

# Housing Allocation Scheme

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## 1. Introduction

The Housing Act 1996 requires every local housing authority to have a scheme for determining priorities, and the procedures to be followed when allocating housing accommodation. Under section 168 of this act, each authority must publish its allocation scheme and make a copy available for inspection by the public.

This document sets out Tandridge District Council's Housing Allocation Scheme. In drawing up this scheme the Council has consulted with all Registered Social Landlords (RSLs) with which the Council has nomination arrangements, local voluntary and statutory agencies, Residents' Forum, housing applicants and tenants on the housing register. The Council has also had regard to the following:

- The Housing Act 1996 as amended by the Homelessness Act 2002, the Localism Act 2011 and other relevant legislation;
- The Code of Guidance on the Allocation of Accommodation published by the Department for Communities and Local Government (DCLG) in June 2012 as subsequently amended;
- The Supplementary Code of guidance "Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England" published by DCLG in December 2013;
- "Right to Move Statutory guidance on social housing allocations for local housing authorities in England", published by DCLG in March 2015;
- Relevant statutory regulations including SI 1997/483, SI 2002/3264, SI 2006/1294, SI 2012/1869, SI 2012/2989, SI 2015/967;
- The Council's Homelessness Strategy;
- The Council's Tenancy Strategy;
- The Equality Act 2010;
- Existing case law.

The Housing Allocation Scheme is available for inspection at the Housing reception desk on the ground floor of the Council Offices, Station Road East, Oxted.

Copies of this document can be downloaded from the Council's website [www.tandridge.gov.uk](http://www.tandridge.gov.uk).

Hard copies of the document are also available on request at a charge of £5. However, leaflets summarising the allocation scheme are available free of charge.

## 2. Aims and Objectives

This policy has been established with a view to meeting the following aim and objectives:

### 2.1 Aim

To meet the housing needs and, as far as possible, the aspirations of applicants to Tandridge District Council's Housing Register, ensuring the best possible use of the Council's and its partners' housing stock.

## 2.2 Objectives

To–

- Give priority to people that fall within the Government’s “Reasonable Preference Categories”, ensuring that priority is given to those in the highest housing need.
- Maintain an appropriate balance between the needs of homeless households and others in housing need.
- Provide accommodation that is affordable and suitable for the needs of an applicant and their household.
- Make best use of the housing stock in the District ensuring –
  - Sustainable and balanced communities are maintained
  - Difficult to let properties are dealt with and re-let times are minimized
  - Under-occupation is reduced
- Offer applicants as much choice as possible within the boundaries of high demand for housing and limited availability of resources.
- Ensure that every application is dealt with fairly and consistently in accordance with the Council’s Equality and Diversity Scheme.
- Ensure that priority is given to applicants with an established connection to the District of Tandridge or an identified need to live here.

## 3. Allocation Scheme Summary

**3.1** The Council holds a single list for people in need of affordable housing. This is called the Housing Register and is used by the Council for allocating all housing under Part VI of the Housing Act 1996. This would apply where the Council:

- Selects someone to be offered a secure (including a flexible or fixed term secure tenancy) or introductory tenancy by the Council
- Nominates someone to be offered a secure or introductory tenancy by another council (or another body able to grant a secure tenancy);
- Nominates someone to be offered an assured tenancy from a housing association or other registered social landlord (RSL).

**3.2** Not all lettings made by the Council are allocations made under Part VI of the Housing Act 1996. This applies to lettings made in the following circumstances, which will not be covered by this Allocation Scheme:

- Offers of secure tenancies of their current homes to introductory tenants of the Council;
- Offers to homeless households of non-secure Council tenancies in discharge of any duty owed under Part VII of the Housing Act 1996;
- Offers that are made to secure or introductory tenants of the Council at the Council’s own instigation, rather than in response to an application from them. This includes an offer of a new Council tenancy (whether of the same or an alternative property) to an existing flexible fixed term tenant on the expiry of the fixed term of their current property;
- Offers of tied accommodation (service tenancies or licences) made to Council employees;
- Assignments of Council tenancies;

- Successions to Council tenancies;
- Mutual exchanges of Council tenancies, including lettings made in response to a request under section 158 of the Localism Act 2011;
- Nominations for offers of any tenancy or licence from a private landlord;
- Offers of suitable alternative accommodation under section 39 of the Land Compensation Act 1973 (duty to re-house residential occupiers);
- Offers of a secure tenancy under sections 554 and 555 of the Housing Act 1985 (grant of tenancy to former owner-occupier or statutory tenant of defective dwelling-house);
- An offer of accommodation to a person who occupies accommodation let under a family intervention tenancy i.e. a family intervention tenant who the authority notify is to become a secure tenant.
- Any other situations, added by the Secretary of State through the making of regulations, in which the allocation scheme will not apply.

#### 4. Eligibility for the Housing Register

All persons aged 16 years or over will be considered eligible for the Housing Register unless they are:

- An ineligible person from abroad (e.g. those subject to immigration control or not habitually resident in the Common Travel Area, see 4.1 below).
- In a class of applicants that the Council has decided should be considered non-qualifying applicants. Currently these classes would comprise:
  - a) Those considered to be guilty of unacceptable behaviour (see 4.2 below).
  - b) Those who are property owners who have an asset that could be used to obtain accommodation suitable to their needs.
  - c) Those with an annual household gross income in excess of £60,000 or savings/assets in excess of £75,000.
  - d) Those who have within 5 years of the date of their application, disposed of an asset which they could reasonably have been expected to use to resolve Their own housing difficulties, or
  - e) Those who have previously benefitted from the Right to Buy of a social housing property whether in Tandridge or another local authority area. Exceptions may be made on a case by case basis, such as relationship breakdown, where one partner is unable to live in the property and has no legal rights to force sale or release any equity.

In relation to classes b) – e) above, applicants over 65 years of age or, in exceptional circumstances, those otherwise assessed as eligible for sheltered housing will be entitled to join the Housing Register for consideration for sheltered housing. However, they will be subject to reduced preference, as described in section 6 later.

Any applicant regarded by the Council as ineligible to join the Housing Register may request a review of this decision (see Section 12 later).

#### **4.1 Persons from abroad**

Persons from abroad who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 are ineligible to join the Housing Register unless they are -

- In a category of persons specified by the Secretary of State as being eligible for an allocation of accommodation under Part VI of the Housing Act 1996.
- An existing secure or introductory tenant of a council (or other housing authority).
- An existing assured tenant of housing allocated to them by a council (or other housing authority)

Most persons from abroad who are not subject to immigration control (including British Citizens) must also be habitually resident in the Common Travel Area and/or have the right to reside in the Common Travel Area in order to be eligible to join the Housing Register. The Common Travel Area consists of the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.

#### **4.2 Unacceptable behaviour**

This will apply where there is evidence that any member of the applicant's household has behaved in such a way that, as a result, the Council considers the applicant to be unsuitable to be a tenant of the Council. Furthermore, that they are still unsuitable to be a tenant of the Council because of that person's behaviour.

Examples of such unacceptable behaviour would include:

- Significant rent arrears or breach of tenancy obligations.
- A conviction for using accommodation or allowing it to be used for immoral or illegal purposes such as drug dealing.
- Serious damage or neglect of a property.
- Anti-social behaviour or criminal activity including (but not limited to) serious nuisance or annoyance to neighbours for example, the granting of an Anti-Social Behaviour Order (or equivalent), or the granting of a Possession Order on the basis of anti-social behaviour or nuisance, threats or use of violence, racial harassment and domestic abuse.
- An unspent conviction (under the Rehabilitation of Offenders Act 1974) for an offence that in the view of the Council, and that of other relevant statutory agencies, would mean that the applicant or a member of the household would pose an unacceptable risk of re-offending in the District.
- Violence or threats of violence towards other residents, an employee of the Council or its representatives, a former landlord, or staff of statutory agencies.
- Where the applicant is held to be seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances.
- Where the applicant has an unspent conviction (under the Rehabilitation of Offenders Act 1974) for
- housing or welfare benefit related fraud.
- Where the applicant has previously obtained a tenancy by deception and/or attempted tenancy fraud.

