



Housing Services  
Housing Allocation Scheme (2023)

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# 1. Introduction

## 1.1 Purpose of this policy

This policy becomes effective on the XX of XXXXX 2023. It replaces the allocation scheme agreed in October 2021.

## 1.2 Aims and objectives of this policy

The overarching objective of this scheme is to ensure the Council meets its legal requirements for the allocation of affordable housing under Part VI of the Housing Act 1996.

This includes the allocation of:

- Housing owned and managed by the Council
- Housing owned by housing associations with whom the Council has nomination agreements allowing the Council to nominate an applicant for housing using this scheme
- To let properties in a fair and transparent way
- To ensure appropriate levels of priority are afforded to applicants
- To ensure that the scheme is as simple to engage with for applicants
- To offer as much choice to applicants as is reasonably possible
- To provide applicants access to a range of housing options
- To provide feedback to applicants about homes let through the scheme
- To encourage and support sustainable communities and social inclusion
- To ensure applicants are treated fairly, individually and in accordance with the Council's commitment to Equality, Diversity and Inclusivity
- To make best use of affordable housing, including the use of targets and/or quotas to meet the needs of the local community.

## 1.3 Scope of this policy

This policy applies to new applicants, (including homeless households), and to existing Council tenants transferring from one property to another.

The Housing Act 1996, (as amended by the Homeless Reduction Act 2018, Homelessness Act 2002 and the Localism Act 2011), requires local authorities to make all allocations and nominations in accordance with an Allocation Policy. A summary of the Allocation Policy must be published and made available free of charge to any person who asks for a copy.

This document is available on the Council's website: [www.havering.gov.uk](http://www.havering.gov.uk) and a summary will be available as a paper copy on request.

The Housing Act 1996 (as amended) requires local authorities to give reasonable preference in their allocations policies to people with high levels of assessed housing need. The 'reasonable preference' categories are:

- People who are homeless as defined by the Housing Act 1996, Part 7;

- People who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985), or who are occupying accommodation secured by any such authority under section 192(3);
- People occupying insanitary or overcrowded housing, or who are otherwise living in unsatisfactory conditions;
- People who need to move on medical or welfare grounds (including any grounds relevant to a disability); and
- People who need to move to a particular locality in the district of the Council, where failure to meet that need would cause hardship (to themselves or to others).

The Council can also give additional preference to households in one of the reasonable preference groups listed above. By law the Council must give additional priority to applicants who are current or previous members of the armed forces and who are in housing need.

The Act also requires local authorities to state within the policy what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them.

#### **1.4 Timescales for this policy**

This scheme will commence on xxxx. It will apply to all applicants whenever they joined the housing register.

#### **1.5 Legal context**

The scheme complies with the requirements of the Housing Act 1996 and takes into account the following Acts and codes of guidance;

- Allocation of Accommodation: Code of Guidance for Housing Authorities 2002
- Homelessness Code of Guidance for Local Authorities 2022
- Allocation of Accommodation: Choice Based Lettings Code of Guidance for Housing Authorities 2008
- Fair & Flexible: Statutory Guidance of Social Housing Allocations for Local Authorities in England 2009
- Right to Move
- Armed Forces Regulations 2012
- Homelessness Reduction Act
- General Data Protection Regulations (GDPR) 2018
- Domestic Abuse Act 2022
- Care Act 2010
- Housing Act 2004
- Equality Act 2010
- Rehabilitation of Offenders Act 1976
- Housing & Regeneration Act 2008
- The Children Act 1989
- Rent (Agriculture) Act 1976 Housing Act 1985

## 2. The Housing Register

### 2.1 Background

In accordance with the Housing Act 1996 Part VI (as amended by the Homelessness Act 2002), section 166A of the Housing Act 1996 and the Localism Act 2011 all Local Authorities and/or agents administering the Local Authorities duties must provide a Housing Allocation scheme.

Demand for social housing in the area far outweighs supply and this policy details how Havering Council (“the Council”) will determine the allocation of its social housing stock and the stock of its housing association partners both where the Council holds nomination rights over the vacant unit of accommodation and where the vacancy has been made available to the Council on a voluntary basis.

This scheme has been adopted having regard to the relevant codes of guidance and supplementary guidance: (“Allocation of accommodation: guidance for local housing authorities in England” (2012); “Providing social housing for local people.

Statutory guidance on social housing allocations for local authorities in England” (2013) and “Right to Move. Statutory guidance on social housing allocations for housing authorities in England” (2015)) and the Council’s Homelessness and Tenancy strategies.

The Choice Based Lettings (CBL) Scheme aims to provide most applicants with as much choice as possible as to where they live, by openly advertising vacancies and inviting applicants to express interest in vacancies they would like to be offered and for which they are eligible.

The purpose of this scheme is to set out how the Council assesses applicant eligibility and priority for housing and the types of property applicants can apply for.

This scheme sets out:

- Eligibility to join;
- How to apply for housing;
- Assessment of applications;
- Who is given preference – the points scheme;
- How homes will be let.

Due to high demand for affordable housing and the comparatively limited supply, not everyone who applies on the Housing Register will be able to be housed in social housing.

The Housing Register will therefore provide access to a range of housing options within Havering and beyond. The following are the schemes that are currently available to Housing Register applicants however these will be amended as new schemes and housing opportunities become available:

- Local authority rented housing
- Housing association rented housing

- Shared ownership and equity share housing
- Low cost private rented and market rented housing
- Housing mobility schemes
- Key worker housing
- Supported housing

## 2.2 Types of tenancy or tenancy changes that are not included in this scheme

The following are types of tenancy or changes to tenancy that are not an allocation under this scheme:

- Mutual Exchanges
- Assignments of tenancy
- Succession of tenancy
- An Introductory Tenancy becoming a Fixed Term Tenancy (or, in respect of Housing Association tenants, a Starter Tenancy, becoming an Assured Tenancy)
- Provision of non-secure interim accommodation in discharge of any homelessness duty
- Service Tenancies.

Further information about each of the above types of lettings is available from the Council.

## 2.3 Eligibility to join the Housing Register

Anyone can approach the council for advice and assistance, however there are some restrictions on who can apply to join the housing register.

Applicants who *cannot* join the Housing Register

### i. **People from abroad**

A person is ineligible and may not be allocated accommodation under Part VI of the Housing Act 1996 who is either; a person subject to immigration control and is not within a class of persons set out in regulations made by the government; or is within a class of other persons from abroad set out in regulations made by the government unless they are:

- a) already a secure or introductory tenant, or
- b) an assured tenant of a private registered provider of social housing or registered social landlord.

People in the following categories are not 'qualifying persons' and are not able join the housing register.

- ii. **Unacceptable behaviour.** Generally, applicants or members of their household who have committed or been involved in unacceptable behaviour serious enough to make them unsuitable to be social housing tenants will not be accepted onto the Housing Register.

Unacceptable behaviour may include:

- failing to pay rent
- breaching a condition of the tenancy agreement
- causing a nuisance to neighbours
- being convicted of using their home for immoral or illegal purposes

- making a false statement to obtain a tenancy
  - causing the condition of the property to deteriorate by a deliberate act
  - being convicted of an indictable offence, in or in the vicinity of their home
  - being the perpetrator of violent, coercive or controlling behaviour towards a resident of the borough.
- iii. **Non-Residence:** People who are not resident in the borough on the date of application and have not lived in Havering for 3 out of the last 6 years from the date they apply for housing cannot join the housing register. Applicants must also continue to live in the borough if they wish to remain on the housing register. Exceptions may be made if they are:
- Resident in a hospital
  - Resident in supported housing
  - Serving a custodial sentence and were resident in Havering for three years prior to entering hospital/custody.
  - Housed through an agreement with other local authorities, for example through a mobility scheme.
  - Accepted homeless applicants under section 193 of the Housing Act 1996.
  - An existing social tenant needs to move to take up employment or an apprenticeship in Havering.

An exception will also be made where an applicant:

- (a) is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;
  - (b) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where:
    - (i) the spouse or civil partner has served in the regular forces; and
    - (ii) their death was attributable (wholly or partly) to that service; or
  - (c) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.
- Or in any other exceptional circumstance.

