

# SEVENOAKS DISTRICT HOUSING REGISTER ALLOCATION SCHEME

2008



## Sevenoaks District Housing Register Allocation Scheme 2008

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## **1.0 Introduction**

Since the transfer of the Council's housing stock to West Kent Housing Association (WKHA) in 1989, Housing Associations have become the major providers of social housing in the Sevenoaks District.

In accordance with The Local Authority Order 1996 (SI 1996 No 3205) the Sevenoaks District Council (SDC) has contracted out the management of the register to WKHA. Further details are available through the Service Level Agreement.

This Allocations Policy has been written to ensure that the Council discharges its responsibilities under Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002) and the Code of Guidance. It also takes account of the Housing Corporation's Regulatory Code and Guidance. The Sevenoaks District Housing Register (SDHR) is committed to acting within Human Rights and Equal Opportunities legislation.

This policy determines how applicants from the SDHR are nominated for vacant properties nominated to the SDHR by registered social landlords (RSLs). It should be noted that Sevenoaks District Council (SDC) is part of the Kent Home Choice Partnership (KHCP) (see 5.0) and all properties will be allocated through the Choice Based Lettings Scheme (CBL).

The policy relates to the letting of permanent or probationary tenancies only. The main RSL's who accept nominations from the SDHR are WKHA, Moat Homes Ltd, Places for People, Rockdale Housing Association and Orbit Housing Association. It should be noted that these organisations might also operate their own registers and transfer lists.

The policy deals with the allocation of nominations to RSL's according to their individual nomination agreements with SDC.

Applicants wishing to be considered for low cost home ownership will be considered by the Zone Agent which holds and operates the register for low cost home ownership options in the County of Kent. Those applicants who meet the criteria for low cost home ownership as determined by the Zone Agent and who require a nomination for such property, will need to apply to join the SDHR to satisfy this requirement. Such an applicant will be registered on the SDHR primarily for this type of accommodation, as they will be seen to have no priority for social housing (see 2.0).

## **2.0 Qualifying to join the register**

Anyone applying to join the register must be at least 16 years old and are applying for a property to use as their only or principal residence. The register will consist of those persons who have a need for a property as determined by their requirements, that is the preferences as shown in 2.1 and 2.2; plus those over 55 years of age and those who are applying for low cost home ownership. Applicants wishing to move but who are already adequately housed are eligible to apply to join the register but will have no priority for housing. Priority will be given to those in the greatest need. Under the CBL scheme, applicants will be invited to bid for an advertised property. Properties will be advertised via the KHCP Group scheme. Advertised properties will show the amount of points an applicant will need before they are able to bid for that property. An applicant will only be able to bid for properties in the area that they have registered for.

## **2.1 Awarding Priorities**

It is intended that the SDHR allocation scheme will give reasonable preference to the following people as set out in s167 (2) of the 1996 Act (as amended by the Homelessness Act 2002) and this has been reflected in the points scheme:

- People who meet the homeless definition under Part VII of the 1996 Act but who are not in priority need or have made themselves intentionally homeless, e.g. rough sleepers – met under allocation of points under Section A.
- People who are owed a duty by any housing authority under Section 190 (2), 193 (2), 195 (2) or 192 (3) of the Housing Act 1996, or under Section 65 (2) or 68 (2) of the Housing Act 1985
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds.
- People who need to move to a particular locality in the district of the housing authority where failure to meet that need would cause hardship (to themselves or others).

## **2.2 Additional Preference**

Under section 167 (2) of the Housing Act 1996 (amended by the Homelessness Act 2002) certain groups of applicants are entitled to 'additional preference', these include:

- Those owed a homelessness duty as a result of violence or threats of violence where the threats are likely to be carried out.
- Those with urgent medical reasons for a move.

Additional preference will be awarded to these applicants through the medical and welfare panels as outlined in sections D and E.

There are however certain categories of people who may not be eligible to join the register. These are listed below :

## **2.3 Persons subject to immigration control**

Under s160A (3) of the Housing Act 1996 (as amended by the Homelessness Act 2002), persons from abroad who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 are ineligible for allocation unless of a class prescribed by regulations made by the Secretary of State, referred to under s160 A (5), of the same Act.

Where there is some uncertainty about an applicant's immigration status the SDHR will seek further advice from the Home Office Immigration and Nationality Directorate.

## **2.4 Persons subject to the habitual residence test**

Under s160A (5) the Secretary of State has also prescribed classes of persons who are not subject to immigration control but have to be habitually

resident in the common Travel Area (UK channel islands, Isle of Man and the Republic of Ireland). The habitual residence test will be applied to all applicants who have not had continuous residence in the UK in the last two years.

The SDHR and SDC are responsible for carrying out the habitual residence test. The SDHR will register an applicant where a positive decision has been made by the Department for Work and Pension/Social Services or the Social Housing Team. Where negative decisions are made or no decision has been made the SDHR will carry out its own tests to decide on eligibility. A8 and A2 nationals are eligible to apply to join the register during the first year of their residence if they have registered their employment under the Worker Registration Scheme (A8 national) or the Worker Authorisation Scheme (A2 national) and are working for an authorised employer. If an A8 national stops working within the 12 month period, they will cease to be eligible for assistance within four weeks of the loss of employment. An A2 national will not be eligible if they cease working for an employer under the terms of the authorisation.