Each application will be considered on its own merits but where the Council is satisfied that these conditions are met, the applicant will be regarded as ineligible for the Housing Register.

However, where the Council has reason to believe that unacceptable behaviour is due to a physical, mental or learning disability, the person will not be determined as ineligible without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support. In such cases the Council will consult as appropriate with any relevant agencies, including Social Services, the Council's independent medical adviser and local providers of support services.

Any applicant regarded by the Council as ineligible to join the Housing Register because of unacceptable behaviour may request a review of this decision (see Section 12 later).

If the review upholds the decision to regard the applicant as ineligible, the applicant may still make a fresh application to the Council at a future date when they believe that they should no longer be regarded as ineligible. The Council will consider this fresh application on its merits. However, unless there has been a considerable lapse of time, it will be necessary for the applicant to show that their behaviour has changed significantly.

### **4.3 Applicants under 18 years of age**

Applicants aged 16 or 17 years old will be accepted onto the Housing Register providing they are not otherwise ineligible. However, a person under the age of 18 cannot be the legal owner of an interest in land, including a tenancy. Therefore, unless there are exceptional reasons, the Council will not allocate a tenancy to a person under the age of 18.

In exceptional circumstances, the Council may grant a tenancy where a trustee has been appointed. The trustee would become the legal owner of the interest in the land and hold it in trust for the young person until they reach the age of 18. Any such case will need to be jointly assessed by the Housing Department and Social Services before an offer of accommodation is made. Furthermore, a suitable guarantor for the tenancy until the applicant reaches the age of 18, would also need to be identified. A person under 16 years of age is not eligible for the Housing Register.

## **5. Reasonable Preference & Housing Need Assessment**

All applicants will have their priority for housing assessed according to the same standard process. This assessment will consider the following factors:

- Eligibility for the Register
- Housing Need / Reasonable Preference Entitlement
- Local Connection
- Financial Assessment

### **5.1 Priority Banding**

Every application for housing will be assessed using a system of priority banding. This is intended to ensure that priority is awarded to all applicants who are entitled to reasonable preference, in accordance with Section 166A(3) of the Housing Act 1996.

The reasonable preference categories are as follows:

- People who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who are not in priority need;
- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3) of the Housing Act 1996;
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds, including grounds relating to a disability;
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

## **5.2 Reasonable preference**

Applicants entitled to reasonable preference will then be further assessed according to their degree of local connection with Tandridge District and the financial resources available to them.

## **5.3 Housing need assessment**

All applicants will be assessed to determine whether or not they fall within one of the following five categories -

- Additional Preference (Band A)
- High Preference (Band B)
- Moderate Preference (Band C)
- Low Preference (Band D)
- No Preference (Band E)

## **5.4 Additional Preference Category (Band A)**

Cases that fall into this category will be people who need to move because of either:

- a) an emergency, usually on health or welfare grounds; or
- b) because the Council needs them to move urgently in order to create vacancies within the housing stock for other people in housing need (management moves).

## **Emergency Cases**

Very few cases are likely to be eligible for this category, which will apply where:

- An applicant cannot occupy their property because of a medical problem or disability and the property cannot be adapted e.g. a wheelchair user who lives in a first floor flat with no lift.
- The applicant is a serving or former member of the Armed or Reserve Forces who needs to move because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.
- An existing secure tenant of the Council or an assured tenant of a Registered Provider of Social Housing (RP) in the District\* who needs to immediately move because of serious violence or harassment, where this has been substantiated and management action

- against the perpetrator(s) cannot resolve the situation, or
- Other cases recognised as emergencies but not fitting into the above categories at the discretion of the Head of Housing (see 7.2 later).
- Unless there are exceptional circumstances, in such cases, any alternative property will be offered on a like-for-like basis with the applicant's existing property and will not, necessarily, be based on the property size eligibility rules in this Scheme (see section 10.6 later).

## Management Moves

The following applicants will fall into this category:

- Tenants of the Council or an RSL in the District\* who:
  - Are under-occupying family properties and are prepared to move to one-bedroom properties.
  - Are in certain supported housing that is needed by other high priority applicants and who, themselves, no longer require the support.

\* Such tenants are only eligible to be included in this category where they were nominated by the Council and the Council would have a nomination right to the resultant vacancy, such that a further applicant can be assisted.

- Applicants who are part of a reciprocal arrangement agreed with another local authority or RSL (see 7.3 later).
- Applicants who are key workers (see 7.6 later) with at least 5 years of service who are retiring or being made redundant from accommodation provided for the better performance of their work duties (tied accommodation).
- Serious Anti-Social Behaviour (ASB) (Tandridge District Council tenants only) Where:
  - There is verified and ongoing serious anti-social behaviour, and
  - The case has been managed in accordance with the Council's Anti-social Behaviour Policy, and
  - All reasonable interventions (e.g. warnings, medication, enforcement action, tenancy action, partnership working) have been explored or exhausted, and
  - Rehousing is assessed as the only appropriate and proportionate way to resolve the situation and protect individuals or the wider community
  - Each case must be supported by documented evidence and risk assessment.
- Safeguarding or serious risk (Tandridge District Council tenants only)
  - Where there is evidence of significant risk to the tenant or household member (s), and multi-agency assessment confirms that relocation is necessary to safeguard the individual(s).
- Other complex tenancy management Issues (Tandridge District Council tenants only)

In exceptional cases involving complex tenancy management issues that do not fall within the above categories, a Management Move may be considered at the discretion of the Head of Housing. Examples may include (but not limited to):

- Severe and irretrievable neighbour disputes
- Situations creating significant community tension

- Cases where tenancy sustainment cannot reasonably be achieved at the current property
- Operational circumstances requiring relocation in the wider housing management interest
- Other cases recognised as urgent management moves but not fitting into the above categories at the discretion of the **Head of Housing**.

Approval of Management Moves must be:

- Supported by a written case summary outlining the circumstances, evidence, risk assessment, and actions already taken
- Recommended by the relevant Landlord Services Manager
- Approved by the Housing Needs Manager and/or the Head of Housing

Cases that fall into the above categories will be placed in Band A, unless:

- they do not have a local connection with Tandridge (see 6.1 later), or
- they have a high/moderate income (see 6.2 later), In the case of a) or b) applicants will be placed in Band D.

### **5.5 High Preference Category (Band B)**

The following applicants will fall into this category:

- Households assessed as homeless or threatened with homelessness by the Council and who are in priority need within the meaning of the Housing Act 1996
- Households whose accommodation lacks basic facilities (i.e. a kitchen, bathroom or toilet) and this cannot be provided by the owner at reasonable cost.
- Households whose accommodation is assessed as being in severe disrepair by an Environmental Health Officer and which cannot be repaired at reasonable cost.
- Households with dependent children where the facilities are shared with others who are not members of the applicant's household & the applicant has no rights to occupy the property or to apply for an occupation order.
- Households without enough bedrooms for their need (see 7.4 later).
- Households with an urgent need for alternative accommodation on medical or welfare grounds (see 7.1 and 7.2 later).
- Tenants of the Council or an RSL in the District\* who are under-occupying properties with three or more bedrooms and are eligible to move to two-bedroom properties.

\* Such tenants are only eligible to be included in this category where they were nominated by the Council and the Council would have a nomination right to the resultant vacancy, such that a further applicant can be assisted.

Cases that fall into the above categories will be placed in **Band B**, unless they are assessed as being subject to reduced preference (see section 6).

If they are assessed as being subject to reduced preference they will be placed in **Band D**.

