeless households without a long and substantial local connection   |

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|--|
| Applicants that are not engaging with housing options or other services including those of no fixed abode.   |
| Other transfer cases with limited need (for example a tenant of a two bedroom flat with no garden and has children under 12).  |
| Permanent tenants of a Registered Provider with an identified housing need – where the Council has no nomination rights to the vacancy.  |
| Non Surrey Looked After Children seeking housing for when they leave care, and Non Surrey care leavers over the age of 18 living in supported or other suitable accommodation that meets their needs. This will include those not yet assessed as being ready or able to take up independent accommodation.  |
| <b>Band E</b>  |
| <b>All other cases</b>   |
| <i>Applicants within this band with a local connection and reasonable preference will have priority over those without unless their circumstances make them unsuitable to take up a tenancy at the time for example they are demoted for reasons of behaviour.</i>   |
| Applicants with a local connection who do not currently qualify for reasonable preference but may need housing in the future. For example: <ul style="list-style-type: none"> <li>• applicants in supported housing or specialist placements due to their special needs or disabilities that meet their current needs and do not require housing in the foreseeable future.</li> </ul> |
| <ul style="list-style-type: none"> <li>• Armed forces applicants where there is no assessed housing need.</li> </ul>   |
| Applicants with a local connection who do not currently qualify for reasonable preference but who would like to move. For example: <ul style="list-style-type: none"> <li>• applicants in residential care which is suitable for their needs and they have not been professionally assessed as capable of independent living.</li> </ul>   |
| Elderly owner – occupiers seeking to move to Senior living accommodation (sheltered housing scheme)  |
| Demoted applicants for the period of their demotion.   |
| All other qualifying applicants not included in bands A, B, C or D.  |

### 8.1 Priority dates within bands

Applicants are prioritised on a date order basis within each band. This means that the longer they have waited the higher their priority within the band. An applicant's priority date will be the date they qualify for inclusion in that band.

### 8.2 Moving between bands

If an applicant moves up a band, their priority date within that band will be the date that they met the qualifying criteria for that band. This ensures that applicants moving to a higher priority band do not overtake applicants who are already in that band and have had higher level of priority for longer.

If an applicant moves to a lower band, the effective date is the earliest of the dates when they were previously in that band, or any earlier date when they were in a higher band. This ensures that applicants do not lose out by having to start at the bottom of the lower band.

### 8.3 Lifting exclusions

When an applicant has their exclusion lifted, their application will be reassessed. If all

the relevant information and details associated with the application remain the same, the application will be placed into the original band but their priority date will be adjusted, as the period of exclusion will be disregarded when calculating the time they have been on the Register.

If their circumstances have changed and this warrants a higher priority the effective date will be the date that the decision is made that they meet the criteria for that Band. If the assessment shows that they qualify for a lower band the effective date they qualify for that band will be the adjusted date taking account of the period of the exclusion.

#### **8.4 Time limited bands**

Applicants will be eligible to remain in Band A for a three month period and Band B for a six month period, except in cases denoted by an \* in the table above or where it has been otherwise agreed. This will be subject to review at the end of the time limit and may be extended depending on the circumstances of the case.

Applicants that are in Band A or B are recognised as having a significant housing need. Given the limited supply of suitable social housing applicants will be expected to be flexible in terms of the choices they exercise in relation to the type of accommodation they will consider and the areas in which they wish to live.

The following factors are taken into account when deciding whether to extend the time limit in Band A or B:

- whether there have been suitable properties advertised through the choice based lettings scheme within the timescale
- whether the applicant has bid for any suitable properties
- whether they have refused an offer of suitable accommodation
- if a property has been refused, the applicant's reason for refusal.

It is recognised that applicants have other considerations when making choices about where they wish to live but we are not usually able to take these into consideration when reviewing an application in respect of which the time limited period has expired. If an applicant is unreasonably selective and they fail to bid for suitable accommodation, their priority in the band will not be extended beyond the original time limit.

In cases denoted by an \* there will be no time limit, in view of the difficulty in meeting the requirements of these groups within the given timescale.

If an applicant's priority is not time limited, they will still be expected to be flexible and not unreasonably selective in the properties they will consider. If there is evidence that they are not bidding for suitable properties they may be considered to be deliberately worsening their circumstances and risk exclusion from the Register.

If an applicant's circumstances change and they no longer meet the criteria for high priority, their application will be reassessed and placed in the band appropriate to their circumstances.

#### **9 Medical priority**

Applicants or any member of their household with an illness or disability, which is affected by their current home, or who may be vulnerable on physical or mental health grounds and are in need of settled accommodation are requested to complete a medical self-assessment form. This information, together with any relevant information from the General Practitioner, hospital consultant, occupational therapist, or health practitioner as appropriate will be used to determine the applicant's priority band. Advice may be requested from the Council's medical advisor or other independent medical advisor.

Assessments are made of the effect of present housing on the state of health of the applicant or anyone in the household. The Council will consider whether the overall effect on the household or any member of the household is sufficiently severe to warrant inclusion in a higher band. This will take into account whether the Council or its RP partners could provide accommodation that would alleviate the medical condition or substantially reduce the difficulties caused by it.

Where the assessment indicates that the applicant requires specialist or adapted housing this will be considered by the Disability Panel. The panel includes representatives from different teams within the Council.

The panel considers the applicant's housing needs in relation to any disabilities and will recommend how best these might be met, taking into account the restricted supply, size and type of the housing stock available to the Council and its RP partners. The panel will consider if it is feasible for the applicant to remain at home and have their property adapted or whether re-housing is a better option. The panel will consider if existing purpose built or adapted accommodation is suitable or if further alterations might be needed in such housing or a general needs property. Adaptations to a property will only be considered if these can be provided at a reasonable cost.

Applicants requiring adapted properties must be flexible and may need to compromise to achieve a viable housing option that will meet their health or physical needs as far as practicable, even if this is not their ideal housing solution.

These properties will be advertised and bids for them will be restricted to those on the panel who have been assessed. Only in exceptional circumstances will direct matches be made.

To facilitate work in advance of being ready to let these properties will be advertised as void ahead of any maintenance/ adaptation work.

In each case, the recommendation is based on the judgment of need. Households with medical needs may be placed in one of the following bands:

### **Band A - Medical Emergency**

Will be recommended where the applicant or a member of the household has a life threatening condition and the applicant's current accommodation is wholly inappropriate and severely impacts their health.

This band may be awarded to applicants and social housing tenants needing to move to purpose built or adapted accommodation very urgently due to their health or disability.

All recommendations for medical Band A must be referred to the Council's medical advisor or any other independent medical advisor, or in the case of disabled applicants requiring specially adapted properties the Disability Panel.

Applicants awarded Band A by the Disability Panel will only qualify for this band for specific types of accommodation such as those specially built, adapted or able to be adapted, which would be suitable for that applicant.

### **Band B – Medical Hardship**

Will be recommended if the current housing whilst not wholly inappropriate, is unable to address a major proportion of the housing needs and the accommodation is having a major adverse effect on the medical condition of the applicant or one of the household, which creates a particular need for them to move.

This band may be awarded to applicants and social housing tenants needing to move to purpose built or adapted accommodation due to their health or disability

All recommendations for medical Band B must be referred to the Council's medical advisor or any other independent medical advisor, or in the case of disabled applicants requiring specially adapted properties the Disability Panel.

Applicants awarded Band B by the Disability Panel will only qualify for this band for specific types of accommodation such as those specially built, adapted or able to be adapted for disabled people.

### **Band C – Medical Need**

Will be recommended where there is a need to move on medical grounds and/or disability with no other element of reasonable preference. In such cases, the housing circumstances can be demonstrated to be having an effect on an applicant or one of the household's medical condition but re-housing to alternative accommodation would only have a marginal impact on the long term improvement to the applicant or one of the household's medical condition and there are no other suitable housing options.

