

Draft London Borough of Havering's Housing Allocations Scheme

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1. HAVERING COUNCIL'S POLICY FOR LETTING COUNCIL AND HOUSING ASSOCIATION ACCOMMODATION: INTRODUCTION

Havering borough is an area with a very high demand for social and affordable housing and unfortunately, a limited supply of homes to rent from the Council or housing associations¹ (also known as Registered Providers and Registered Social Landlords). The Council's policy has been designed to give real help to people in housing need. It also aims to reward those households who give something back to their communities through volunteering, working, fostering, adopting or having served in the British armed forces or by choosing to release a large council property and move to a smaller one.

Havering Council's Allocations Scheme explains how we make decisions about who to let vacant properties to. It provides a framework for letting accommodation and assigning priority between those in need.

This document explains how the Allocations Scheme works and how we can help you in other ways if the Council's or housing associations' housing is not available to you.

This Allocations Scheme meets the requirements of the Housing Act 1996, the Homelessness Act 2002 and the Localism Act 2011 and identifies groups who must be given reasonable preference for available housing.

The Allocations Scheme applies to existing tenants wishing to transfer from one tenancy to another and to new applicants, including homeless people. When we refer to 'applicant' in this document, it will refer to new applicants including homeless people and tenants wishing to transfer (unless otherwise stated).

This Allocations Scheme will be applied fairly to everyone who applies to join, or is already on, the Housing Register² (sometimes known as the housing waiting list).

It is our intention to:

- give applicants choice over the housing they are offered
- provide a lettings system which is easy to understand and is as clear and predictable as possible
- create more sustainable communities where people choose to live.

This policy will be effective from 1 April 2013. It will be reviewed in April 2014 and annually thereafter.

1.1 Equalities statement

Havering is home to a number of different communities. We are committed to delivering quality services to all by responding positively to the needs and expectations of all service users.

The Council operates an equal opportunities policy and is committed to making sure that all people are treated fairly. We are committed to eliminating discrimination on any grounds including race, gender, disability, age, sexuality, religion or belief, gender reassignment, marriage or civil partnership, pregnancy and maternity. This commitment is based on our respect for every individual.

An Equalities Analysis has been carried out on this will be kept under review.

¹ Housing Associations are also known as registered providers or registered social landlords. We will use the term housing associations in this document.

² Housing Register is sometimes known as the housing waiting list. The term Housing Register will be used in this document.

2. ELIGIBILITY AND PRIORITY

The Localism Act 2011 has given local authorities greater freedom to set their own policies about who is eligible for social housing, and thus who can join the Housing Register for social and affordable housing in their area. This means that Havering Council has more freedom over how it operates its Allocations Scheme. All local authorities must ensure that social and affordable housing is allocated in line with the relevant legislation and guidance.

Havering Council has consulted housing applicants, tenants and organisations representing and/or working with these groups, and has developed this Allocations Scheme with two entry routes. The first is referred to as Homeseeker Band with additional priority being given to those who qualify for a Community Contribution Reward. The second is the Emergency rehousing route, through which applicants in urgent need of rehousing will be supported with assisted offers, that is the Council makes a direct offer taking into account the needs of the applicant(s).

The information provided on the housing application, along with other supporting evidence we may ask for, will enable us to correctly assess your application. There are eligibility criteria for the Housing Register which will allow us to ensure that those applicants in greatest need are assisted.

2.1 Eligibility criteria

2.1.1 Eligibility for being placed on the Housing Register

To be placed on Havering Council's Housing Register you must qualify to join under **each** of the four eligibility criteria listed below.

1. Age: You must be 16 years or over to apply to join the Housing Register as a sole or joint applicant. Normally we will not offer a tenancy to a sole applicant under the age of 18 years – we may choose to agree to someone holding or guaranteeing a tenancy for someone aged under 18 years. Also, we may offer accommodation to 16 and 17 year olds owed a duty under homeless law.

2. Tenure: Owner-Occupiers: You will not be eligible if you own a home or part of a home. There are two exceptions:

- homeowners may be allowed to join the housing register in exceptional circumstances at the Council's discretion, such as where they have a serious medical condition AND they are no longer able to remain in the property AND are unable to afford suitable accommodation in the private market
- when the applicant(s) owns a property in another country which it may not be reasonable to expect the applicant to occupy.

A decision on whether a property, in this country or abroad, is suitable and available to occupy will be made by a senior officer in the Housing Needs and Service Development Team. You may ask for this decision to be reviewed if you disagree with it.

3. Residency: To join the housing register you must have lived in the Havering Borough for at least the last 2 years. If at some time you move out of the borough and decide you want to apply for a social or affordable home in the borough you will need to move back in and live here for a further 2 years before you are eligible to apply for the Housing Register (with exception of housing transfers and in exceptional circumstances).

Only in extremely exceptional circumstances when someone has an emergency need for accommodation will we consider a shorter residency period. In these cases, other professional services, for example, Adult Social Care will be consulted.

The prior residency requirement will **not** apply to:

- persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation
- bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases
- seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.

4. Housing Need: You must have a reasonable preference for housing and/or another emergency housing need covered by one of the housing need categories defined under the Homeseeker or Emergency routes below.

If your circumstances do not meet the Age, Tenure, Residency and Housing Need criteria you will not be eligible to join the Housing Register. The Council can however provide housing advice whether or not you are eligible for the Housing Register.

2.2 Homeseeker Band

So long as you meet the Age, Tenure and Residency criteria above, you will be able to apply for and be placed in the Homeseeker Band if at least one of the reasons listed below applies to you.

Reason 1: Moderate medical or welfare requirements

Your health or quality of life, or that of someone you care for, is being affected by the place you live in now. For example:

- you need to move closer to someone to provide care to that person or receive care from them and can evidence this by providing proof of relevant Carer's Allowances or a care or support plan that has been approved by Havering Council
- your health problems are making it increasingly difficult to use your property and it cannot be adapted to meet your needs.

In order to be eligible for Homeseeker Band because of welfare needs, you will need to provide evidence that:

- you are receiving social care support from the London Borough of Havering, or
- your wellbeing is being substantially affected by your current housing situation – we will confirm this by asking medical advisor and/or other professionals to consider circumstances, or
- you are a vulnerable person at risk of losing your accommodation³

³ Vulnerable Persons Joint protocol between Havering Council's Adult Social Care, Children's Service and Housing Service, Homes in Havering and the North East London Foundation Trust (Revised 2012).

Reason 2: Overcrowding

- You have a need for one or more extra bedrooms. Please refer to section 7.6 for how we work out how many bedrooms your household needs
or
- you are aged 25+ years and you are sharing with a same sex sibling in a property with three or more bedrooms. Please note: only you, rather than the whole household, can register for a move if this form of overcrowding applies to you.

NOTE: The overcrowding criterion does not apply to you if you have been accepted as homeless and Havering Council has accepted a duty to secure accommodation for you and you have been placed in a Private Sector Leased (PSL) property by Havering Council. If this applies to you and you feel you are overcrowded, please contact the PSL team.

Reason 3: Insanitary conditions

You are an owner occupier or private tenant and a hazard awareness notice has been served by Havering Council's Environmental Health Team, in relation to a Category 1 or 2 hazard at the applicant's dwelling and:

- the remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time, and the cost of the remedies are beyond your means, where you are responsible to pay for the works
or
- a suspended improvement notice or prohibition order exists but a foreseeable change in the applicant's circumstances will cause it to become active and result in a high priority situation.

Reason 4: Lacking facilities

You are living in a property that does not provide you with reasonable access to one or more of the following:

- kitchen facilities
- bathroom
- inside toilet.

This will need to be confirmed by Havering Council's Environmental Health Team.

Reason 5: Havering Council Tenant Move Scheme

You are:

- a secure tenant of Havering Council but have no housing need, or a Private Sector Lease tenant (placed in Private Sector Leased (PSL) accommodation by Havering Council) where you would be eligible to join the Housing Register based on your housing circumstances at the time you moved in the PSL accommodation
and
- you have been a tenant at the same property for at least 5 years (If you have moved under a special management transfer we will count your time at both properties)
and
- you have no rent arrears
and
- you have not breached your tenancy within the last 12 months.

If you move through this scheme, you will not be able to re-apply to join the housing register under the Tenant Transfer Scheme for another 5 years unless your housing need change during this period.

NOTE: You will have a 2 year period to bid for properties, so you should place regular bids. If after 2 years you have not secured accommodation, you can stay on the Housing Register but you will not be able to bid for accommodation for another 12 months.

Reason 6: Homeless household placed in a Private Sector Leased⁴ (PSL) property by Havering Council

- You have been accepted as homeless by Havering Council and it has accepted a full homelessness duty to secure accommodation for you, or
- you have been accepted as homeless by Havering Council but you are not in priority need and so while the Council does not owe you a full homelessness duty it has used its discretion to provide PSL accommodation.

Reason 7: Homeless

You have been deemed as homeless by Havering Council within the meaning of Part 7 of the Housing Act 1996.

Reason 8: Council tenants with a fixed-term tenancy coming to an end when the Council does not intend to grant a new tenancy of their current property but has decided to grant a tenancy of an alternative property

NOTE: your place on the Housing Register is time limited. You will be able to bid through choice-based lettings – see section 7 – for six weeks. If you are unsuccessful during this period, you will receive up to two suitable assisted offers – see section 3.5.5.

Reason 9: You wish to move to a certain locality in the borough where not doing so would cause hardship to yourself or others

You wish to move to another part of Havering to alleviate your or someone else's hardship and you live more than half a mile from a bus stop, London Underground station or rail station.

There are some circumstances when, even if you meet these eligibility criteria we could not accept an application – please refer to section 2.5.

People in Homeseeker Band may also want to apply for the Community Contribution Reward and this is set out in the following section.

2.3 Community Contribution Reward

You can apply for a Community Contribution Reward at the point of application or at any time once you are on the Housing Register. It will be your responsibility to apply for the reward and to provide proof to demonstrate that you meet the eligibility criteria. Please refer to Table 1 below.