### **5.6 Moderate Preference (Band C)**

The following applicants will fall into this category:

- Households that are renting accommodation with limited security of tenure (see 7.5 later).
- Other households who are homeless or threatened with homelessness including those who are not in priority need within the meaning of Part VII of the Housing Act 1996.
- Households with no fixed abode who have made a statutory declaration witnessed by a solicitor that they have no accommodation in which they can reside, even temporarily.
- Households containing at least one child under 5 and/or a pregnant woman that are living in accommodation above the ground floor.
- Households whose accommodation is assessed as being in disrepair by an Environmental Health Officer and which cannot be repaired by the owner at reasonable cost.
- Households sharing facilities with others who are not members of the applicant's household but where either:
  - the applicant has rights to occupy the property or to apply for an occupation order to grant this, or
  - their household does not include any dependent children.
- Households with no living room or those sharing a living room with another household.
- Households accepted as Tandridge key workers (see 7.6 later).
- Households with a need for alternative accommodation on medical or welfare grounds (see 7.1 and 7.2 later).

Cases that fall into the above categories will be placed in Band C, unless they are assessed as being subject to reduced preference (see section 6).

If they are assessed as being subject to reduced preference they will be placed in Band D.

### **5.7 Low Preference (Band D)**

Applicants who have any of the housing needs detailed in Bands A-C but are assessed as being subject to reduced preference (see section 6) will be placed in **Band D**.

### **5.8 No Preference (Band E)**

Applicants who do not have any of the housing needs detailed in Bands A-C will be placed in **Band E**.

## **6. Reduced Preference**

The supply of rented social housing available to the Council is limited and the Council cannot provide rented accommodation to everyone who requests it. Reduced priority for housing will therefore be given to eligible applicants where:

- They do not have a local connection with the District of Tandridge.
- They have financial resources available to meet their housing costs or where they have had such resources but have unreasonably disposed of them.
- Their behaviour or that of a member of their household affects their suitability to be a tenant.
- They are the tenant of a housing association (registered provider) property in Tandridge for which the Council does not have nomination rights or are living in temporary accommodation provided by another local housing authority.

A decision to reduce priority on this basis will be made by the Housing Allocations Officer following an

individual assessment of each application.

## **6.1 Local Connection**

Applicants will be considered to have a local connection with the District of Tandridge where they:

- Currently live in the District of Tandridge and have done so for at least one year, or
- Have previously resided in the District for 3 out of the last 5 years, or
- Are Tandridge key workers (see section 7.6 later) and they have been employed in this role for more than 16 hours per week for the last two years, or
- Have immediate family (i.e. mother, father, son, daughter) who have lived in the District for 5 or more years and the applicant needs to move to the District in order to receive essential support from, or give essential support to them.
- Have been accepted as having another special reason why they need to live in Tandridge.

Applicants who do not have a local connection will be placed in Band D if they have any of the housing needs detailed in Bands A-C or Band E if they do not.

Applicants with a local connection will have their income/assets assessed before being placed in the appropriate band

## **6.2 Financial Resources**

Less priority for rented units will be given to applicants who have sufficient income, funds or assets to resolve their housing situation in the private sector by purchasing or renting alternative accommodation suitable to their needs, or by using the Council's Shared Ownership Schemes,

Less priority will also be given to applicants accepted as eligible for sheltered housing who are in the following classes of applicant:

- Those who have within 5 years of the date of their application, disposed of an asset which they could reasonably have been expected to use to resolve their own housing difficulties, or
- Those who are property owners- that have an asset that could be used to obtain accommodation suitable to their needs.
- Those who have previously benefitted from the Right to Buy of a social housing property, whether in Tandridge or another local authority area. Exceptions may be made on a case by case basis, such as relationship breakdown, where one partner is unable to live in the property and has no legal rights to force sale or release any equity.

It is generally considered reasonable for a household to use up to 30% of their gross income towards housing costs (i.e. rent/mortgage). This threshold is used when determining whether an applicant has sufficient income to pursue outright purchase or shared ownership options. The table on the following page shows the income levels above which households will be considered to have sufficient income, funds or assets to purchase alternative accommodation suitable to their needs. In this regard, the income of all working adults within the applicant's household will be taken into account.

Applicants that have a higher income or assets (those that fall in a-c above) will be accepted on to the Housing Register but will be placed in either band D or E. Those assessed as being in

high/moderate housing need will be placed in band D and those in low housing need in band E. Applicants who have a low income will go on to be considered for bands A-C.

Applicants who have sufficient income to pursue low cost home ownership will be given details of suitable initiatives and vacancies.

Applicants with an annual household income over £60,000 or savings over £75,000 are ineligible to join the Housing Register.

**Table 1** Minimum Income Levels for Low Cost home Ownership

Bedroom Need			
	1 bedroom	2 bedroom	3 bedroom
Single income	£30,000	£35,000	£40,000
Joint income	£35,000	£40,000	£45,000

### 6.3 Behaviour

In accordance with section 166A (5) of the Housing Act 1996, reduced priority will be given where the applicant or a member of their household:

- a) Is a current tenant of a Council or RSL and has rent arrears or has caused nuisance which is subject to ongoing action;
- b) Has arrears from a previous Council or RSL tenancy and is not keeping to satisfactory arrangements to clear the debt. Generally, this arrangement would be expected to have been maintained for at least 6 months;
- c) Is a Council or RSL tenant who has been served with a Notice of Seeking Possession for rent arrears and whose account has not been clear for at least 6 months;
- d) Is a Council or RSL tenant who has been served with a Notice Seeking Possession because of nuisance and a minimum period of 12 months has not yet passed without any further instances of nuisance;
- e) Is a Council or RSL tenant who is required to make good damage to their current property;
- f) Is or was a tenant other than in a) above and the Council is satisfied that they have rent arrears or other housing related debts which they are not making satisfactory arrangements to repay;

Unless there are exceptional circumstances, applicants in the above categories will not be offered accommodation if there are other applicants in bands A to D.

Where there is evidence that an applicant has deliberately arranged their circumstances in order to qualify for higher priority under the scheme, no additional priority will be awarded for 6 months. This would apply where an applicant moves from accommodation that was available for their occupation and was no less suitable for them than the accommodation they have moved to, and which it was reasonable for them to have continued to occupy.

An applicant is entitled to request a review of any decision to reduce their preference in accordance with this section (see Section 12 later).

#### **6.4 Housing Association Tenants**

Less priority will be given to an applicant who is the tenant of a housing association (registered provider) property in Tandridge for which the Council does not have nomination rights. In such circumstances, the applicant would be expected to make arrangements with their landlord to transfer to more suitable accommodation.

Exceptions may be made on a case by case basis, particularly, for those needing to move on from supported housing. However, move on would normally be expected to be provided by the borough/district where the client lived prior to referral to the supported housing and not by Tandridge District Council.

Applicants who fall into this category will be placed in Band D if they have any of the housing needs detailed in Bands A-C or Band E if they do not.

#### **6.5 Temporary Accommodation provided by another Local Authority**

Less priority will be given to an applicant who is occupying accommodation provided by another housing authority in discharge of its duties under section 188, section 190(2) or section 193(2) of the Housing Act 1996 (temporary accommodation). Such applicants are owed a duty by the placing local housing authority to be provided with suitable accommodation until that duty is lawfully ended.

Applicants who fall into this category will be placed in Band D if they have any of the housing needs detailed in Bands A-C or Band E if they do not

#### **6.6 Refusal of a reasonable offer**

Any person that refuses two offers of accommodation that fully meet their expressed choices will be entitled to remain on the Housing Register but will have their priority reduced. Their degree of preference (banding) will continue to be determined by their housing need assessment but their date of registration will be amended to be the date of refusal of the second offer, thus reducing their priority within the band.