Recommendations for Band C will not normally be referred to the Council's medical advisor or other independent advisor. However, where there are a number of needs including medical the Council's medical advisor or other independent medical advisor's opinion may be considered when deciding whether additional preference should be given.

Where an applicant has a medical need alongside other housing needs the applicant will be placed in the band that reflects their most serious need which may not be medical.

A medical assessment will take account of the impact of the existing accommodation or living arrangements on the household as a whole; the effect it has on the medical condition of any household members, and the anticipated benefit from re-housing.

The decision to award medical priority will be made by the Council taking into account the information provided by the applicant, other parties and the Council's medical advisor or other independent advisor as appropriate.

Medical priority will be reviewed and may increase or decrease under the following circumstances:

- the applicant(s) move to alternative accommodation
- there is a change in the composition of the household
- there is a material change in the medical condition of an applicant or other member of their household
- the condition is pregnancy related following the birth of the child
- the condition is acute and the applicant had been awaiting treatment and the treatment has now been completed
- a suitable property has been offered but refused for other non medical reasons, for example, the property is not in the applicant's preferred areas of choice.

Medical priority will not be awarded if the condition is short term and the applicant would normally be expected to make a full recovery, for example, a broken leg.

Time limited medical priority will be reviewed at the end of the priority period and may be extended if suitable accommodation has not become available over the time-limited period.

In general, if an applicant has a medical condition that would warrant a higher medical priority than their present priority, but the applicant does not have a long and substantial local connection the higher priority would not normally be awarded.

A referral may be made to the Private Sector Housing Team for consideration under the Housing, Health and Safety Rating System (HHSRS) where an applicant has indicated that the household is living in insanitary conditions, including lacking one or more of the following:

- food preparation facilities (i.e. sink and space for a cooker)
- inside W.C.
- bathing and personal washing facilities.

A referral may also be made if there is concern about the condition and state of repair of the property in which the applicant lives.

Applicants will be placed in Band A in the following circumstances:

- a Demolition Order, Prohibition Order or Emergency Prohibition Order requiring the removal of the applicant has been issued
- on establishment of a category 1 hazard that cannot be rectified within a 12 month period and that hazard could affect the applicant.

Applicants will not be placed in priority Band A if the category 1 hazard is solely associated with overcrowding.

Hazards that could realistically be improved, or that have no effect on the applicant for example a hazard that would only affect a young child but will not result in a significant risk to an applicant with no children, will not result in a higher band. Should a private sector property come within a category 2 hazard assessment and this is significantly worse than an average property, the applicant would normally be placed in Band C.

In all instances, applicants will be required to co-operate and work with the Council to find suitable alternative accommodation when this is considered feasible.

## **11 Social welfare priority**

Where an applicant or member of their household has social or welfare needs, the Council will consider the recommendations of social services and any other relevant agencies and take into account any multiple needs. Applicants will be placed in the appropriate band as follows:

Band A - Cases where there are exceptional circumstances, which warrant emergency priority, for example:

- where an emergency move is required on the grounds of child protection and it would be unreasonable to expect them to remain in their current accommodation,
- where an emergency move is required on grounds of adult protection and it would be unreasonable for them to remain in their current accommodation.

Band A priority on social welfare grounds will only be awarded following full consultation with the relevant agencies and the provision of supporting documentation. Authorisation by a senior manager is required.

Band B – Cases of Severe Hardship caused by multiple needs that warrant high priority or following a welfare agency referral, where an urgent need to move is agreed following a full and detailed consultation with social services, the police or other agency. For example:

- a household urgently needing to move to give or receive care or support; for child or adult protection or safeguarding reasons, or
- multiple needs that warrant high priority, or

- other social or welfare reasons.
- serious offenders subject to Multi-Agency Public Protection Arrangements (MAPPA)<sup>28</sup>, whose timely re-housing is a public protection issue and there are no feasible alternative options
- 

Band B priority on social welfare grounds will only be awarded following full consultation with the relevant agencies and where supporting documentation is provided. Authorisation by a senior manager is required.

Band C - Cases of Social or Welfare Hardship as when accommodation is required to assist social services in delivering a care plan, for example, by moving the household nearer to the source of care and support or to accommodate a carer, or to relieve other social or welfare hardship. Supporting documentation will be provided from the relevant agencies.

## 12 Special re-housing and move on arrangements

Band A.

Band B is awarded in the following circumstances

- **Move on from Supported Housing**
- **on management grounds**
  - Where the resulting vacancy is released back to the Council and is required for an applicant in greater need to make best use of supported accommodation available, assessed on a case by case basis.
  - Where a resident is assessed as unsuitable for supported housing and is able to manage in general needs housing with appropriate support.
- **Elderly social housing tenants moving to Senior living(sheltered housing) or other housing designated for older persons**
  - Older tenants in one bedroomed general needs housing wishing to move to sheltered housing who are assessed as suitable for such housing.
- **Voluntary Surrender of a social housing tenancy**

Band B is awarded where a commitment in writing has been made by the Council to rehouse a former Council or RP tenant who has voluntarily given up their tenancy in special circumstances. For example

- on them entering an institution such as prison, hospital on a long-term basis or rehabilitation unit, so that when they are ready for discharge they can be assisted with accommodation
- Tenants that give up a tenancy within a very short period of occupancy, often returning to their family or parental home because they find they cannot manage an independent tenancy and require more suitable

supported accommodation. Awarded when the former tenant has been assessed as now ready to manage a tenancy.

### **13 Special arrangements for certain client groups**

- **Young people under 18**  
Young people aged 16 and 17 may join the Register but will not, except in exceptional circumstances, be allocated an independent tenancy without appropriate support<sup>29</sup>. Young people will be assessed according to their circumstances and placed in the relevant band.

Homeless young people under 18 may be assisted by Surrey County Council (SCC) and be placed in suitable supported accommodation if it is not possible for them to return home.

Where an application is received from a lone parent aged 16 or 17 the Council will normally seek the applicant's consent to undertake a joint assessment with social services of their housing, care and support needs, in order to identify the most appropriate type of accommodation for the young parent. Consent will not be sought if there are child protection concerns and to seek such consent might endanger the welfare of the child of the young parent.

Social services may, when appropriate be required to underwrite a tenancy agreement for an applicant who is under 18.

- **Young people leaving care**

The procedure for assisting Care Leavers with rehousing is contained in the Surrey Joint housing Protocol for Care Leavers.

Surrey County Council or other Children's Service authority placing a child or young person in the borough is responsible for meeting the housing and support needs of any Looked After Children (LAC) 30 until they reach 18. Children's Services Authorities also have ongoing duties to provide care leavers help and support until they reach the age of 21 (or under 25 in the case of a care leaver with a learning or other disability).

LAC that are the responsibility of Surrey County Council and meet the long and substantial local connection with the borough and apply to join the register before their 18th birthday will normally be awarded a Band C from the date of their 16th birthday. Other LAC that apply to join the register will be accepted from the date they apply and will be placed in Band D. Any qualifying former LAC applying after their 18th birthday will be awarded a Band C from the date of their application. A qualifying former looked after child is one that resided in the borough for at least two years prior to their 18th birthday until they reach the age of 21.

<sup>29</sup>There is a protocol that has been agreed between Surrey County Council Children's Services, the Youth Support Service and the Borough and District Councils in Surrey about housing advice and assistance for 16 and 17 year olds and care leavers.

<sup>30</sup>S20 Children Act 1989. There is also statutory guidance setting out the responsibilities of housing authorities in relation to care leavers.