- iv. **Owners of a residential property:** People who own or jointly own or part-own a property which is reasonable for them to occupy.
- v. **Out of borough social housing tenants:** People who are social housing tenants, or joint tenants, of any other local authority or housing association in the UK regardless of the type of tenure.
- vi. **Households with sufficient income or capital to meet their own housing need:** Where we believe that an applicant or partner have deliberately deprived themselves of capital to qualify for housing, we will still include the capital in our assessment of housing need after taking into account the reasons why the money was spent. The financial threshold is £36,000 for single people or couples without children and £50,000 for applicants with dependent children, but this threshold will be reviewed annually as agreed by the Director of Housing in consultation with the Lead Member for Housing.
- vii. **Households placed in Havering by another local authority which has an interim or long term duty to them as a homeless applicant.**



A fresh application will be considered where the applicant:

- a) has been subject to immigration control, the applicant has been given the right to remain in the UK and has recourse to public funds, or
- b) can show he/she is habitually resident and has recourse to public funds.

Where the Council decides an applicant is ineligible by reason of their immigration status, the Council must notify the applicant of the decision and grounds for it in writing. The applicant has the right to request a review of that decision (see section 11).

## 2.4 Applying to join the Housing Register

Full details of how to apply for housing can be obtained from the Council's website: [www.havering.gov.uk](http://www.havering.gov.uk)

Where two eligible applicants wish to have a shared application they will be known as joint applicants. An applicant, joint applicant or household member can only have one active application or be included in only one application to the Council, at any time. The information given on the application must be correct and the applicant will be asked to provide evidence supporting the details supplied.

The Council reserves the right to disqualify any applicant from joining the register for a period of two years and/or withdraw any offer of tenancy or recover possession of a tenancy if the applicant has knowingly given false information. All applicants will be asked to complete a declaration stating that the information provided is true.

Applicants who knowingly or recklessly give false information or withhold information relevant to their application may be guilty of an offence under section 171 of the Housing Act 1996. Under that Act, the Local Authority has the power to take action against an applicant which could result in a fine of up to £5,000.

Where an applicant has obtained a tenancy by deception, the Council will take possession action to recover the tenancy under the Housing Act 1985, Ground 5. The Council will make any enquiries necessary, including home visits, in order to determine an applicant's eligibility to join the Housing Register and their level of priority for housing.

When completing the online declaration, applicants are authorising the Council to make such enquiries as are required to complete the assessment.

When completing the application, applicants are also authorising the Council to disclose this information to other parts of the Council and other organisations, including, but not limited to the Police, Probation Services and Social Services, in order to verify the application and complete nomination processes.

Applicants and joint applicants will be asked to provide information about themselves, their household and their housing circumstances so that an accurate assessment of need can be made. Applicants will be required to provide evidence to support their application. Applications made without the requested evidence will not be accepted or assessed.

Where an applicant is assessed as not eligible to join the scheme, the Council will inform the applicant in writing of the reason/s and how to request a review of the decision (see section 15). The Council will also advise them of other housing options available within Havering or beyond.

## **2.5 Change of Circumstances**

Applicants must notify the Council of any changes in their circumstances which may affect their priority or their eligibility for a particular type or size of home. Notifications of changes of circumstances must be made through the online registration system and, where that change of circumstances requires verifying by the Council, the applicant will be unable to bid until the new information is assessed and verified.

Examples could be:

- A change of address (including a move into interim accommodation following a homeless application)
- A change to household income
- Adding an additional household member
- Removing a household member.

This list is for example only and is not exhaustive.

## **3. Assessment of Applications**

### **3.1 Household Make-up**

An application may include anyone that may reasonably be expected to reside with the applicant as part of their household e.g. close family relative, partner etc. The desire to be part of the household is not sufficient reason for inclusion in the application.

#### Extended families (minors)

In cases where a child is to be included in, or added to, an application but no parental responsibility exists within the household (e.g. grandchildren, nieces, nephews), proof must be provided of legal guardianship or confirmation from Social Services that this placement is necessary and permanent.

#### Carers

Applicants who require a full time residential carer may include the carer on their application. Proof of the requirement should be provided by Social Services or a primary health care professional. The carer will be assessed as part of the household even if not resident (i.e. lack of bedroom priority may be due).

#### Fostering

Fostering is defined as fostering for a period in excess of two years (not necessarily involving the same child or children).

Families undertaking fostering may be able to include foster children as part of their application to ensure that they are eligible for the appropriate sized property. It is essential that written confirmation of the fostering arrangement be obtained from Social Services.

### Children in care

- a) *Compulsory*: children are treated as though at home, subject to written confirmation from Social Services that the children are to live with the parents on a permanent basis should they be allocated a suitable property. Failing such confirmation, children will not be included on the application;
- b) *Voluntary*: children are treated as though at home.

No offer of tenancy will be made in either case without confirmation from Social Services that the children are to live on a permanent basis with their parent(s).

### Adult children at university

Can be included if they previously lived in the household and their intention is to return as their main and only home on completion of their course. Confirmation will be required from the student that they intend to return on a permanent basis.

### Children from previous relationships

In determining whether a child can be considered as part of the household, the following will be considered:

- Does the child have accommodation available to them which it is reasonable for them to continue to occupy?
- Does the child have a main residence?
- Who is the primary carer for the child?
- Existence of any order of the court pertaining to the child's residency.

Although the above are relevant factors they do not guarantee that a child will be accepted as part of a household.

### Adding new household members

Adults will not be added to an application where this results in the need for accommodation larger than that for which the applicant's household was originally eligible, unless an over-riding need such as ill health or disability can be shown (for example, where an applicant needs to look after an elderly parent).

The desire to be part of the household is not sufficient reason for inclusion on the application. Adults requiring an extra bedroom will only be added to an application if they have a demonstrable, permanent need to live with the applicant.

All adults will need to supply details of their accommodation history for the previous 5 years.

## **3.2 Specific Needs**

Applicants requiring a specific type of accommodation or adaptations as a result of disability/health issues will be given preference for vacancies more suited to their needs.

Together with any other relevant agencies, the Council will work with the applicant to carry out a full assessment of the household's property needs, e.g. need for wheelchair access, ramps, level access shower etc. (for further information see section 7 - "Adapted and accessible properties and the Accessible Housing Register").

However, where an applicant successfully bids on a property that does not contain the necessary adaptations, the Council, or landlord of the accommodation, may assess whether it is reasonable to carry out the adaptations and whether the adaptations can be undertaken within a reasonable time period.

The Council has an Aids & Adaptations scheme that provides adaptations to properties however there may be a wait. Applicants will not be offered a property where a vulnerable person may be placed at risk.

### **3.3 Divided Households**

Where a household is living apart only one application can be registered. In order to determine which property provides the basis of the housing assessment the circumstances at both addresses will be considered.

A Housing Needs assessment will be carried out on both properties as if the household were residing together. The lowest needs assessment will then be applied to the application.

### **3.4 Effective date of application**

The effective date for new applications will be the date a completed application is received by the Council.

Applicants already registered for housing, and re-registering their interest at the point that this policy is implemented, will retain their original application date. Existing applicants who fail to re-register their application within the time limits specified in the invitation to re-register for housing will not retain their original application date and the effective date of application will be the date that the new application is completed.

Where applications are partially completed on-line the effective date of application will be the date that the full application is fully completed.

Where an applicant is accepted as homeless and owed a full housing duty, the effective date of the application will be the date that the homeless application was made.

Where the Council asks tenants to move as part of a refurbishment or redevelopment of their property, the effective date will be the date of the original commencement of tenancy at that property.

### **3.5 Annual review**

Applicants will be required to confirm their application on an annual basis. They will be contacted by email and/or text message on the anniversary of their application on two occasions and if they do not confirm their application and circumstances within the time specified their application will be suspended.