**Accession (Immigration and Worker Registration) Regulations 2004 (the Worker Registration Regulations) and the Accession (Immigration and Worker Authorisation) Regulations 2006 (the Worker Authorisation Regulations).**

**Applicants are entitled to a review of a decision that they are ineligible for allocations due to s160 A (3) or (5). Review procedures are detailed in section 7 of this policy.**

## **2.5 Exclusions from the register**

The SDHR can exclude an applicant who is considered unsuitable to be a tenant if they are guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority at the time of their application. (In accordance with s160A (8) of the Housing Act 1996, as amended by the Homelessness Act 2002).

The only behaviour that may be regarded by the Authority as unacceptable is:

- (a) behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the Authority to a Possession Order under section 84 of the Housing Act 1985 (c68) on any ground mentioned in Part 1 of Schedule 2 of that Act (other than Ground 8); or
- (b) behaviour of a member of his household that would (if he were a person residing with a secure tenant of the Authority) entitle the Authority to such a Possession Order.

This means that applicants with a history of rent arrears, violence or anti-social behaviour that was serious enough to make them unsuitable to be a tenant will be excluded from the SDHR for the reasons described above.

**Applicants who are excluded will be informed in writing and will be advised of their statutory right to request a review of this decision, as detailed in section 7 of this policy.**

Individual RSL's who are part of the SDHR may have their own exclusions policy and review process as part of their allocation policies.

## **2.6 Removal from the register**

Applicants will be asked to confirm annually that their information on the register is correct and that they want to remain on the register. If they do not respond within 28 days they will automatically be removed from the register.

An applicant can request a review of the decision to remove them from the register as detailed in section 7 of this policy.

## **2.7 Local Connection**

The SDHR operates an open allocations scheme, however, preference by the allocation of additional points, will be given to those applicants with a proven local connection.

A local connection is where you:

- Are resident or were previously resident in the District (for 6 out of the last 12 months or 3 out of the last 5 years).
- Are employed in the District.
- Have immediate family members who have lived in the District for the last 5 years. (This includes adult children, brothers, sisters and parents. Extended family can only be considered if that relative played an important role in your upbringing or is able to offer practical or emotional support).
- Serving personnel leaving the Armed Forces who are approaching discharge and ex-service personnel who are within 6 months of leaving the forces.
- Have other special reasons for living in the District.

However there are some particular properties or developments that have a specific local connection requirement in their planning or funding conditions, such as rural exceptions sites and those developed under section 106 agreements. In these cases there will be restrictions on who can be nominated. This type of qualifying criteria is usually agreed as part of planning or funding conditions. In this instance those without a local connection would be considered as having zero points when short-listing for the property concerned. Local connection criteria may also be used as part of a local lettings plan. In these circumstances local connection criteria will usually mean connection to a village or parish rather than the district as a whole.

### **Under section 167 (2) of the Housing Act 1996 (amended by the Homelessness Act 2002)**

Applicants will be required to provide evidence to support their local connection as part of the application for housing in those properties, which will be verified by the SDHR.

### 3.0 The Points Scheme

The scheme is designed to reflect the reasonable and additional preference categories outlined in the Housing Act 1996 part VI and the Code of Guidance. The scheme is in line with the Housing Corporation's Regulatory Code and gives preference to the groups outlined in the Code. Please refer to Sections 2.0, 2.1 and 2.2.

The SDHR is able to take into account the financial resources available to a person to meet his housing costs, including equity in a property.

#### 3.1 Awarding Points

A. **Housing Tenure** (points can be awarded under **one** of the following categories).

Category	Description	Points
1	Private rented tenant under notice to end the tenancy, who meets the financial criteria as set out in Appendix A, see also Para 3.2 (section 21 notices or equivalent). NB SDC to determine removal of 60 NTQ points if applicant remains in property after expiry date on section 21 notices.	180 (90 financial + 60 NTQ + 30 local connection)
2.	Those placed in temporary accommodation or classed as 'homeless at home' where Sevenoaks District Council has accepted a duty to re-house under the homelessness legislation. (Homeless and in priority need with a local connection).	190 (1 <sup>st</sup> year) +Further 190 (2 <sup>nd</sup> year from duty accepted date)
3.	Cases threatened with homelessness – end of Assured Shorthold Tenancy, parental eviction, "former relevant children" leaving care – where Sevenoaks District Council will investigate at the potentially homeless stage and recommend points to be awarded.	175
4.	Applicant who is homeless but where there is no duty to accommodate under the homelessness legislation, including those sleeping rough or with no fixed abode or due to leave prison within 28 days. Where the Local Authority has placed an applicant in an approved supported scheme or where an applicant has been placed in such a scheme via the districts Joint Assessment Referral process.	110 (1 <sup>st</sup> year) + further 110 (2 <sup>nd</sup> year from date of decision made on homeless application)
5.	A displaced agricultural worker where s28 of the Rent (Agricultural Act) 1976 applies.	300