You will be given the Community Contribution Reward and be rewarded with priority over applicants in the Homeseeker Band without this Reward if:

⁴ Private sector leased (PSL) properties are leased by the Council from a private landlord.

- you are eligible to join Havering Council's Homeseeker Band (NOTE: reason 6 – downsizing is an exception to this – see below)
and
- one or more of the reasons listed below apply to you (the sole applicant or both joint applicants). These reasons do not apply to others on the application.

A Community Contribution Reward will give you a priority over those in the Homeseeker Band without the Community Contribution Reward when you come to bid for a property. You will be rewarded with the Community Contribution Reward for 12 months. After 12 months, you will automatically reduce to Homeseeker only and will need to re-apply for Community Contribution Reward if you meet one of the reasons.

To achieve the Community Contribution Reward, you need to meet *at least one* of the six criteria below:

Reason 1: Working

The sole or one of the joint applicants is currently working for at least 16 hours per week and has been doing so for the last 12 months. You will need to have been working 12 months ago and have had no more than a 3 month break in employment during the last 12 months or no longer than a 6 month break if you have been pregnant. More details are set out in Table 1 below.

Reason 2: Volunteering

The sole or one of the joint applicants is currently volunteering within Havering for a minimum of 10 hours a month for a not-for-profit organisation or group/organisation recognised by Havering Council and has been doing so for the last 12 months.

If the sole or one of the joint applicants is aged 70 years or above the time requirement is 5 hours a month rather than ten.

Reason 3: Ex-Services personnel

Those who have recently left, or are close to leaving the Armed Forces.

Reason 4: Disabled Households

A sole applicant has a disability or is very infirm and this prevents them being able to work at least 16 hours a week or volunteer for at least 10 hours a month or at least 5 hours a month if they are aged 70 years or above, we will automatically give the Community Contribution Reward.

In the case of joint applicants, both applicants will need to be disabled or very infirm such that both are prevented from working or volunteering for hours listed above to automatically receive the Community Contribution Reward.

In these situations we will consider the level and type of benefits they receive when assessing whether or not to give you a Community Contribution Reward. Please refer to Table 1 for more information.

Reason 5: Fostering or Adopting

You are a sole applicant or joint applicant and you are seeking approval to foster or adopt and your current accommodation is preventing this. Your application is supported by Havering Council's Children Service and/or Havering Council's Young Adult Service and these services confirm that you need another home in order to foster or adopt a child or more children.

Reason 6: Downsizing

- You are a secure Havering Council tenant who wishes to move to a property with fewer bedrooms. NOTE: this does not apply to Private Sector Leased (PSL) tenants.
or
- you are a housing association tenant living in Havering who wishes to move to a property with fewer bedrooms
or
- you are a housing association tenant not living in Havering who wishes to move to a property with fewer bedrooms and Havering Council can nominate someone to your current property if you move.

More details on the Community Contribution Reward, including the evidence we need to receive from you is contained in Table 1 below.

Table 1 – Community Contribution Reward

Community Contribution	Definition	Verification – evidence you will need to provide as part of your application for Community Contribution Reward
<p>Working applicants</p>	<p>The sole or one of the joint applicants:</p> <ul style="list-style-type: none"> • works at least 16 hours per week and • has a permanent contract, temporary contract, or is self-employed • has been doing so during the last 12 months. A 3 month break does not count if you lose your job through no fault of your own. <p>Breaks in employment We recognise that in the current economic climate, people can lose their job from time-to-time, for example, the shop you work at closes down and you are made redundant. If this happens, will allow a 3 month period during which to secure employment (see explanation below).</p> <p>Pregnancy and maternity We will allow a 6 month break in employment during the 12 month period.</p> <p>Explanation of breaks in employment While we will allow a break in employment, it is important that you collect the evidence we need (refer to the right hand column) otherwise we cannot process your application. It is important that at the beginning and end of the 12 month period that you are either working or meet another one of the criteria, for example, volunteering. Example – should your application for Community Contribution Reward come up for renewal after 12 months and you lost your job in the after 11 months, we will assess that you have already had a one month break and so give you another two months to find another job or start volunteering (refer to the volunteering criterion). If you start working or volunteering again within these two months beyond the date of the Community Contribution Reward renewal, we will renew the Reward, otherwise, we will remove the Reward.</p>	<p>Original payslips, P60, bank statements or a verifying letter on headed paper, or can prove that you are registered at Company House in order to qualify. If you are self-employed, we will need to see your last set of accounts.</p> <p>In the case of pregnancy and maternity, we will need written evidence of statutory maternity pay. Please ensure that you also keep evidence that the employment break, of up to a maximum of six months, was pregnancy-related. NOTE: we will not count you taking maternity leave from your job, of up to six months, as a break in employment.</p> <p>If you have any queries or in any doubt, please contact the Housing Needs and Service Development Team.</p>

Community Contribution	Definition	Verification – evidence you will need to provide as part of your application for Community Contribution Reward
Volunteering	<p>The sole applicant or one of the joint applicants volunteers:</p> <ul style="list-style-type: none"> • for a minimum of 10 hours a month – different hours apply for those aged 70+ years – see below • for a not for profit organisation or group, including a charity, or community or faith group) recognised by Havering Council or registered as a charity or with Havering Volunteer Centre (Havco). Volunteering recognised by the Council includes volunteering for the emergency services (for example, being a Special Constable) or British Reserve Forces and on-the-job training schemes for people with disabilities (for example, with the Camden Society) • for a continuous period of at least 12 months up to the point of application, with breaks allowed – see below • within the London Borough of Havering. <p>Breaks in volunteering We will allow a 3 month break in volunteering during the 12 month period.</p> <p>Pregnancy and maternity We will allow a 6 month break in volunteering during the 12 month period.</p> <p>People aged 70 years and above The rules above apply except that the sole applicant or one of the joint applicants need only volunteer for a minimum of 5 hours a month rather than ten.</p>	<p>An original letter on the organisation’s headed paper from the manager responsible for volunteers confirming the applicant’s involvement in the minimum hours per month of voluntary work for the past 12 months. This person must not be related to the applicant in any way.</p>
Ex-services personnel	<p>Those who have recently left, or are close to leaving the Armed Forces.</p>	<p>Original Certificate of Cessation of Entitlement to Occupy Service Living Accommodation will need to be provided.</p>

Community Contribution	Definition	Verification – evidence you will need to provide as part of your application for Community Contribution Reward
Fostering or Adopting	Applicants living in Havering Borough who would like to foster or adopt a child (and or more children) but are unable to as they currently live in an inappropriate property. The property must be considered inappropriate either due to the property size or the tenure type. The applicant must have the support of Havering Council's Children and Young Adult Service and they must confirm that your current home is barring you from adopting or fostering a child (and or more children).	A letter from Havering Council's Children and Young Adult Service stating that the applicant(s) will be accepted as a foster carer(s) or adoptive parent(s) and will only be able to adopt or foster a child (and or children) if they move to another property, for example a ground floor flat.
People with disabilities in receipt of adult social care and Disability Living Allowance (DLA), Attendance allowance or Carers Allowance, or equivalent benefit	Whilst many people with disabilities work or volunteer, there may be circumstances in which frailty or a disability prevents this or means that the full eligibility criteria set out above can not be met. An applicant or in the case of joint applicants, both applicants, will need to be claiming the high rate of Disability Living Allowance (or equivalent) in order to be eligible. If the joint applicant does not have a disability, then that applicant would need to act as a full time carer for the lead applicant in order to be eligible. Another situation that will be eligible is when one of the joint applicants is unable to work or volunteer and their partner cares for an ill or disabled child or relative (and they receive Carer's Allowance or equivalent).	Automatic granting of the Community Contribution Reward to disabled applicants/carers will be based on advice from Adult Social Care services, relevant medical practitioners and the level of Disability Living Allowance, Carers Allowance or Attendance Allowance (or equivalent) received.

Community Contribution	Definition	Verification – evidence you will need to provide as part of your application for Community Contribution Reward
<p>Downsizing</p>	<ul style="list-style-type: none"> • You are a secure Havering Council tenant who wishes to move to a property with fewer bedrooms. NOTE: this does not apply to Private Sector Leased (PSL) tenants. <i>or</i> • you are a housing association tenant living in Havering who wishes to move to a property with fewer bedrooms <i>or</i> • you are a housing association tenant not living in Havering who wishes to move to a property with fewer bedrooms and Havering Council can nominate someone to your current property if you move. <p>If you want to downsize you must move to a property with fewer bedrooms. If your property has a garden and you want to have one at your next property when you downsize, please make this clear in your Community Contribution Reward application.</p>	<p>A reference from the landlord (either the Council or a housing association) confirming that the applicant is living in a property that is too large for their needs.</p> <p>If you are a housing association tenant not living in Havering, we must have the association's agreement that we can nominate to your property if you move.</p>

2.4 Emergency rehousing

You will be eligible for Emergency rehousing if:

- you are eligible to join the London Borough of Havering Council's Housing Register and
- one or more of the seven reasons listed below apply to you.

The Council will only place you in the Emergency Band if we believe your circumstances are so serious that you must be moved.

NOTE: You do not need to be in the Homeseeker Band or have achieved a Community Contribution Reward already to be placed in the Emergency Band. This is because your circumstances are so urgent that we want to find you accommodation as soon as possible.

Reason 1: Statutory Overcrowding

You are statutorily overcrowded according to the relevant legislation. More details are available in section 7.