Under the Surrey wide protocol, the Council may be invited to be involved in the planning process of a looked after young person on or by their 17th birthday.

A young person will be offered assistance to secure suitable housing when they leave care. In most instances this is likely to be supported housing so they are able to develop independent living skills. Private rented housing will be considered in appropriate circumstances.

Care leavers in supported or other housing will be monitored regularly and when they are assessed as ready to move on to more independent self-contained rented housing will be assisted to do so.

A care leaver resident in Surrey where another Tier 1 local authority is the corporate parent will be treated the same as Surrey County council case.

A Band B will normally only be awarded in the following circumstances:

- where the care leaver is moving on from supported housing and has lived there for at least a year
- where the care leaver would be significantly disadvantaged if they moved into the private rented sector

**and in all cases**

- where they are assessed as possessing the life skills to manage a tenancy with support if necessary and are able to support the tenancy financially through employment or access to benefits<sup>32</sup>.

Consideration will be given to any support package that is in place or to be provided.

Care leavers who have been assisted previously by the Council with nominations to supported accommodation or independent accommodation but where they have lost or left that accommodation without good cause would be placed in Band C.

- **People in prison or detained in a specialist hospital as a result of an offence**

For offenders that have spent more than one year in prison and for other serious offenders a risk assessment will be required prior to their consideration for re-housing.

<sup>31</sup> Paragraph added 28 August 2018

<sup>32</sup> A young person under 25 is unlikely to be able to afford to live in self contained social rented housing unless they are working and earning above minimum wage rates.

Offenders that are subject to MAPPA may qualify for Band B if considered appropriate.

Similar arrangements will apply for those that are detained in hospital having committed an offence.

## **14 Priority transfers<sup>33</sup>**

### **Management transfers**

The Homelessness, Advice & Allocations Lead, following consultation with the Neighbourhood Housing Lead, may exercise discretion to award Band A and or a direct offer where serious cases of nuisance warrant a transfer in exceptional circumstances<sup>34</sup>. This would apply where

- there is clear evidence of nuisance and a serious neighbour dispute and
- there are significant and insurmountable problems associated with a tenant's occupation of a dwelling and there is significant personal risk to the tenant or their family if they remain in the dwelling and
- all other reasonable options for resolving the nuisance or dispute have failed or are inappropriate (for example: mediation, noise abatement notice, injunctions) Or
- an urgent move is required by a victim of domestic abuse, following advice from MARAC and participating agencies.

A transfer may be offered to either (or both) parties in the dispute (whether or not they are the victim or perpetrator).

Where appropriate a management transfer may be offered to Introductory Tenants, tenants in rent arrears; tenants under notice of seeking possession or with a suspended possession order (where action to evict is not actively being pursued) those experiencing Domestic abuse and have been reviewed by MARAC.

In cases where a management transfer has been agreed and circumstances change resulting in immediate re-housing being required, emergency temporary accommodation may be provided until a suitable transfer can be offered.

If offered a management transfer the tenant(s) must be willing to accept accommodation in the majority of areas of the borough (that is anywhere reasonable) taking into account their safety. (They must be prepared, if necessary, for children to change schools.)

Where a management transfer is agreed, the household will not be able to improve upon their current type of accommodation. They will only be eligible to be considered for similar size and type property on a 'like for like' basis, that is a flat to flat or house to house of the same size, type. Tenants in houses may be offered flats or maisonettes of the same bedroom size.

If the household is already registered for a move they may still be considered for properties of the type and size they would be eligible for under their original application and their priority for this will remain the same as prior to a management transfer being agreed.

Tenants will only receive one offer of alternative housing under this arrangement. If they refuse the offer, they will need to show that it was unsuitable or unreasonable for them to occupy.

<sup>33</sup> Tenants will normally be responsible for all costs associated with the transfer and any housing related debts will remain their responsibility on transfer to another property.

<sup>34</sup> Wording updated 28 August 2018

## **Two tenants wishing to become one household**

- Band B is awarded where two Council or RP tenants living in separate tenancies wish to live together (Elderly Council tenants separating)
- Where a couple occupy a two or more bedroomed property but wish to split up. In these circumstances, if both parties are willing to consider age restricted accommodation, then it may be possible to assist. A home visit will be carried out to clarify the specific circumstances and if the parties are willing to be flexible in their housing requirements or requests then both parties would be placed in Band B for a six month period. The parties need to work with a housing officer who will discuss possible vacancies and if appropriate the housing officer will place bids for suitable properties on each party's behalf.

Both parties must accept properties which the housing officer has identified and the new tenancies will start on the same day. In this specific case, no tenant incentive money would be available. However, in certain circumstances, the Council may use its discretion to facilitate the moves.

## **Permanent decant**

- Band A is awarded if a property is required for essential works, which cannot be undertaken with the applicant in situ, and the tenant will not be returning. Examples include re-development schemes, property disposals, structural works or modernisation. This is usually only available to existing Council tenants but may apply to other applicants if they require emergency housing, for example, as a result of a compulsory purchase order and they are otherwise unable to meet their own housing needs.

## **Council Interest moves**

Band A is awarded to facilitate a household's move from a Council or RP property in one of the following circumstances which assist in the proper management of stock.

- To release an adapted property in order to benefit an applicant in need of such adaptations which are not currently required by the tenant for example, wheelchair access or walk-in shower. To make best use of adapted stock for example, where a household's current property requires major adaptations to meet their needs, and those adaptations are not feasible or cannot be carried out cost effectively and a more suitable alternative property is available.
- Under-occupation – to enable tenants under occupying property to move to smaller accommodation such as a studio or one bedroom unit or to give up two or more bedrooms under the Transfer Incentive Scheme.
- Successor moving to smaller accommodation – applicants who have succeeded to a tenancy, but are under-occupiers and the Council would wish to exercise the right to obtain possession by offering alternative accommodation. These households will initially be placed in Band B moving up to Band A once a Notice of Seeking Possession under Ground 15A Schedule 2 Housing Act 1985 has been served.
- Ineligible successor moving to smaller accommodation – residents of social housing where there are no succession rights, may on the death of the tenant, in exceptional circumstances be placed in Band A, once a Notice to Quit has been served. Those who are not considered to have exceptional circumstances, will be placed in the band for which they qualify.<sup>35</sup>

In deciding whether a household is awarded Band A, the following factors will be taken into account:

- length of time the applicant has resided with the tenant before their death
- the nature of the relationship between themselves and the tenant
- the age of the household members
- any medical and/or social factors
- the level of demand for the type and size of property required
- whether the household would be likely to have been able to successfully bid for a suitable property if they had made an application to join the Register when they first moved into the property
- their ability to finance accommodation in the private sector
- their behaviour whilst residing at the property
- any other relevant considerations.

### **Homelessness**

- Special circumstances

Where an applicant is or was statutorily homeless and has moved into accommodation facilitated by the Council, Band B may be awarded where the accommodation has become unsuitable<sup>36</sup> for example, where a member of the household has a disability and requires adapted accommodation. This priority will only apply in cases where the only prospect of meeting those needs in the longer term is through the provision of social housing.

All other homeless applicants owed a duty will be placed in Band C or D based on their local connection.

Intentionally homeless households will remain in their present band and be suspended for 12 months from the date of the intentionality decision. After 12 months the application will be reassessed.

### **Overcrowding**

- Statutorily overcrowded tenants

Band A is awarded to tenants who are statutorily overcrowded as defined in the Housing Act 1985, and only applies when the overcrowding is unlikely to be rectified within a year, except where the tenant has caused the overcrowding deliberately. For example, by inviting additional persons to live with them, or by moving into a property with insufficient rooms for the size of their household. The applicant must work with the Council to find suitable alternative accommodation.