Category	Description	Points
6.	Applicant irregularly occupying a social housing property as a non-successor where a decision to re-house the occupant has been made.*	300
7.	Social Housing Tenant within the Sevenoaks District Council area decanted by their landlord where they are not able to re-house through their own stock or if existing WKHA tenant to be re-housed within WKHA or partner RSL stock in order for major repairs, improvements, demolition or refurbishment to take place.	300

\*Housing Managers in conjunction with the Home Choice Manager will decide whether an applicant irregularly occupying a social housing property should be awarded points under category 6 based on:

- Length of occupancy (minimum 12 months residency with proof)
- Whether it is the applicants only or principal home in the UK or abroad
- Whether there is ability for the applicant to provide their own suitable housing (income, savings and investments including property will be taken into account).

The applicant will also have to meet the normal eligibility criteria for the register. Eligibility for housing and priority may be adjusted on grounds of behaviour, including the applicant's exclusions from some Landlords under their own exclusion policy (see Para 3.2).

**B. Finances and employment (Financial points cannot be awarded in addition to points awarded under category A).**

Financial	90 points
<i>If you would find it difficult to afford to buy or rent accommodation privately.</i>	

In order to ensure that properties are allocated to those in the greatest housing need we award extra points to applicants who would find it difficult to afford to buy or rent accommodation in the private sector judged on the individual merits of the situation. The financial parameters are reviewed annually by the SDHR member RSL's and are outlined in Appendix A.

The SDHR, where it is deemed appropriate in relation to the individual financial circumstances of an applicant, may, at its discretion, offer such advice and assistance as will secure that suitable accommodation is available to the applicant from other sources other than through the SDHR.

Employment	10 points
<i>If you need to move to take up a confirmed and permanent offer of employment or to move nearer to your permanent place of work.</i>	

- C. **Family** (points can only be awarded if you have received points under A or financial points under B)

Family	50 points
<i>If you are pregnant or already have dependent children</i>	

D. **Medical Status**

All applicants including those being considered for additional preference can apply for medical points.

Medical points are awarded on the basis that:

- The applicant's accommodation is unsatisfactory or unsuitable and this is affecting the applicant or a member of their household's medical condition.
- The applicant is in temporary accommodation that is affecting the health of the applicant or members of their household.

**Points may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties.**

Applicants will be classed as A\*, A, B or C medical status. A matrix is used to assess applicants (see Appendix B).

Each permanent member of the applicant's household can make a separate application for medical points. If points are awarded to more than one member of the household, then points will be allocated as shown:

$$A + A = A*(300)$$

In all other cases points will be added for each award allocated to a permanent member of the household as shown:

$$A + B = 90 + 60 = 150$$

$$B + B = 60 + 60 = 120$$

$$B + B + C = 60 + 60 + 30 = 150$$

$$C + C = 30 + 30 = 60$$

A*	300 points
A	90 points
B	60 points
C	30 points

An A\* award can be made to an individual or household where there is an immediate life threatening situation but will only be made on very rare occasions and must be agreed by the Home Choice Manager.

An applicant has the right to request a review of this decision – see Section 7.0.

## E Social and Welfare Points

Social and Welfare points are awarded by the Social and Welfare Panel where:

- The applicant's accommodation is unsatisfactory or unsuitable and this is having a detrimental affect on the household or individual.
- An applicant is homeless, the affect of living in temporary accommodation on the applicant or household may be considered.

Points can be awarded in a variety of situations including racial, sexual or general harassment, threats of violence and/or intimidation or where an applicant is vulnerable with a need to move to receive support or those moving on from supported housing.

**Points may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties.**

Applicants will be classed as A\*, A, B or C social and welfare status. A matrix is used to assess applicants (see Appendix C).

A* (Life threatening situations, severe vulnerability with severe affect on household)	300 points
A	90 points
B	60 points
C	30 points

Each permanent member of the household can make a separate application for social and welfare points. If points are awarded to more than one member of the household, then points will be allocated as shown:

$$A + A = A*(300)$$

An A\* award can be made to an individual or household and will only be made on very rare occasions where there is an immediate life threatening situation and must be agreed by the Home Choice Manager.

An applicant has the right to a review of this decision. See Section 7.0.

In all other cases points will be added for each award allocated to a permanent member of the household as shown:

$$A + B = 90 + 60 = 150$$

$$B + B = 60 + 60 = 120$$

$$B + B + C = 60 + 60 + 30 = 150$$

$$C + C = 30 + 30 = 60$$

**F Condition of property/overcrowding/disrepair** (points can be awarded under more than one section)

The Housing, Health and Safety Rating System (HHSRS), is the risk tool used to assess potential risks to the health and safety of occupants in residential properties (under the Housing Act 2004. If your home is deemed to contain a serious risk to health and safety (assessed as category 1 Hazard (bands A-C) or a high category 2 Hazard (band D) of the HHSRS (excluding overcrowding) by a Housing Standards Officer (or an officer authorised by the Council) points will be awarded. In cases where more than one hazard exists, points will be awarded based on the highest hazard rating only (band A being the highest and band D being the lowest). Points will not be awarded under this section where a property has a number of minor defects that can be easy to remedy. The highest individual rating category will be the one to denote the level of points that will be awarded. Where an existing social housing tenant experiences problems they will be asked to approach their landlord about the repairs and where these problems can be resolved satisfactorily points will not be awarded under this section.