Applicants who have been awarded urgent priority but have not made any applications for accommodation within any 12-month period since receiving this priority will be written to and requested to provide confirmation of their current circumstances and their reasons for not making any applications for housing. Applicants will not be considered for an allocation of accommodation until the necessary information has been received and assessed. Where it is considered appropriate to do so, the Council may consider reducing an applicant's priority.

## **7. Definitions**

### **7.1 Medical Assessment**

An applicant can apply to have medical priority awarded to their case. They will need to complete a self-assessment medical form. Where appropriate, the Council will seek specialist opinion from its Medical Advisor. The Council will then decide whether or not the application should be given one of the following:

#### **Emergency Medical Priority**

In very exceptional circumstances an applicant may be assessed as requiring an emergency move on medical grounds. This level of priority may only be awarded by the Housing Needs Manager following a recommendation from the Medical Adviser. An example of such a situation is where:

- An applicant cannot occupy their property because of a medical problem or disability and the property cannot be adapted e.g. a wheelchair user who lives in a first floor flat with no lift.

### **Urgent Medical Priority**

This will be awarded where an applicant's health, or that of a member of his/her household, is likely to decline very rapidly and lead to a life-threatening situation if they are not moved from their current accommodation within the next 6 months. Examples might include:

- An elderly applicant who lives above ground floor without a lift and who has had a series of heart problems, or
- Where an applicant's continued occupation of their current home is likely to cause a marked deterioration in their health e.g. severe depression or mental illness

### **Medical Priority**

This level of priority will be awarded where the applicant's health is being affected by their current accommodation but their health is unlikely to deteriorate significantly within a short period of time.

Any award of medical priority will only be applicable to properties that the Council considers to be suitable for the applicant's needs, whether on medical grounds or otherwise.

### **No Medical Priority**

Where:

- rehousing is unlikely to improve the applicant's health; or
- the accommodation in itself is not affecting the illness; or
- full recovery is likely within one year,

Then no medical need will exist and no priority will be given on this basis.

## **7.2 Welfare Assessment**

Additional priority on this basis may be awarded to an application where there are particular welfare or social factors, or exceptional circumstances not covered elsewhere. These will usually need to be substantiated by other agencies e.g. the Police, Social Services, Leaving Care Team, etc. The award of priority on this basis is rare and is made by the Head of Housing, following a detailed review by the Housing Needs Manager.

Priority may also be awarded in the following circumstances:

- a) Where an applicant is a relative or partner of a Tandridge District Council tenant who has died, they were residing with them for at least 12 months immediately prior to their death, and they would have had the right to succeed to the tenancy in accordance with the Council's Succession Policy had there not been a previous succession. In these cases, additional priority for the allocation of suitable accommodation will usually be awarded if the applicant does not have sufficient income, funds or assets to purchase alternative accommodation suitable to their needs privately or by using the Council's Shared Ownership Schemes.

- b) Where an applicant has had to give up an existing Council or RSL tenancy to receive long-term treatment or rehabilitation. Priority may be awarded following confirmation that the applicant has completed the treatment and is in housing need.
- c) Where an application is received to make an existing Tandridge District Council (TDC) secure tenancy a joint tenancy with another eligible person and it is considered appropriate in the circumstances to do so. Furthermore, that there are no adverse implications from the joint tenancy for the good use of the housing stock and the Council's ability to continue to provide for housing need.
- d) Where one party to a joint TDC secure or introductory tenancy formally terminates the tenancy and it is considered appropriate to allocate the tenancy of this property or another property to the remaining tenant. Furthermore, that in doing so, there are no adverse implications for the good use of the housing stock and the Council's ability to continue to provide for housing need.
- e) Where a person needs to move to a different locality in order to give or receive care, to access specialist medical treatment, or to take up or maintain particular employment or training. Furthermore, that hardship would be caused to themselves or others if they were unable to do so. This would include applicants who are existing social housing tenants, considered eligible under the Right to Move regulations, who may also be considered to have a local connection with the District under the category of other special reason (see section 10.8 later);
- f) Where the cumulative needs of an applicant and their household warrant additional priority. During the assessment of an application, applicants who have a range of needs, that would, when considered independently of each other, qualify them for the same band, will be identified. These cases will be further assessed to identify those applicants whose needs, when considered cumulatively, are considered to be sufficient to warrant them being placed in a higher band.
- g) Where an applicant has a particular special need that causes them to be considered vulnerable, other than on medical grounds. Examples of such applicants include those with a learning disability, a care-leaver aged 18-21, etc. Priority will normally be awarded following assessment of an applicant's case at a Multi-Agency Special Needs Panel or similar meeting.
- h) Where the Council has accepted a duty to use its best endeavours to provide suitable accommodation under Section 28 of the Rent (Agriculture) Act 1976.
- i) Where a former TDC introductory or secure tenant has become a tolerated trespasser and the breach of tenancy has been fully remedied so that eviction would not normally be considered. Furthermore, that it is considered appropriate in the circumstances to grant them a further introductory tenancy of the same, or an alternative, property.
- j) Where a member of the armed forces is leaving service accommodation and:
- Immediately prior to enlistment, one partner had lived at a fixed address within the District for three out of the five years immediately before moving to Forces accommodation; and
  - The applicant has been on the Housing Register for at least six months prior to discharge: and
  - The serving partner has fulfilled the terms of his/her engagement in the forces and has served at least three years; and
  - The household would be in priority need and have a local connection should homelessness arise (as defined in the Housing Act 1996 Part VII section 189).
- k) Where the applicant is a bereaved spouse or civil partner of a member of the Armed Forces who

is leaving Services' Family Accommodation following the death of their spouse or partner. Furthermore, that they are entitled to reasonable preference in accordance with Section 166A(3) of the Housing Act 1996 and are considered to have urgent housing needs.

- l) Where the applicant is a former member of the armed forces, who is entitled to reasonable preference in accordance with Section 166A(3) of the Housing Act 1996 and is considered to have urgent housing needs.
- m) Where a review of the Council's stock results in the re-designation of certain properties and, as a result, a TDC secure tenant of such a property requests a move to alternative accommodation. The applicant's current property must previously have been designated as sheltered (or age-restricted) accommodation at the time that the applicant was granted the tenancy but has since been subject to a re-designation to general needs accommodation or to a significantly lower age restriction. Priority may be awarded where the applicant wishes to move to a new property that has the same (or a very similar) age-restriction as that which applied when they were granted their tenancy.
- n) Where an applicant would be approved for foster caring but cannot be approved for a placement because they lack sufficient bedrooms to accommodate a foster child. Priority on this basis will be restricted to a maximum quota of 2 applications per year.

If additional priority is regarded as appropriate the Head of Housing will decide which of the following awards should be given:

#### **Emergency Welfare Priority**

In very exceptional circumstances an applicant may be assessed as requiring an emergency move on welfare grounds. Examples of such situations are where:

- An applicant's life would be in immediate danger if they continued to live in their current accommodation and the Council has third party evidence that supports this, or
- An existing Council tenant or assured tenant of a Registered Social Landlord in the District who needs to immediately move because of violence or harassment.

#### **Urgent Welfare Priority**

This will be awarded where an applicant has an urgent need to move on welfare grounds or needs to move urgently to a particular locality to avoid hardship to themselves or others and written support for this has been received from an appropriate agency.

#### **Welfare Priority**

This will be awarded where an applicant has a less urgent need to move on welfare grounds or needs to move to a particular locality to avoid hardship to themselves or others.

### **7.3 Reciprocals**

A reciprocal is where one Council re-houses an applicant from another Council on the understanding that the Council who has given up a property will, at some stage, be offered a property for someone from their housing lists.

Tandridge District Council will consider a reciprocal in the following circumstances:

- Where the applicant is fleeing violence, including domestic violence.

