

GUILDFORD BOROUGH

HOUSING ALLOCATION SCHEME
(INCLUDING THE POLICY ON TRANSFERRING
TENANTS)

From 1 August 2014

Amended 6 March 2019

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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, as amended. 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 (RPs) properties 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 drawing up this scheme the Council has consulted with all RPs with which the Council has nomination arrangements, local voluntary and statutory agencies, the Guildford Borough Tenants Action Group, tenants and housing applicants on the joint housing register.

1.1 Legal background

In framing the Housing Allocation Scheme, the Council has had regard to the following:

- Housing Act 1996 as amended
- Localism Act 2011
- Homelessness Reduction Act 2017
- Allocation of accommodation: Guidance for local housing authorities in England (DCLG 2012) as amended
- Housing Allocations – Members of the armed forces (circular 04/2009), April 2009
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (SI 1869/2012)
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2989/2012)
- Providing Social Housing for Local People: Supplementary Guidance DCLG 2013
- Right to Move. Statutory guidance on social housing allocations for local authorities in England March 2015
- Equality Act 2010
- Human Rights Act 1998
- Freedom of Information Act 2000

- Data Protection Act 2018
- Welfare Reform Act 2012
- existing case law
- Guildford Borough Council Homelessness Strategy 2018-2020
- Guildford Borough Council Tenancy Strategy 2013

References in the Housing Allocation 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 Allocation Scheme will be amended to reflect any such changes 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 all qualified 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.

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

1.3 Data protection

This Council will process applicant's 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 express consent unless the Council is required to do so legally. By signing the housing application form, an applicant gives consent for Guildford Borough Council to make relevant enquiries with regard to their housing need and their potential ability to manage a future tenancy. The declaration also gives express consent to share such information with partner RPs 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 computerised systems. Applicants can also obtain paper copies of their case file subject to any relevant charges where relevant. Where there is third party information held on file, the partner organisations will seek their permission before disclosing documents to the applicant.

2 Scope

The Scheme covers:

- the selection of housing applicants to be offered secure, flexible or introductory tenancies by the Council; and
- nominations for offers of flexible, assured or secure tenancies from RP landlords or other social housing providers.

The Housing Act 1996 states that transfers of secure or assured tenants are not allocations of housing unless the authority is satisfied that the tenant has ‘reasonable preference’¹ for an allocation (see section 7 The assessment process). Existing secure, introductory and assured tenants seeking a transfer who are not considered to have reasonable preference are outside the scope of the provisions on Allocation of Housing Accommodation in Part VI Housing Act 1996.

The Council wishes to enable tenants to move within the social sector to provide effective housing management and make the best use of social housing stock. This scheme sets out the circumstances when transfers will be considered at a tenant’s own request and provides for the Council to offer a transfer without a request by the tenant if it would be in the tenant’s or Council’s best interest to do so². For example where a tenant:

- under occupies a property
- is in financial difficulties due to benefit changes and is at risk of getting into arrears or Council Tax debt
- requests adaptations but more suitable housing is available that would better meet their needs or is less expensive to adapt
- no longer qualifies to be considered for the accommodation they occupy
- is unable to manage living in the present accommodation and more suitable housing is available.

Where the Council offers alternative accommodation to tenants that have not requested a transfer we will make the tenant up to three suitable offers, and where applicable may make offers of alternative accommodation along-side any action to seek possession of their existing tenancy. Normally in such circumstances we would seek a suspended possession order and include in the terms that we will offer suitable alternative accommodation and that refusal of such accommodation would result in the Council seeking possession.

The scheme also sets out the relative priority that will apply to transfers.

This excludes social housing tenants who do not live in the borough.³

The following are examples of lettings not covered by this Scheme:

- offers of flexible and secure tenancies of their current homes to introductory tenants of the Council
- offers of non-secure Council tenancies to homeless households in pursuance of any of the Council’s duties under Part VII of the Housing Act 1996
- transfers of tenancies made by court order under the Matrimonial Causes Act 1973 or other family legislation

¹ s.166A(3) Housing Act 1996

² Add transfer when it is in the best interest of the tenant – added 15 September 2016

³ Added for clarification on 15 September 2016

- successions to secure, flexible or introductory Council tenancies on the death of the tenant
- assignments of secure, flexible or introductory Council tenancies to a person who is qualified to succeed
- mutual exchanges of Council tenancies
- any other situations, added by the Secretary of State through the making of regulations, in which the Scheme will not apply.

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 Homechoice, the Council's 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 RPs with 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 EEA/EU workers or those covered by an EEA/EU Directive) 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 be taken into account.