<b>Housing Conditions</b>	<b>Points</b>
If your home is deemed to contain a serious risk to health or safety (assessed as a Category 1 Hazard, bands A to C, or a high Category 2 hazard, band D excluding overcrowding).	
A	160
B	90
C	60
D	30
E – J	No points

**Statutory Overcrowding**

The Housing Act 1985 sets out the statutory definition of ‘overcrowding’ which is calculated on size of rooms available plus the number of people living in the household and their ages and sex. The Housing Act 2004 allows a supplementary assessment to be carried out under the Housing Health and Safety Rating System (HHSRS) using Hazard number 11, Crowding and Space. A Housing Standards Officer (HSO) at SDC would make the assessment of statutory overcrowding for applicants on the housing register who are not currently WKHA tenants in accordance with the banding criteria of the HHSRS. For tenants of WKHA a Housing Options Officer (HOO), or equivalent, will carry out the assessment in line with the banding criteria of the HHSRS. In exceptional circumstances, if a tenant of WKHA is not satisfied with the assessment carried out by the HOO, they can request that a SDC HSO review the assessment

Using an expanded sliding scale (below), points will be awarded for bands A - D to reflect the seriousness of the overcrowding. Points will not be awarded for bands E – J.

<b>Overcrowding based on HHSRS assessment</b>	<b>Points</b>
A	160
B	90
C	60
D	30
E – J	No points

Applicants who qualify for an overcrowding award based on a HHSRS assessment may be offered accommodation of a smaller size than required where there are no larger properties available, if it is felt that this will assist the situation. If the accommodation is accepted then the applicant will have the right to remain on the SDHR for larger accommodation that will better suit their needs and their HHSRS award will be adjusted accordingly. Should an applicant refuse an offer of such accommodation their priority will not be reduced but their details will be amended to show they will require accommodation to suit their needs only.

- G Making the best use of the housing stock** (points can be awarded under only one section only, normal room requirements are used to decide on excess bedrooms, see Appendix D).

<b>Under Occupation/Disabled Adaptations</b>	<b>Points</b>
1 excess bedroom	60
2 or more excess bedrooms	120
Exceptional need for the property	170

Exceptional award could be used in the event of under occupation in order to free a larger property by re-housing the tenant or if a property is suitable for an applicant with a disability that meets that requirement.

Points can only be awarded to existing permanent social housing tenants within the Sevenoaks District.

Points under exceptional need can only be awarded with the agreement of the Home Choice Manager. In these instances it will be necessary to demonstrate that an applicant with an urgent need for housing has been identified that requires the property that would be vacated. The Home Choice Manager can award or withdraw points to ensure the best use of the stock is made.

An applicant has the right to a review of this decision – see Section 7.

If a tenant does not qualify for the higher level of points but is experiencing problems associated with living in a property too large or unsuitable for their needs additional points can be considered through the medical or social panel.

## H Local Connection

Local Connection (as defined in 2.7)	30 points
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### 3.2. Determining priority between applicants

In accordance with s167 (2A) the SDHR may choose to reduce an applicant's priority for a move by lowering points awarded on any of the following grounds:

#### Financial Resources

In certain cases less priority may be awarded to an applicant who is able to remedy their housing difficulties through their own resources.

Owner-occupiers over 55 whose property and/or savings do not exceed a valuation of £250,000 and owner-occupiers in housing need whose financial circumstances prevent them from purchasing a more suitable home will be eligible for consideration. A financial assessment will be carried out taking into account disability, family size and age to determine eligibility. See Appendix A for financial **income** limits relating to those under and over 55 years of age.

Cases would be judged on individual merits, however, an example would be if an applicant requiring a ground floor property was assessed as financially capable of purchasing a suitable property on the open market then they may not receive additional priority such as medical points.

#### **Behaviour**

In certain circumstances an applicant may be awarded less priority due to their behaviour, for example:

- Where there is evidence of breach of tenancy agreement all housing need points will be removed for one year.
- Where an applicant deliberately worsened their housing circumstances by deliberately overcrowding their home overcrowding points will be removed for 1 one year.
- Where an applicant has refused to bid for a suitable property or is persistently bidding for properties under the CBL scheme where there is no real prospect of them taking up any of the properties, all housing need points will be removed for one year.
- The adjustment can be lifted before the expiry of 12 months if the SDHR is satisfied that the behaviour causing the adjustment has been remedied.

Applicants have the right of review of any decision made under this section.