- Where special needs accommodation is vacant and there is no one on the Tandridge Housing Register in need of the type of accommodation in question.
- Where there are exceptional management reasons requiring a move e.g. when a tenant from another authority is to be a witness in criminal proceedings and needs to be moved for their own protection.
- Where a request for assistance is made through the mobility scheme for the re-housing of victims of violence in accordance with the current procedure agreed by the Surrey District Housing Authorities.
- Where a request for assistance is made through the mobility scheme for the re-housing of offenders in accordance with the current protocol agreed by the Surrey District Housing Authorities and other partner agencies.

Before any agreement is given to a reciprocal, a full written report of the circumstances is required from the other Authority. The decision whether or not to accept a reciprocal will be made by the Housing Needs Manager, who may also need to be satisfied that an applicant in housing need from Tandridge can be housed by the other Authority within a reasonable time. A written commitment to the granting of a property in return for re-housing is also required from the other Council.

#### **7.4 Overcrowding**

Households will be regarded as overcrowded when they are assessed as needing at least one more bedroom than their current accommodation has. This will be decided according to the following principles:

- A separate bedroom is required for each member of the household over the age of 18 (with the exception of partners and same sex siblings).
- No more than 2 children should have to share a bedroom.
- 2 children of opposite sex should not have to share a bedroom where one of them is over 10 years of age.
- A room with a floor area of less than 50 square feet shall not be considered to constitute a bedroom.

In exceptional circumstances the Council may regard other households as overcrowded usually on the advice of the Council's Medical Adviser.

#### **7.5 Limited Security of tenure**

This will apply where the Council is satisfied that an applicant is occupying their current accommodation on insecure terms and can be legally evicted without the need for a ground for possession being proved in Court. Such circumstances will include occupancy on an Assured Shorthold Tenancy, a non-secure tenancy or licence. It will also apply where the nature of the applicant's occupancy automatically excludes them from the terms of the Protection from Eviction Act 1977, e.g. sharing accommodation with a resident landlord or a member of their family, unauthorised occupancy, etc.

#### **7.6 Key Workers**

The council's current Key Worker Policy defines Tandridge key workers as those who:

- Provide essential public services such as health and personal care, education, police and emergency services, social services and other local authority staff; and/or
- Contribute to the infrastructure and economic viability of the area, such as transport providers, postal service workers, domiciliary support, refuse collectors, certain shop workers. This is not an exhaustive list but gives an example of how private sector services contribute to the overall well-being and sustainability of an area; for example, providing housing opportunities for shop workers might keep a village shop open.

### **7.7 Permanent Decants**

- Households requiring decant due to regeneration, major works or emergency works do not fall within the general Housing Allocation Scheme.
- Decants will be managed in accordance with the Decant Policy (October 2025).
- Decant households will be placed in Band A for rehousing priority.

## **8. Operation of the Housing Register**

### **8.1 Initial Application**

To register an application an applicant must complete an online application through [Tandridge-homechoice.org.uk](https://tandridge-homechoice.org.uk). The application should be submitted, and documents uploaded to verify proof of ID and proof of income for household members.

Once a completed form has been submitted, the Housing Needs Team will then undertake an assessment against this Policy. In some cases, the Housing Needs Case Officers will request further information from applicants to verify their application.

Providing the applicant is eligible for the Housing Register and the form has been completed and verification documents uploaded the application will become active on the Housing Register. A letter will be sent to the applicant confirming their application reference number and their banding within 10 working days.

If an applicant is considered to have the income to pursue low cost home ownership they will also be sent details of the affordable home ownership schemes currently available through the Help to Buy Zone Agent.

If the applicant is considered to be ineligible for the Housing Register, they will be sent a letter confirming this and the reason for this decision.

### **8.2 Re-registration of applications**

Applicants will be asked to renew their application annually on the anniversary of their application on their Home Choice Account and they must confirm the current details held on their application and resubmit their application for renewal online.

Any applicant who does not renew their application within 28 days of receiving the invitation to do so will be assumed to no longer require housing and their application will be cancelled accordingly.

### **8.3 Changes of Circumstance**

Applicants who move to a new address or whose circumstances change after they have been accepted onto the Housing Register (e.g. - someone joining or leaving their household, or a change in income or employment, etc.) should update their details on their online Home Choice application so their application can be reassessed.

Where the Council becomes aware that an applicant's circumstances have changed, they will, where possible, contact the client to request they update their application online. Applicants will not be considered for an allocation of accommodation until the necessary information has been received and assessed.

### **8.4 Verification**

The Council will verify all information provided by the applicant that is relevant to their eligibility and / or priority for an allocation of accommodation. Further verification, which may include inviting the applicant for an interview or completing a home visit, will be required at the time an applicant is

allocated a property and the Council may check information with other sources as allowed by the law, including credit referencing agencies.

Where practicable, applicants will be visited at home to verify their circumstances prior to any offer of accommodation being made. Applicants will be expected to provide documentary evidence that all persons included on the application are resident at the address applied from. Applicants will also be required to provide any additional proof considered appropriate to confirm the applicant's circumstances

### **8.5 Removal / Cancellation of applications**

If information is obtained that gives reason to believe that an applicant who has already been accepted onto the Housing Register is, in fact, ineligible to be on the Register, the applicant will be informed in writing. The applicant will be given 28 days to provide information to show that they are eligible. If they do not reply within this period, or if they reply but the Council still believes them to be ineligible, they will be removed from the Housing Register.

Unless the Council decides that there are exceptional circumstances, an applicant that accepts an allocation of accommodation made by the Council will have their application cancelled.

## **9. Applicant Choice**

### **9.1 Free Choice**

The Council wishes to ensure that choice is extended as widely as possible to all applicants. Most applicants are therefore able to choose specific accommodation that they wish to be considered for. Exceptions to this are described in section 9.2 later.

Tandridge District Council operates a Choice Based Lettings scheme known as Tandridge Home Choice. The Council will advertise its own vacancies (and housing association vacancies to which it has negotiated nomination rights) in its offices, on the internet, on a dedicated telephone line and,

for vulnerable clients, by newsletter. Applicants on the Housing Register are invited to express an interest in, or bid for, the properties advertised.

All applicants can also express their preference for the type and location of property required when completing a Housing Needs Register application form. They can also contact the Council at any time to change their preferences. However, there are certain preferences that will not be recognised, such as where an applicant asks for a property which is larger than they need. The type and size of a property an applicant will be considered eligible to bid for will depend on the applicant's household composition, age and eligibility. Applicants will be registered for and thus able to bid for only for the size and type of property they are entitled to, as described in 10.5 and 10.6 below.

Applicants may make a total of 3 bids in any one advertising cycle for properties advertised through Tandridge Home Choice and properties that are advertised for cross-boundary mobility moves (see section 10.3.1).

Bids must be made before the deadline shown in the advertisement otherwise the bid will not count.

## **9.2 Restricted Choice**

Because some households need to move very urgently, it will not always be possible to meet all of their preferences for particular types of property or areas of the District. Restricted choice will therefore apply to the following groups of applicants:

1. Emergency Cases
2. Statutorily homeless households

Arrangements for implementing restricted choice for each of these groups are detailed below.

### **Emergency cases**

These applicants will be placed in Band A and made one suitable offer of accommodation within the District. When determining suitability, in addition to the size standards specified in 10.6 later, consideration will be given to the following:

- Location of employment.
- Schooling.
- Support networks that the household has.
- Mobility and transport issues.
- Any medical needs that the household has.
- Any substantiated issues of violence or harassment.
- Any other specific factors, considered by the Council to be relevant.

If the applicant refuses a suitable offer of accommodation, their emergency priority will be withdrawn. Their application will be assessed in accordance with the normal procedure and they will be entitled to free choice. Applicants who were awarded emergency priority on medical grounds will have their priority reduced to an urgent level.