Reason 2: Substantial medical or welfare needs

Your medical or welfare conditions are being made worse by your housing and therefore you have a need to move. One or more of the following conditions must apply to you:

- you or someone included in your application for housing is in hospital or residential care and cannot return home due to the unsuitability of the property and the Council's Occupational Therapy team have confirmed that the property cannot be adapted to your needs
- you are a home owner and you or someone included in your application for housing has a disability or serious medical needs and (a) your home is unsuitable for this person's needs and (b) the Council's Occupational Therapy Team has confirmed that it cannot be adapted to meet these needs, and (c) you cannot afford to buy a suitable property in Havering
- you are a victim of domestic violence and the Council is satisfied there is a need for a move and that this is supported by a senior Police Officer (Inspector rank or higher)
- you are a Havering Council tenant and you need to move in an emergency situation as agreed by both a Housing Officer and senior Police Officer (Inspector rank or higher)
- staying in your current accommodation poses an immediate risk to life
- there are other circumstances or a combination of circumstances considered exceptional and your need to move is supported by health professionals, the Council's Housing and Social Services and/or a senior Police Officer (Inspector rank or higher) or MARAC⁵
- The following Armed Forces personnel who have urgent housing needs:
 - former members of the Armed Forces
 - serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
 - bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
 - serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

⁵ Multi-Agency Risk Assessment Conference (MARAC)

Reason 3: Decants

You are a Havering Council tenant required to move because the property is due to be (a) sold, and/or (b) demolished, or (c) have extensive works completed or (d) refurbishment or conversion work which mean you need to move out either permanently or temporarily whilst the works are completed.

Reason 4: Leaving Care

You have been accommodated by Havering Council's Children and Young Adults Services and are now ready to move into independent or supported accommodation, as confirmed by Havering Council's Children and Young Adults Services.

Reason 5: Move on from specialist accommodation

You are moving on from specialist accommodation provided by a Havering Council's Social Services Team, North East London Foundation Trust (NELFT) or another registered supported housing provider in line with an agreement with Havering Council's Housing Service.

Reason 6: Discharge by Havering Council of the full homelessness duty (under section 193 of the Housing Act 1996, as amended)

At the Council's discretion, we may discharge our full homelessness duty by an offer of council or housing association accommodation, although this is not our standard practice. The Council may consider this approach to discharging its duty where:

- you have been accepted as homeless and Havering Council has accepted a duty to secure accommodation for you
and
- you are living in a private sector leased (PSL) property or other temporary accommodation and were placed there by Havering Council or with the Council's consent
and
- Havering Council needs you to vacate your PSL property or other temporary accommodation and we have decided not to provide an alternative PSL property or temporary accommodation, or you are due to begin full time education in less than 12 weeks and are not eligible to claim full Local Housing Allowance.

Note: Under the relevant legislation, the Council is not obligated to discharge the full homelessness duty by means of an offer of council or housing association accommodation and this Scheme should not be read as implying this is the standard or expected means of discharging the duty.

Reason 7: Move on from tied accommodation provided by Havering Council

You are a Havering Council employee who has been living in tied accommodation provided to you as part of your work but need to move out due to retirement or redundancy or the Council is changing the terms of your employment or because the property is due to be (a) sold, and/or (b) demolished, or (c) have extensive works completed or (d) refurbishment or conversion work which means you need to move out either permanently or temporarily whilst the works are completed.

Reason 8: Council tenants with a fixed-term tenancy coming to an end when the Council does not intend to grant a new tenancy of their current property but has decided to grant a tenancy of an alternative property

You have been unsuccessful in bidding for properties within 6 weeks of notice.

2.5 Circumstances that mean you cannot join the Housing Register

If your circumstances come under any of the following categories, then you will not be able to join the Housing Register, unless there are exceptional circumstances, that is, you are deemed to have an emergency need for rehousing. Exceptions will be taken into account on a case by case basis.

Accommodated in Havering by another Local Authority: You will not be accepted on to the Housing Register if you have been placed or been accommodated in the borough by another local authority which has an enduring duty to assist you with housing.

This includes people living in:

- temporary accommodation or
- Private Sector Leased (PSL) accommodation.

Financial Assessment: You will not be able to join the Housing Register if you have sufficient income, savings and/or other assets to be able to afford private rented housing in the borough. We will ask you about your income and savings and other assets, such as a second property, when you apply to join the Housing Register to assess whether you can afford to privately rent in the borough. We assume that if you can afford to buy you can afford to rent a property, which is why we use private rental as the threshold.

Because of the severe shortage of social and affordable rented properties in the borough, if you have sufficient money to afford to rent privately in the borough, you will not be accepted on to the housing register. The incomes needed to afford private properties with average rents in the borough are provided in Appendix 1 and this will be reviewed annually on 1 April every year.

You should bear in mind that if you choose not to complete the savings and income questions on the application form, we will assume that you have sufficient resources and will assess your application accordingly.

3. MAKING AN APPLICATION TO JOIN HAVERING COUNCIL'S HOUSING REGISTER

3.1 How do I join the housing register?

To join the housing register you must first meet our Eligibility Criteria.

Everyone who is eligible to join the Housing Register has to complete an online application, available on Havering Council's website at www.havering.gov.uk under "Apply" (top right side of the website), then select "Housing application form". If for any reason you are unable to access the online form and do not have anyone who could assist you, please contact our Housing Needs and Service Development Team via lettings@havering.gov.uk or call 01708 434130 and they will be able to make alternative arrangements.

Every application will be assessed in accordance with this Housing Allocations Scheme.

3.2 Who can be on my application?

In line with current case law⁶, such as *R (Ariemuguvbe) v Islington LBC (2009)*, it is at the Council's discretion to decide who should be part of your household for the purposes of your housing application. If, for any reason, any person you include in your application is not considered to form part of your household, you will be notified of the reasons for this and you will have the right to appeal this decision (see section 10.1 for the appeals process).

This best fit will be decided by comparing the size of the property and the number of people in your household – see section 7.6 for how we decide the number of bedrooms you need.

If you share custody of a child or children with someone else, we will make a decision on who is the main care provider by looking at a number of factors including, who is paid child benefit or tax credits and who the children stay with for the most nights each week.

3.2.1 People subject to Immigration Control or who fail the Habitual Residence Test

We cannot accept on to the Housing Register:

- people subject to immigration control within the meaning of the Immigration and Asylum Act 1996, unless of a class prescribed by the Secretary of State
- certain people from abroad who fail the habitual residence test or are in breach of the Rights of Residence directive, or
- other classes of persons prohibited by legislation.

3.2.2 Joint tenants who want to be rehoused separately

If you are a joint tenant of the Council or a housing association we will usually only consider you for re-housing with all other joint tenants. This is unless there are special reasons why you cannot be re-housed together such as your safety is threatened. If you do not wish to be re-housed with your joint tenant(s) then you should seek independent advice on your rights and obligations. If we agree that you can register for re-housing without your joint tenant(s) then we will normally need a written guarantee from you that:

- you will remain a joint tenant until you accept an offer of re-housing, and
- when you accept and sign for a new tenancy, you will sign a tenant's notice to quit in respect of your existing tenancy.

⁶ Current case law (June 2012)

3.2.3 Families living separately that want to move into a home and live as one family

If you are a couple, whether with or without children, that currently lives separately but intend to move into one property and live as a family, then you will need to make one application. When completing your application, you need to include the name of everyone who wants to move into the new home and those who currently live with you. If you have any queries, please contact the Housing Needs and Service Development Team on 01708 434130.

3.3 Important things to remember when completing an application

3.3.1 Obligation to be truthful

It is an offence to withhold information that we reasonably need to assess your application, or to provide false information that leads to your gaining a tenancy. We will take appropriate action against anyone who gains a tenancy through knowingly providing false information. This may mean you lose your home.

We will check if you, or anyone in your household, are already registered on the Housing Register. You can only be on one application at any one time.

3.3.2 What happens if I owe rent?

It is very important that you pay your rent. If you do not then your home may be at risk. If you are having difficulties then you should speak to your housing officer as soon as possible and we will give you advice and support.

It may be the case that you owe housing-related debts to the London Borough of Havering at the time you apply to join the Housing Register. This will not stop you joining the Register. Alternatively, you may have no housing-related debts to the London Borough of Havering when you first join the Register.

Either way, if at the time we would like to offer you a property you have housing-related debts totalling in excess of the limit set out in Appendix 2 this could mean that we will not be able to make you that offer – see section 2.5.

3.3.3 Verification and evidence required

We will verify your situation at any point up to and including making an offer. This means that if you are on the Housing Register for some time we could make more than one check.

At the point of verification we will ask **all** applicants to provide independent documentary proof of the following:

- their identity
- their relationship to and between all those named on the application
- their immigration status
- the property they currently live in
- that they have met the residency criteria.

For every person on the application whatever their age, we must normally see at least one of the following forms of proof of identity:

- full birth certificate
- marriage certificate
- full driving licence

- National Insurance card
- passport
- confirmation of receipt of benefit.

In addition, for each household we will need at least one of the following forms of proof of address:

- utility bills
- credit card statements
- current tenancy agreement.

If it is found that false information was given at the time of application, then we will do one of two things:

- cancel your application and remove your application from the Housing Register if you are not eligible,
or
- cancel our offer of accommodation and require the correct application to be made. This could mean your effective date back to when your circumstances changed.

See section 3.3.1 for more details.

If you are applying for the Community Contribution Reward, we will also need you to provide evidence to verify details in your application (see Table 1).

3.4 I've submitted my application, what happens next?

3.4.1 What happens when we receive the completed online application

When we receive your application the online application system will inform you of one of the following:

- tell you are not eligible but that housing advice can be provided
- confirm when you have successfully completed the online application form but we require some additional information
- confirm when you have successfully completed the online application form and inform that you are in Homeseeker Band and which type of property you are eligible for and the number of bedrooms.

The outcome will be based on the information provided in your application. Please remember, your details can be verified at any time and this could result in a change to the original assessment.

If we need to visit you to talk about your registration we will contact you to arrange a home visit. After the visit, we will assess your application and write to you about the outcome.

If we later find out new information which affects your initial assessment, bedroom eligibility or eligibility to be included on the Register, we will re-assess your case and if you are found to be ineligible for the Housing Register your application will be cancelled and you will not be able to re-apply until you meet the Eligibility Criteria.

3.4.2 What is the 'effective date'

Your 'effective date' is the date we will use when ranking your priority for housing. This will be used to compare your bid through Havering Council's Choice Homes choice-based lettings scheme against other bids.