For the purposes of this Scheme a child will be defined as a member of the household that is under the age of 18.

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 an 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.

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

- (i) of normal residence in the borough (either current or previous) and that residence was of his own choice,
- (ii) they are employed within the borough

- (iii) of family connections or
- (iv) of 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 Priority bands.)

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

- has lived within the borough for over three years continuously, or
- has a permanent job and has worked within the borough for more than two years and continues to do so (not necessarily in the same job), or
- has a close relative (mother, father, brother, sister or adult children) living within the borough and the relative has lived within the borough continuously for more than five years, or
- is a 'relevant tenant'.

A lesser local connection is established if an applicant:

- has lived in the borough for six months out of the last 12, or
 - has a permanent job in 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.)

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 definition of family for local connection purposes

For the purposes of this Scheme, a close relative means mother, father, adult son or daughter, brother or sister.

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.

For the purposes of this section, residence in the borough is not of a person's own choice if it is in consequence of being detained under the authority of any Act of Parliament.

Members of the Armed Forces⁴ and the Reserve Forces

⁴ As defined in Section 374 of the Armed Forces Act 2006

Members of the Armed Forces and the 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 where

- the application is made within five years of discharge
 - the application is made by a bereaved spouse or civil partner of a member of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner; or
 - a serving or former member of the Reserve Forces needs to move because of a serious injury, medical condition or disability sustained as a result of their service.
- Applicants that are originally from the borough but left when they or their spouse or civil partner, joined the armed forces will qualify to join the Register and will retain their local connection criteria throughout their period of service.

Social Housing Tenants – criteria for those who wish to be considered under “**The Right to Move**”⁵

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 district in England
- able to demonstrate “Reasonable Preference” (as defined in s166A(3)(e) of the Housing Act 1996, Part 6), because they:
 - need to move to the Guildford council area 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 borough or district. 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:

⁵ As defined in The Allocation Of Housing (Qualification Criteria For Right To Move) (England) Regulations 2015 No. 967

- 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]⁶

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 that 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.

⁶ Added 28 August 2018 in line with HRA 17

Residents of the night shelter, 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 their homelessness prevention duty, or where an organisation does so acting on the Council's behalf.⁷

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. Applicants that cannot provide evidence of any qualifying local connection will be excluded from the Register.

Temporary residence elsewhere

Qualifying applicants that move to reside outside the borough or cease employment within the borough will cease to qualify for inclusion on the Register, and will be removed.

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 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 in 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 St Catherine's Probation Hostel in Guildford 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

⁷ For example where the Council commissions a third party to deliver certain tasks or functions.

- where, applicants are fleeing domestic abuse or are other vulnerable people for whom returning to their area of origin would place them at risk, and there is normally third party evidence of the risk e.g. from the Police, Probation, Adult Social Care and Children's Services etc. Each application will be considered on a case by case basis to determine if there are grounds for an exemption to be granted⁸
- exceptions may also apply if the Council has agreed to assist another Council or housing provider through a reciprocal or partnership arrangement, such as through the Surrey Mobility Scheme, which helps those fleeing violence
- 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

The Council is of the view that applicants who own their own home or other property should not 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 where they have a right to reside, anywhere in this country and elsewhere
- have assets, equity or a legal interest in a property which may be utilised 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.

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 example⁹, 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.

We may also help elderly owner-occupiers with a local connection that need sheltered accommodation.

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

⁸ Added 28 August 2018 as legislation coming in

⁹ The examples are only indicative and it should not be assumed that discretion will be used in all such cases.

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 apply¹⁰:

- single people - an annual household gross income in excess of £40,000
- couples without children - an annual household gross income in excess of £60,000
- families (including single parents) - an annual household gross income in excess of £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 retirement¹¹.

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 2014 Strategic Housing Market Assessment (SHMA). The financial thresholds will be kept under review and may be varied at the discretion of the Director of Community Services 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 scheme¹².

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, has housing related debts and they 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

¹⁰ Income thresholds amended for single people and couples without children on 14 April 2015.

¹¹ The recent changes to pension rules mean that some people will receive a lump sum on retirement that they would have used to buy an annuity. This will be required to provide income over their retirement so will be excluded unless very substantial and they could afford to meet their own housing needs without recourse to social housing.

¹² Added 28 August 2018

expected to be made within 28 days of notification to the Housing Advice Team 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 a period of 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 Register¹³.

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 the debt, if the monies are not owed to the Council¹⁴.

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, the housing or financial 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 tenancy or any former tenancies
- housing benefit overpayment at a current or any former tenancies
- 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 within a reasonable period of time
- outstanding re-chargeable repairs associated with a current or former social housing tenancy
- Council Tax arrears¹⁵.