- **High Priority Overcrowding**

Band B is awarded where a household in long-term social housing is two or more bedrooms deficient, and has not deliberately worsened their housing situation. It is necessary for the applicant to work with the Council to find suitable alternative accommodation. Where a household is one bedroom deficient they will be placed in Band C.

Single people who have been Council or partner RP tenants of a studio flat or bedsit for at least two years and wish to move to one bedroom accommodation will be placed in Band C.

### **Tied and HM Forces cases required to vacate within 6 months**

- Tied tenants  
Tied households with a long and substantial local connection living in tied

accommodation will be placed in Band C.

Band B is awarded where a tied tenant with a long and substantial local connection is due to retire or has received notice due to redundancy and is required to vacate their accommodation within the following six months. This will only apply where the applicant has been on the Register in Band C for a minimum period of two years.

- **Current and former members of the Armed Forces including reservists**

Band B is awarded where a qualifying HM Armed applicant or their spouse/civil partner, is assessed as being in urgent housing need.

Band B will also be awarded where a bereaved spouse/civil partner served in the regular armed forces, has urgent housing need and their death was attributable (wholly or in part) to that service.

In addition, Band B will be awarded to serving or former reserve forces personnel, who are suffering from a serious injury, illness or disability which is attributable (wholly or in part) to that service.

If an HM Forces applicant is discharged or leaves service and is assessed as being in housing need they will be awarded Band C.

Armed Forces applicants with no assessed housing need, will be placed in Band E irrespective of whether or not they have a local connection.

## **Mobility**

- **Special mobility arrangements**

Band B will be awarded to a tenant from another local authority within Surrey in order to meet the Council's obligations under any mobility scheme agreed by Surrey councils.

- **Reciprocal arrangements**

Band B is awarded where agreement with another local authority exists to carry out reciprocal re-housing and a reciprocal housing duty is owed under this agreement. The Council reserves the right to initiate, accept or refuse reciprocal arrangements according to circumstances prevailing at the time.

- **Engagement with Services<sup>37</sup>**

- Some vulnerable applicants with support needs may disengage with statutory or voluntary services. This makes them less likely to be able to sustain a tenancy if offered accommodation. Often such applicants are of no fixed abode, or are "revolving door" homeless cases and have chaotic lifestyles. If such applicants disengage with services, they will be suspended until they re-engage and work with support workers, when they will be eligible for the suspension to be lifted.

Where such disengagement is due to a disability or chronic medical condition, for example a severe and enduring mental health problem, it is proposed that they retain their original date in the band when the suspension is lifted. However, the Council may request that before an applicant can be considered for a social housing tenancy, the applicant will be expected to obtain a private rented property and sustain a tenancy, with support as necessary, for at least six months.

## **15 Local lettings policies**

A local lettings policy identifies the lettings priorities which apply in designated areas or localities to address specific circumstances set out below.

- **Effective estate management**

Where there are estate management problems or issues affecting the sustainability of an area a local lettings policy may be used. This normally applies in areas where steps are needed to prevent or reverse social conditions that are threatening the housing rights of most residents or the value of the stock.

The local lettings policy must

- cover a clearly defined geographical area
- have clear objectives aimed at tackling demonstrable social problems in a specific area or street.

- **New housing developments**

On a new housing development, modernisation or refurbishment scheme, normally in excess of five units, to ensure that there is a reasonable mix of households to achieve a balanced and sustainable community. Where the property landlord is a RP any local lettings policy would normally be agreed with them.

- **Rural and village lettings**

On Rural Housing Exception Schemes, where allocations must take account of the planning condition that the housing is provided to meet local housing need. On such schemes, properties will be offered to those applicants that have a local connection and who are in the greatest housing need.

Local connection for this purpose can be established if the applicant

- is living in the village or parish at present, or
- is employed in the village or parish at present, or
- was born and brought up in the village or parish but now lives elsewhere, or
- has close family within the village or parish, for example, mother, father, brother, sister.

Length of residence or employment is taken into account and priority given to those with the greatest connection. If there are no suitable applicants in the village or parish then applicants from the next neighbouring parish(es) can be considered on a concentric circle basis.

In special cases where an applicant needs to remain in a village or where an applicant, with a longstanding local connection with a village or parish, had to move elsewhere, they would normally be preferred over another applicant who was not connected with the village or parish.

- **Special lettings criteria**

In certain circumstances, it is necessary that individual properties are let under specific criteria. In these instances, the properties will be advertised with the criteria set out in the marketing information. For example:


















- the property is suitable for applicants being considered by the Disability Panel
- the area has had an unsettled period due to tenant(s) and or their friends, relations or acquaintances causing nuisance, therefore a sensitive letting would be helpful
- flats available within shared ownership schemes where most flats are sold or occupied by key workers will be let to those in employment

where there is a high density of tenants of a similar type which impacts on the community, for example where there is a concentration of young families, unemployed households reliant on benefits or elderly persons

## 16 Bedroom size eligibility

The maximum number of bedrooms for which applicants are eligible is determined by the size of their household. There is a shortage of larger homes, particularly those with four bedrooms. Where a property has two living rooms and one can reasonably be used as a bedroom, it will be allocated on that basis.

Maximum bedroom eligibility is determined using the following guidelines:

| Household Type   | Number of Bedrooms  |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|
|  | Bedsit  | 1   | 2   | 3   | 3 (2 living room)   | 4   | 4 (2 living room)   | 5   |
| Single person  |  |  |   |   |   |   |   |   |
| Cohabiting or married couple without children  |   |  |   |   |   |   |   |   |
| Pregnant woman 28 weeks or more pregnant (with or without partner) with no other children  |   |   |    |   |   |   |   |   |
| Single person or couple with one child   |   |   |    |   |   |   |   |   |
| Single person or couple with one girl and one boy both under 7 years                       |   |   |  |   |   |   |   |   |
| Single person or couple with two same sex children under 16 years                          |   |   |  |   |   |   |   |   |
| Single person or couple with one girl and one boy where the oldest child is over 7 years   |   |   |   |  |   |   |   |   |
| Single person or couple with two same sex children where the oldest child is over 16 years |   |   |   |  |   |   |   |   |
| Single person or couple with three children regardless of sex                              |   |   |   |  |   |   |   |   |
| Single person or couple with four children *   |   |   |   |  |  |  |   |   |
| Single person or couple with five or more children <sup>38*</sup>                          |   |   |   |   |  |  |  |  |

An additional bedroom may be permitted on grounds of disability or for medical reasons, where the Council is satisfied that this is essential taking into account the view of the Council's medical advisor or other independent advisor. Applicants will also need to demonstrate they can afford the rental of a larger home. (See section

## 17 Affordability of homes.)

There are occasional exceptions to the above guidelines for example a single older person may be offered certain two bedroomed properties designated for older people, or

- under-occupation may be permitted in certain properties if there is a low demand for the property and it would be in the interests of achieving a sustainable community and it is affordable
- when local lettings plans are in place

### **17 Affordability of homes**

Housing applicants need to understand the financial implications when they accept a social housing tenancy, particularly if they are on low incomes or in receipt of benefits.

The Council reserves the right to overlook a bid where the applicant is not considered able to meet the financial implications of the rent and/or Council Tax for that particular property where other properties of a similar size are more affordable because the rent and/or Council tax is cheaper. The final decision on affordability will be the Council's.<sup>39</sup>

#### **Affordable rents**

There are different scales of rents in social housing. Social rents are based on a nationally prescribed formula and is typically about half of the market rent level. Many homes are now let at an affordable rent, which can be up to per cent of a market rent and are often set at 70-80% of the local market rents. We request that rents are capped at the Housing Benefit Local Housing Allowance rate applicable in the private rented sector so that homes are affordable to those receiving welfare support.