## **4.0 Offers of Accommodation**

### **4.1 Nominating applicants for offers of accommodation**

The applicant with the highest points that is suitable for the vacancy will be nominated. Where two applicants have the same number of points the applicant who has been on the register the longest will be nominated.

The date of application on the register will be used to determine who has waited the longest.

The applicant with the highest number of points will always be nominated for a vacancy unless:

- a. the applicant or a member of their household is deemed not suitable for the property, or
- b. the property is not suitable for the applicant or a member of their household.

Possible reasons for this include:

- The property is unsuitable for the applicant or a member of their household due to established medical or social reasons.
- The applicant has special circumstances that make them unsuitable to be a tenant of the property (see Paras 4.6 and 4.7)
- The property does not meet the stated preferences of the applicant.
- The applicant has requested a deferral of their application.
- The property is being treated as a sensitive letting (see para 4.6) and there is evidence that the applicant or a member of their household's previous behaviour makes them unsuitable to be a tenant of the property.

If an applicant is not offered a particular vacancy a clear record of the reason will be made and the applicant is entitled to know why they have not been offered the property (although the confidential nature of other applicants' circumstances may not be disclosed).

### **4.2 Sheltered Housing**

Applicants who request sheltered housing will be assessed at the time of application by the sheltered Housing Team of the relevant housing association who will advise the SDHR on a suitable offer for the applicant and availability of any additional support required. The applicant will be kept informed and actively involved in this process. This assessment will be reviewed on an annual basis.

Where appropriate sheltered applicants will be given support by the SDHR to enable them to bid for properties advertised via the Choice Based Lettings scheme.

### **4.3 Offers of Accommodation**

Through the CBL scheme applicants can choose when to bid for a property and then not accept an offer of accommodation made to them without losing priority for housing.

There are some exceptions to this rule:

Those with exceptional medical/welfare points who have not bid for 2 or more properties that could be deemed suitable for them will have an offer made. Refusal of that offer can result in exceptional medical/welfare points being removed.

In cases of decant or homeless households where:

- Possession proceedings being taken against a decant tenant by the landlord.
- Homeless duty being discharged against a homeless applicant.

Where an applicant is making malicious or hoax bids or persistently and irrationally making bids where it is deemed that they have no real intention of taking up a property. Cases will be judged on an individual basis and the result may be a loss of priority up to a maximum period of 12 months.

#### **4.4 A Reasonable Offer**

In deciding what is a reasonable offer, the SDHR will take into account the needs of the applicant and their household and their choices and preferences. Within the CBL scheme for applicants with a high priority the definitions within 4.3 will apply. These will be balanced against the availability of property type and size preferred and the urgency of the applicants' need for housing.

For example applicants with a high welfare or medical award or an applicant given high priority because they are homeless may not be given a preference for a house rather than a flat and under the CBL scheme would be expected to bid for suitable properties regardless of preference. Applicants in these circumstances have an urgent need for housing and may be required to bid for a property that may not be in their areas of choice. This would enable an offer or bid of housing to be made within a reasonable length of time.

**An applicant is entitled to a review of the reasonableness of an offer as detailed in section 7.**

#### **4.5 Letting Plans for Exception Sites**

The SDHR may sometimes use lettings plans for exception sites to allocate accommodation. Section 167 (2E) of the Housing Act 1996 (as amended by the Homelessness Act 2002) enables housing authorities to allocate accommodation or for applicants of a particular description to bid for that accommodation whether they fall into reasonable preference categories or not.

Letting plans may be used to facilitate sustainable communities:

- Where there have been particular management problems identified in an area.

- When allocating for a new or refurbished development to ensure the creation of a balanced and sustainable community, for example consideration of child density levels. In these circumstances it is expected that nomination agreements will be made during the development phase.
- To fulfil planning or section 106 conditions.

SDHR will monitor to ensure that overall reasonable preference for allocations is given to applicants in the reasonable preference categories and that local letting policies do not discriminate on equality grounds.

#### **4.6 Sensitive Letting (property)**

Under some special circumstances it is occasionally desirable to be particularly sensitive when nominating applicants to a property. The decision that a property should be let sensitively will be made prior to the selection of applicants for a nomination. Sensitive letting of a property will be carried out where a RSL gives written confirmation to the SDHR of that property's previous tenant's anti-social behaviour. This is usually where a tenant has been evicted or abandoned the property and who was the cause of anti-social behaviour such as noise nuisance, violence, harassment, or intimidation. The Home Choice Manager in conjunction with the Senior Manager of the Housing Association will consider the evidence provided and decide whether the property should be let sensitively.

Where a property is let sensitively the normal short-listing procedure will be followed. However, if the person with the highest number of points has a known history that would make them unsuitable they will not be nominated and the next applicant will be considered.

#### **4.7 Special Circumstances (applicant)**

Under some special circumstances, it may occasionally be desirable to be particularly sensitive when a person needs housing. This will be decided at the time of application and/or when the SDHR or housing association receives relevant information, usually having considered the advice of relevant professionals and in agreement with the applicant. This would generally be when the applicant would be at risk of harm if housed in a particular location, or may pose a risk to others. Examples could be where there has been a breakdown in a violent relationship, or where someone is at serious risk of harm because they have acted as a witness in court, or where we have information from the Police or Probation Service that they may be a risk to the community.