¹³ Sentence added 28 August 2018

¹⁴ This may include for example a letter from their landlord or bank statements showing regular repayments.

¹⁵ Added 28 August 2018

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 overpayment and the DWP are 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 housing benefit 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 the Housing Benefit regulations removing the spare room subsidy for social housing tenants.

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 at the discretion of the Director of Community Services for example:

- 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.

b) 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 behaviour¹⁶, 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:

¹⁶ Wording added 28 August 2018

- 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 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. It is accepted that 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 order¹⁷.

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.

c) Deliberately worsening circumstances

Where there is evidence that an applicant has deliberately worsened their circumstances within the last five years to gain higher priority on the Register, 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:

¹⁷ Some supported housing offers long-term accommodation and residents are on flexible secure or assured tenancies. Where tenants have the same security of tenure as other social housing tenants they will be assessed on the same basis as tenants in general needs social housing.

- 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 supply¹⁸ 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 readdress this prior to action being taken to exclude them from the Register.

d) 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 may 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 that 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-

¹⁸ Some applicants with disabilities require, for example, specialist wheelchair housing or other housing that is adapted. Not all our accommodation lends itself easily to adaptation at reasonable cost. This could apply if an applicant needing ground floor accessible accommodation will only consider a bungalow and not a ground floor flat.

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-operate¹⁹.

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 at the discretion of the Director of Community Services

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 Suspensions²⁰ 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, including Health and Social Services, the Medical Advisor or any other independent medical advisor and local providers of support services.

¹⁹ Added in line with HRA 17

²⁰ Suspended added into this section before exclusions 28 August 2018

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.

Worked example

An applicant on the Register has a priority date of 1 April 2011. If they are excluded from the Register for 12 months with effect from 1 September 2014 after the exclusion is lifted, they will have a new priority date of 1 April 2012.

Behaviour	Period of suspension/ exclusion	Conditions
Rent arrears and housing related debts	<p>No minimum period . If the applicant can evidence that they are paying back the debt regularly and have done so continuously for six 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>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 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>
Anti-social behaviour	<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 hold down 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</p>

		<p>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>
Deliberately worsening circumstances	12 months	Applicants will normally be advised of the risk of exclusion and an opportunity to address it before any action is taken.
Failure to co-operate	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.
Abusive, threatening or violent behaviour towards Council staff	<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 Register for a minimum of five years at the discretion of the Director of Community Services.</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 and the applicant, tenant or their partner has a residence order for the children, will be considered part of the household.

The applicant may be required to provide proof 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 will 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 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 carer²¹ 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 their GP, Hospital Consultant, or details of the community care assessment by their Care Manager (where SCC fund the cost of the care) 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 process²²

All new applicants requesting re-housing and tenants requesting transfers must complete an application form to join the Register. Once completed the applicant must sign the declaration at the back of the form confirming that the details they have provided are correct. Where an application is made online the applicant will be required to confirm the details 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.

Possession proceedings²² 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 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. See Appendix 3²³.
- proof of current address

²¹ A full time carer will stay overnight, seven nights per week

²² Registration process wording updated 28 August 2018

²³ Appendix 3 added for clarification 28 August 2018

- 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 forms will be returned to the new applicant or tenant for completion.

If supporting documentary evidence is not received with the application the application will be placed on hold. A letter will be sent to the applicant requiring them to provide the documentary evidence within 28 days of the date of the letter. 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 the Housing Advice Centre.

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.

The letter will also advise that information about alternative housing options which include private sector opportunities and shared ownership, can be provided by Housing Advice Services.

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 normally²⁴ be placed on 'hold' until we have issued our decision in relation to any homelessness duty we might owe to the household²⁵.

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, the Council will send the applicants placed in Bands A to D a renewal form which must be completed and

²⁴ Word normally added 28 August 2018

²⁵ Added for clarification on 15 September 2016

returned within 28 days. A failure to return the form will result in the cancellation of the application.

Applicants placed in Band E will not receive a renewal notification. Such applicants are required to notify the Council annually of their wish to renew their application. A failure to do so will result in the cancellation of the application.

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 in writing of 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 monies are owed when it will be retained for a longer period, in accordance with the data retention arrangements for the Housing Advice Service. This may be reviewed from time to time.²⁶

7 The assessment process

Qualifying applicants and tenants are assessed according to the needs of their household and 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 as amended)
- people who are owed a duty by any local housing authority under s190 (2), s193 (2) or s195 (2) of the 1996 Act as amended (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3)
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- people who need to move on medical or welfare grounds and 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).