The 'effective date' is the date that you joined the Housing Register's Homeseeker Band or you were approved for Emergency rehousing if not already on the Register. If your application is re-assessed and you achieve the Community Contribution Reward you will be given a new effective date to reflect the date you were given the Community Contribution Reward. This date will continue if you successfully reapply for a Community Contribution Reward. However, should your application be re-assessed and you are eligible for Homeseeker only, the date will revert back to your original application date (the date we received your housing register application).

3.5 What happens if my circumstances change?

3.5.1 What should I do if my housing circumstances change while I'm on the Housing Register?

If there is a change in your circumstances that you think could affect your eligibility and/or priority for re-housing, you should act immediately and contact the Housing Needs and Service Development Team via e-mail lettings@havering.gov.uk

You need to tell us of any change in your circumstances. We will reassess your eligibility and/or priority based on your new circumstances. A change in circumstance could be the type of property you are eligible and/or your 'effective date'.

3.5.2 What if I think I have become eligible for a Community Contribution Reward

You could be eligible for a Community Contribution Reward when one of more of the relevant criteria in section 2.3 applies. More information can also be found in Table 1.

You can apply for a Community Contribution Reward at any time you believe you have become eligible. Please use the online application at www.havering.gov.uk

3.5.3 Circumstances that could mean you are removed you from the Housing Register

You could be removed from the Housing Register if:

- you, or a member of your household, have behaved in an unacceptable way – see section 2.5 for a definition of this
- you told us you no longer wish to be on the Housing Register
- you have been re-housed by the London Borough of Havering, another authority or a housing association
- you have moved and not told us your new address and we cannot contact you
- we have written to you or visited you and have not been able to contact you
- you have given false or misleading information on your housing application
- you have not given us information we asked for to verify your application and you have repeatedly not given this information to us
- your circumstances have changed and so you are no longer eligible to be on the Housing Register.

If we plan to remove someone from the Housing Register but the Council's Housing Service or other colleagues believe the applicant is a vulnerable adult, information may be shared with the Council's Adult Social Care service to see whether additional support can be provided and whether removal from the Register is appropriate.

3.5.4 Keeping you on the Housing Register but removing your ability to bid

We can decide to keep you on the Housing Register but remove your ability to bid when:

- we are assisting you through the Emergency Band and there are other circumstances or a combination of circumstances considered exceptional and your need to move is supported by health professionals, the Council's Housing and Social Services and/or a senior Police Officer (Inspector rank or higher) or MARAC⁷ - your ability to bid will be removed until we've made you an assisted offer
- you require housing with support and are refusing a support package to help you to sustain your tenancy – your ability will be removed for six months or until we've made you an assisted offer
- we are ready to make you an offer but you owe the Council housing-related debts above the prescribed levels – see section 2.5 – you will not be able to bid until you have cleared your debts to below the prescribed level
- you refuse two reasonable offers – you will not be able to bid for six months.

3.5.5 Review of a decision to remove your place from the Housing Register or remove your ability to bid

If we believe your application should be removed or we remove your ability to bid, we will tell you in writing with our reasons for this decision. You will have the right to request a review of this decision within 21 calendar days of being told the decision. If you ask us for a review, a more senior officer who did not make the original decision will carry out a review. This will be the Council's final decision.

A fresh application will not be considered positively unless you can show a change of circumstances.

If our decision is not upheld, you will be registered.

Note for Havering Council tenants with a fixed-term tenancy

If we do not intend to give you a new tenancy for your existing property, we will give you 6 weeks to bid for other properties. If unsuccessful, we will assist you through the Emergency rehousing route and give you up to two suitable offers. Should you decline both offers, we will remove your ability to bid. The Council can continue to seek possession of the property and the Housing Advice Team will provide advice and support in partnership with other relevant agencies to find alternative accommodation in accordance with our Tenancy Policy. Please refer to Appendix 4.

3.5.6 Keeping you informed through regular updates

We will make every effort to regularly provide information on:

- the Allocations scheme itself and any amendments to it
- how long applicants with different priorities are likely to have to wait for different sizes and types of properties.

We will publicise this information:

- on the Council's website at www.havering.gov.uk
- on the Choice Homes website and in the weekly magazine
- through other leaflets and posters produced from time-to-time by the Housing Needs and Service Development Team.

3.5.7 Getting answers to general queries or questions

You have the right to ask us about any decisions we have taken about the facts of your case which have or will have an impact on whether or not to offer you accommodation. Please contact

⁷ Multi-Agency Risk Assessment Conferences (MARAC)

the Housing Needs and Service Development Team, Housing and Public Protection, 5th floor Mercury House, Mercury Gardens, Romford, RM1 3SL, or e-mail lettings@havering.gov.uk for more information.

3.6 Use of the information you give us

When we receive your application to join the Housing Register, your details will be registered on Havering Council's computerised system.

We have a duty to protect public funds. The information you give on your form will be stored on a computer and may be shared with other public agencies, such as the Department for Work and Pensions, other council departments, such as Housing Benefits and Council Tax and housing associations or other housing authorities. This is only to detect and prevent fraud and other criminal activities. We will also share the information you give us with housing associations and other housing authorities for the purposes of housing nominations. By completing your application you will be agreeing to this data sharing approach.

4. HELPING YOU WHEN YOU NEED TO MOVE BECAUSE OF A MEDICAL OR WELFARE NEED

4.1 Moving because of a welfare need

We will work with our colleagues to consider whether particular applicants have a welfare need. Welfare need is explained in section 2.2.

4.2 Moving because of your medical needs

There are times when people need to move because of their health. Our Allocations Scheme recognises this. Details can be found in section 2 (Homeseeker and Emergency) and our application includes an online medical form on which to tell us your circumstances.

4.3 Who makes the assessment of medical needs?

Housing Officers are trained to deal with routine medical assessments and for those cases involving serious medical needs we engage the services of medical advisors to assist us. Our medical advisors are independent health professionals. We seek their advice on particular cases so that we can determine the most appropriate assessment for your particular circumstances. We may also need to take advice from other professional services, including Social Services. Unfortunately, we cannot rely solely on letters from your GP.

Please note that the assessment is made on the basis of documents supplied only and does not involve a physical examination.

The medical reason for joining the Homeseeker Band can apply to you or anyone else on your housing application (see section 2.2). The medical assessment looks at how the health problem impacts on your housing needs. This includes how it affects your household on a daily basis and then how your household's current housing affects your health or quality of life. It does not assess how ill you, or the other person(s) or your housing application is.

Everyone's health conditions and circumstances are unique so it is not possible to list all the circumstances under which we will make a decision to give priority on health grounds to an application. The medical advisors have discretion to make recommendations about any application.

Given the severity of your circumstances, in consultation with our medical advisor and other professionals, we will determine whether or not you require Emergency rehousing or placement in the Homeseeker band.

4.4 Eligibility for a garden on medical or welfare grounds

While ordinarily only households with children under 16 years of age are prioritised for a property with a garden, in consultation with a medical advisor we could prioritise a household without children for a garden given their medical requirements.

A garden may be recommended for an adult in the following circumstances:

- if they have a severe cognitive impairment that means they do not sense danger, or are at risk of wandering and so need constant supervision, or
- if they have a sensory impairment and/or a guide dog and they live alone or only with others with disabilities.

4.5 Eligibility for extra space on medical or welfare grounds

The medical advisors may recommend that you need extra space on health or welfare grounds if:

- you, or someone in your household, has either a permanent and substantial disability, or a severe long-term limiting illness, or the severest form of learning disabilities, or the severest forms of behaviour problems and it is unreasonable for you to share a bedroom as it would seriously affect the sleep of those you would normally share with, to the severe detriment of their or your health
- you have a permanent and substantial disability, long term limiting illness or severe learning disability or you are having health treatment at home that needs large machinery or a stock of health supplies to be stored, for example you are having renal dialysis at home
- you need a full time live-in carer to provide support night and day.

4.6 Eligibility for ground floor and lower floor levels in blocks with a lift on medical or welfare

The medical advisors may recommend that you need ground floor accommodation if you have a permanent and substantial disability or severe long-term limiting illness that means that your mobility or exercise tolerance is so severely restricted you cannot safely manage any stairs. The medical advisors may recommend that you need lower floor levels in blocks with lifts if your mobility or exercise tolerance is highly restricted but you can safely manage a limited number of stairs.

4.7 Supporting people with mental health problems

If you require support with taking up and maintaining a tenancy because you have or have had mental health problems, the Housing Service will work closely with Adult Social Care and the North East London Foundation Trust (NELFT) and will use to the special protocol agreed between these agencies.

These working arrangements will include, where necessary, seeking the advice of Adult Social Care and/or the Community Mental Health Team, on what level of priority your mental health problems should give you.

Working with these agencies will also make sure that you have the necessary support to successfully take up a tenancy, whether in supported housing or if you are going to live independently in a property.

5. HELPING WHEN YOU NEED TO MOVE BECAUSE OF EMERGENCY CIRCUMSTANCES

The section above has discussed how we can help if you need to move for medical or welfare reasons. The section covers other emergencies. These are so individual they cannot easily be defined. It is not possible to list all the emergency circumstances under which a move may be agreed. If we agree that you have an emergency need to move – see below for how we decide this – we will provide you with an assisted offer. An assisted offer is when we give you an offer which means that you do not have to bid.

An assisted offer will ensure you move as quickly as possible if you need to move in an emergency situation. A Housing Needs Assessment Officer will work closely with you to determine your needs in terms of location and property type. You will then be offered a property that is suitable and meets your needs. Where possible, your preferences will be taken into consideration but the Council's priority will always be to move you from your emergency situation as quickly as possible.