## **4. Cancelling an application**

If eligible to bid, when an applicant has not expressed an interest in any available properties for one year, the Council will contact them to advise that their application will be cancelled unless they confirm that they wish to remain on the register. This will be known as a review of

non-bidders. The applicant will be given 14 days to respond before the cancellation takes effect.

An application will be cancelled from the Housing Register in the following circumstances:

- At the applicant's request
- Where an applicant does not respond to an application review, within the specified time limit
- If the applicant becomes ineligible for housing (see 4 above)
- When the applicant has been housed in suitable accommodation
- Where the applicant has either withheld information or provided false information in order to obtain a tenancy
- Where the applicant has died.
- Where the applicant has moved out of borough and no longer meets residency criteria.

Any applicant whose application has been cancelled has the right to ask for a review of the decision.

Where an applicant wishes to re-join the Housing Register at a later date, the application will then be assessed as if it were a first application.

Applicants will be able to cancel their own application at any time without notice.

## **5. Suitable Properties**

Applicants will be restricted from being allocated properties in certain circumstances.

Examples may include:

- Where a medical assessment recommends ground floor or accommodation with a lift only;
- Where a risk assessment indicates an allocation would place a vulnerable person at risk;
- Where there is an order of court such as an exclusion order preventing a person from residing in a locality.

The above list is not exhaustive. Where a restriction applies an applicant will be informed and any bids placed on unsuitable properties will be overlooked.

### Bedroom Eligibility

A separate bedroom will be allocated to a household for the following:

- Single or joint applicants
- A couple
- An adult where that adult has no same sex sibling with whom they can share
- Two children of the same sex (regardless of age)
- Two children of opposite sex where both are under 10 years
- Child aged 10 years or over where the child has no same-sex sibling with whom s/he could share.

Overriding medical and welfare factors will be taken into account when determining any additional bedroom requirement. Guidance will be sought from a medical practitioner or involved professionals.

Bedroom size eligibility will also be dependent on whether the property can accommodate a household size, for instance properties with very small bedrooms may not accommodate larger households. Any restrictions relating to the household size that an advertised property can accommodate will be clearly noted in the CBL property advert.

Due to high demand for, and a shortage of, large family accommodation within Havering, the above criteria may be relaxed and, where room sizes and configuration allow (for example where a second reception room could be utilised as an additional bedroom), vacant properties may be made available to applicants who require a larger number of bedrooms than the property provides. In such cases, applicants will be asked to confirm they are willing to move to a property smaller than their need by opting in via their application form.

If an applicant bids for a property that is smaller than they need, we will normally offer that property unless one of the following applies:

- the applicant would become statutorily overcrowded in the new property — this is because this is against the law
- the only reason we have accepted an applicant on the Housing Register is because their current home is too small and an applicant bids for a property that is the same size as the one they are currently living in.

Where the bedroom requirement criteria are relaxed in relation to a particular vacancy, this will be clearly noted in the CBL property advert.

The Council may also exercise discretion in order to facilitate the transfer of tenants under-occupying family accommodation for which there is a pressing need and where the tenant is willing to move to a smaller property or where a tenant is required to permanently vacate their home due to planned refurbishment or redevelopment, or where permitted by the provisions of a local lettings plan.

## 6. Housing for older people

The Council has two types of retirement housing:

- Sheltered Housing, for tenants who are more independent and require less home care support.
- Extra Care Sheltered Housing, for tenants who are more dependent and frail, sometimes called “very sheltered”, “extra care” or “Part Two and a half” schemes. This accommodation is for people who require intensive home care support to remain living independently in their own homes.

An applicant for sheltered housing (and their partner, if they have one) must normally be:

- Be aged 55 or over and have a disability or a specific need for sheltered housing.

Applications for all Sheltered Accommodation will be assessed in accordance with the terms of this policy.

Applications for *Extra Care Sheltered Housing* will be considered by the Sheltered Housing Extra Care Assessment Panel and will be administered outside of the terms of this scheme. The Panel will assess applications, taking advice from medical, health and other professionals working with the applicant to assess medical or other needs.

## 7. Adapted or accessible properties and the Accessible Housing Register

In order to ensure that properties which:

- benefit from adaptations for a disabled occupant, or
- are suitable for applicants experiencing mobility difficulties

are allocated to applicants who would most benefit from the facilities that they provide, the Council operates an Accessible Housing Register. Properties that are suitable for applicants with disabilities or mobility difficulties are clearly labelled to show this when they are advertised through a MOB code.

A MOB code depends on the level of adaptations carried out or accessibility of the properties. CBL adverts for these properties will include information to detail how accessible they are, for example, if the vacancy has a small number of steps, no steps, lift access or if it is accessible to an applicant who uses a wheelchair as well as details of any internal adaptations such as a wet room or widened internal doors etc.

Applicants will also be given a corresponding MOB code to enable them to identify adapted or accessible properties that will meet their needs. CBL bids placed by applicants with MOB codes will be given priority on the bidding shortlists for properties that are advertised with a MOB code.

## 8. Applicant categories

Applicants will be placed in one of three categories:

### 8.1 Housing Applicants

These are applicants who are not in social housing (i.e. Council or Housing Association tenants) within Havering and do not qualify for inclusion in the "Homeless Applicants" category.

### 8.2 Transfer Applicants

These are existing tenants of social landlords (Havering Council or Housing Associations) whose tenancy home is held within Havering.

### 8.3 Homeless Applicants

These are applicants to whom the Council has accepted a full duty to accommodate under the terms of Part VII of the Housing Act 1996 (as amended).

## 9. The points scheme

The points scheme relates only to applicants for social rented housing.

Applicants are awarded points to reflect their current housing circumstances. Points are totalled to evaluate the applicants' relative housing priority.

Not all applicants will qualify for all points categories (see table below).

Applicants' eligibility for an award of points is dependent on the applicant category they are placed in (denoted by a ✓ within the table).

The circumstances of all household members will be considered when points are awarded. Points may be varied upwards or downwards depending on changes in an applicant's circumstances.

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	Points award (weighting)	Housing Register	Existing Social Housing Tenants	Accepted Homeless Households
<b>A. LOCAL CONNECTION</b>				
Time waiting points for each year on the Housing Register	10	✓	✓	✓
<b>B. HOMELESSNESS</b>				
Homeless – owed a full housing duty	75			✓
Homeless – Relief Duty	50			✓
Threatened with Homelessness - (Prevention)	25			✓
<b>C. INSANITARY, OVERCROWDED &amp; UNSATISFACTORY CONDITIONS</b>				
Lacking - each bedroom	20	✓	✓	
Lacking facilities (bathroom, kitchen, or WC)	25	✓	✓	
Sharing facilities (bathroom, kitchen, or WC)	10	✓	✓	
Lacking cold or hot water supplies, power or heating	30	✓	✓	
HHSRS Cat 1 Hazard (disrepair)	40	✓	✓	
<b>D. WELFARE / HARDSHIP</b>				
Welfare points	30	✓	✓	
Move-on from supported housing projects	60	✓		
Move-on from care	60	✓		
Fostering & Adoption	35	✓	✓	
Hardship	20	✓	✓	
Social Tenant "Right to Move"	10	✓		
Key workers	30	✓		
<b>E. MEDICAL</b>				
High Medical Need to Move	75	✓	✓	
Medium Medical Need to Move	50	✓	✓	
Low Medical Need to Move	25	✓	✓	
<b>F. MANAGEMENT TRANSFERS</b>				
Social tenants under-occupying current home by one bedroom	45		✓	
Social tenants under-occupying their current home by two or more bedrooms	90		✓	
Decants	80		✓	
Management Transfers – Immediate threat to welfare / life	150		✓	
Management Transfers - "Best Use of Stock" / Other urgent need to move	80		✓	
<b>G. SHELTERED HOUSING</b>				
Eligible for Sheltered Housing only	10	✓	✓	
<b>H. ARMED FORCES REGULATIONS 2012</b>				
Eligible under Armed Forces Regulations 2012 *	60	✓		

## Residency

In order to be eligible for assessment an applicant must currently and normally live in the area in settled accommodation and have done so for three out of the last six years and must remain resident within the borough during the lifetime of the application.