²⁶ Revised in line with GDPR 28 August 2018

The Scheme allows additional preference to be given to those households identified as having the most urgent 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 - Additional 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 Preference (Applicants with an urgent need to move who have a long and substantial local connection. 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 preference²⁷. 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.

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

BAND A
Additional Preference Criteria
<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>
<i>Excludes applicants with savings or assets above £20,000 unless there are exceptional circumstances.</i>
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

²⁷ As defined by the Housing Act 1996 Part VI.

Order.
Exceptional Strategic Lettings (transfers). 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).
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).
Band B
High Preference Band Criteria
<i>Applicants will be owed statutory reasonable preference, which is considered to be a high priority and have a long and substantial local connection. Most cases, other than those marked *, are time limited and reviewed every six months.</i>
<i>Excludes applicants with savings or assets above £20,000.</i>
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.
*Priority overcrowding. For example, short of two or more bedrooms.
Loss of tied accommodation, through no fault of applicant. Notice to Quit served.
*Qualifying Forces personnel and bereaved spouses/civil partners where the forces member served five years, or less than five years if they are suffering from a serious injury, illness or disability which is attributable (wholly or in part) to that service, and had a local connection prior to joining.
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 etc).
Special reciprocal arrangements with other Councils/Registered Providers.
High Priority Strategic Lettings (transfers).
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.
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 in one bedroom flats with two children in upper floor flats willing to accept a like to like transfer to ground floor one bedroomed accommodation.
Band C
Normal Preference Band Criteria
<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 in the long term 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.
Looked After Children within three months of their 18 th birthday seeking housing for when they leave care, and 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"> • lack of facilities, disrepair, Category 2 hazard • sharing with household members not included within their application.
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 (Assured Shorthold Tenants).
Tied tenants seeking alternative accommodation.
Single Housing Information Panel (SHIP) cases.
Other Strategic Lettings (transfers).
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
Band D
Lower Preference Band Criteria
<i>Applicants with a lesser local connection who are in a reasonable preference category or have a low level of housing need. 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
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.
Band E
All other cases
<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"> • 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.
<ul style="list-style-type: none"> • Armed forces applicants where there is no assessed housing need.
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"> • applicants in residential care which is suitable for their needs and they have not been professionally assessed as capable of independent living.
Elderly owner – occupiers seeking to move to sheltered housing.

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 remains 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 Housing Advice and Health and Community Care Services together with Occupational Therapists invited from Adult Social Care²⁸.

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 as it is not possible to guarantee that a suitable property will become available.

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:

²⁸ SCC County Council.

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.

10 Environmental health priority

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 Housing Options Team to find suitable alternative accommodation when this is considered appropriate.

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:

- serious offenders subject to Multi-Agency Public Protection Arrangements(MAPPA)²⁹, whose timely re-housing is a public protection issue
- 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 welfare 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.

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 is awarded where an agreement exists between the Council and a voluntary or statutory body to move on applicants from Specialist Supported Housing, normally providing rehabilitation services, for example, The Move to Independence Project. The housing provider or support agency must confirm that the applicant has the necessary skills to live independently and is able to sustain a tenancy.

²⁹ Criminal Justice Act 2003, s325 imposes a duty to co-operate on housing authorities in MAPPA.

Band B is awarded in the following circumstances

- **Move on from Supported Housing**
 - **SHIP** where the Chair of the Single Housing Information Panel (SHIP), which monitors applicants living in supported housing placements, advises that a tenant is ready to move from that accommodation into independent accommodation. This includes applicants housed out of borough through special arrangements.
 - **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 sheltered housing**
 - Older tenants in one bedroomed general needs housing wish to move to sheltered housing that are assessed as suitable for such housing. Designated accommodation for older persons.
- **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, rehabilitation unit and so on, 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 or to arrange for them to receive support to develop independent living skills before being offered further accommodation.

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 support³⁰. 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

³⁰There 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.

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**

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) ³¹ 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 the age of 24 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 are exempt from the local connection qualifying criteria (see Section 4.3.1) that apply to join the register before their 18th birthday will be awarded Band C from their 17th birthday. 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. In the case of a Care Leaver who would have been eligible to be awarded Band C from the date of either their 16th or 17th birthday, discretion may be given to apply the band from the date of their birthday where they can demonstrate good reason for not applying to join the register before the age of 18 and have resided in the borough continuously up to the date of their application.³²

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 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

³¹S20 Children Act 1989. There is also statutory guidance setting out the responsibilities of housing authorities in relation to care leavers.

³² Paragraph added 28 August 2018

- 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 benefits³³.