#### **Housing Benefit and Universal Credit**

Housing applicants and existing tenants may also be affected by Benefit regulations, particularly the Benefit Cap and the removal of the spare room subsidy for social housing tenants ('bedroom tax'), which means they need to pay any shortfall in rent not covered by Benefit.

Universal Credit is normally paid directly to claimants. Tenants on Universal Credit will be required to pay their rent directly to their landlord so will need to ensure they can afford to meet the full cost of the rent as well as other living expenses.

#### **Local Council Tax Support Scheme**

There are a number of social rented properties in higher Council Tax bands. Local Council Tax Support is restricted for properties in Band E to that available for Band D. There is no entitlement to support for properties in Band F or above.

All applicants who are in receipt of Benefit will need to demonstrate that they can afford the rent and Council Tax. Applicants will be given advice about their Benefit entitlement and other financial implications when they are offered a tenancy.

### **18 Incentives to under-occupying tenants to move**

<sup>39</sup> Clarification of affordability when considering a bid – added 15 September 2016

A number of Council and RP tenants under-occupy family sized accommodation. To encourage such tenants to move to smaller accommodation a cash grant may be payable, and in certain approved cases assistance with removals can be provided.

The grants payable are currently as follows

| From                     | To   | Amount Payable |
|--------------------------|--|----------------|
| 4 bed property or larger | 1 bed flat, bedsit or bungalow including sheltered, 2 bed flat or bungalow | £3000          |
| 3 bed property           | 1 bed flat, bedsit, bungalow or senior living or 2 bed senior living       | £2500          |
| 2 bed property           | 2 bed flat or bungalow   | £750-£1000     |
| 2 bed property           | 1 bed flat, bedsit or bungalow including sheltered                         | £2000          |

The above sums are maximum amounts payable. Verification of circumstances

All applicants will have their circumstances and housing conditions verified to confirm that they qualify for housing before they enter into a tenancy agreement. This could include referral to agencies who check details for any fraud.

Verification may include a home visit where appropriate.

#### **Home visits**

Applicants placed in Bands A to C will normally be visited before they are offered accommodation, unless their circumstances have already been verified within six weeks of the offer.

All applicants visited or interviewed will be required to provide the following documents (even if they have been provided before<sup>40</sup>)

- evidence that all persons included on the application are resident at the property they are applying from, for example, a recent utility bill or bank statement in their name
- evidence that any children are permanently resident with the applicant for example, child benefit book or advice letter confirming payment of child benefit into applicants' bank account or residence order (if appropriate)
- documentary evidence of pregnancy
- other evidence or proof requested to assess eligibility for housing as appropriate
- any documents not listed above but are required under the Right to Rent checklist which is in the Appendix.

#### **Property inspection**

<sup>40</sup> For the prevention and detection of fraud

<sup>41</sup> Appendix added 28 August 2018

In the case of current tenants seeking a transfer, an inspection will be carried out of the current property.

If the condition of their current property is such that it is assessed that a Notice of Seeking Possession under Ground 3 of Schedule 2 of the Housing Act 1985 is justified, the matter will be referred to the Estate Management Section and the applicant will be excluded from the Register (See section 7 The assessment process.) Should the tenant submit another application to join the Register their application will only be considered if the breach of tenancy has ceased for a minimum period of 12 months.

If minor work, over and above that attributable to fair wear and tear, is required to bring the property up to an acceptable standard that enables it to be re-let, advice will be provided on what work needs to be done. Agreement must be reached with the Council for the carrying out of those works and they must be completed by, or at the expense of the tenant before a transfer proceeds.

In the case of a RP tenant, the visiting officer will notify the RP if the condition of the property is poor and the tenant may be in breach of their tenancy conditions. The Council may subsequently suspend the application until the RP has carried out their own inspection to determine if the tenant is in breach of their tenancy conditions. This may result in withdrawal of an offer and the applicant being excluded from the Register. (See section 7 The assessment process.) Should the tenant submit another application to join the Register their application will only be considered if the breach of tenancy has ceased for a minimum period of 12 months.

In the case of a tenant of a private landlord, if on inspection of the property, there is reason to believe that deductions will be made from either a deposit or bond which has been provided by this Council or any other council or agency, these issues must be addressed and resolved prior to any bid being considered.

A final verification check will be made immediately prior to the offer of any accommodation. If further information is requested this must be provided by the applicant within three working days or the offer may be withdrawn.

## **19 Offers of accommodation**

All applicants and tenants must be eligible for social housing and qualify to be on the Register continuously (excepting any excluded period) up to and including when they sign the tenancy agreement.

All offers of accommodation will be on a provisional basis and may be withdrawn at any time until the tenancy agreement is signed. (See section 20.9 Withdrawing offers of accommodation.)

### **19.1 Number of offers**

Except as provided below applicants and tenants will only be entitled to a maximum of three suitable offers under Part VI of the 1996 Housing Act as amended.

### **19.2 Homeless households<sup>42</sup>**

Applicants who accept private rented accommodation through the prevention, relief or main duty under the Housing Act 1996 Part VII as amended, will remain entitled to

<sup>42</sup> Section updated to reflect the HRA 2017 28 August 2018

three offers of accommodation under the Housing Act 1996 Part VI as amended, during the lifetime of their application on the Register.

Where the Council has accepted the main housing (homelessness) duty, we will seek wherever possible to discharge that duty through a Private Rented Sector Offer (PRSO), which may not necessarily be within the Borough.

The Council reserves the right to make a direct offer of social rented housing, normally a flat, to legally homeless households.

Applicants who refuse a suitable offer of private rented or social housing may, if they otherwise continue to qualify, remain on the Register but will only be entitled to one further offer of accommodation. If this last offer is refused, the application will be cancelled. A further application will be considered after 12 months.

### **19.3 Selecting applicants**

Offers of available accommodation will be made to eligible applicants bidding for the property in the following order: to applicants in Band A followed by Band B, Band C, Band D and Band E.

Applicants in each Band will be assessed and those fitting the profile of the property, taking into account its size and any special conditions on the letting, will be selected and an offer made to the household with the earliest qualifying date. If the offer is refused, an offer will be made to the next qualifying applicant in the Band. If no applicant within the band accepts the offer, the next offer will be to the first qualifying applicant in the next Band (see section 8.1 Priority dates within bands).

The Council reserves the right to offer a property out of a strict band priority and waiting time order to an applicant who has special needs and for whom the particular property is uniquely or unusually suitable (for example, location, layout, access or capacity for adaptation) to meet those needs.

Prior to making a provisional offer to a shortlisted applicant the Council will confirm that the applicant or tenant remains eligible for an allocation of housing and qualifies to be on the Register. (See section 19, Verification of applicant's circumstances.)

On verification, the applicant will usually be contacted by phone or be sent a written invitation to make an appointment to view the property. If the applicant is either ineligible for an offer or the required documentation is not provided within the given timescale, the Council will overlook the applicant and move onto the next applicant on the shortlist.

The Council does not normally make multiple offers of the same property. It is therefore essential that when any additional documentation is requested it is provided by return. Failure to act promptly will result in the offer being withdrawn and the next eligible applicant will be contacted.

### **19.4 Properties required by disabled applicants (including families with children with special needs)<sup>43</sup>.**

The Disability Panel will assess applications from households requiring adapted accommodation or a property with specific requirements. Once an occupational

<sup>43</sup> Panel remit extended 28 August 2018

therapy report is provided the panel will determine the most appropriate housing option for the applicant.

In these cases, the application is placed in the priority band according to the urgency of their housing need, for the size and type of accommodation the household requires. When accommodation becomes available, which is adapted or particularly suited to a disabled person or is suitable for adaptation, it will be advertised as suitable for disabled applicants.