## **Statutorily homeless households**

In accordance with its powers and its duties to homeless applicants, under Part VII of the Housing Act 1996, the Council is able to provide accommodation in its own stock or that of a Registered Housing Provider in a number of situations. These include:

- **Section 195(2)** - The power to provide accommodation to prevent homelessness where a household is considered to be threatened with homelessness within 56 days.
- **Section 189B(2)** - During the period that the Council owes the applicant a relief duty, the power to provide accommodation to relieve an applicant's homelessness
- **Section 193(2)** - Following expiry of the relief duty, the duty to provide accommodation where an applicant is considered to be unintentionally homeless and in priority need, This is usually referred to as the 'main housing duty'.

Such arrangements are outside the scope of the Allocation Scheme and properties provided on this basis are usually only available for a maximum term of 2 years.

In line with good practice, the Council wishes to give homeless applicants as much choice as possible about where they live. However, if applicants were able to remain in this temporary accommodation until their ideal property was available this would lead to problems with the supply of temporary accommodation for other homeless people.

Households that have been placed in temporary accommodation by the Council will therefore be allowed to freely choose their preferred landlord, property type and area for a period of 6 months only. If the applicant has not made a successful bid during this period, they may then be made a suitable offer by the Council of a vacant property anywhere within the District.

## **10. Allocation Process**

All vacancies that are available to the Council in the circumstances described in Section 3.1 earlier will be allocated from the Housing Register in accordance with the procedures in this section.

### **10.1 Standard Selection Process**

- Details of vacant properties available for allocation will be advertised weekly on the Home Choice website.
- Applicants on the Housing Register are invited to express an interest in, or bid for, the properties advertised. The Council may make bids at an applicant's request or, for households with restricted choice, where it considers it appropriate to do so.
- Each bidding round will commence on Friday at midnight and close on Wednesday at one minute to midnight in every week of the year. Exceptions may be made for Bank Holidays.
- Following the close of the bidding round, the eligible bids for each property will be prioritised in band and date order and a shortlist of applicants to be considered for the offer of the tenancy will be created.
- Properties will be offered to qualifying applicants in band order, starting with Band A. If there are no households in Band A that match against the vacant property, then the process of allocation

will move on to Band B and so on in order through the bands.

- The property will be offered first to the eligible applicant with the highest priority, and if refused, to the applicant with the next highest priority and so on until the offer is accepted.
- If more than one household within a band matches against the property, priority will be determined in date order from the date of registration on the list, with the earliest application having the highest priority.
- If an applicant moves up a band or a property size category their effective application date will be the mid-point between their date of application and the date that they moved into that band. This date will be referred to as the priority date; for example, an applicant who was registered in Band C for one year and now qualifies for Band B, will have a priority date of six months before the date that they were eligible for Band B. The earliest priority date that an applicant can qualify for will not be more than one year before they became eligible for the higher band or property size category. This ensures that applicants gaining a higher level of priority do not automatically overtake all applicants who have had that higher level of priority for longer. Where an applicant subsequently moves up a band or a property size category again their new priority date will be the mid-point between their previous priority date and the date that they moved into that band.
- If an applicant moves down a band or a property size category their effective application date will be the date that applied when they were previously in that band or any earlier date when they were in a higher band.
- Eligibility for different sized properties is determined according to the Council's matching criteria shown in Section 10.6 later.
- Not all applicants are eligible for certain types of properties. Specific eligibility criteria that apply to these properties are shown in Section 10.5.

## **10.2 Affordability Assessment**

Recent welfare reforms have had a significant effect on the ability of some non-working households, particularly larger households, to afford reasonable rents in the private sector and, to a lesser extent, housing association properties let at affordable rents.

Key amongst these reforms has been the reduction in the overall benefit cap, outside London, for non-working households, to £20,000 a year.

Where a household's total benefit income (including their Housing Benefit or housing element of Universal Credit) exceeds the total cap, the actual benefits they receive will be reduced to the level of the cap. Where a household is in receipt of Housing Benefit or the housing element of UC, this is the first benefit that will be reduced.

In order for an applicant to be allocated a particular property, the Council will need to be satisfied that the specific rent for the property is affordable for the individual household. The household's ability to pay the rent from their available income will be assessed. In determining available income, consideration will be given to any benefits that the household is in receipt of, including their entitlement to Housing Benefit or the housing element of UC. For any income to be taken into account, the applicant must be able to demonstrate that this income will be received on an ongoing basis.

Determinations of affordability will, primarily, be based on an assessment of the household's

eligibility for Housing Benefit, under existing regulations.

A household that is not eligible for Housing Benefit or the housing element of UC will need to have an income that (in accordance with the benefit regulations) is sufficient so that they would not be eligible for Housing Benefit even if the full rent for the property were eligible for Housing Benefit.

Where an applicant is unable to meet the rent for the property without assistance from Housing Benefit, the property will not be considered affordable where the shortfall between the rent due for the property and the rent that the applicant is eligible to receive Housing Benefit for exceeds £5 per week. In order to be allocated the property, the household will need to demonstrate that their ability to meet the rent is sustainable for the foreseeable future.

### **10.3 Exceptions to the standard selection process**

**10.3.1** In certain circumstances it may not be appropriate to offer a property to the applicant with the highest priority. Examples of such situations are where:

- The applicant does not yet have sufficient support to live independently.
- The applicant is not suited to, or is not eligible for, the vacant property (see 10.5 below under sheltered housing, age-restricted housing, supported housing and key worker housing).
- Allocation is likely to result in serious estate management difficulties.
- A mix of applicants is needed to establish a balanced community e.g. - supported housing where a mix of people with different levels of support needs is required.
- The vacancy is subject to a local allocation policy (see Section 10.7).
- The applicant has pets and the property is not suitable for certain pets or pets are not permitted.
- On further investigation, the applicant is found to be ineligible for an allocation of accommodation under Section 4.1 or 4.2 of this scheme.
- On further investigation, the applicant is found to be liable for reduced preference in accordance with Sections 6.1 – 6.4 of this scheme.
- The applicant has been awarded medical or welfare priority for the allocation of particular type/ types of accommodation and the property is not one of these. Furthermore, the applicant would not otherwise have sufficient priority to be allocated the property.
- The applicant has failed to respond to in a timely manner to reasonable attempts by the Council to contact them regarding verification of their application as described in section 8.5 of this scheme
- To do so would conflict with the Council's objectives to make the best use of its stock and to address housing need. For example, where an applicant is at the top of the list for more than one property, the Council may consider it appropriate to offer the property which best enable it to meet these objectives, taking into account the needs of other households. This provision particularly applies to applicants with restricted choice.

Allocations made under one of the above exceptions must be approved by the Housing Allocations Manager and the reasons recorded.

**10.3.2** Nominations to Housing Association vacancies will generally be made in accordance with the same criteria as that used for the selection of tenants for the Council’s own dwellings. However, on some occasions the Housing Association may themselves have eligibility criteria that they wish the Council to take into account when selecting a suitable applicant for a vacancy or have grounds why they consider a particular nomination to be unsuitable. Where the Council considers that these criteria or grounds are reasonable, it will take them into account in deciding whether an applicant is eligible for nomination to the specific vacancy. Furthermore, in this regard, a nomination previously made by the Council may be withdrawn where the Council is satisfied that there are reasonable grounds for doing so. An applicant who is unhappy with a decision made on this basis has the right to request a review of the Council’s decision.

**10.3.3** On rare occasions, the Council may decide to remove properties from Choice Based Lettings and make a direct allocation in the following circumstances:

- A sensitive allocation is necessary or a local allocation policy is in operation.
- A property is purpose built or significantly adapted for a person with a disability.
- A RSL has requested a direct nomination to a property at their discretion. The procedure for allocating such properties is described in section 10.4 below

#### **10.4 Direct Allocation Process**

- When a property becomes available the Council will use a computer application to generate a specific list of eligible applicants from the Council’s Housing Register. This list will only include applicants who need that landlord, size, type and area of property.
- Applicants with free choice will only appear on the list if they have chosen to consider properties with this landlord of this type and in this area.
- Applicants with restricted choice will appear on the list if they have chosen to consider properties with this landlord of this type and in this area, or if the Council considers the type of property and area to be suitable for the applicant’s needs.