The demand for housing stock in Havering is such that even if you have a high priority for re-housing, you will have to be flexible about where you move to and the type of property you would be willing to live in. As we are moving you for an urgent reason, we cannot guarantee that we can move you to a similar property, for example to remove you from a position of risk you may be moved from a house to a flat or from a property with a garden to a flat with no garden. When moving you for an urgent reason, we may move you to a property with the same number of bedrooms even if you are overcrowded (but not statutorily overcrowded) or to a smaller property if you are under-occupying. It may not be possible to offer you the type of property that you would like, in the area that you would like. So, re-housing should be considered by everyone involved as a last resort when **all** other options have been explored but have proven unsuccessful. If you are a council or housing association tenant then we will first try to find you a mutual exchange partner.

5.1 I think I have an emergency need to move, what should I do?

If you are a Havering Council tenant you should contact your Tenancy and Neighbourhood Services Manager on 01708 434000 as soon as possible if you think there are special reasons why you need to move.

If you are a housing association tenant, you should contact your landlord.

It is very important that you co-operate with the investigation, whoever is carrying it out. If you do not, all the relevant information may not be available for us to use when making a decision about your re-housing priority.

You may ask someone else to make a request on your behalf. This may be a solicitor, a social worker, or other advocate. If a third party makes a request, it will usually be referred to the Tenancy and Neighbourhood Services Manager to investigate.

We will assess your circumstances to see whether you need to be considered for re-housing before other applicants on the Housing Register. We will consider the reasons why you feel you cannot continue to live there. We will also consider whether it is reasonable for you to live there, the support you have there and if there are actions that can reasonably be taken to help you to continue to live there. Remember, re-housing is the last resort when **all** other options have been explored but have proven unsuccessful.

6. HELPING YOU WHEN YOU NEED TO MOVE BECAUSE OF OVERCROWDING OR UNSATISFACTORY HOUSING CONDITIONS

If you apply to join the Housing Register because you think you are overcrowded or living in unsatisfactory housing, we will assess your current housing circumstances and this assessment will contribute to which band you are placed in.

Please note that if you advise in your application or any amendment to your application that your property is overcrowded and it is found that it has been intentionally made overcrowded, then the applicant(s) will not be allowed to bid for one year.

6.1 Statutory overcrowding

If an inspection by Havering Council's Environmental Health Team has determined that you are statutorily overcrowded under Part 10 Housing Act 1985 or there is a Category 1 hazard under Crowding and Space category (HHSRS) at the dwelling you will be placed in the Emergency Band.

6.2 Overcrowding: the level applicable to the Homeseeker Band

We will consider that you are lacking bedrooms if:

- your household or all the people you are currently living with have fewer bedrooms than we think you need – see section 7.6

or

- you are aged 25+ years and you are sharing with a same sex sibling in a property with three or more bedrooms. Please note: only you, rather than the whole household, can register for a move if this form of overcrowding applies to you.

6.3 Insanitary housing

We will give you priority for an assisted move if the Council's Environmental Health Team has determined that you are living in insanitary housing, there is an urgent need for you to move and this cannot be put right by yourself or your landlord through advice and/or investment by yourself or your landlord.

7. CHOICE HOMES AND OFFERING YOU A HOME

7.1 Havering Council's Choice Homes choice-based lettings scheme – our statement of choice for applicants

We aim to maximise the choice of accommodation open to those wishing to rent a social or affordable home in Havering by operating a choice-based lettings system called Havering Council's Choice Homes.

All those who are registered in the Homeseeker Band, with or without Community Contribution Reward will be eligible to 'bid' for the home they are interested in.

7.2 How will we decide who is offered each property?

When a property becomes vacant we will do the following:

1. check whether the property is suitable for someone who needs an assisted offer. If it is, we will offer on this basis and will not advertise it through Choice Homes
2. if we do not need to give anyone an assisted offer of the property, we will advertise it through Havering Council's Choice Homes choice-based lettings system.

Properties will be advertised on the internet at www.ellcchoicehomes.org.uk and in the weekly Choice Homes magazine. The means of advertising properties may change from time-to-time.

When we consider to whom we will offer a property through Havering Council's Choice Homes scheme, we will:

- look at all applicants who have bid for the property
- list all the bids in the following order, (a) bids from applicants with the Community Contribution Reward in descending order of effective date, that is, the bid with the oldest effective date is listed first, then (b) bids from other applicants in the Homeseeker Band in descending order of effective date – see section X3.4.2 for more details of the effective date
- offer the property to the bidder at the top of the list – so long as they are eligible for the size and type of property.

To be absolutely clear, for each property advertised applicants with the Community Contribution Reward will always have a priority for housing over others in the Homeseeker Band without Community Contribution Reward unless no households with a Community Contribution Reward have bid for that property.

7.3 Local Lettings Plans

We may publish Local Lettings Plans if we believe it would be fairer to set aside a certain number of lettings for specific types of applicants. If we do this, we will publicise the plans widely.

Local lettings plans could cover a small area of the borough, a specific area of new homes and/or a certain type of housing, for example extra care housing for older people.

7.4 When will I be offered a property?

As soon as you are on the Housing Register, you will be given a bidding number and can start bidding for available properties through Havering Council's Choice Homes choice-based lettings system.

How long you will be on the Housing Register before you are successful through Choice Homes is a very difficult question for us to answer. It depends on how many properties become available, how your application has been assessed and how many other people bid for the properties in which you are interested.

Some properties are in higher demand than others. This means that more people are likely to bid for them. Whether you choose to wait longer for a high demand property, or are willing to bid for a property that comes up more quickly in an area that is in lower demand, is your decision. You should be aware that there are implications for you if you make a bid, are offered a property and then refuse it. Please read sections 7.11 and 7.12 very carefully.

When you see a property that you are interested in, we strongly recommend that you visit the road, neighbourhood and consider local schools, shops, parks and other amenities (as appropriate) before placing your bid by the deadline. This will help you decide whether you want to bid for the property. As with any decision about moving home, sometimes a compromise needs to be reached.

7.5 Helping you to make successful bids

We want to give you as much information as possible about the properties available, the number of people bidding and the assessment of previously successful bidders.

To help you:

- we will print details in the Choice Homes magazine of the number of bids received for the properties we advertise, along with details on the assessment of the top priority bidder and how long they have been on the list. This information is also available on the Choice Homes website
- the Choice Homes website – www.ellcchoicetohomes.org.uk – will show you where you will be on the list for a property if you choose to bid for it.

7.6 What size and type of property am I eligible for?

The size and type of property which you are eligible for will depend on the size of your household. There will be no difference between existing Havering Council tenants and new applicants.

Here are the households that are eligible for the different size of properties available.

1 bedroom property or studio
<ul style="list-style-type: none">• Single person / couple with no children
2 bedroom property
<ul style="list-style-type: none">• Single person / couple with:<ul style="list-style-type: none">• one child of any age• two children of different sexes where both are under 10 years• two children of different sexes where both are under 16 years• one other person (not the lead tenant's partner or child) or couple
3 bedroom property

<ul style="list-style-type: none"> • Single person / couple with: <ul style="list-style-type: none"> • two children of different sexes, at least one is 10 years or over • three children of any sex or age • four children of the same sex • four children with 2 girls of any age and 2 boys of any age • four with 3 of the same sex and one of the opposite sex, where one girl and one boy are both under 10 years • one person (not the lead tenant's partner or child), with or without a partner + one child, or two children of different sexes who are both under ten, or two children of the same sex regardless of age
<p>4 bedroom property</p> <ul style="list-style-type: none"> • Single / couple with: <ul style="list-style-type: none"> • four children where the need for a 3 bedroom property does not apply • five children of any sex or age • six children of the same sex regardless of their age • six children with five of the same sex and one of the opposite sex where there is one girl and one boy both aged under 10 years • six children with four of the same sex, two of the opposite sex regardless of the age of the children • six children with three girls and three boys where all the bedrooms available to the children can be shared by either a girl and boy under 10 years or the same sex children of any age can share • one of the reasons for being eligible for a three bedroom property plus one person (not the lead tenant's partner or child), with or without a partner
<p>5 bedroom property</p> <ul style="list-style-type: none"> • Single / couple with: <ul style="list-style-type: none"> • six children where the rules for a 4 bedroom home do not apply • seven children of any sex or age • eight children all of the same sex • seven of the same sex and one of the opposite sex where one girl and one boy are both under 10 years • eight children with five of the same sex and three of the opposite sex, where all four bedrooms available for the children can be shared by either a girl and boy who are both under 10 years or two children of the same sex regardless of age • eight children with four girls and four boys • one of the reasons for being eligible for a four bedroom property plus one person (not the lead tenant's partner or child), with or without a partner

7.7 Would I be eligible for a property with a garden?

We do not have many properties with gardens, whether houses or flats, therefore we prioritise certain households for properties with gardens. The following households are eligible for properties with gardens:

- a household with at least one child under 16 years of age
- a household where the Council accepts that there is a medical or welfare need for a garden
- a household who has a need to move for emergency reasons and the only type and size of property suitable happens to have a garden
- a household which is downsizing from a larger property.

Please note that if the Council is making you an assisted offer as a 'management transfer', that is, under the Emergency rehousing route we have accepted that you need to transfer from your

current council property to another one, you will **not** automatically be offered a property with a garden even if you are moving from a property with a garden.

7.8 Can I bid for a home that is smaller than I need?

Sometimes people are so keen to move that they say they will accept a property with fewer bedrooms than they are eligible for. We urge you to think very carefully about this.

If you bid for a property that is smaller than you need, we will normally offer that property unless one of the following applies:

- you would become statutorily overcrowded in the new property – this is because this is against the law
- the only reason we have accepted you on the Housing Register is that your current home is too small and you bid for a property that is the same size as that you are currently living in.

7.9 Making you an Offer

If you have bid for the property through Havering Council's Choice Homes choice-based lettings system

If you have been successful through Havering Council's Choice Homes and we wish to make you an offer, we will contact you by telephone to arrange for you to view the property. You must let us know whether you are going to accept the offer on the day of viewing or by no later than 10.00am the following day.

If we are making an assisted offer to you because of an Emergency rehousing need

In these circumstances, we will contact you by telephone or letter giving you the details of the property that is being offered to you and making an arrangement for you to view it. You must let us know whether you are going to accept the offer on the day of the viewing or by no later than 10.00am the following day.