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

These arrangements may include Care Leavers without a local connection if specifically agreed as a reciprocal arrangement with another council or under the terms of a Surrey wide agreed protocol.

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 or for other serious offenders a risk assessment will be required prior to their consideration for re-housing.

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 transfers³⁴

Management transfers

- The Rehousing and Information Manager, following consultation with the Landlord Services Manager, may exercise her discretion to award Band A where serious cases of nuisance warrant a transfer in exceptional circumstances³⁵. 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).

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).

³³ 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.

³⁴ 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.

³⁵ Wording updated 28 August 2018

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.

Social housing tenants in one bedroom flats with two children

- Where there are social housing tenants in a one bedroomed flat with two children, they may be awarded a Band B for a six month period when the oldest child is three or in the case of twins from the age of two.
- Social housing tenants in upper floor one bed flats with more than one child who are willing to accept a like for like transfer to ground floor one bedroomed accommodation will qualify for a Band B for a six month period following the birth of the second child. The Household will continue to qualify for the Register after a move without loss of priority.

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 and where occupying either property would mean that the household would be two or more bedrooms deficient. (See section 16, Bedroom size eligibility.)

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.³⁶

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

³⁶ Wording updated 28 August 2018

- 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 unsuitable³⁷ 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.

Other homeless people within the meaning of Part VII of the Housing Act 1996, but to whom the main duty is not accepted, will be placed in Band D if they have no 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 by Part X of 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 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 or couples with or without children who are on the Register would not normally qualify for Band B priority for overcrowding.

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 next six months. This will only

³⁷ Wording updated 28 August 2018

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 Forces applicant (see section 4.3.1 Local connection), or their spouse/civil partner, has a long and substantial local connection, is assessed as being in housing need and has at least five years' service in the regular armed forces either at or within five years of the date of their housing application.

Band B will also be awarded where a bereaved spouse/civil partner has a long and substantial local connection, their spouse/civil partner served in the regular Armed Forces 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 with such a local connection, 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 the Surrey Mobility Scheme.

- **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.

- **HomeSelecta**

The Council is part of a sub-regional partnership with Waverley Borough Council, Rushmoor Borough Council and Hart District Council, which has agreed to permit housing applicants on the other councils' Housing Registers or lists to bid for a small number of properties periodically³⁸. Any properties being made available through HomeSelecta are clearly advertised as such; applicants from the other councils' registers do not require a local connection with the borough but will otherwise be prioritised on the same basis as other housing applicants on our Register as set out in this Scheme.

It is not a requirement that the applicant has a local connection under these mobility arrangements.

Engagement with Services³⁹

³⁸ Word changed 28 August 2018

³⁹ Wording in section updated for clarity 28 August 2018

- 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. Many are referred to SHIP for this reason. 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 for a minimum period of six months with floating support.

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
- where a property is being offered as part of the HomeSelecta sub regional partnership scheme.

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 ^{40*}								

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

Applicants are advised to refer to the 'Council and Housing Association Property Guide' booklet for details of vacancies occurring in the preceding calendar year as an indication of supply of different property types.

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.⁴¹

⁴⁰ The maximum number of bedrooms will follow the rule for age and sex separation given for families with two children. Non-dependent children over 18, cousins, grandchildren and other relatives will be assessed using the same rules.

⁴¹ Clarification of affordability when considering a bid – added 15 September 2016

Affordable rents

There are different scales of rents in social housing. Social rents are typically about half of the market rent level but many homes are now let at an affordable rent, which is much higher. Such rents are normally 80 per cent of a market rent or at the Housing Benefit Local Housing Allowance rate applicable in the private rented sector. Although affordable rents mainly apply to newly built homes, increasingly existing social rented housing is being converted to affordable rents.

Housing Benefit and Universal Credit

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

Under Universal Credit (UC) the different elements that make up the total benefit payment are not identified separately although will include an amount towards housing costs. The UC is paid directly to claimants. Tenants on UC 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. The Local Council Tax Support Scheme 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

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
3/4 bed house or larger	2 bed flat or bungalow	£1,000
3/4 bed house or larger	1 bed flat, bedsit or bungalow including sheltered	£1,250
2 bed house	2 bed flat or bungalow	£750
2 bed house	1 bed flat, bedsit or bungalow including sheltered	£1,000
2 bed flat	1 bed flat bedsit or bungalow including sheltered	£750

The above sums are maximum amounts payable. These sums may be reviewed from time to time at the discretion of the Director of Community Services.

19 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 before⁴²)

- 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 Appendix 3⁴³.

Property inspection

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.