Applicants are entitled to details of any criteria attached to their housing application, although provision will be made to ensure that confidentiality is not breached that would put others at risk.

If a bid made under CBL results in an applicant being at risk, the SDHR will discuss the suitability of the offer with the applicant. This may result in the offer of accommodation not being made. If a bid under the CBL scheme is made that may place an applicant at risk, the suitability of the offer will be discussed and a decision may then be made not to make such an offer of accommodation.

**Applicants can request a review of the decision to place any restrictions made on their re-housing as outlined in paragraph 7.**

## **5. Providing Applicants with Choice**

SDC is required under s 167 (1A) of the Housing Act 1996 (as amended by the Homelessness Act 2002) to provide a statement of its policy on offering applicants a choice of accommodation or the opportunity to express preferences about the housing accommodation to be allocated to them.

### **Statement of Choice**

The SDHR offers applicants choice despite high demand for social housing.

The SDHR awards points based on applicants housing needs. Within the CBL scheme properties becoming available will be advertised on a fortnightly basis via the Kent Home Choice Scheme. The properties will be advertised on the internet and in a free publication. Once applicants have registered, this will enable them to make an "interest" bid by telephone, website, text or coupon for properties.

Properties will then be offered to applicants with:

- a) Highest number of points
- b) A local connection (as defined by 2.7)
- c) The earliest date of registration (where more than 1 applicant has the same points)

The CBL scheme aims to give transparency to the way empty properties are allocated.

Adapted properties will be advertised giving the type of adaptations within the property and which applicants will be eligible to bid for this type of property.

Temporary accommodation provided for homeless people under Part VII of the Housing Act 1996 will not be included in the CBL scheme.

Applicants are invited to state their preferences and we aim to ensure that all relevant information is available to enable applicants to make informed choices

Applicants are invited to:

- a. Choose/bid for properties in the area(s) they wish to be considered for; within the district.
- b. Choose/bid for the type of property they prefer to live in.
- c. Choose/bid for which Housing Associations they would like to apply for.

The SDHR will:

- a. Provide applicants with information on their points allocation, supply and demand, the implications of their choices in terms of waiting time and the availability of properties. This is to assist and enable them in making choices.
- b. Will take into account the choices and preferences of the applicant when making an offer of accommodation wherever possible (see paragraph 4.3) and where this is not possible a suitable alternative accommodation will be made. Allow applicants a maximum of 3 bids per fortnightly advertising cycle under CBL where possible (see paragraph 4.3).
- c. Provide applicants with the results table of the successful bids for individual properties showing the level of points required for a successful bid.

The SDHR supports and offers advice on a range of tenures and applicants can apply for:

- Affordable rented housing.
- Shared ownership/Homebuy.
- Key worker accommodation at sub market rents.
- Mutual exchange.
- Private Sector Letting Scheme (Rent in advance or deposit bond for potentially homeless applicants).

Applicants will be referred to the Council and voluntary agencies that can advise and assist on renting in the private sector.

Those applicants registering for low cost home ownership will be directed to contact the appropriate Zone Agent and then will need to be registered on the SDHR (when the criteria for a particular scheme is known)

## **6. Access to Information/Sharing Information**

Applicants have the right to request such general information as will enable them to assess how their application will be treated under the policy and whether they are likely to fall into reasonable preference categories.

Applicants can request information as to whether accommodation appropriate to their needs is likely to be made available and an indication as to how long this may take.

Applicants have the right to see the information about their application that the SDHR hold on their files.

When applicants sign their application form they are asked for their consent to share information with other agencies such as housing associations, private landlords (to be contacted for a reference only), social services, health services and the Council. Partners of the SDHR have the right to see the applicants' application files and arrangements can be made to visit Housing Options Team to see the files. Information is shared in order to:

- Determine an applicant's priority.
- To assess any potential risks to the client and others.
- To ensure suitable accommodation is provided for applicants.

If West Kent Housing Association houses an applicant, their application form and any supporting evidence will be kept on their house file. Details on their application will also be held on a database until the applicant is housed or removed from the register.

If an applicant is housed by another RSL the application form will be kept by the SDHR with details of the allocation.

If an applicant is not eligible for the register, does not renew their application for housing or asks to be removed from the register their application form will be kept for two years before being destroyed.

## **7. Review of Decision**

### **7.1 Decisions made by the SDHR**

#### **Stage 1**

Applicants can request a review of a decision made by the SDHR. Front line members of staff who did not deal with the original decision will deal with this at **Stage 1** of the complaints procedure.