#### **10.5 Sensitive Lettings**

A Sensitive Let is a property which, due to its location, history, or specific risks associated with it or the surrounding area, requires a managed allocation outside the standard advertising and bidding process.

The Council may apply a sensitive letting provision in defined circumstances where additional control over the allocation of the a particular property is necessary to:

- Protect vulnerable individuals.
- Promote community safety.
- Prevent or reduce anti-social behaviour; or
- Maintain balanced and sustainable communities.

Sensitive lettings will only be used where it is reasonable, proportionate and justified by evidence.

In such cases, the Council may decide not to advertise the property through the Choice Based Lettings scheme and may instead nominate a suitable applicant directly from the Housing Register.

Sensitive Lettings do not remove reasonable preference categories and will operate within the statutory framework of the Allocation Scheme.

Sensitive Letting status must be approved by:

- The Housing Needs Manager; and/or
- The Head of Housing.

Approval will only be granted where the evidence supports the application of a Sensitive Let and the decision complies with statutory allocation duties.

## **10.6 Eligibility for certain vacancies**

### **Houses**

Priority for houses will be given to households with at least one dependent child under 16 years of age. Therefore, an applicant without a dependent child will not be offered the tenancy of a house if there are other applicants for the property, within the same priority band, with a dependent child.

### **Ground floor flats**

Priority for ground floor flats will be given to applicants who have been awarded priority for, or otherwise require, this type of property on medical grounds, unless there is no suitable applicant with medical need.

### **Adapted Properties**

Priority for adapted properties will be given to applicants who have been awarded priority for, or otherwise assessed as requiring, this type of property on medical grounds, unless there is no suitable applicant with this medical need.

Priority for adapted houses will be given to households with at least one dependent child under 16 years of age. Therefore, an applicant without a dependent child will not be offered the tenancy of an adapted house if there are other applicants for the property, with a medical need for this type of property, in the same priority band, with a dependent child.

### **Sheltered housing**

Applicants for sheltered housing must normally be aged 65 or over, unless a younger applicant has proven support needs, which could genuinely be met by the sheltered housing service. Before an applicant is offered sheltered housing, an assessment will also be undertaken to determine the applicant's suitability for sheltered housing and whether they are likely to benefit from the support available.

### **Age-Restricted Housing**

Some properties are designated for people aged 60 and over, or 40 and over. Allocations of these properties will only be made to people who meet the age criteria.

### **Supported Housing**

Before an allocation of a supported housing unit is made, consideration will be given to each applicant's housing need, their need for support and their suitability for the particular vacancy. Allocations will then be made in accordance with an agreed priority order, in discussion with the supported housing provider and relevant agencies, as appropriate.

### **Key Worker Housing**

Some units of accommodation are designated as key worker housing. Usually funding for these units is provided on the basis that they are allocated only to key workers. Allocations to key worker housing will be made in priority order but only to applicants who meet the definition in paragraph 7.6 or any amended definition that is required by Government regulations or may be approved at the time by the Chairman of the Housing Committee.

### **10.7 Property size eligibility**

The number of bedrooms an applicant can be considered for is decided by looking at the size and structure of the household. The size of property that a typical household will normally be allocated is shown below:

<b>Single applicant</b>	-	<b>bedsit or 1 bedroom property</b>
<b>Couple</b>	-	<b>1 bedroom property</b>
<b>Household with 1 child</b>	-	<b>2 bedroom property</b>
<b>Household with 2 children</b>	-	<b>2 or 3 bedroom property</b>
<b>Household with 3 children</b>	-	<b>3 bedroom property</b>
<b>Household with 4 children</b>	-	<b>3 or 4 bedroom property</b>
<b>Household with 5+ children</b>	-	<b>4 bedroom property</b>

A child is a son or daughter of the applicant or their partner, of any age, or any other household member under 18 years of age that is dependent on them.

Children will not usually be expected to share a bedroom where they are of opposite sex and at least one of them is over 10 years old.

Any other adult members of a household (with the exception of partners and same sex siblings) will also be regarded as needing their own bedroom.

Any person wishing to be included as part of an applicant's household must satisfy the Council that they are a permanent member of the applicant's household and show that it is reasonable to expect them to reside with the applicant on a continuing basis. In the case of children where residence is shared between parents, it would not normally be considered reasonable for a child who has a suitable home with one parent to be taken into account when considering the housing needs of the other under this scheme.

Because of the shortage of larger properties, applicants who are eligible for 4 bedroom properties may also be offered large 3 bedroom properties on occasions.

In exceptional circumstances, the Council will consider allocating properties of alternative sizes to applicants. Such decisions will be only be authorised by the Housing Needs Manager, usually following advice from the Council's Medical Adviser or support from other statutory agencies.

### **10.8 Local allocation policies**

On new estates there is often a need to ensure that there is a mixed and balanced community. This is difficult to achieve if all the allocations are made to people in high need. The possibility of adopting a local lettings plan/policy for initial lettings on new estates will therefore be considered during the development of new housing schemes of 10 properties or more.

Rural exception sites require affordable dwellings to meet the needs identified within the rural area in question. There may also be other rural sites, where it is considered preferable to allocate to meet the needs of the rural community. Local letting policies negate the need for complex cascade arrangements within planning agreements. A planning agreement would just need to reference that dwellings should be let in accordance with the local letting policy. The possibility of adopting a local lettings plan/policy for initial lettings will therefore be considered during the development of all new rural housing schemes regardless of size.

The above are examples of situations where it is likely that local letting policies will be adopted. However, there may also be other situations where it is considered appropriate to adopt a local allocations plan/policy for new housing schemes of 10 properties or less

The Head of Housing would be required to agree any proposed policy following discussion with the Chairman of the Housing Committee, prior to allocation of the units.

### **10.9 Priority for Existing Tenants on New Build Properties**

Where the Council delivers or acquires new build housing, it may apply a Local Lettings Plan to support effective stock management and community sustainability.

Under this approach, up to 20% of properties within a new development may be prioritised for existing secure or assured Council tenants who are seeking an internal transfer.

This provision will:

- Support mobility within the Council's housing stock.
- Enable the release of under-occupied family accommodation.
- Assist in reducing reliance on temporary accommodation.
- Promote balanced and sustainable communities.

### **10.10 Right to Move**

In March 2015, the Government issued regulations and published statutory guidance regarding increasing mobility for social tenants to enable them to meet their aspirations, and to support them into work. The stated aim was to ensure that tenants are not prevented from taking up an

employment opportunity because they cannot find a suitable place to live. This policy is referred to as the Right to Move.

The Council does not require an applicant to have a local connection with its District in order to qualify for the Housing Register. Social housing tenants living outside the District, wishing to move on this basis, are therefore eligible to join the Housing Register unless they are, otherwise, ineligible.

The Council has made provision for giving reasonable preference (priority) to applicants that qualify under the Right to Move, within the category of hardship reasonable preference, on welfare grounds, at section 7.2e of this Policy. The number of applications that are made on this basis will be monitored annually to ensure that such applicants are receiving appropriate priority for the allocation of properties in the District.

At this time the Council has not set a quota of properties that it expects to allocate each year to transferring tenants who need to move into the District for work related reasons. This is because the Council is not, yet, aware of any such need, having not received any legitimate applications on this basis. Nevertheless, the number of such applications that are received and are considered eligible for priority will be monitored and the need for a quota reviewed annually.

## **11. Performance monitoring and amendments**

### **11.1 Monitoring of the Allocation Scheme**

This scheme will be reviewed annually to determine if the policy is meeting the aims and objectives that are set out in section 2, and to consider whether these need amending.