Preference will be given to those referred to the Disability Panel before any other applicant, and the applicant for whom the property is most suitable will be invited to view the property<sup>44</sup>. This may not be the applicant with the highest priority.

In certain cases, disabled applicants may be permitted to under-occupy specially adapted accommodation by one bedroom if this makes the best use of that housing stock.

### **19.5 Other factors affecting offers of accommodation**

An applicant may be subject to restrictions in connection with an offer of accommodation in the following circumstances.

- Where the applicant or a member of their household, is excluded from a geographical area or contact with persons in an area as a result of court action, for example, an injunction or order.
- Where the applicant, or member of their household, is subject to restrictions under any licence conditions in connection with any offences, or as part of a risk management plan agreed through MAPPA.
- Where an applicant or a member of their household has been evicted on management grounds from a specific geographical area.

In the above cases, such a decision would be reached following full and detailed consultation with all the relevant agencies, based on community safety.

The Council reserves the right, if an applicant has had a history of unacceptable behaviour, or is considered to be at risk and vulnerable, to reduce the choice of that applicant in the interests of best management of the stock. The applicant will be able to “bid” for properties but the final decision on suitability will be the Council’s. Such applicants may be overlooked for a number of properties they “bid” for during this process.

### **19.6 Viewing a property**

Upon an offer being made, an immediate viewing will be arranged if the property is vacant or if the current occupier is happy for a viewing to take place. If this is not possible, the applicant will be advised when the property is due to become vacant and that they will be contacted to make an appointment to view once the keys have been returned. For senior Living sheltered or supported housing schemes an appointment to view the accommodation will be arranged with the Scheme Manager

Following the viewing, the applicant will be required to confirm whether or not they wish to accept the property by the end of the next working day after the viewing. Failure to respond within this timescale will be taken as a refusal.

### **19.7 Accepting an offer of a property and entering into a tenancy agreement**

On acceptance of a property, the applicant will be invited to attend the Housing Advice Centre so that the terms and conditions of the tenancy can be explained to them and the necessary paperwork including the tenancy agreement can be signed. Two weeks rent in advance is payable when the applicant signs the tenancy agreement.

In order to combat fraud, the applicant and partner will be required to provide a recent passport size photograph of themselves at sign-up. If this is not possible, a member of staff will take a photograph at sign-up. Should the applicant and/or partner refuse to provide a photograph the offer would be withdrawn and the applicant excluded for failure to co-operate (see section 4.3.5 Suspensions and Exclusions from the Register). This will also apply for stock used for homelessness applicants.

### **19.8 Refusing an offer of accommodation**

If the applicant refuses the property, the next eligible person will be selected. An applicant will not be penalised for refusing two reasonable offers but will be advised that refusal of a third offer will result in their application being cancelled and them no longer qualifying for the Register. Such applicants and tenants will be entitled to re-apply but will lose any waiting time on the Register.

Where an applicant is offered accommodation, either in response to a bid or as a result of a direct offer and they refuse this, they may request a review of the decision that the offer of accommodation was suitable. [Section 23.] In such cases, the property will not be held vacant pending the outcome of the review unless there are exceptional reasons for doing so.

(For homeless households in temporary accommodation see section 20.1 Number of offers.)

### **19.9 Withdrawing offers of accommodation**

The Council reserves the right to withdraw an offer

- if the applicant is no longer eligible for social housing or no longer fulfils the criteria to be on the Register
- if the applicant has housing related debts, unless an exception has been made given the applicant's circumstances
- if the offer is considered to be inappropriate for the applicant or any member of the household in the light of fresh information
- if the property is required for an alternative applicant in an emergency situation which could not have been reasonably foreseen
- if the applicant fails to or is unable to adhere to any specific requirements linked to the provisional offer
- if the applicant fails to pay rent in advance required at sign up, other than in exceptional circumstances.

## **20 Housing for older people**

Accommodation specifically for older people may be provided directly or by RPs and voluntary organisations with whom the Council has nomination rights.

### **20.1 Properties designated for older people**

Some flats are designated for older people who are capable of living independently. To be eligible the applicant must be 55 years of age or older. For some of these flats

good mobility is necessary, as many are on the first floor without a lift.

### **Senior Living Sheltered housing**

This type of accommodation is for applicants aged 60 years of age or older who can live independently and are able to manage alone, but who prefer the added security of an alarm system and the assistance of an on-call support worker. This accommodation is also suitable for applicants who are able to care for themselves with the help of a social services care package.

### **Extra Care Sheltered Housing**

Guildford has some sheltered schemes within which an extra care element is available in a designated number of units. Applicants are assessed as to their suitability for this type of accommodation. Applicants will be considered that are eligible for social care support.

## **20.2 Processing applications from older people**

Once the registration process has been completed, (see section 6.1, Registration process) arrangements will be made for a home visit to assess if the applicant is suitable for this type of accommodation. The visiting officer completes a Single Assessment Form, which sets out the applicant's ability to manage independently, any medical problems and how these may affect their day-to-day activities, current support services received, their present living conditions and any difficulties experienced in their accommodation.

The visiting officer will confirm if the applicant is suitable for sheltered or extra care housing taking into account the extra care available and any other care package or self-directed personal support the applicant might arrange. Those who appear to need a higher level of support and/or care may be referred to Social Services for residential or nursing care.

## **20.3 Transfers within Council Senior Living housing schemes**

From time-to-time tenants in sheltered housing schemes will benefit from an internal transfer within the same scheme on management grounds. In these instances, where there is a good management reason for a tenant to move within an existing scheme, there is normally no need for the tenant to complete a formal transfer application and the move will be dealt with outside of the normal allocation scheme. Such moves would only be considered where this would not disadvantage other applicants on the Register or other tenants within the same scheme. This will normally only apply to like-for-like transfers within the same scheme where there is no change in size or type of accommodation involved, for example

- moves between floors
- moves nearer to communal facilities or entrances
- moves from larger to smaller accommodation, but not usually from smaller to larger accommodation.

## **21 Supported accommodation for people with special needs**

There are a number of supported housing projects suitable for people with special support needs in the borough. These include:

- young people
- younger single parents
- people with learning disabilities
- people with mental health problems
- people with substance misuse problems
- people with other vulnerabilities.

The Council directly manages some schemes but has nomination rights to those provided by RPs. Some of the schemes provide long-term accommodation whereas others will assist residents to develop their independent living skills so they can move on to more independent housing.

### **21.1 Selection criteria and priorities for supported housing**

Vacancies are advertised on Guildford Borough council housing portal for a two-week period. Bids must be supported by the completion of a Supported Housing Referral Form from a key worker or care co-ordinator.

The Specialists & Team Lead Sheltered and Supported Housing will assess the applicant's suitability for the scheme taking into account all relevant information provided by the applicant and any other support agency involved.

All clients are assessed according to their needs and support requirements at the time of the referral, together with any potential risk they may present to themselves and others. An assessment is made in respect of their suitability for the scheme and respective priority compared to other applicants. Applicants with support needs must be independent around personal hygiene and the management of medication or have suitable support packages with which they actively engage to manage this support need. The accommodation available is unsuitable for those individuals who are not able to demonstrate this level of independence.

In appropriate cases tenancy conditions will incorporate conditions requiring that the tenant accept and engage with support services provided by the Council, RPs, through Social Services or from mental health or other support agencies.

Each application will be assessed individually. Should variations of tenancy be required, this will most often be to address mental health needs, alcohol or drug misuse, non-engagement, anti-social behaviour including bullying, abusive and or threatening behaviour towards staff, other residents or staff in supported housing schemes. Such variations will be agreed with the applicant and their key worker or care co-ordinator as part of an overall care plan involving other agencies providing support to the applicant.