Settled and normal accommodation does not include, for example, Bed and Breakfast, staying temporarily with family, friends, etc.

## Local connection

The following applicants will qualify for these points and are not required to meet the residency criteria set out above:

- Existing social housing tenants resident in the borough.
- A person who would be a relevant person under The Allocation of Housing (Qualification Criteria for Armed Forces Regulations 2012 [SI 1869].
- A person who is fleeing domestic violence who would qualify for reasonable preference due to homelessness and cannot reside safely where they have a local connection.
- A person who is required to be rehoused in another local authority area due to arrangements with other statutory bodies for example; Witness Protection Schemes; Multi-Agency Public Protection Arrangements.
- In exceptional circumstances, where the applicant has a need for support or medical treatment which cannot be met in any other reasonable location.
- A person who is an existing social housing tenant seeking to transfer from another local authority district in England who have reasonable preference under s166(3)(e) of Housing Act 1996 because of a need to move to the local authority area to avoid hardship, and need to move because the tenant works in the district, or need to move to take up an offer of work. This is also known as 'Right to Move'.
- Non voluntary residence in another area (e.g. in prison).

If, in the opinion of the Council, such inability is the result of their racial origin or related circumstances or lifestyle, the residence requirement will in the case of each provision be reduced from three years to two years provided the applicant can demonstrate to the Council's reasonable satisfaction that they have for the whole or substantial part of that period made a community contribution such as

- Helping borough residents, undertaking paid, unpaid or voluntary work in the borough or
- being a recognised carer for an elderly or disabled adult or child, or other special reason to be decided on a case by case basis by the Council.

Applicants will **not** normally be considered to meet the residence criteria if:

- They have been placed in Havering in temporary accommodation by another council or authority.
- They have been placed in residential care, foster care or supported housing by another council or statutory body or support agency.

- They are residing in a bail hostel or approved premises, unless a local connection already existed prior to their residence commencing.

### Exceptional circumstances

In exceptional circumstances, where the applicant has a need for support or medical treatment which cannot be met in any other reasonable location, an application may be awarded points where the local connection is not met, or where a person has no local connection elsewhere.

### **Homelessness**

#### Homeless – owed a full housing duty

Applicants owed a full housing duty under section 193(2) or 195(2) of the Housing Act 1996 and this duty has not been discharged by the offer of a private sector let or a let of a suitable council or housing association property.

#### Homeless – not owed a full housing duty

Where an applicant is assessed as homeless, is eligible for assistance but is not in priority need as defined by the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002) and therefore not owed a rehousing duty by the Council.

#### Threatened with Homelessness – priority need households

Households currently occupying Assured Shorthold or Tied Tenancies under a legal notice or in receipt of a court order requiring the household vacate the property, or households currently living with family or friends or residing in private sector lodgings or supported accommodation who have been served with a legal notice to quit, who are in priority need as defined by the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

Applicants who have breached the terms of their tenancy or licence will be subject to the terms detailed in section 14 (Suspended Applications).

These points will be applied for a maximum of 2 months prior to the expiry date of the notice/possession order. Where the notice/possession order has expired more than 2 months ago and has not been enforced, the points will be reviewed and may be removed if the tenancy/accommodation continues to be available.

#### Threatened with Homelessness - non-priority need households

Households currently occupying Assured Shorthold or Tied Tenancies under legal notice or in receipt of a court order requiring the household vacate the property, or households currently living with family or friends or residing in private sector lodgings or supported accommodation who have been served with a legal notice to quit, who are not in priority need as defined by the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

These points will be applied a maximum of 2 months prior to the expiry date of the notice/possession order. Where the notice/possession order has expired more than 2 months ago and has not been enforced, the need will

be reviewed and may be removed if the tenancy/accommodation continues to be available.

## **Unsanitary, overcrowded or unsatisfactory conditions**

### Lacking Bedrooms

An applicant will be deemed to be lacking a bedroom if a separate bedroom is not available for each of the following:

- Single applicant
- Joint applicants who are a couple
- A couple (not the main applicants)
- An adult who has no same sex sibling with whom they can share
- Two children of the same sex (regardless of age)
- Two children of opposite sex where both are under ten years
- A child age 10 or over where the child has no same sex sibling with whom s/he can share

Medical and welfare factors will be taken into account when determining any additional bedroom requirements. Guidance will be sought from a medical practitioner or involved professionals.

Where an applicant has deliberately moved an adult family member into the home, any overcrowding attributable to the addition of this family member will be disregarded when calculating bedroom deficiency within the home unless an overriding need such as ill health or disability requiring the person to be considered as part of the household can be shown (for example, where there is a demonstrable need for on-going care or support).

### Lacking or Sharing Facilities

Points will be awarded to applicants who have no access to, or currently share with another household a bathroom, kitchen or WC. Another household is defined as any person or persons who will not be rehoused with the applicant and his/her family.

Points will be awarded where the applicants do not have hot or cold water supplies, electricity or adequate heating (i.e. not central heating).

Points for sharing facilities will not be applied where the applicant is entitled, under the terms of their tenancy or licence, to sole use of the facilities contained within the dwelling

### HHSRS Category 1 Hazard (Disrepair)

These points will be awarded to private sector tenants and residents of dwellings where the Council's Private Sector Housing Team has determined that the property poses a Category 1 hazard under the Housing Health and Safety Rating System (HHSRS) and the Council is satisfied that the problem cannot be resolved by the landlord within 6 months. The household is not able to resolve their own housing problem by moving to alternative private sector accommodation; and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health.

### **9.1 Welfare/Hardship**

Points for welfare will be given following consideration as to whether the circumstances of the applicant will meet the following criteria and that their current accommodation is inadequate for their needs. Welfare points will only be given where the need is not reflected in other categories of points.

Where an applicant qualifies for welfare points only one award will be made per application. Where an applicant qualifies for more than one welfare award detailed below only the highest award will be applied.

#### Welfare points

Where the applicant's current accommodation has a significant detrimental impact upon the well-being of the applicant and/or members of their household with the effect that their accommodation is considered to be unsuitable for their needs.

The award of these needs will be made having regard to information provided by one or more of the following:

- App's GP or consultant
- Social services
- Occupational Therapist
- Other specialist agency representing the applicant.

### **9.2 Move on from supported housing projects**

Applicants will be awarded these points in accordance with protocols agreed between the Council and the voluntary sector body providing the accommodation. Not all applicants who occupy the recognised supported housing projects will qualify for these points.

Eligible applicants must have a vulnerability and urgent housing need that is best met by the provision of long term settled housing. All other cases will be assisted by the project and the Housing Options service to move on to private rented accommodation.

The criteria for points under this category will be:

- A care leaver is ready to move to independent settled housing and is prepared for a move to independent living
- The applicant possesses the life skills to manage a tenancy including managing a rent account
- The applicant is in need of either long term or medium term tenancy support
- That support package has been assessed and is in place
- The applicant's needs are such that accommodation in the private rented sector would, through its short term nature, have a detrimental effect on their transition to independent living.

### **9.3 Move on from care**

Applicants are awarded this category in accordance with the protocols between the Council's Housing and Childrens Services departments.

Applicants must be a former “Relevant Child” as defined by the Children Leaving Care Act 2002. Not all care leavers will qualify for this points award.

The criteria is as follows:

- A care leaver is ready to move to independent settled housing
- The applicant possesses the life skills to manage a tenancy including managing a rent account
- The applicant is in need of either long term or medium term tenancy support
- That support package has been assessed and is in place
- The applicant’s needs are such that accommodation in the private rented sector would, through its short term nature, have a detrimental effect on their transition to independent living.

All other cases will not be owed reasonable preference under this category and will be expected to be assisted by Children’s Services with support from the Housing Solutions service to move on to private rented sector accommodation.

#### **9.4 Fostering/adoption**

Where an applicant has been approved to be a foster carer or adopt, on behalf of Havering Council, and need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by the council.

This will include special guardians, holders of a residence order and family and friends carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care and, where suitable accommodation is not provided, the child would need to be placed in the care of the council.