Note for Havering Council tenants with a fixed-term tenancy

If you are a Havering Council tenant and we do not intend to grant a new tenancy for the current property, you will be given 6 weeks to bid for other properties. If you are not successful during this period, we will deal with your case as an Emergency need for moving and you will be given up to two alternative suitable offers. These offers may be of council or housing association properties.

7.10 Situations where we may withdraw an offer

7.10.1 Unacceptable Behaviour

We may withdraw an offer if at the point of offer we discover that:

- you or others on your housing application are, or have been, guilty of unacceptable behaviour, *and*
- the unacceptable behaviour is of a type and severity that would have entitled the Council to have obtained a possession order had we been the landlord.

7.10.2 Breaches of tenancy

We may withdraw an offer if at the point of offer we discover that you have breached a tenancy with the Council or another landlord owing through:

- fraudulent behaviour
- causing serious damage to property.

7.10.3 Fraudulently Obtained Tenancies

We may withdraw an offer if at the point of offer we discover that you have previously gained a tenancy, or attempted to do so, by means of:

- knowingly or recklessly giving false information in respect of any matter relating to your application
- withholding information or failing to notify us of any changes in your circumstances may affect your eligibility and/or priority for housing.

7.11 What happens if you offer me a property and I do not accept it, or I do not turn up to view it?

There is very high demand for council and housing association properties in Havering. If you do not turn up to view a property without telling us beforehand, we will assume that you have refused the property.

We recognise that when you are offered a property, whether as a result of bidding through Choice Homes (the Council's choice based lettings system) or as an assisted offer directly from the Council, you may wish to refuse it, even if it is the right size and in one of your preferred areas. We suggest you think carefully about whether to accept or refuse an offer as this could have a big impact on when we will make your next offer. The impact of refusing an offer will depend on your current circumstances. This is shown in table 5 below.

If the choice based lettings software states that you are eligible for the accommodation as a priority bidder and we then confirm you are not, we will confirm in writing the reasons why this is the case.

Table 5 – Housing circumstances and offers

Housing circumstances	The offers we will make
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Emergency rehousing	We will give you up to two assisted offers. Should you refuse both offers, we will lower your priority to the Homeseeker Band or remove you from the Housing Register if you are no longer eligible.
Homeseeker band with or without Community Contribution Reward – excluding the housing circumstances listed below	<p>You can receive up to two suitable offers from us without penalty. Refusing two suitable offers from us will lead to a penalty for you.</p> <p>This is how it works.</p> <p>Each time a new Choice Homes list is published, you will be able to bid for up to two properties in which you are interested.</p> <p>If one of your bids is successful, we will offer the property to you.</p> <p>You can:</p> <ul style="list-style-type: none"> • accept the offer and become the tenant • refuse the offer. <p><i>What happens when you refuse an offer</i></p> <p>We will assess whether the property is suitable for you.</p> <p>If we believe the property is suitable, it will count as one of the two offers you can have without penalty.</p> <p>If we believe the property is not suitable, the offer will not count towards the two offers you can have without penalty.</p> <p><i>What happen when you refuse a second offer</i></p> <p>We will assess whether the property is suitable for you.</p> <p>If we believe the property is suitable, you will not be able to bid again for six months.</p> <p>If we believe the property is not suitable, the offer will not count towards the two offers you can have without penalty.</p>
Other transfers: Pan-London mobility scheme <i>housingmoves</i>	This is a London-wide scheme helping existing social tenants to transfer to other parts of London. All London boroughs have adopted this scheme and it operates separately to our choice based lettings scheme. Details on the scheme, including adverts and how to bid for a property can be found at www.housingmoves.org
Other transfers: Seaside and Country Homes - <i>housingmoves</i>	housingmoves helps existing social housing tenants living in London to find alternative accommodation. In addition to the cross-London scheme there is also a <u>Seaside & Country Homes scheme</u> (for households where the eldest member is 60 years of age or older). A link to the Seaside & Country Homes Scheme can be found at www.housingmoves.org Alternatively, please contact the Council's Lettings Team on 01708 434130.

7.12 What happens if I refuse a housing association property the Council has nominated me for?

You may have bid for housing association through Choice Homes, or we may have made you an assisted offer of a housing association property.

We consider council and housing association properties in the same way, so we will assess a refusal of an offer of housing association accommodation to which we have nominated you in the same way as refusal of a council property.

We will always consider refusals of offers on a case-by-case basis. We recognise that housing associations may offer different lengths of tenancies and/or different types of rent than the Council. We will take these factors into account when assessing a refusal. But please remember, simply refusing an offer of housing association accommodation just because you would prefer a council property will not be considered a suitable reason for refusal.

7.13 What happens if the housing association does not accept me?

If a housing association turns you down because although under the Council's Allocations Scheme you would be eligible for the property, but you would not be eligible for property under the housing associations' scheme, we will not hold this against you. The only exception would be if as part of the allocations process the housing association found something about your application, for example that you have given false information, that we did not already know.

7.14 What if a Council tenant is offered a transfer, but someone else in the household is separately on the housing register?

If you are a Havering Council tenant and we offer you a transfer to another property, everyone in the household must move out and you must hand back your home without anyone still living there.

That means that even if a member of your household is separately registered with us, they must move out when you do and continue to wait for their own offer. They can, of course, transfer with you or make their own arrangement to move somewhere else when you move. Unfortunately, they cannot stay in the property you are transferring from.

7.15 What happens when I accept a council or housing association property

7.15.1 Existing tenants moving within Havering Council's housing stock

If you have a secure lifetime tenancy, you will retain this tenancy and your existing rights. More details can be found in our Tenancy Policy at Appendix 4.

7.15.2 New tenants moving in to a council or housing association property

You will be given an Introductory Tenancy if you do not already hold a Secure Lifetime Tenancy with Havering Council, or another council, or an Assured Tenancy with a housing association.

When we give you an Introductory Tenancy we will explain that when this tenancy comes to an end, it will transfer to a Fixed-term tenancy and we will set out the length of the fixed-term tenancy and terms. Details of our fixed-term tenancy policy can be found at Appendix 4.

There is one exception to this; we will give you a Secure Lifetime Tenancy when you are moving to a home for people aged 60+ (sheltered or supported housing or a property in general needs housing designated for people aged 60+).

Please note that housing associations and councils have adopted individual Tenancy Policies that set out the type and length of fixed-term tenancies they provide. Housing Associations can also charge an Affordable Rent for some of their properties. Affordable Rents can be up to 80% of the market rent (including service charges).

In addition, should you move out of Havering Borough, for example through a housing transfer scheme, and then decide to move back into the borough, you will need to do so through a transfer or alternatively meet the residency criteria and have a housing need to be eligible for the Council's Housing Register.

7.16 Offers to homeless households

If our Housing Advice and Homelessness team has found that the Council owes you a full housing duty because you are homeless, we will:

- offer you a property leased by the Council from a private landlord. These properties are referred to as private sector leased (PSL) properties. The rents charged are full private sector rents. You may be eligible for full or partial Housing Benefit (Local Housing Allowance) to assist you with meeting these costs. You will have a non-secure tenancy with the Council
- assess your housing application in accordance with this Allocations Scheme.

We will make every effort to offer accommodation that best meets the size of the household. However, accommodation offered to a homeless applicant under a full homelessness duty, whether in the council, housing association or private sector property, will be deemed to be suitable in terms of size so long as the household is not statutorily overcrowded.

You have a right to review the suitability of the PSL property offered. Refer to our leaflet – 'Homeless Decisions – Your Right to Request a Review' for more details.

In the interests of sustainable communities, in very exceptional circumstances, we may make an offer of a council or housing association property to a homeless household. These exceptional circumstances include, but are not limited to, you having very specific medical or welfare needs and only a council or housing association property is available that meets these needs.

Please note that based on the pattern of homeless households' needs to date, it is anticipated that the vast majority of homeless households will initially be offered a private sector leased (PSL) property or another form of private rented housing.

If our Housing Advice and Homelessness Team has found that the Council owes you a full housing duty because you are homeless but you are in full-time education or you have a confirmed placement in:

- full-time education and are not eligible to claim housing benefit
- someone with a need for sheltered housing, or
- a disabled person with specific housing needs,

we will make you one assisted offer of Council, Housing Association or privately rented accommodation.

7.16.1 What happens if my housing circumstances change whilst I am living in a private sector leased (PSL) property?

Sometimes the property that you are living in will no longer meet the needs of your family. For example, your family size may increase and you become overcrowded or family members may leave the household and you find that the property is too large for you. In these situations we may make you an offer of an alternative PSL property which better suits your needs. Your priority on the Housing Register will not change.

8. OTHER REHOUSING OPPORTUNITIES

If you are not eligible to join the Housing Register or if you are on the Register but you feel that you are not receiving offers of accommodation quickly enough through Havering Council's Choice Homes choice-based lettings system, you may want to consider other housing options such as shared ownership, home swap, exchange schemes or private renting. These options are discussed below.

8.1 Mutual Exchange Scheme

A mutual exchange is when two or more tenants swap homes once they have the permission of all landlords involved, whether Havering Council, a housing association or another council. Given the demand for and the shortage of social housing in Havering, the waiting time for a transfer can be lengthy and therefore, for many tenants a mutual exchange is their best prospect for moving.

As a Havering Council tenant there are free ways to register for a mutual exchange. You can advertise your property and search for prospective exchange partners. Full details will be displayed of matches found. Please contact us for details of schemes that are available.

We will only say no to your request to exchange for a limited number of reasons, which are defined by law (The Housing Act 1985 and the Housing Act 2004) these include, but are not limited to that:

- either tenant is moving to a home that is inadequate for their needs, for example on health grounds, or that it would be too small
- either tenant is moving to a home that is substantially too large for their requirements
- there is a current order for possession made by the Court in respect of any of the tenancies involved
- any of the properties are adapted, sheltered, warden-controlled or other special needs unit and the tenant moving in to the property is not eligible for or does not need it
- the accommodation is tied, that is it is given to the tenant as a consequence of his/her employment and the right to occupy the accommodation ceases upon the employment coming to an end
- any of the tenants has been issued with a Notice of Seeking Possession.