Those applicants potentially matching the level of support offered at the advertised scheme will be invited for an interview. They must demonstrate the ability to live in and benefit from the specific supported housing environment. The process is collaborative and is intended to ensure that those most capable of benefitting from the support offered by each scheme are offered the opportunity. It is usual for more than one applicant to be invited to interview for only one vacancy.

Priority will be given to homeless applicants that are assessed as suitable, to whom the Council has or may have a statutory duty to secure accommodation, unless there is a suitable applicant with a higher need for supported accommodation at that time.

Where there is more than one suitable applicant for the vacancy and the applicants are assessed as having a similar level of need for housing and support, given that

there is a shortage of supported accommodation in the borough, priority will be determined on the basis of the applicant's local connection, followed by their application date. An applicant with a long and substantial local connection will normally be given priority over an applicant with a lesser local connection.

Of paramount importance are the needs and vulnerabilities of existing tenants and the likelihood of a person engaging successfully with the supported housing staff working at the scheme.

## **21.2 Transfers in Council supported housing**

From time to time tenants in supported housing schemes would benefit from an internal transfer within the same scheme or between schemes on management grounds. In these instances, where there is a good management reason for a tenant to move within an existing scheme, there is no need for the tenant to complete a formal transfer application and the move will be dealt with outside of the normal allocation scheme.

Such moves would only be considered where this would not disadvantage other applicants on the Register or other tenants within the same scheme.

## **22 Review procedure**

An applicant has the right to request a review of the following decisions:

- that they are ineligible to join the Register or that they have become ineligible
- that they do not qualify for inclusion on the Register
- to suspend or exclude an applicant from the Register
- that they are ineligible for an offer, for example due to housing related debts
- to cancel an application
- that an offer of accommodation is suitable for the household
- any other decisions relating to the Scheme, including banding and priority dates.

An officer senior to the officer making the original decision and who was not involved in making the decision will carry out the review.

A request for a review must be made within 21 days from the day on which the applicant is notified of the authority's decision and the reasons for it. The Council has discretion to extend the time limit if it considers this would be reasonable.

An applicant may request a review by way of oral hearing or written submission.

If an oral hearing has been requested an applicant will be given at least five working days' notice of the date and may be accompanied at the hearing and represented by a lawyer or other person.

An applicant may provide any additional information that they think the Council should take into account when reviewing its decision. This must be in writing and provided within 14 days from the date that the Council notify the applicant that it is carrying out a review.

The review will consider all the relevant facts as at the date of the review.

The applicant will be advised of the outcome of the review within eight weeks unless the applicant has agreed to an extension of time.

There is no right to request a further review.

Reviews of decisions made under the Housing Act 1996 Pt VII are outside the scope of this Scheme.

## **23 Discretion and delegated authority under the allocation scheme**

This Allocation Scheme has been designed to provide a comprehensive policy framework compliant with current legislation, following government guidance and case law. It also has regard to local housing need and provision. It is important that the allocation scheme remains sufficiently flexible and responsive to individual needs, changing legal requirements, case law and local circumstances.

The Scheme aims to provide guidance to officers of the Council when making decisions on housing applications. Officers must retain the ability to act appropriately and proportionately when applying the policy to ever changing situations. They are therefore permitted to exercise his or her discretion (subject to compliance with the provisions contained in legislation and with regard having been had to guidance laid down by the Secretary of State):

- to depart from the policy framework set out above where there may be situations which would operate unfairly to restrict an applicant's entitlement to housing
- in situations where the applicant can demonstrate exceptional circumstances
- to offer accommodation to housing applicants assessed as requiring care and support on the condition that they comply with an agreed care plan or such supervision requirement as he or she may deem appropriate
- to vary the Council's standard Terms and Conditions of Tenancy as necessary (other than those stipulated by statute under Section 103 of the 1985 Housing Act) on an individual basis in appropriate cases
- as otherwise set out in this document.

And in consultation with the Lead Member:

- to implement such amendments as may be required to ensure compliance with the legislation and government guidance
- to make minor amendments to the scheme to ensure that it remains responsive to individual and local housing needs.
- delegate the application of his or her discretion to appropriate Senior Officers for the efficient operation of the service.

## Low Cost Home Ownership (LCHO) Allocation Scheme

### 1 Introduction

The aim of the LCHO Allocation Scheme is to support residents who are unable to purchase a home on the open market but can sustain home ownership with some assistance. It helps to promote mixed and balanced communities by enabling local people to access affordable routes into home ownership within the borough.

The Low Cost Home Ownership (LCHO) Allocation Scheme sets out how Guildford Borough Council allocates affordable home ownership opportunities, including Discount Market Sale (DMS), First Homes, and Shared Ownership or Shared Equity properties.

LCHO opportunities will be advertised in the market by the developer, but residents can enquire direct to the council for details on any forthcoming developments.

The Council works in partnership with developers, registered providers and other delivery partners through nomination or allocation agreements to ensure that LCHO properties are offered in line with the agreed eligibility and priority criteria. Guildford Borough Council will verify applications, oversee the allocation process, and make the final decision on successful applicants.

The Council will prioritise applicants in accordance with the principles and criteria set out in this LCHO Allocation Scheme.

The LCHO Allocation Scheme operates alongside the Council's main Housing Allocation Scheme for social rented housing. While the two schemes share general eligibility criteria and administrative processes to ensure fairness, consistency, and efficiency, there are specific differences that reflect the nature of low-cost home ownership products. These are outlined in the relevant sections of this appendix.

#### Local Eligibility and Priority Criteria

To support local residents and maintain sustainable communities, Guildford Borough Council will require that all new Low Cost Home Ownership (LCHO) schemes — including Discount Market Sale (DMS), First Homes, and Shared Ownership/Shared Equity homes — incorporate local eligibility and priority criteria in addition to any national eligibility requirements.

The Council will seek to agree these criteria with developers and registered providers at the planning and legal agreement stage for each development. The details of the agreed criteria will be set out within the relevant Section 106 or nomination agreements, which will be published on the Council's website.

#### Local Connection Criteria

Priority will be given to applicants who can demonstrate a local connection to the Borough of Guildford through either residence or employment, as defined below:

#### Live Connection

The applicant currently resides in the Borough of Guildford, or has an immediate family member (defined as mother, father, brother, sister, aunt, uncle, or grandparent) who is currently resident within the borough.

Connections through friends or extended social networks are not considered valid for

this purpose.

#### Work Connection

The applicant is employed within the Borough of Guildford and can provide evidence of employment, such as a valid employment contract or a recent letter from their employer confirming their work location.

Voluntary work or community involvement alone does not qualify as a work connection.

#### *Discretion and Exceptions*

*In exceptional circumstances, Housing Services Managers (or their delegated officers) may exercise discretion to vary these criteria where it is considered appropriate and consistent with the aims of the LCHO Allocation Scheme.*

These local connection criteria are intended to ensure that affordable home ownership opportunities primarily benefit those who live and work in the Borough, supporting community stability and local housing need.

## Glossary of terms

**Affordable housing** - Affordable housing is subsidised housing provided at below market rates, and includes social rented, shared ownership, Shared equity, intermediate housing, and Affordable Rent. It is provided to specified eligible households whose housing needs are not met by the market. Affordable housing should be available at a cost low enough for qualifying households to afford determined with regard to local income and house prices.

**Applicant** – this can refer to single applicants or joint applicants and can be either a household applying to join the Register or an existing tenant applying for a transfer.

**Assignment** – legal right to pass on a tenancy to someone who would have been entitled to succeed to the tenancy if the tenant had died (see succession).