### **11.2 Monitoring of allocations**

The Housing Needs Manager is responsible for ensuring that allocations are made in accordance with the agreed policy. He/she will make random checks to confirm that allocations are being made appropriately and will take immediate corrective action should this be found not to be the case.

### **11.3 Ethnic monitoring**

The breakdown of allocations according to ethnic origin will be monitored annually.

### **11.4 Local Performance Indicators**

The success of this allocation scheme will be judged against the following indicators:

- The time taken to re-house applicants in 'Band A – additional preference' and 'Band B - high preference'.
- The proportion of black and ethnic minority applicants housed in relation to the proportion of such groups within the population.
- The average re-let time for vacancies.

- The number of tenants housed each year who were under-occupying family homes.

Performance against each of the above indicators will be assessed annually as part of the review of this policy.

### **11.5 Minor changes to the Allocation Scheme**

The Head of Housing is authorised to make minor changes to this allocations policy. However, these changes should not significantly affect large numbers of applicants. The reasons for making any changes must also be documented and available to the public. Significant changes to the policy are to be approved by the Housing Committee.

## **12. Rights to information and reviews**

### **12.1 Right to Information**

Every applicant has the following rights regarding the provision of information:

- The right to request general information that will enable them to assess how their application will be treated including whether they are likely to be eligible for reasonable preference.
- The right to request general information that will enable them to assess whether housing appropriate to their needs is likely to be made available and if so how long it is likely to be before such accommodation becomes available.
- The right to be informed of any decision about the facts of their case which is likely to be taken into account in considering whether to allocate housing to them.
- The right to be informed of any decision that they are unsuitable to be a tenant which is likely to be taken into account in considering whether to allocate housing to them.

### **12.2 Rights to a Review**

All applicants have a right to ask for a review in the following circumstances:

- Where they have been refused entry to the Housing Register (due to their immigration status or because they are in one of the non-qualifying classes).
- Where their application has been cancelled.
- Where their application has been given reduced preference in accordance with Section 6 of this Scheme.
- Where having been advised of the facts of their case which are likely to be, or have been taken into account, in considering whether to allocate housing, they wish to dispute the decision that the Council has made in relation to these facts, or they disagree with the facts themselves.

A request for a review may be submitted in person by an applicant or by an authorised representative acting on their behalf.

A senior officer who was not involved in making the original decision will carry out these reviews. The following procedure applies:

- A request for a review must be made in writing to the Council within 21 days from the day on which the applicant is notified of the authority's decision and the reasons for it. The Council has discretion to extend the time limit if it considers this would be reasonable
- An applicant may provide any additional information that they think the Council should take into account when reviewing its decision. This must be in writing and provided within 14 days from the date the Council notifies the applicant that it is carrying out a review. The applicant will be advised of the outcome of the review and of the reasons for it within eight weeks unless the applicant has agreed to an extension of time.
- There is no right to request a further review.

Reviews of decisions made under Part VII of the Housing Act 1996 (Homelessness) are outside the scope of this Policy.

### **12.3 Data Protection**

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

### **12.4 Access to Personal Information**

In accordance with the Data Protection Act 1998, the Community Services Department believes that people have a right to see what information is kept about them on written records. As far as possible we will make this available, subject to certain restrictions. If you wish to view your records, please contact

the Council's Data Protection Officer:

The Data Protection Officer Tandridge District Council Council Offices

8 Station Road East Oxted

Surrey RH8 0BT

[dpo@tandridge.gov.uk](mailto:dpo@tandridge.gov.uk)

## **13. Equal Opportunities**

The Council aims to:

- Ensure that all members of the community have fair and equal access to the Council's services.
- Ensure that no service user, employer or job applicant is treated less favourably on the grounds

of disability, age, gender, marital status, sexual orientation, race, faith, colour, nationality or ethnic origin.

- Ensure that no service user, employer or job applicant is disadvantaged by conditions, requirements or practices which cannot be shown to be just and fair.
- Work towards providing a model of good equal opportunities practices for other organisations within the District and encourage a commitment to equal opportunities in the community at large.
- Value and support diversity throughout the local community and the Council's workforce.
- Establish effective consultative mechanisms to ensure that the needs of the Tandridge community are adequately represented.
- Pursue the Local Government Equality Standard.
- Integrate equality principles into the Council's policies and strategies.
- Promote a culture of fairness and respect to all employees.

In addition, Housing Services will ensure that equal opportunities operate in practice, in particular by:

- Taking steps to identify any unfair discrimination, including monitoring equal opportunities at each stage of the allocation process.
- Taking positive action to improve performance in relation to equal opportunities; ensuring that tenants are aware of their right under equal opportunities legislation to lodge complaints of discrimination in the County Court.
- Allocating properties sensitively, particularly when racial harassment may be an issue. Where a property is offered to a black or minority applicant, they will be advised of any previous history of harassment and, if they decide to accept the offer, offered appropriate support.

The Council subscribes to a language translation service. This service will be used to ensure that the process of applying for housing and the main details within this policy are available to those from different ethnic backgrounds.

In providing its housing service, the Council also has regard to the Commission for Racial Equality Code of Practice in Rented Housing.

## 14. Officers involved in the allocation process

A number of different council officers are involved at various stages of the allocation process. Details of these officers and the decisions that they are responsible for are shown below. Whenever an officer is named, the decision can be taken by a more senior officer in their management line:

### **Housing Needs Case Officer**

- Registering applications for housing.
- Initial assessment of Priority under the Allocation Scheme.

- Notifying applicants of their registration date and level of priority.
- Advising applicants when their application is due for re-registration.
- Cancelling applicants who do not re-register their applications.

#### **Housing Allocations Officer**

- Decisions regarding eligibility for the Register.
- Decisions to reduce or suspend applications in accordance with the Allocation Scheme.
- Verification of an applicant's level of priority.
- Decisions to award priority or urgent priority on medical grounds.
- Identification of applications to be considered for additional priority on medical / welfare grounds.
- Offers of accommodation to applicants in accordance with the Allocation Scheme.

#### **Housing Allocations Manager**

- Recommendation for the award of additional priority on welfare grounds.
- Approval of additional priority on medical grounds (following recommendation by the Council's Medical Adviser).
- Approval of additional priority on the grounds of threatened homelessness.

#### **Housing Needs Manager**

- Reviews of decisions on eligibility, suitability of accommodation, etc.
- Approval of exceptions to the standard selection process.

#### **Head of Housing**

- Award of additional priority on welfare grounds.
- Minor amendments to the Allocation Scheme.

## Appendix A: Priority Scheme Summary

Each application will be placed within one of the following bands:

### **Band A – Additional Preference**

Low income households with a local connection with Tandridge that are:

- Emergency cases

Low income households with a local connection with Tandridge that are:

- Council or RSL tenants under-occupying family properties and requiring one-bedroom properties,
- No longer in need of supported housing,
- Reciprocal,
- Long-serving key workers whose property is needed to house another such person.

### **Band B – High Preference**

Low income households with a local connection with Tandridge that are :

- Homeless / threatened with homelessness and in priority need,
- Overcrowded households,
- High medical or welfare cases,
- Families with children sharing facilities where the applicant has no legal rights to occupy the property or apply for an occupation order,
- In accommodation that lacks facilities or is in severe disrepair.
- Council or RSL tenants under-occupying family properties and requiring two-bedroom properties.

### **Band C – Moderate Preference**

Low income households with a local connection with Tandridge that are-

- homeless but not in priority need,
- medical or welfare cases,
- private tenants with limited security of tenure,
- sharing facilities,
- sharing / lacking living room,
- key workers,
- families with young children living above the ground floor,
- in accommodation that is in disrepair.

### **Band D – Low Preference**

- Households in housing need but with higher income,
- Households in housing need but with no local connection.

### **Band E – No Preference**

- Households in low housing need.

Appendix B: Allocations Scheme Assessment Flowchart