⁴² For the prevention and detection of fraud

⁴³ Appendix added 28 August 2018

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.

20 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.)

20.1 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.

20.2 Homeless households⁴⁴

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 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 under the Housing Act 1996 Part VI as amended.

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 under the Housing Act 1996 Part VI as amended. If this last offer is refused, the application will be cancelled. A further application may be considered after 12 months.

20.3 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

⁴⁴ Section updated to reflect the HRA 2017 28 August 2018

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.

20.4 Properties required by disabled applicants (including families with children with special needs)⁴⁵.

The Disability Panel will assess applications from households requiring adapted accommodation or a property with specific requirements. Once an occupational 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 on Guildford Homechoice, 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 property⁴⁶. 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.

20.5 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.

⁴⁵ Panel remit extended 28 August 2018

⁴⁶ Wording updated 28 August 2018

- 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.

20.6 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 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.

20.7 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).

20.8 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 through Guildford Homechoice, 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.)

20.9 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.

21 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.

21.1 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.

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.

21.2 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.

21.3 Transfers within Council sheltered 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.

The Director of Community Services or such officer as he or she delegates must approve requests for such moves.

22 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.

22.1 Selection criteria and priorities for supported housing

Vacancies are advertised on Guildford Homechoice 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 Supported Housing Manager 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.

22.2 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.

The Director of Community Services or such officer as he or she delegates must approve requests for such moves.

23 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 these reviews.

A request for a review must be made by writing to, or by visiting or telephoning the Housing Advice Centre 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 Part VII of the Housing Act 1996 (Homelessness) are outside the scope of this scheme.

24 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. The Director of Community Services is 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.

The Director of Community Services may delegate the application of his or her discretion to appropriate Senior Officers for the efficient operation of the service.

Low Cost Home Ownership Allocation Scheme

1 Introduction

Applicants wishing to be considered for Low Cost Home Ownership (LCHO) will need to register with the Help to Buy (HTB) agent for this area.

Once registered applicants can then bid for LCHO properties in this area. The owner of the property will then send details of applicants being considered to the Council. The Council will prioritise the applicants in line with the LCHO Allocation Scheme.⁴⁷

The LCHO scheme operates alongside the allocation scheme for social rented housing. The general criteria and eligibility are as set out in the main document. There are some differences between the two allocation schemes but these have been kept to a minimum to ensure there are common procedures to promote consistency, ease of understanding and efficient administration.

2 Banding scheme

Low cost home ownership applicants are placed in one of three bands according to their circumstances and housing need as set out below:

Band 1
Social housing tenants living in the borough whose purchase of a shared ownership property would release existing Council or RP rented property which the Council may relet or exercise nomination rights when vacated.
Band A (High Priority clients that are likely to take up rented accommodation).
Homeless households (to whom a duty is owed).
Homeless Prevention (to households to whom a duty would otherwise be owed).
Band 2
Households on the Register with a long and substantial local connection with the borough.
Existing shared ownership households, with a housing need, wishing to transfer to more suitable accommodation, where the remaining share is owned by the Council or a RP and the Council has nomination rights to the vacancy.
Band 3
Households on the Register with a lesser local connection with the borough.
Existing shared ownership households living in the borough wishing to transfer to alternative accommodation but where there is no housing need.
Owner occupiers living in the borough with accommodation unsuitable for their needs and with insufficient resources to meet their own needs.
Households unable to proceed swiftly with purchase of property.

⁴⁷ Section updated to reduce bureaucracy and confusion for applicants who now only need to register with the Help to Buy Agent (HTB) for the area – amended 6 March 2019

The top band prioritises those applicants who may release or have high priority for an affordable rented property.

The middle band reflects the majority of applicants who reside or are employed within the borough.

The final band will reflect those with a lesser local connection with the borough or are not able to demonstrate that they are able to proceed with a purchase promptly and without undue delay. It also includes existing shared owners that wish to move unable to afford open market purchase and owner-occupiers in financial difficulty that may afford to buy on a shared ownership basis. These households would not normally be considered for accommodation.

In exceptional circumstances, other households may be considered, including those without a local connection, if they would otherwise meet the criteria for the scheme and there are no other suitable applicants.

Properties for sale under Low Cost Home Ownership initiatives are marketed on Guildford Homechoice. Applicants are able to view the properties available and register their interest on line.

3 Variations from the main allocation scheme

The following variations to the scheme are also to be applied in considering applicants for properties through the LCHO Register. The variations should be read in conjunction with the main Allocation Scheme.