**Assured tenancy** – tenancies granted to Registered Provider tenants or other private tenants giving them the right to remain in the property unless the landlord can prove to the Court that there are grounds for possession.

**Choice Based Lettings (CBL)** - the system of allocating housing, in which properties are advertised each week and applicants can register an interest in their preferred properties (“bid”).

**Compulsory Purchase Order** – a legal power used by local authorities and other public bodies to acquire property for specific purposes.

**Common Travel Area** – the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.

**Community Mental Health Services (CMHRS)** – multi-disciplinary team providing support in the community to people with mental health issues.

**Community Services Team** – a team of Council officers, whose duties include services for older people for example management of sheltered housing.

**Demoted Tenancy** – a tenancy awarded by the courts as a result of anti-social behaviour, which reduces the rights of a secure or assured tenant.

**Disability Panel** – a panel with representatives from the Council and Occupational Therapy set up to consider the accommodation needs of disabled people and children.

**Discretionary Housing Payment** - Discretionary Housing Payments are not payments of benefit but extra payments made in addition to Housing Benefit, Universal Credit or Council Tax Benefit at the discretion of the Council, where it is felt that extra help with housing costs is needed.

**Domestic Abuse (or DA)** – any single incident or pattern of conduct where someone’s behaviour towards another is abusive, and where the people involved are aged 16 or over and are, or have been, personally connected to each other (regardless of gender or sexuality).

**Environmental Health Officer (EHO)** – an officer of the Council who has legal responsibility to deal with any aspect of housing conditions, which can affect an individual’s health.

**Estate Management** – a team of Council officers who are responsible for managing the Council’s housing stock.

Extra care sheltered housing – a group of self-contained dwellings designed for older people with sufficient care and support available to allow people to remain at home despite frailty. Within each scheme a number of flats are set aside for people requiring additional care to that normally available, in order to remain in their own home without the need to move on to residential care.

Flexible tenancy - a tenancy used by some councils and Registered Providers of social housing, that is for a fixed period of at least two years. Such tenants normally have the same rights as assured or secure tenants other than security of tenure at the end of the term.

General needs stock – the Council’s portfolio of properties used for housing.

Guildford MRI Systems - The Council’s method of allocating council and partner housing association properties. Properties are advertised each week on the Guildford Borough Council housing portal via the website and are allocated to applicants who express an interest, i.e. “bid”, in order of their priority on the housing register.

Habitual residence – indicates a degree of permanence in the person’s residence.

HM Forces – a member of one of the UK armed services, for example British Army, Royal Navy, Royal Air Force, Royal Marines.

Homeless – no legal right to occupy any accommodation or accommodation not suitable or available for occupation.

Household - may be a single person or a family unit of any size.

Housing Benefit (HB) – payment via the Council to cover the cost of housing for people in receipt of Department of Work and Pensions benefits or on low income.

Housing need - Housing need is defined as the number of households who lack their own housing or live in unsuitable housing and who cannot afford to meet their needs in the market.

The Register – the Register is a list of all individuals or households who have applied to the Council for affordable housing and who meet the criteria set out in the housing allocations scheme.

Ineligible successor – a person that has been living with a tenant who has died and applies to take on the tenancy of the property, but is not legally entitled to do so.

Injunction - a court order prohibiting a person from doing something or requiring a person to do something.

Intentionally homeless – homeless household that has lost accommodation by their own action or failure to take action – for example, failure to pay rent leading to eviction.

Introductory tenancy - A public sector residential tenancy granted for a 12 month trial period, which can be extended by six months after which the tenant may become a Secure tenant, provided the landlord has not brought possession proceedings during the trial period.

Joint Housing Register – see the Register

Leaving Care Team – a department of Children’s social services that works with and provides a social work service and support to young people, normally aged between 16 and under 25 years, who are care leavers.

Local connection – A local connection is defined by s199 Housing Act 1996. A person has a local connection because

- (v) of normal residence in the borough (either current or previous) and that residence was of his own choice,
- (vi) they are employed within the borough
- (vii) of family connections or
- (viii) of special circumstances.

Medical Advisor – a doctor contracted to the Council to assess medical information provided by housing applicants in support of their housing application.

Ministry of Housing, Communities and Local Government – the government department responsible for housing and related matters.

Mutual Exchange – where council or RP tenants agree to swap properties with another tenant, with the approval of both landlords.

Nominations – the means by which a housing applicant is referred to a partner RP for a vacancy that has arisen in their stock, which the Council is entitled to fill.

Non-Molestation Order - a court order to prevent a person's partner from using or threatening violence against them or their child, or intimidating, harassing or pestering them.

Non-secure tenancy - tenancy granted to a homeless household giving only limited rights of occupation of a property.

Notice of Seeking Possession (NOSP) – legal notice served on a secure local authority tenant that the local authority intends to seek possession of the property.

Notice to Quit – legal notice served on a secure tenant who no longer occupies the property as his only or principal home or a non-secure tenant to bring the tenancy to an end.

Overcrowding - an overcrowded dwelling is one that is below the bedroom standard.

Pathway Plan – a plan which provides a care leaver with a structure for moving from the care system to independent living, identifying life skills and future needs.

Possession Order – a court order requiring a household to move out of the property they occupy.

Reasonable Preference Categories - groups of people that the Government tells local authorities that they must give priority to when allocating accommodation.

Reciprocal arrangement – two local authorities agree to rehouse a tenant or applicant from the other authority.

Registered Provider (RP) - Providers of affordable housing (including housing associations, and the Council) registered with the government for the delivery of affordable housing. Formerly known as Registered Social Landlords (RSLs).

Relevant Tenant - A relevant tenant has a secure, flexible or assured tenancy, is resident in social housing in the borough, which the Council owns or has nomination rights to the subsequent vacancy, where it is in the Council's interest to enable them to move from their present home. This would include the efficient management or use of social housing stock, to permit major repairs or redevelopment of the land for new housing or other purposes.

Secure Tenancy – long term local authority tenancy which confers rights on the tenant.

Shared Equity - a scheme that allows the applicant to buy up to 75% of the open market value with the balance held by the provider. No rent or interest is charged on the remaining share. As with other affordable tenures, the applicant must be unable to buy an equivalent property on the local open market and have a local connection to the area.

Shared Ownership – a scheme that allows an applicant to buy part of a property and rent the remaining part from the local authority or a Registered Provider of social housing.

Sheltered Housing – a group of self-contained dwellings for older people, who can live independently and are able to manage alone, but who prefer the added security of an alarm system and a resident or visiting manager.

Social rented housing - Rented housing owned by local authorities and RP for which guideline target rents are determined through the national rent regime.

Succession – legal right to pass on a tenancy to certain family members on the death of the tenant, provided it has not been passed on before.

Suspended Possession Order (SPO) – a court order requiring a household to keep to certain conditions, otherwise they will have to move out of the property they occupy.

Supported housing – housing provided for vulnerable people who need support to live independently.

Tenure - the legal arrangement under which someone has the right to live in a house or flat, for example owner-occupation, private rental (in which rent is paid to a private landlord) or social rented (in which rent is paid to a local authority or RP).

The Register – the Register is a list of all individuals or households who have applied to the Council for affordable housing and met the criteria set out in the housing allocations scheme.

Temporary accommodation (TA) - housing used to accommodate homeless households whilst they await an offer of permanent accommodation.

Tied accommodation – accommodation which is provided as part of a person's job.

Transfer Incentive Scheme – a cash grant, which is payable to encourage tenants to release family housing.

Universal Credit - The main benefit administered by the Department for Work and Pensions (DWP), which may include a housing costs element.

Unsuitable housing - All circumstances where households are living in housing which is in some way unsuitable, whether because of its size, type, design, location, condition or cost. Households can have more than one reason for being in unsuitable housing.