The most common types of review concern the following:

- A decision that an applicant is ineligible on the grounds of unacceptable behaviour serious enough to make him or her an unsuitable tenant.
- A decision that an applicant should not be given reasonable preference.
- Whether all the relevant facts about an applicant's case have been taken into account.
- A decision on ineligibility because of immigration status under s 160A (3) or s 160A (5) of the Housing Act 1996 (as amended by the Homelessness Act 2002).
- A decision that an applicant is not entitled to unlimited bids

#### **Stage 2**

If an applicant remains dissatisfied a request for a further review of a decision must be made in writing within 21 days of the applicant becoming aware of the previous decision. All decision letters will advise the applicant about the right to request a review of the decision, including details of where they can get independent advice such as Shelter, Citizens Advice Bureaux or solicitors. If an applicant has problems requesting the review in writing they will be given the opportunity to make their request orally. The SDHR will carry out the review based on the facts provided. A more senior officer and an officer from the Council who were not involved in the original decision will carry this out. The review will be acknowledged within 3 working days and a response will be made within 10 working days, although where further enquiries are required such as, for example, from a GP, Social Worker, or Housing Officer, additional time may be required. The applicant will be notified of the final decision within 56 days of the original acknowledgement.

Where an applicant is not satisfied with the review decision they can appeal to the High Court for a judicial review on a point of Law. The applicant has a maximum of 3 months to apply.

If the applicant feels that the SDHR has not acted within its stated policies or within the legislation they have the right to direct their complaint to the Local Government Ombudsman.

## **7.2 Requesting a review of the reasonableness of an offer**

See paras 4.3 and 4.4 for definition of a reasonable offer.

### **a. Non-homeless applicant**

If an applicant who has been awarded exceptional medical/welfare points feels that an offer was not 'reasonable' they can request a review. If the review decision is that the offer was not reasonable then the applicant's points will revert to the level they were prior to the offer refusal.

If the review decision is that the offer was reasonable then an applicant's priority will be reduced (see 4.4)

If an applicant's right to unlimited bids for a property is removed, they can request a review as to the reasonableness of that decision, as above.

### **b. Homeless applicant**

If the applicant has been accepted by SDC under the homelessness legislation the review process will be slightly different. When refusing an offer the reasons for refusal must be put in writing to the Home Choice Manager, who will copy the letter along with a recommendation as to whether the offer was reasonable to the Housing Officer assigned to the applicant at SDC. The Housing Officer will then make a decision on the reasonableness of the offer within 5 working days. The offer of the property will be held open whilst this decision is being made. If the decision is that the offer was not reasonable the applicant's points will revert to the level they were prior to the refusal.

If the review decision is that the offer was reasonable, the applicant can take up the tenancy or continue to refuse the offer. If they continue to refuse the reasonable offer this will lead to their points being adjusted in accordance with para 3.2. The property will be offered to the next suitable applicant. In addition it is likely that SDC will consider that it has discharged its duty to the applicant under the homelessness legislation.

Under the homelessness legislation there would be an opportunity for the applicant to apply to the council for a review of a decision to discharge duty.

## **8.0 Complaints**

If an applicant is unhappy with the administration of this policy by WKHA on behalf of SDC then they should in the first instance follow West Kent Housing Association's complaint policy.

Areas of complaint that WKHA will investigate are:

- That the level of service provided failed to reach the standard set out in the Customer Service Standards of the Association.
- That a request for a service or information was not provided within the timescales set out in the customer Service Standard.
- That decisions made were incorrectly or failed to be effectively communicated.
- That the application was not dealt with fairly and in accordance with the Association's Equality and Diversity Statement and/or that an applicant has been subject to discrimination by staff of the Association.
- The attitude or behaviour of staff.

If an applicant is not satisfied with the above then direct contact with SDC or the Housing Ombudsman.

Complaints about the Allocation policy should be made to the Head of Housing, Sevenoaks District Council and should follow the Council's complaint policy.

## **9.0 Offences related to information given or withheld by applicants**

Under section 171 (false statements and withholding information) the SDHR will take action to prosecute an applicant and will consider possession proceedings under Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by the Housing Act 1996, s 146) where an applicant has given false information and obtained a tenancy. The circumstances that an offence could have been committed would include:

- a. Any false information given on an application form for social housing.
- b. Any false information given in response to subsequent review letters or other updating mechanisms; or
- c. Any false information given or submitted by applicants during the proceedings of a review.

## **10.0 Equal Opportunities**

The SDHR member housing associations and SDC will ensure that policies and procedures in allocating properties do not discriminate directly or indirectly on grounds of sexuality, race, religion, gender, disability or age.

To monitor the effectiveness of this allocations scheme, records are kept of the ethnic origin, religion, sexuality, gender, disability and age of all those applying for housing and those who are housed. The results are analysed and action is taken to ensure that we are providing an excellent service to all our customers.

## **Appendix A – Financial Limits**

Your financial situation will be individually assessed, however this will be measured against our current economic limits.