Section		Variations for Low Cost allocations
4	The Joint Housing Register	Addition Applicants under 18 may be required to provide guarantees for both any mortgage repayments and rent.
4.3.1	Local connection	Amendment Either the applicant or partner is employed in the Borough of Guildford and remains in employment in the borough continuously from the date of their application and the employment is not of a casual nature.
4.3.2	Ownership of property or assets	Amendment Existing shared ownership households living in the borough, with a housing need, that wish to transfer to more suitable or alternative accommodation will qualify, where the remaining share is owned by the Council or a RP and the Council has nomination rights to the vacancy. Owner occupiers may qualify if they face financial difficulties and low cost home ownership is a suitable housing option.
4.3.3	Income, savings and capital	Amendment Income thresholds for some, government funded shared ownership properties are set by central government and will apply where relevant. Higher savings or capital may also be permitted where the applicant could not afford to meet their housing need by open market purchase.
4.3.4 a)	Rent arrears and other	Addition

Section		Variations for Low Cost allocations
	housing debts	Arrears of mortgage or service charge.
7	The assessment process	Amendment Applicants will be placed into one of 3 bands: 1, 2 or 3.
8.4	Time limited bands	Amendment Band 1, normally time limited to 6 months.
15	Local lettings policies	Addition Some schemes, especially new build, may have funding conditions restricting occupancy. The Council will be obliged to allocate or nominate in accordance with funding conditions.
16	Bedroom size eligibility	Amendment Applicants will normally be considered for following types of accommodation only; Single People – one bedroom houses or flats, two bedroom flats. Couples or two people sharing – one or two bedroom flats or houses. Parent(s) with child – two or three bedroom houses.

Glossary of terms

Affordable housing - Affordable housing is subsidised housing provided at below market rates, and includes social rented, shared ownership, 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 eligible 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.

Assured Shorthold Tenancy (AST) - This is the most common form of tenancy in the private sector. Assured Shorthold Tenancies give the tenant the right to occupy a property for a fixed period of time, provided that they keep to the terms of their Tenancy Agreement. At the end of the fixed period, (often 12 months), the landlord or the tenant has the right to terminate the tenancy.

Care Programme Approach (CPA) – joint co-ordination and provision of support services for people with mental health issues.

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"). See also Guildford Homechoice and HomeSelecta.

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 Team (CMHT) Now Community Mental Health Recovery 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.

Department for Communities and Local Government (DCLG) - the government department in England responsible for setting policy on supporting local government, communities and neighbourhoods, regeneration, housing, planning, building and the environment, and fire.

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 or Council Tax Benefit at the discretion of the Council where it is felt that extra help with housing costs is needed.

Domestic Violence or Abuse (DV or DA) – violence, abuse or other threatening behaviour from a person with whom the victim already has an established relationship that is, partner, relative and so on.

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 flexible tenancy is a tenancy introduced by the Localism Act 2011 used by some Registered Providers of social housing that is for a fixed period of more than 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 Homechoice - The Council's method of allocating council and partner housing association properties. Properties are advertised each week on the Homechoice website and are allocated to applicants who express an interest, "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 services for example army, Royal Navy, Royal Air Force.

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

Homelessness acceptances - Applications from people applying to the Council as homeless under Part 7 of the Housing Act 1996 as amended that have been accepted. Councils have a statutory duty to make an offer of permanent accommodation to people accepted as homeless.

HomeSelecta - a choice based lettings scheme operating across Hart, Rushmoor, Guildford and Waverley. Each local authority opens up a proportion of vacancies to applicants from the neighbouring authorities in order to give applicants more choice and greater mobility.

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

Housing Advice Centre (HAC) – centre based at the Council offices providing comprehensive free housing advice.

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 met 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 flexible tenant, provided the landlord has not brought possession proceedings during the trial period. The tenancy may become a flexible tenancy at the end of the introductory tenancy period, provided a written notice was served on the Tenant before the start of the Introductory Tenancy advising them that when the Introductory Tenancy ceases, the tenancy would become a flexible tenancy for a fixed period. The notice would specify the length of the term.

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 21 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.

Long and substantial local connection – is established if an applicant:

- has lived within the borough for over three years continuously, or
- has a permanent job and has worked within the borough for more than two years and continues to do so (not necessarily in the same job), or
- has a close relative (mother, father, brother, sister or adult children) living within the borough and the relative has lived within the borough continuously for more than five years, or
- is a ‘relevant tenant’.

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

Mutual Exchange – a Council or RP tenants agrees 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) which are registered with the Homes and Communities Agency. Housing associations were 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 Ownership – a scheme that allows an applicant to buy part of a property and rent the remaining part from the local authority or a RP.

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 warden.