A full list of reasons for not giving consent for a mutual exchange is available from the Under occupation and Mobility Officer. If we are unable to give consent for your mutual exchange, we will give the full reasons for this.

Due to the shortage of social housing we are unable to allow exchanges that would result in under occupation of accommodation. Therefore please refer to the table 2 listing the eligibility for the Allocations of accommodation. This will assist you in identifying your eligibility before you submit your request for an exchange. However, if you are a Havering tenant who has registered to downsize to smaller accommodation, you will be permitted to exchange to accommodation that has one room in excess of your requirements.

You may not be able to swap tenancies straight away if, for example, you owe rent, or there are repairs needed to the property that you have to carry out. However, once these matters have been sorted out, you should be able to move, so long as the factors listed above do not apply.

If we say no to the mutual exchange request, we will tell you in writing the reasons for this. You have the right to appeal this decision and should put your appeal to the Housing Needs and Service Development Manager in the first instance. However you have a right to refer the decision to the County Court if you disagree with it.

8.2 Shared ownership schemes

If you are interested in buying a home but are on a low income, we may be able to help you. These schemes are available through housing associations.

Shared ownership is where you can buy a share of a property, paying a mortgage on that share and rent on the remaining share. If you are on a low income, this can give you the chance to own your own home in stages. When your income increases, you can buy further shares in the property until you own all of it. Contact the Housing Needs and Service Development Team for more information or for more online information, please use the following link to access the First Steps website <http://www.firststepslondon.org/>

8.3 Downsizing Incentive Scheme

The Council has introduced a 'Downsizing Incentive Scheme' to enable council tenants to move to smaller accommodation that meets their needs. This will help meet the increasing demand from people living in overcrowded conditions who are on the housing register. This scheme is subject to change from time to time. Please contact the Lettings Team for a copy of the scheme details on 01708 434130.

8.4 Private renting options

To help us keep up with the increasing demand for housing, we can now help some people move into a home in the private sector. In recent years, we have been offering local landlords more-and-more incentives through a range of different schemes to rent or lease their properties to us which we can use to accommodate people who are in housing need or just struggling to find a home. All of these options are operated by the Council's Private Housing Solutions Team who can be contacted on 01708 431010. They can help you look at options of a properties in the private sector including Private sector leased (PSL) accommodation and private tenancies managed by the Council.

9. OTHER THINGS YOU NEED TO KNOW

9.1 What happens if I make my housing circumstances worse?

If you have made your own housing circumstances worse, we may refuse your application until such time that there has been a change in your circumstances. An example of making your situation worse would be if you have abandoned a tenancy without good reason.

9.2 Community safety

The Council works in partnership with the Police, the Probation Service and other housing providers to manage risk to the community when, for instance, re-housing offenders. If you are an ex-offender and it is likely to have implications for community safety, you may be refused housing in certain areas and may only be offered accommodation in specific areas or have your registration suspended.

Suspending your registration would be temporary only and would be subject to ongoing review.

9.3 Prisoners

If you receive a prison sentence of over 12 months and are a Council or housing association tenant without other family, you will be unlikely to receive Housing Benefit. You may need to give up your tenancy and apply to go on the Housing Register. This means we can consider you for re-housing when you are released.

Special rules apply to some ex-offenders, applicants leaving prison or people living in bail hostels. Sometimes, we may need to exclude people from our Housing Register.

9.4 The options if you need some support to live in your own home

We work closely with Social Care and health services to try to provide the most appropriate housing to people with particular needs.

The Council and some of our partner housing associations have developed housing with support schemes. These schemes are designed to help you maintain your tenancy. There are a lot of different support packages available. Please ask the Housing Needs and Service Development Team if you would like more information.

9.5 Telecare Service

Havering Council's Telecare Centre provides a range of careline and telecare services including installation of equipment and 24/7 call monitoring with an emergency response service which is available to everybody including vulnerable residents to aid independent living. There is a weekly charge for the service but clients assessed by Social Services as having a substantial need may receive the service free of charge. For further information contact the Telecare Team on 01708 756047 or email rjc@havering.gov.uk

9.6 People with physical disabilities

If you, or a member of your family, has a physical disability then there are a number of ways we can help you.

For example, if you are a Council tenant and you live in a house but can no longer manage the stairs, then we may be able to help with the necessary adaptations to your home.

If you are an owner-occupier and are unable to manage the stairs or require an adaptation to allow access around the house, we may be able to help you with a Disabled Facilities Grant. For more information, please call the Grants Team on 01708 434070.

If you require a move, we may be able to offer you a specially adapted Council or housing association property.

You may be awarded a higher priority on the Housing Register because of the unsuitability of your current property or because you may need to move near to relatives for support.

9.7 People with mental health problems or a learning disability

If you have always lived with parents or carers but are now looking to move into your own accommodation, then we may be able to help you. We may give you additional priority on our register and make sure that any support you need is in place before you move into your new home. It may be that you will need to move into more supported accommodation before you can move into your own flat. We will always work with Social Services to make sure that you eventually have the home that best suits your needs.

If you need housing with support, we will need to work with Social Services and other relevant agencies to make sure you are allocated appropriate accommodation and an appropriate support package.

9.8 Older People

If you are over retirement age, we may be able to help you with a flat or bungalow in one of the Council's or a housing association's supported housing schemes. You have your own flat and can be as independent as you like. Many of these schemes have a common room, which means you can socialise with your neighbours if you wish. Supported housing is not a nursing or a residential home so it will not be suitable if you need a high level of care. All our supported accommodation has access to our 24- hour Telecare Service to make sure help is always at hand.

For details on the Council's Supported housing schemes, please call the Housing Needs and Service Development Team for more information on 01708 434130 or e-mail lettings@havering.gov.uk

9.9 Access to personal information

You have a legal right to inspect or receive a copy of your Housing Register file under the Data Protection Act 1998. Please contact the Complaints and Compliance Officer, Housing Needs and Strategy Housing Team, should you wish to arrange this.

You have a legal right to inspect our computer records about yourself. We can only withhold information if it would cause harm to another person if such information were shown to you.

10 . APPEALING A DECISION ABOUT YOUR HOUSING APPLICATION

11 EXPLANATION OF TERMS USED IN THIS DOCUMENT

Affordable homes	Housing associations are now allowed to set affordable rents for new build homes and a proportion of their existing homes when they become available and are re-let. These rents can be up to 80% of the private market value (and includes the service charge. There is a symbol showing which homes will be let at an Affordable rent on the Choice Homes website and magazine – the symbol will be shown with each property that has this type of rent. An affordability calculator is available on the website so that prospective tenants can see whether they are likely to afford the rent before they bid for the property.
Assisted offer	An assisted offer is when the council makes a direct offer taking into account the needs of the applicant or someone else in their household.
Choice Homes	This is the name of the Council's choice based letting system. The website allows you to bid for social and affordable homes when they become available. The website contains adverts, including property photographs, details about accessibility, the rents and service charge. It also highlights properties that will be rented at an Affordable Rent (up to 80% of market rents) as well as those at a social rent.
Domestic violence	<p>Defining domestic violence can be difficult and contentious, with different individuals and agencies wanting to stress one aspect of domestic violence over another. The Havering Domestic Violence Forum has an agreed core, common definition that all member agencies use. This is based on that used by the Association of Chief Police Officers. For clarity and consistency Homes in Havering adopts the Havering Domestic Violence Forum's definition of domestic violence abuse.</p> <p>Domestic Violence is: Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults⁸ who are or have been intimate partners or family members regardless of gender or sexuality⁹.</p>
Fixed-term tenancy	Council and housing associations are able to provide fixed term tenancies (introduced by Government legislation in 2011). Havering Council will be keeping secure lifetime tenancies for some tenants. We will normally provide 5-year fixed-term tenancies for most tenants and 3-year tenancies in exceptional circumstances. A copy of the Council's Tenancy Policy can be found at Appendix 3.
Former tenant arrears	Someone has former tenant arrears when they have rented a home previously and have not paid their full rent. They then have rent arrears when they leave the property.
HHSRS	Housing Health and Safety Rating System

⁸An adult is defined as any person aged 18 years or over. Violence involving people under 18 years of age is classified as child abuse and is dealt with by separate policies and legislation. Nevertheless, children and young people are affected by domestic violence. Not only are many traumatised by what they witness or overhear, but this is frequently direct child abuse occurring with domestic violence.

⁹ Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.

Housing register	This is sometimes known as the housing waiting list.
Local Housing Allowance	If you are renting a property or room from a private landlord, the Local Housing Allowance is used to work out how much Housing Benefit you get.
MARAC	Multi-Agency Risk Assessment Conferences (MARACs) are meetings where information about high risk domestic abuse victims (those at risk of murder or serious harm) is shared between local agencies. By bringing all agencies together at a MARAC, a risk focused, coordinated safety plan can be drawn up to support the victim.
Nominate	A council has the right to nominate an applicant to be the tenant of a housing association property when a nomination agreement is in place.
Overcrowding	This is when a home is found to be too small for the household living there. There are two legal standards that the Housing Needs and Service Development Team uses called the 'room standard' and 'space standard'. Refer to section 7. If you think you are overcrowded, call the team for an assessment.
Private sector leased properties (PSL)	Private sector leased properties – these are leased by the Council from a private landlord and tenants have a non-secure tenancy with the council.
Registered Providers	These are also known as housing associations or registered social landlords.
Regular forces	Meaning given by s. 374 Armed Forces Act 2006(b) "the regular forces" means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force, and references to "a regular force" are to be read accordingly.
Reserved forces	Meaning given by s. 374 Armed Forces Act 2006(b) "the reserve forces" means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force, and references to "a reserve force" are to be read accordingly.
Secure tenancy	This is a 'lifetime' tenancy. Until 31 March 2013, all Havering Council tenants were given these types of tenancies. From 1 April 2013 the Council will continue to provide secure tenancies to people who move to a home for people aged 60+ (sheltered or supported housing or a property in general needs housing designated for people aged 60+, or if someone is transferring from a Havering Council property to another Council's property and they already have a secure tenancy, or from a housing association property if they have an assured tenancy.
Social home / rent	The rent for these homes is below the private market value and the Government sets the maximum limit. Social rents are lower than Affordable Rents. Havering Council tenants pay social rents.