<b>Size accommodation</b>	<b>Income limit (weekly in brackets)</b>	<b>Income limit annual</b>
1 bed	£2,083 (£480)	£25,000
2 bed	£2,333 (£538)	£28,000
3 bed	£2,750 (£634)	£33,000
4 bed +	£3,083 (£711)	£37,000

## **Appendix B – Medical Matrix**

<b>Health Condition</b>	<b>Affect of Housing on Health</b>			
	<b>Nil</b>	<b>Mild</b>	<b>Moderate</b>	<b>Severe</b>
Nil	0	0	0	0
Mild	0	C	C	B
Moderate	0	C	B	A
Severe	0	C	B	A*
Immediate Life Threatening	0	B	A	A*

### **Procedure for awarding and reviewing Medical Points**

The ranges of medical points that can be awarded by the panel are outlined in section D of paragraph 3.1.

On receipt of a completed medical form stating the nature of the applicant's medical condition/disability and the effect of their housing on this, the SDHR will assess whether additional information is required from another source, for example, Environmental Health, Housing Officer or Social Worker. The case will then be referred to the medical panel.

The medical forms are taken to the medical panel made up of the Independent Medical Adviser and an officer from the SDHR with any other supporting information. The Independent Medical Adviser will assist with the assessment of the application and award of points.

A letter is sent to the applicant advising them of any change in their priority and where no priority is awarded, advice on resolving the difficulties they are experiencing.

A review date for the award of medical points should be set when points are awarded (not longer than 12 months from date of award) points may be increased if the situation has worsened, remain the same if the situation is the same or withdrawn if the situation is resolved.

Where an applicant notifies a change of medical and/or housing circumstances to the SDHR points will be re-assessed.

## **Appendix C – Welfare and Social Matrix**

### **Welfare and Social Matrix**

<b>Vulnerability</b>	<b>Affect of Housing on Social and Welfare</b>			
	<b>Nil</b>	<b>Mild</b>	<b>Moderate</b>	<b>Severe</b>
Nil	0	0	C	A
Mild	0	C	B	A
Moderate	0	C	B	A
Severe	0	B	A	A*
Immediate	0	B	A	A*

### **Procedure for awarding Welfare and Social points**

All applicants including those seeking additional preference (as outlined in Section E of paragraph 3.1) can apply for Welfare and Social points.

The range of welfare points that can be awarded by the Welfare and Social Panel are outlined in Section E of paragraph 3.1).

SDHR officers or relevant officers such as housing officers will identify cases for Welfare and Social points. Reports will be written by relevant officers and referred to the SDHR Housing Options Officer who will arrange for the cases to be considered by the Welfare and Social Panel. Representations by bodies such as Social Workers, Health Visitors, Housing Officers and Housing Standards Officers are encouraged where relevant professional assessments can be taken into account by the Welfare and Social Panel when making a decision on the award of points. The representatives are welcome to stay (for their own cases only) while the Welfare and Social Panel deliberate on the points to be awarded, however, the representatives will not be allowed to take part in the Panel's decision making process. The Panel Chair will inform the representative of the Panel's decision.

A review date for the award of welfare points will be set when points are awarded (not longer than 12 months from date of award). Points may be increased if the situation worsens, may remain the same if the situation is unchanged, or may be withdrawn if the situation is resolved or changed. Points as outlined in Section E of Para 3.1 will be awarded where:

- The applicant's accommodation is unsatisfactory or unsuitable and this is affecting the applicant or their household's welfare.
- The applicant is in temporary accommodation that is affecting the welfare of the applicant or members of their household.

Points may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties.

Where the applicant notifies the SDHR of a change in their housing and/or social and welfare circumstances, points will be re-assessed.

## **Appendix D – Normal Room Requirements (September 2006)**

In allocating accommodation and awarding points under Section F the following room requirements will be used:

### Applicants without dependant children

1 Adult	Bedsit or 1 bedroom
Couple	1 bedroom
2 Adults (not a couple)	2 bedrooms

### Applicants with dependent children living with them on a permanent basis or are pregnant

No more than two children will be expected to share a bedroom.  
Children of the opposite sex will be given separate bedrooms regardless of age.  
Children of the same sex with more than 7 years difference in their ages will be considered for separate bedrooms.

After twenty-six weeks of pregnancy the baby will be taken into account when assessing the number of rooms required. Where there is an existing child until the sex of the baby is known the assumption will be that the baby is the same sex as the existing child.

### Varying property sizes

As properties vary greatly in design, layout and room size, advice will be taken from other sources particularly Housing Officers of participating RSL's and Environmental Health Officers of suitability.

### Medical requirements for additional rooms

Where additional rooms may be required for medical or welfare reasons cases will be considered by the medical and welfare panel.

### Large households

Where the bedroom requirements exceeds what is likely to become available a smaller property may be offered.

### Access to children

Those who are in receipt of Child Benefit are entitled to include those children as permanent members of the household and will be allocated the appropriate size property accordingly. See Appendix D.

### Prospective adoptive parents or approved foster carers

Applicants who are approved foster carers or a prospective adoptive parent with appropriate supporting documentation will be treated as if the children currently reside with them and will be considered for a property of a suitable size (see paragraph 4.3)

There is a high demand for certain properties such as two bedroom properties and four bedroom properties in the district we cannot guarantee that applicants are offered housing to meet a particular timescale.