Single Housing Information Panel (SHIP) - Multi Agency Panel to assess and assist single homeless applicants aged between 16 and 60.

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 financial arrangements 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 such as Bed and Breakfast (B&B) or hostel accommodation that may be used in an emergency to accommodate households who are homeless 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 new benefit introduced by the Welfare Reform Act 2012 between October 2013 and December 2017 that will replace a number of benefits including:

- Income related Job Seekers Allowance
- Income related Employment Support Allowance
- Income Support (including support for mortgage interest)
- Working Tax Credits
- Child Tax Credits
- Housing Benefit

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.

Right to Rent Checklist

A Acceptable Single Documents

- A passport (current or expired) showing that the holder is a British Citizen, or a citizen of the UK and Colonies having the 'right of abode' in the UK.
- A passport or national identity card (current or expired) showing that the holder is a national of the EEA or Switzerland.
- A registration certificate or document (current or expired) certifying or indicating permanent residence issued by the Home office to a national of the EEA country or Switzerland.
- A biometric residence permit card (current or expired) issued by the Home Office to the holder indicating that the person named has 'indefinite' leave in the UK, or has 'no time limit' on their stay in the UK.
- A passport or other 'travel document' (current or expired) endorsed to show that the holder is either 'exempt from immigration control' has 'indefinite' leave in the UK, has the 'right of abode' in the UK or has 'no time limit' on their stay in the UK.
- A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the holder is either 'exempt from immigration control' has 'indefinite' leave in the UK, has the 'right of abode' in the UK, or has 'no time limit' in the UK.
- A certificate of registration or naturalisation as a British citizen.

List A (Group 2) Acceptable Documents (any 2)

- A full birth or adoption certificate issued in the UK, Channel Islands, the Isle of Man or Ireland, which includes the name(s) of at least one of the holder's Parents or adoptive parents.
- A current full or provisional photo card UK driving licence.
- A letter from HM Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming the holder's name, date of birth and that they have been released from custody of that service in the 6 months prior to the check.
- A letter from HM Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming the holder's name, date of birth and that they have been released from custody of that service in the 6 months prior to the check.
- A letter issued within the 3 months prior to the check by a UK government department or Local Authority and signed by a named official (giving their name and professional address), confirming the holder's name and that they have previously been known to the Department or local authority.
- A letter issued within the 3 months prior to the check from an officer of the National Offender Management Service in England and Wales confirming that the holder is the subject of an order requiring supervision by that officer; from an officer of a local authority in Scotland confirming that the holder is the subject of a probation order requiring supervision by that officer; or, from an officer of the Probation Board for Northern Ireland confirming that the holder is the subject of an Order requiring supervision by that officer.
- Evidence (identity card, document of confirmation issued by one of HM forces, confirmation letter issued by the Secretary of State) of the holder's previous or Current service in any of HM's UK armed forces.
- A letter from a UK police force confirming that the holder is a victim of crime and has reported a passport or Home Office biometric immigration document stolen, stating the crime reference number, issued within the 3 months prior to the check.

- A letter issued within the 3 months prior to the check signed by a representative of a public authority, voluntary organisation or charity which operates a scheme to assist individuals to secure accommodation in the private rented sector in order to prevent or resolve homelessness.
- A letter issued within the 3 months prior to the check confirming the holder's name signed by the person who employs the holder (giving their name and business address) confirming the holder's status as employee and employee reference number or their National Insurance number.
- A letter issued within the 3 months prior to the check from a UK further or higher education institution confirming the holder's acceptance on a current course of studies. This letter should include the name of the educational establishment, as well as the name and duration of the course.
- A letter issued within the 3 months prior to the check from a British passport holder who works in (or is retired from) an acceptable profession as specified in the list of acceptable professional persons at Annex A. The letter should confirm the holder's name, and confirm that the acceptable professional person has known the holder for longer than three months.
- Benefits paperwork issued by HMRC, a UK Local Authority or Job Centre Plus, on behalf of the Department for Work and Pensions or the Northern Ireland Department for Social Development, issued within the 3 months prior to the check.

List B Time Limited Documents

- Disclosure and Barring Service Certificate (criminal record check) issued within 3 months prior to the check.
- A current passport or other 'travel document' endorsed to show that the holder is allowed to stay in the UK for a time-limited period.
- A current biometric 'residence permit' card issued by the Home Office to the holder, which indicates that the named person is permitted to stay in the UK for a time-limited period.
- A current 'residence card' (including an accession residence card or a derivative residence card) issued by the Home office to a non-EEA national who is either a 'family member' of an EEA or Swiss national or has a 'derivative' right of residence.

• A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK for a time-limited period.