Confirmation of an applicant’s eligibility for this award will be required from the council's social services teams

#### **9.5 Hardship**

These points will be given due to an applicant’s need to move on grounds of a requirement to give or receive support or due to employment:

- The applicant needs to access social services or medical facilities and is unable to travel across the borough
- The applicant needs to take up or continue employment, education or training not available elsewhere and who does not live within reasonable commuting distance
- The applicant needs to give or receive substantial and ongoing care

These points would not normally be awarded to applicants who claim that they require ongoing support from relatives or friends unless there are severe mental health, medical or welfare issues relating to this person or a member of the household and exceptional reasons why this support cannot be made available through a reliance on private or public transport.

## **9.6 Social Tenant - Right to Move**

This award will also be applied where a social tenant residing outside of the borough needs to move to the borough for work.

This points award will only be made to households with a housing need, as defined by the terms of this scheme.

When determining whether the award will be made, the following factors may be considered:

- the distance and/or time taken to travel between work and home;
- the availability and affordability of transport, taking into account level of earnings;
- the nature of the work and whether similar opportunities are available closer to home;
- other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move;
- the length of the work contract;
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

This list is not exhaustive.

The award will only be applied if the employment is not temporary or part-time (less than 16 hours per week) in nature.

Where the hours of employment are less than full time, the level of earnings will be taken into account. The applicant's place of work must be based in the Council's area, the existence of a company office based in the Council's area will not by itself meet the criterion.

Voluntary work is also excluded.

### **Medical Circumstances**

If required, a medical assessment will be undertaken by a medical practitioner in order to determine which level of priority, if any, should be given to an application.

The points will only be given where the applicant's health is detrimentally affected by their current housing and whose circumstances are not otherwise recognised by the Points scheme. Where an applicant qualifies for Medical points, only one award will be made per application.

A medical assessment may also be carried out to determine the most appropriate form of housing for the applicant to move to however this is separate from the assessment for their current housing needs.

Where a homeowner is in accommodation determined as unsuitable for the household due to medical circumstances but resources are available (privately or

through the award of a Disabled Facilities Grant) to provide necessary adaptations, the application will not be afforded points on medical grounds.

### High Medical Need to Move

Where a medical assessment has determined that an applicant or a member of the household requires an urgent move because of a life threatening or progressive illness or sudden disability and where the applicant's property is directly contributing to the deterioration of the applicant's health or they are unable to access the property.

This may include:

- Where an applicant's condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the suitable provision of care
- The applicant's condition is life threatening and the applicant's existing accommodation is a major contributory factor and where the property cannot be rectified within an appropriate timescale
- An applicant is unable to move adequately in or access their current accommodation and requires re-housing to more suitable housing.

This list is for illustrative purposes only and is not exhaustive.

### Medium Medical Need to Move

Where an applicant's housing is unsuitable for severe medical reasons which significantly aggravate the medical condition of the applicant, or member of their household but is not life-threatening or where the applicant's current home is highly unsuitable for them, or a member of their household but is not life threatening.

### Low Medical Need to Move

Where the property currently occupied by the applicant aggravates their, or a member of their household's, medical condition. Applications may only be re-assessed for the award of points on medical grounds for the following reasons:

- Upon a change of circumstances where this would affect the type of accommodation required (such as an applicant previously awarded preference for 1 bedroom accommodation now requiring separate bedrooms; or an applicant previously awarded medical priority for a bungalow, now requiring sheltered accommodation);
- Deterioration or improvement in medical condition of applicant;
- On the death of one party who had a medical award;
- The party who had the medical award is no longer a member of the household
- A move to a different address (any medical award would be made on the applicant(s) current accommodation);
- Where additional information that was not previously available is provided.

### Suitable housing on medical grounds

The Council's Medical Advisor may recommend the type size and location of accommodation that is deemed to be suitable to meet a household's long term housing needs. Where this recommendation is accepted, the applicant will be informed and any bids placed on unsuitable properties will be overlooked.



## **Management Transfers**

These provisions will only apply to existing tenants of the council.

Where an applicant qualifies for Management Transfer points, only one award will be made per application. Where an applicant qualifies for more than one Management Transfer award detailed below only the highest award will be applied.

Tenants of social landlords where the tenancy is outside Havering will not qualify for these awards.

## **Under-occupying tenants**

This points award will be made to tenants of council or housing association general needs (i.e. not sheltered, or retirement) housing to which the borough has nomination rights. This includes where an occupant succeeds to the tenancy of a property which is unsuitable for their needs.

Due to the shortage of family-sized accommodation within the borough, the Council has exercised its discretion to give additional preference to applicants wishing to vacate this type of property in favour of smaller accommodation. This includes where an occupant succeeds to the tenancy of a property which is unsuitable for their needs.

The Council operates an Assisted Transfer scheme to encourage the release of high demand accommodation. Details will be available from the Council but includes:

- Practical support to enable households to move and help in identifying particular properties;
- Grants to cover the costs of moving;

## **Decants**

This award will be made where the social landlord requires the decanting of current occupants in order to facilitate the refurbishment or redevelopment of the property/site.

## **Threat of Violence – Immediate Threat to Welfare/Life**

These points will be awarded to tenants requiring an urgent transfer of accommodation where continued occupation of the applicants home would place the household at serious and immediate risk of harm due to one or more of the following:

- Racial violence
- Domestic violence
- Hate crime
- Sexual violence
- Other violence
- Being a witness of crime and referred under Witness Protection provisions by the Police.

Evidence to support the applicant's claim to be at risk of violence will be sought by the partners. Evidence required may include:

- Risk Assessment by MARAC (Multi Agency Risk Assessment Conference)
- Evidence from the Police
- Medical evidence of assault

### **Best Use of Stock/Other urgent need to move**

Where there are management problems and a move to alternative accommodation is appropriate, or where it is in the interest of the landlord to do so in order to facilitate best use of its housing stock.

Examples of where a Management Transfers award will be considered include:

- Housing Health and Safety Rating System (HHSRS) where a category 1 hazard A, B or C has been identified
- Racial harassment – not at serious and immediate risk of violence
- Where there are compelling reasons to move the tenant in the interests of making best use of the borough's social housing stock;
- Sexual harassment/victimisation – not at serious and immediate risk of violence
- Other discriminatory harassment or abuse – not at serious and immediate risk of violence
- Other violence that does not pose a serious and immediate risk
- Tenants of the Council occupying homes benefitting from major adaptations where these facilities are no longer required
- Tenants of the Council whose homes require major adaptations where the need can be better, or more economically, met in an alternative property

This list is not exhaustive and is for illustrative purposes only.

### **Sheltered Housing**

Sheltered housing points will only be awarded to applicants who meet the age and household structure criteria for sheltered accommodation but who would not qualify for any other points award other than the "Local Connection" award or would be suspended from bidding (see Section 14) due to:

- Having been assessed as having sufficient financial resources to secure alternative accommodation (see section 2.3)
- Being a homeowner.

Applicants qualifying for this points award will be restricted to bidding for sheltered accommodation only.

### **Armed Forces Regulations 2012**

These points will only be made to households with a housing need, as defined by the terms of sections B to F above and where:

- A member of the household is serving or has served in the regular or reserve forces (as defined in the Armed Forces Act 2006) and has a serious injury, illness or disability incurred through that service; or

- The household is at risk of homelessness from Ministry of Defence accommodation as a result of the death of a spouse or partner as a result of their military service will be given additional preference .

Former service personnel will qualify for this points award where the housing application is made within five years of discharge. Any lump sum payments made to the applicant on discharge will be disregarded for the purposes of assessing an applicant's financial resources.

## 10. Suspension of applications

Applications will be suspended and will not be permitted to bid for vacant properties in the circumstances detailed below. Due regard will be given to the household's circumstances when applying a suspension to an application.

### **Housing Related Debts/Debts to the Council**

Applicants with housing related debt or debts to the Council will not be permitted to bid on advertised properties. Due regard will be given to the household's circumstances and the criteria below when determining whether they will be permitted to bid.