APPENDIX 1 – FINANCIAL ASSESSMENT

Please also refer to section 2.1.2 “Circumstances that mean you cannot join the Housing Register”.

You will not be able to join the Housing Register if you have sufficient income to be able to afford private rented housing in the borough. We will ask you about your income and savings on your housing register application form to assess whether you can afford to privately rent in the Borough.

Because of the severe shortage of social and affordable rented properties in the borough, if you have sufficient money to afford to rent privately in the borough, you will not be accepted on to the housing register. You will be deemed to be able to rent privately in the borough if you:

Need a 1 bed property

An average rent of £713pcm (£8,556 a year)

You would need to earn at least £24,446 per year (gross)

Need a 2 bed property

An average rent of £929pcm (£11,148 a year)

You would need to earn at least £31,852 a year (gross)

Need a 3 bed property

An average rent of £1,108pcm (£13,296 a year)

A household would need to earn at least £37,989 a year (gross)

Needs a 4 bed property

An average rent of £1,643pcm

A household would need to earn at least £56,332 a year (gross)

Savings of more than £16,000 will be taken into account.

Income and savings will be reviewed on the 1st April each year.

APPENDIX 2 – HOUSING RELATED DEBT

Housing Related Debt: You will not be eligible to join the Housing Register if you have housing-related debts totalling more than £400 owed to the London Borough of Havering. This includes rent arrears and debts to Council Tax, Housing Benefit or Council Tax Benefit. Debts to other Local Authorities or Registered Providers will also be taken into consideration.

This figure will be reviewed annually on 1st April every year.

APPENDIX 3 – ELIGIBILITY AND QUALIFICATION

(Chapter 3, *Allocation of accommodation: guidance for local housing authorities in England*, CLG (June 2012))

Eligibility and qualification

Housing authorities must consider all applications made in accordance with the procedural requirements of the authority's allocation scheme (s.166(3)). In considering applications, authorities must ascertain:

- if an applicant is eligible for an allocation of accommodation, and
- if he or she qualifies for an allocation of accommodation

Eligibility

3.2 An applicant may be ineligible for an allocation of accommodation under s.160ZA(2) or (4). Authorities are advised to consider applicants' eligibility at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application.

Joint Tenancies

Under s.160ZA(1)(b), a housing authority must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, the authority may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

Existing Tenants

The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a Private Registered Provider. Most transferring tenants fall outside the scope of the allocation legislation (s.159(4A)); while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions by virtue of s.160ZA(5).

Persons from abroad

3.5 A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act. There are two categories for the purposes of s.160ZA:

- (i) *a person subject to immigration control* - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and
- (ii) *a person from abroad other than a person subject to immigration control* - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

3.6 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

Persons subject to immigration control

3.7 The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

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

- (i) British citizens
- (ii) certain Commonwealth citizens with a right of abode in the UK
- (iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area (see paragraph 3.11 (iii) below) with the UK which allows free movement
- (iv) EEA nationals¹⁰, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive)
- (v) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

Any person who does not fall within one of the four categories in paragraph 3.11 will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see further below).

3.10 If there is any uncertainty about an applicant's immigration status, housing authorities are recommended to contact the UK Border Agency (UKBA). UKBA provides a service to housing authorities to confirm the immigration status of an applicant from abroad (non asylum seekers) by email at LA@UKBA.gsi.gov.uk. Where UKBA indicates the applicant may be an asylum seeker, enquiries of their status can be made to the Immigration Enquiry Bureau helpline on 0870 606 7766.

3.11 Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

- i) *a person granted refugee status*: granted 5 years' limited leave to remain in the UK
- ii) *a person granted exceptional leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds*: granted for a limited period where there are compelling humanitarian or compassionate circumstances for allowing them to stay. However, if leave is granted on condition that the applicant and any dependants are not a charge on public funds, the applicant will not be eligible for an allocation of accommodation. Exceptional leave to remain (granted at the Secretary of State's discretion outside the Immigration Rules) now takes the form of 'discretionary leave'.
- iii) *a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area)*: such a person will have indefinite leave to enter (ILE) or remain (ILR) and is regarded as having settled status. However, where ILE or ILR status is granted as a result of an undertaking that a sponsor will be responsible for the applicant's maintenance and accommodation, the person must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later - to be eligible. Where all sponsors have died within the first five years, the applicant will be eligible for an allocation of accommodation.

¹⁰ European Economic Area nationals are nationals of any EU member state (except the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland.

- iv) *a person who has humanitarian protection granted under the Immigration Rules*⁶: a form of leave granted to persons who do not qualify for refugee status but would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395))

Other persons from abroad who may be ineligible for an allocation

3.12 By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- (i) a person who is not habitually resident in the Common Travel Area (subject to certain exceptions - see paragraph 3.14 below)
- (ii) a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has 13

As of 1 May 2011, nationals of the 8 Eastern European countries (A8 nationals) which acceded to the EU in 2004 are no longer required to register with the Workers Registration Scheme in order to work in the UK. Regulation 4(2)(c) of the Eligibility Regulations no longer applies to applications from A8 workers as of that date. Rather applications from A8 workers should be considered on the same basis as those from other EU workers under regulation 4(2)(a).

- (iii) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations
- (iv) a person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights

3.13 See annex 2 for guidance on rights to reside in the UK derived from EU law.

3.14 The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

- a) an EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- b) an EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- c) a person who is treated as a worker for the purposes of regulation 6(1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (ie nationals of Bulgaria and Romania required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work)⁷
- d) a person who is a family member of a person referred to in (a) to (c) above
- e) a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations
- f) a person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there
- g) a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK. This could include EEA nationals, if the person was settled in the UK and exercising EU Treaty rights prior to deportation from the third country. Where deportation occurs, most countries will signal this in the person's passport.

3.15 A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations (see 14 annexes 2 and 3 for further guidance).

3.16 The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

3.17 Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident (see annex 4 for further guidance).

Qualification

3.18 Housing authorities may only allocate accommodation to people who are defined as 'qualifying persons' (s.160ZA(6)(a)). Subject to the requirement not to allocate to persons from abroad who are ineligible and the exception for members of the Armed and Reserve Forces in paragraph 3.27 below, a housing authority may decide the classes of people who are, or are not, qualifying persons.

3.19 Housing authorities are encouraged to adopt a housing options approach as part of a move to a managed waiting list. A strong and pro-active housing options approach brings several benefits: people are offered support to access the housing solution which best meets their needs (which might be private rented housing, low cost home ownership or help to stay put); expectations about accessing social housing are properly managed; and social housing is focused on those who need it most. A lower waiting list can also be a by-product.

3.20 In framing their qualification criteria, authorities will need to have regard to their duties under the equalities legislation, as well as the requirement in s.166A(3) to give overall priority for an allocation to people in the reasonable preference categories.

3.21 Housing authorities should avoid setting criteria which disqualify groups of people whose members are likely to be accorded reasonable preference for social housing, for example on medical or welfare grounds. However, authorities may wish to adopt criteria which would disqualify individuals who satisfy the reasonable preference requirements. This could be the case, for example, if applicants are disqualified on a ground of anti-social behaviour.

3.22 When deciding what classes of people do not qualify for an allocation, authorities should consider the implications of excluding all members of such groups. For instance, when framing residency criteria, authorities may wish to consider the position of people.

3.23 The Government believes that authorities should avoid allocating social housing to people who already own their own homes. Where they do so, this should only be in exceptional circumstances; for example, for elderly owner occupiers who cannot stay in their own home and need to move into sheltered accommodation.

3.24 There may be sound policy reasons for applying different qualification criteria in relation to existing tenants from those which apply to new applicants. For example, where residency requirements are imposed, authorities may wish to ensure they do not restrict the ability of existing social tenants to move to take up work or to downsize to a smaller home. Authorities may decide to apply different qualification criteria in relation to particular types of stock, for example properties which might otherwise be hard to let.

3.25 Whatever general criteria housing authorities use to define the classes of persons who do not qualify for social housing, there may be exceptional circumstances where it is necessary to disapply these criteria in the case of individual applicants. An example might be an intimidated witness⁸ who needs to move quickly to another local authority district. Authorities are encouraged to make explicit provision for dealing with exceptional cases within their qualification rules.

3.26 As with eligibility, authorities are advised to consider whether an applicant qualifies for an allocation at the time of the initial application and when considering making an allocation, particularly where a long time has elapsed since the original application.

Members of the Armed Forces and the Reserve Forces

3.27 Subject to Parliamentary scrutiny, we will regulate to provide that authorities must not disqualify the following applicants on the grounds that they do not have a local connection⁹ with the authority's district:

- (a) members of the Armed Forces and former Service personnel, where the application is made within five¹⁰ years of discharge
- (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- (c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

3.28 These provisions recognise the special position of members of the Armed Forces (and their families) whose employment requires them to be mobile and who are likely therefore to be particularly disadvantaged by local connection requirements; as well as those injured reservists who may need to move to another local authority district to access treatment, care or support.

Joint tenants

3.29 In the case of an allocation to two or more persons jointly, at least one of the persons must be a qualifying person (s.160ZA(6)(b)) and all of them must be eligible.

Fresh applications

3.30 Applicants who have previously been deemed not to qualify may make a fresh application if they consider they should now be treated as qualifying, but it will be for the applicant to show that his or her circumstances have changed (s.160ZA(11)).

APPENDIX 4 – TENANCY POLICY – TO FOLLOW