Housing related debt refers to:

- Rent or mortgage arrears
- Dilapidation charges / rechargeable repairs
- Court costs
- Arrears of service charges included in rent or mortgage
- Housing Benefit debts or overpayments;
- Council Tax debts;
- Outstanding debt through Rent Deposit scheme

### **In respect of an applicant's current accommodation**

Where at the point of application, or during the lifetime of an application, an applicant or member of the applicant's household has, or incurs, housing related debts relevant to a property they are currently legally liable for or debts to the Council, the applicant will not be permitted to bid on advertised properties.

Due regard will be given to the household's circumstances when determining if these bidding restrictions should apply.

If all the housing related debts are cleared, the applicant will be able to bid on advertised properties. Evidence that the debt has been cleared will be required and it will be the applicant's responsibility to provide this evidence.

### **In respect of an applicant's previous accommodation**

Where at the point of application an applicant or member of the applicant's household has any housing related debts relevant to a property they were legally liable for in the last 3 years, the applicant will not be permitted to bid on advertised properties for a period of 6 months.

After the six month period the application can be reviewed. If all the housing related debts have been cleared, the applicant will be permitted to bid on advertised properties. Evidence that the debt has been cleared will be required and it will be the applicant's responsibility to provide this evidence.

Applicants with a debt outstanding at the end of the six months but who have maintained an agreed payment plan for 6 months may be permitted to bid on advertised properties.

Where there remains a debt outstanding they will be expected to enter into a further payment plan and adhere to it exactly. Breaches of this agreement will result in the applicant being unable to bid on advertised properties for a further period of six months from the date of the breach.

Evidence that the payment plan has been adhered to will be required and it will be the applicant's responsibility to provide this evidence. Due regard will be given to the household's circumstances when determining if these bidding restrictions should apply.

If during the life of the application it becomes apparent that the applicant has accrued a housing related debt, the application will be reassessed accordingly. If the applicant has successfully bid on a property the bid will be automatically overlooked. Due regard will be given to the household's circumstances when determining whether restrictions to bidding should apply.

#### Breach of Tenancy or Licence Terms

Where the applicant, a member of the applicant's household, or a visitor of the household has breached the terms/conditions of a tenancy/licence the applicant will not be permitted to bid on advertised properties.

This does not apply to breaches of tenancy in regards to housing related debt, for debt see section 14. The application will be reviewed after two years.

Where the applicant can demonstrate significant improvement in the management of their tenancy and have adhered to the terms/conditions for a period of not less than twelve months, their application will be reassessed.

Due regard will be given to the household's circumstances when applying a penalty to an application.

#### Unacceptable Behaviour

Where an applicant, or a member of the applicant's household, has been subject to an action by a landlord or other body due to anti-social or unacceptable behaviour.

Relevant actions can include Notices, Community Behaviour Orders (or historical Anti-Social Behaviour Orders), Community Protection Notices, Noise Abatement Notices or other order, convictions, injunctions, etc. (n.b. this list is not exhaustive). Anti-social behaviour can occur where a tenant permits or fails to control another person that displays anti-social behaviour

#### Perpetrators of Domestic Violence/Honour/Hate Crime

Where there is any evidence of domestic violence, honour based activity or hate related crimes, not necessarily a conviction, by the applicant, or a member of their household, or at the instruction/direction of the applicant or a member of their household, then the applicant will not be permitted to bid for vacant properties. Supporting evidence will be sought from the Police and/or other involved agencies.

Applicants will not be permitted to bid on advertised properties for an initial period of two years from the action for unacceptable behaviour. The applicant may apply to have this suspension lifted after this period, and will be required to provide evidence of improvement in the behaviour, e.g. successful maintenance of a tenancy.

Violent or aggressive behaviour towards employees of the council or its agents. Where an applicant, or a member of the applicant's household, is verbally, physically or sexually intimidating or abusive, they will not be permitted to bid on advertised properties for a period of not less than two years from the date of the most recent incident.

This suspension will be reviewed after this period when it will be assessed whether or not the offender has improved their behaviour and no longer presents a threat. In order for an applicant to be permitted to bid for properties there will have been no further incidences of abusive behaviour.

#### Sufficient financial resources to meet the applicant's housing need

A threshold of income and/or assets will be applied, including equity from the sale of a property or equity held within an existing property. Affordability of other housing options will be calculated on the basis of housing needed by the household.

Where a household has sufficient assets or equity/investments to meet their housing need then they will be offered advice and assistance to meet their own housing needs in the private sector and placed on an opportunities register. Due regard will be given to household's ability to release equity.

However, where the applicant, or a member of the applicant's household, has medical and/or support needs, and does not have the financial resources to secure appropriate accommodation they will be able to apply for on the register.

Rents and house prices (open market and shared ownership) will be regularly reviewed to ensure calculations of income and asset thresholds remain reasonable.

Details of current thresholds will be detailed in Section 2.3.

The Council may re-assess these cases where the applicant can provide evidence of a significant temporary loss of income through no fault of their own. The temporary period will normally only be considered where it exceeds or is likely to exceed 6 months, e.g. loss of income due to ill health.

#### Homeowners

An applicant will be considered to be a homeowner where they have a legal interest in a property and/or occupation rights to it and are able to exercise those occupation rights. This includes applicants who own homes purchased under low cost home ownership schemes such as Homebuy or Shared Ownership.

Homeowners will be permitted to bid for vacant properties where the following circumstances or conditions apply **and** the homeowner, or a member of their household, does not have the financial resources to secure appropriate accommodation (equity within the current property will be taken into consideration) see section **2.3:-**

- The applicant or a member of the applicant's household has medical needs, rendering their current accommodation unsuitable. Guidance will be sought from a medical practitioner.
- Where a homeowner is in accommodation determined as unsuitable for the household due to medical needs (for example, poor mobility) but resources are available (either privately or through a Disabled Facilities Grant) to provide necessary adaptations, the applicant will not qualify to bid for properties.
- In such a circumstance, it is expected and understood that any owned property is to be sold in order to release the equity within a 9 month period, or The household is facing imminent eviction (due to a Court Order for possession having been granted) as a result of mortgage arrears accrued through no fault of their own

#### Refusal of an offer of accommodation

Where an applicant registered in the Housing Applicant or Transfer Applicant categories refuses a suitable offer of accommodation their application will be suspended for a period of six months. The application will be reviewed upon completion of the six month suspension.

Please note that Homeless applicants towards whom the Council has accepted a duty will only be made one suitable offer. If this is refused no further offers will be made and the council will consider its duty discharged.

#### Applicants who have knowingly worsened their housing circumstances

Where in the last three years prior to application, or during the life of an application, an applicant has knowingly worsened their housing circumstances the application will be suspended for a period of not less than 12 months.

The application will be reviewed after twelve months to determine whether or not the applicant has secured more suitable/secure accommodation from which the application can be reassessed.

Where the Council applies one of the above bidding restrictions to an application, the applicant will be informed of the restrictions and the reasons for this decision. For details of how suspensions will be applied, see Section 10 – suspension of applications.”

## **11. Reviews**

An applicant has the right to request a review of decisions made under part VI of the Housing Act 1996, in particular:

- Decisions about the facts of the applicants case which are likely to be, or have been taken into account in considering whether to allocate housing accommodation to the applicant;

- Ineligibility for an allocation or lack of any reasonable preference based on previous unacceptable behaviour;
- Ineligibility for an allocation due to immigration status.

Decision letters issued in respect of housing applications will advise the applicant of their right to request a review and provide appropriate guidance on how to do this.

A request for a review of a decision can be made in writing or verbally to a member of staff. The request should be made within 21 days of the notification of the decision. Reviews will be considered within 28 days of the request being received and the applicant will receive a written response outlining the result of the review.

An applicant will only be entitled to one internal review. If the applicant disagrees with the decision made then the applicant may appeal to the Local Government Ombudsman or seek to challenge the decision via a judicial review. Initial reviews will be carried out by an officer who was not involved in the original decision, and who is senior to the original decision making officer.

## 12. The Letting process

### Local lettings policies and allocation quotas

The Council will operate local lettings policies in order to achieve a clearly defined objective in relation to accommodation of a specific type and/or in a specific geographic location. Local lettings policies may be used to meet the following objectives:

- To create mixed, balanced and settled communities;
- To encourage the development of sustainable tenancies and communities within particular developments or geographic areas;
- To make the best use of accommodation benefitting from attributes that make it particularly appropriate for applicants of a particular description;
- To address concentrations of deprivation or anti-social behaviour.

The above list is for illustrative purposes and is not exhaustive. In addition, the Council may, in response to prevailing local conditions, or to assist in the management of its housing stock, set quotas whereby a proportion of units of accommodation may be allocated to certain classes of applicants or Applicant Categories (see 12).

These categories may include:

Properties advertised through the CBL services where priority will be given to bids placed by either Housing Applicants, Transfer Applicants or Homeless Applicants;

- Properties where priority will be given to applicants who are currently in employment;
- Properties allocated to young people leaving care;
- Properties allocated to applicants requiring accommodation in order to facilitate an adoption or fostering arrangement;
- Properties allocated to social tenants from outside of the borough under the terms of the government's Right to Move scheme; □ Properties allocated to Key Workers (see section 9.6).

The above list is for illustrative purposes and is not exhaustive. Any properties subject to a Local Lettings Plan or quota will be clearly identified when advertised through the CBL service. Any Local Lettings Policies or Quotas in place will be published in Appendix B of this scheme and will be reviewed on a regular basis.

## 12.1 Lettings made outside the scheme

The following allocations will be made outside of the CBL scheme:

- Direct Offer
- Extra Care Retirement Property Lettings
- Non-successors.

### Direct Offer

Where there are exceptional circumstances, or overriding management requirements, the Council may occasionally make an offer of accommodation outside of the CBL scheme by way of a direct offer.

Examples of which are:

- As a discharge of homelessness duty
- Where a tenant or a member of their household is in immediate, serious danger if they remain in the property
- Allocations to non-successors as detailed in 12.3 below
- Where an applicant requires a property with specific adaptations and such a property is available and no other applicants require the same.

The above list is not exhaustive. Where a property is allocated by direct let the property will not be openly advertised. Direct Offers will be authorised by the Assistant Director of Housing Demand or their nominated representative.

## 12.2 Extra Care/Sheltered Properties

Retirement, or “Sheltered”, housing schemes will generally be included in the CBL scheme, with the exception of vacancies in extra care schemes designed for frail elderly people requiring significant personal care. These vacancies will be allocated according to needs assessments by the relevant care agencies, scheme managers and landlords where appropriate.

## 12.3 Non-Successors

If a tenant of the Council dies and there is another member of the household who does not have the right to succeed but who:

- Had been living with the tenant for the year before the tenant’s death (this does not include lodgers or B&B guests) or
- Had been resident and looking after the tenant for the year before the tenant’s death or
- Has lawfully accepted responsibility for the tenant’s dependants

The Council will consider offering a new tenancy where the landlord is satisfied this is a priority when viewed in the context of other demands on housing needs in the area. If a new tenancy is considered, this could be either in the same accommodation or in suitable alternative accommodation.



However, the non-successor will not be offered a tenancy at the existing location where doing so will render the property under-occupied or where a property has been adapted for the principal tenants use and such adaptations may be required for another household.

## 13. Bidding

Bidding refers to an applicant expressing an interest in an advertised property.

Properties will be advertised on the CBL website with a specific deadline to bid. Applicants with sufficient priority to be able to bid, or their nominated representative, will be able to bid on three properties per bidding cycle.

Where a bid is placed by a nominated representative, family member or friend on behalf of the applicant, this will be considered as a bid made by the applicant. When placing more than one bid, applicants will be asked to place their bids in order of preference, from first to third.

### 13.1 Bidding Requirements

Housing Applicants and Transfer Applicants

Housing and Transfer Applicants, subject to the exceptions detailed below, can choose whether or not to bid in each advertising cycle and can use one, two or three of their bids.

Transfer Applicants however, awarded points under the Management Transfer categories (see section 9) with the exception of under-occupying tenants will be expected to use all three bids in each bidding round where suitable vacancies are available. Failure to do so may result may result in the Council placing bids on the applicant's behalf for the next suitable vacancy/vacancies.

Properties of all types and in all locations will be deemed suitable unless exceptions are agreed by the Council prior to bidding commencing.

#### Homeless Applicants

Homeless applicants towards whom the Council has accepted a duty will be expected to use all three bids in each bidding round where suitable vacancies are available. Failure to do so may result may result in the council placing bids on the applicant's behalf for the next suitable vacancy/vacancies.

Properties of all types and in all locations will be deemed suitable unless exceptions are agreed by the council prior to bidding commencing.

The ability to bid will be withdrawn where the council chooses to discharge its duty towards a homeless applicant with a suitable offer of accommodation in the private rented sector under the terms of s148(5)(7) of the Localism Act 2011.

### 13.2 Auto-bidding

The auto-bid function places bids on any available properties that match the applicant's requirements at the beginning of each bid cycle. This is done automatically by the computer system. The requirements that the applicant is able to specify are:

- i) Type of property

- ii) The area in which the property is located
- iii) Floor level.

Auto-bidding is available to applicants who are unable to access any methods of bidding and do not have a representative who can place bids on their behalf. Auto-bidding may also be used by the Council when placing bids for applicants (see Bidding Requirements).

## 14. Advertising

Properties will be advertised on the CBL website with a closing date for bidding. Applicants may be invited to bid for properties for which they would like to be considered.

The adverts for properties will contain as much information as possible about the property in order for applicants to make informed bids and will contain clear details of any applicants restricted from bidding on the property. Property adverts will contain clear details of which applicants will be given preference for the property (for example applicants requiring adapted homes, homeless households, transferring tenants etc.).

Some properties will be subject to a local lettings policy (LLP). In these cases it will be clearly stated in the advert and this will include details of any restrictions on households who are eligible for the property. Where the property size indicates that restrictions must be placed on the number of persons who can be accommodated, this will be stated on the advert (for example, where a property has very small bedrooms).

There may be occasions when the council may need to withdraw an advertised property. Reasons for withdrawal may include:

- An error in the advertising details
- Extensive works are required to the property
- The existing tenant has withdrawn their notice.

This list is not exhaustive. The viewing date will also be listed and applicants will be asked to ensure that they are able to attend the viewing on the specified date if they bid.

## 15. Shortlisting

Applicants may only bid on vacant properties if they are eligible for the type of property advertised. Of those eligible bidders, the order of priority will be determined as follows:

Priority will be afforded first to applicants with the greatest housing need as assessed in accordance with the points scheme, (i.e. the applicant with the highest points assessment), who meet the preference criteria stated in the property advert (e.g. transfer applicants, households requiring adaptations etc.).

Where two or more applicants bid on a vacant property and have equal priority, preference will be given to the applicant who has the earliest effective date of application.

Where two or more applicants with exactly the same level of priority and effective date on the scheme bid for the same property, a senior officer of the Council will decide to whom the offer will be made based on best use of the housing stock and needs of the applicants.

Where an applicant bids successfully for more than one property, the applicant will be offered one property only, in accordance with the order of preference of their bids.

Where a property has specific adaptations (e.g. wheelchair access, ramps, level access shower), priority will be given to applicants who require the adaptation in the property. Details of adaptations and criteria of applicants who will be given preference will be contained in the advert to allow applicants to make an informed decision whether the adaptation is suitable for their needs. Details of the Accessible Housing Register which details how adapted or accessible properties, and applicants who require them, are categorised are available from the Council.

Between the period of being successfully offered a tenancy up to the point of tenancy sign up, the applicant will not be permitted to bid on other advertised properties.

The Council will contact applicants who have been shortlisted for an offer of tenancy. It is the applicant's responsibility to ensure that the Council holds their up-to-date contact details and that they respond within 1 working day to any contact made by the Council. If an applicant does not return contact they will be overlooked for the offer.

At the point of shortlisting, an applicant's circumstances will be verified by Council officers. This is to ensure that the application has been correctly assessed and there have been no changes to the applicant's circumstances since assessment of the application that would alter the priority awarded to the application or the household's eligibility for the specific property they have bid on.

If any changes have occurred that would alter the priority awarded or eligibility, the application will not be shortlisted. The applicant will be informed of this using the most appropriate method of communication for that applicant.

Where an applicant refuses a property the property will be offered to the applicant who has the next highest priority on the shortlist and who meets the eligibility and preference criteria of the property. Where a property has not been offered and accepted within 6 weeks of being advertised due to refusals by applicants or the shortlist being exhausted, the property will be re-advertised.

Certain accommodation (e.g. sheltered accommodation) will only be let to people who meet the age criteria for the specific property or housing scheme, and/or have a disability which means they require this type of housing.

Applicants who do not meet the criteria clearly included in the property advert (e.g. age restrictions) will automatically be overlooked without contact from the Council.

Where a property has been advertised and received no eligible bids, the Council may re-advertise the property and relax the eligibility criteria.

## 16. Viewing a Property

Upon completion of the shortlisting process up to five applicants will be asked to attend the viewing on the specified date. They will be accompanied by a Council officer who will be able to answer any questions relating to the property or the neighbourhood.

At the end of the viewing all applicants will be asked to confirm that they want to be considered for an offer. In exceptional circumstances the applicant may be given additional time to confirm.

## 17. Offers of Tenancy

A formal offer of tenancy will be made in writing to the applicant with the highest priority who have confirmed they want the property.

Applicants will be offered one of the following types of tenancy:

- Introductory
- Starter
- Fixed-Term Tenancy
- Assured
- Secure
- Assured Shorthold
- Tenancy held in trust.

### Introductory Tenancies

Introductory and Starter Tenancies provide increased management and support for new tenants usually during the first twelve months of a tenancy but may be extended beyond this. This initial period also provides reduced security of tenure, though progression to a fixed term, full secure or assured tenancy is automatic at the end of the period, provided there have been no breaches of tenancy resulting in the commencement of possession proceedings.

Introductory tenancies will not be offered to existing secure and assured tenants of any of the Council if they are accepting a transfer of tenancy to another Council property. Other housing providers in Havering have different policies regarding the types of tenancy offered to transferring tenants, applicants will need to seek advice from the Landlord of the property being offered.

### Assured Tenancies

Assured tenancies are offered by social housing providers other than local authorities. Details of terms and conditions will be contained in the tenancy agreement.

### Fixed Term Tenancies

Fixed term tenancies are offered by local authorities. Details of terms and conditions will be contained in the tenancy agreement.

### Secure Tenancies

Secure tenancies are offered by local authorities. Details of terms and conditions will be contained in the tenancy agreement.

### Assured Shorthold Tenancies

Assured shorthold tenancies are fixed term tenancies which can become a periodic tenancy and provides less security of tenure than an assured or secure tenancy.

### Tenancy Held in Trust

16 & 17 year olds will be offered a tenancy held in trust and may require a suitable guarantor.

If a person is not eligible to join the housing register, then the council cannot allocate a tenancy to him or her with someone else who is entitled to join the Housing Register.

This includes:

- Persons who are ineligible under Part VI of the Housing Act 1996 and associated statutory instruments on the grounds that they are a person subject to immigration control or a person from abroad, other than a person subject to immigration control;
- Persons not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland, except for those allowed by law;
- EU nationals exercising EU treaty rights with a limited right to reside which means they are ineligible for an allocation of accommodation.

## **18. Refusals of offer**

If, after a property has been offered an applicant refuses the property then the circumstances of the refusal will be considered. If the Council considers that there were not reasonable grounds for refusing the property then the application will be suspended for 6 months.

With regards to Homeless applicants towards whom the Council has accepted a duty, one suitable offer will be made. If this is refused no further offers will be made and the council will consider its duty discharged. Where an applicant fails to attend an arranged accompanied viewing of a property, they will not be permitted to make further bids until they have contacted the Council.

Failure to attend an arranged accompanied viewing will be treated as a refusal.

## **19. Withdrawal of offer**

There may be occasions when the Council or Housing Association may need to withdraw an offer of tenancy after it has been made.

Reasons for withdrawal may include:

- A change in the applicant's circumstances
- The applicant is found to be not eligible for the property
- An error in the advertising details
- Where the offer might put a vulnerable person at risk
- Extensive works are required to the property
- The applicant has attempted to obtain the property by deception.

This list is not exhaustive and withdrawal will be at the discretion of the landlord.

## 20. Feedback

To enable applicants to make informed bids, the Council will give regular feedback to applicants, to enable applicants to determine the likelihood of future bids being successful. The Council will provide this information on the CBL website.

Information about successful lets will include:

- Property size and area
- Band/Need and effective date of the successful bidder
- Number of bids received on each vacancy.

Applicants receive feedback about each bid they place through their personal login to the website. Information includes:

- Position of bid on the final shortlist
- If the applicant has been shortlisted for or offered a property
- If the applicant has been overlooked for a property and the reason for this.

## 21. Other Housing Options

The Council offers a number of schemes as part its housing options service. These may include the following:

- Shared ownership and equity share schemes
- Rent Deposit scheme to assist households in securing private rented accommodation
- Other affordable tenures such as near market rent
- Market rented housing
- Under occupation incentives – financial incentives or assistance in moving may be available to Council tenants who are under occupying family accommodation and wish to move to smaller more suitable accommodation e.g. couple or single person household occupying a 2 or 3 bed house and wishing to move to a 1 bed property.
- Low cost home ownership
- Mutual Exchange - The Council will actively support applications for mutual exchanges from tenants who wish to exchange with another tenant or a tenant of another Housing Association or Local Authority.

Further details of the above schemes and any others operated by the Council, including eligibility criteria, can be sought directly from the Council and properties available under these schemes are advertised on the Bedfordshire Homefinder website.

## 22. Dissemination & communication of this policy/scheme

The allocation scheme will be implemented in 2023.

The review of the scheme will be taken 12 months after implementation and the outcome of the review will be reported to the Service Director of Housing, the Portfolio holder for Housing and the Tenants Participation Board.

## **23. Equal opportunities statement**

The Council operates in a diverse area, providing homes for a wide range of needs. Particular emphasis will be given to developing good practice to ensure that all applicants are enabled to use the scheme, and that it does not discriminate against any applicant seeking housing from the Council.

The Allocations Scheme aims to recognise and support diversity to ensure that no sections of society are excluded and that the service meets the needs of those who may require additional care and support. This policy seeks to meet the needs of all applicants regardless of race, ethnicity, faith or religious belief, gender, sexual orientation, age or disability and to comply with all relevant legislation.

Use, operation and outcomes will be monitored to ensure no sections of the community are excluded or disadvantaged.

## **24. Data protection statement**

Applicants have the right to request such general information as will enable them to assess:

- a) How their application is likely to be treated under the Allocations Scheme, including whether they are likely to be given reasonable preference.
- b) Whether housing accommodation appropriate to their needs is likely to be made available to them.
- c) Details of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

When an applicant applies to the Housing Registers, the Council will seek only information that they require to assess the applicant's application and housing needs.

The data protection principles which underpin the Data Protection Act 2018, are that data must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than necessary
- Processed in a way which maintains the data subject's rights to privacy
- Not transferred to countries without adequate protection.

Confidential information held about applicants will not be disclosed to third parties apart from:

- Where the individual who is the subject of the confidential information has consented to the disclosure

- Where the Council is required by law to make such disclosures
- Where disclosure is made in accordance with an information sharing protocol.

The Freedom of Information Act is in two parts.

The first part, the Publication Scheme, came into force in February 2003.

The second part of the Act came into force on 1 January 2005 and from then the Council has been obliged to provide information to anyone who requests it, unless an exemption applies.

The deadline for meeting requests is 20 working days. It is free to make a request, but the Council can charge for copying and postage. The Council cannot provide information about anyone else e.g. another applicant.

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