

# Thanet District Council Housing Allocation Policy - July 2013



## Foreword

This policy sets out our priorities for how social rented housing in the Thanet district is allocated, and the guidelines which determine entitlement and eligibility to that housing. This will supersede any existing and former policy relating to the allocations of housing and is in accordance with the requirements of Section 167 of the Housing Act 1996, as amended by the Homelessness Act 2002.

It also explains what help people can expect from us in meeting their housing needs, and sets out the system and processes by which we let council-owned homes and make nominations for housing owned and managed by housing associations. The policy sets out:

- Who is eligible to be accepted onto the housing register
- How homes are allocated
- How to apply to Thanet's housing register
- How priority for housing applicants will be given
- How transfer applications will be assessed
- Eligibility for different property types

As at 1<sup>st</sup> April 2013, the Council is landlord of 3047 properties which are broken down as follows:

<b>Accommodation Type</b>	<b>No of Properties</b>
Studio Flats	79
One bedroom flats/maisonette	552
One bedroom house	1
Two bedroom flats/maisonette	787
Two bedroom house	596
Three bedroom flats/maisonette	27
Three bedroom houses	924
Four bedroom flats/maisonette	2
Four Bedroom houses	78
Five bedroom house	1

During the period 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013 we housed 282 households in the following accommodation:

<b>Accommodation Type</b>	<b>No of Lets</b>
Studio Flats	20
One bedroom flats/maisonette	95
One bedroom house	0
Two bedroom flats/maisonette	83
Two bedroom house	26
Three bedroom flats/maisonette	22
Three bedroom houses	33
Four bedroom flats/maisonette	0
Four Bedroom houses	3
Five bedroom house	0

As you can see, there is clearly insufficient social housing in the Thanet district to meet the need of every household on the housing register. It is therefore essential that each household is assessed and given the appropriate priority against the new policy.

## **1.0 Introduction**

The Housing Register and this Allocations Policy operates under the provisions of the Housing Act 1996 - Part VI (as amended) and takes into account the three codes of guidance issued by the Government - Allocation of Accommodation: Code of Guidance for Housing Authorities 2002, the Allocation of Accommodation: Choice Based Lettings Code of Guidance for Housing Authorities 2008 and Fair and Flexible: Statutory guidance on social housing allocations for local authorities in England 2009. This Policy will be reviewed annually and may have to be amended to reflect any legislative changes.

### **1.1 Aims of the allocation policy**

The Choice Based lettings policies and key objectives are:

- Empower applicants by offering choice, through a range of housing options, choice and information which will enable them to make realistic decision in relation to their future housing prospects.
- To target scarce resources to those in the greatest need.
- To challenge the perception that a homeless application offers the best route to re-housing, where possible creating active incentives for applicants to choose the housing register.
- Ensure sufficient priority is awarded to transfers in order to make best use of the social housing stock.
- Promote the development of sustainable mixed communities and neighbourhoods of choice.

## 2.0 Who is eligible?

**Please note:** Households will only be eligible for social housing if they have a specific reason to move e.g. medical needs, under-occupying, overcrowding etc

### 2.1 Residential Criteria

Households, who are Thanet residents and have been living within the Thanet district for a continuous period of 3 years immediately prior to date of application. For households currently temporarily residing outside of the district and where their principle home was in Thanet prior to moving can be considered if they have been resident in Thanet for 3 out of the last 5 years. Examples of this could be hospital, HMP, temporary lodgings, and refuges. Armed Forces Personnel will be exempt from this criterion.

Households that are owed a duty under the Housing Act 1996 (Amended 2002) will be exempt from this criteria.

Households who can evidence full time employment within the district and require to live in the area due to their job can also be considered.

### 2.2 Qualifying persons

Qualifying persons, all 'qualifying persons' are eligible to have their application added to the Housing Register. Part VI of the Housing Act 1996, (as amended), confirms that the Secretary of State may prescribe who are or are not qualifying persons. Currently, the following persons are entitled to join the housing register:

Qualifying persons aged 16 or 17 (see Section 4 for further details)

Any person aged 18 or over, and

- Their current home is their only home, or sole residence, unless proven otherwise with reason and
- They do not have access to a suitable home elsewhere, and
- They are not already on the housing list, either on their own or with someone else, and
- They are not ineligible for housing assistance under section 160A(1) and (3), and 185(2) of the Housing Act 1996 (as amended), or any regulation prescribed by the Secretary of State. In general terms a person from abroad who is subject to immigration control is ineligible for housing assistance, and
- They, or a member of their household, have not been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.

### 2.3 Ineligible due to unacceptable behaviour

Thanet District Council may treat persons as ineligible for an allocation of accommodation if they or a member of their household have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant or lose their home. Examples of unacceptable behaviour are;

- breach of tenancy agreement
- nuisance or annoyance to neighbours
- conviction of using for immoral or illegal purpose
- damage or neglect of your home
- conviction for arrestable offence in the locality of your home
- domestic violence causing another household member to leave the home
- false statement to induce grant of tenancy
- premium paid for assignment
- subletting
- tied accommodation when dismissed for misconduct

Where a person has previously been found not eligible due to unacceptable behaviour, but now believes this should no longer be held against them, the applicant can make a fresh application. The local authority can allow an application if they are satisfied that the person's behaviour has improved. This would be accepted, where an applicant had held a tenancy and a good tenancy reference was received or if specific satisfactory documentation was received upon Thanet District Councils request.

## **2.4 Voluntarily worsening your housing circumstances**

Where an applicant moves from accommodation that was available for their occupation that was more suitable for them than the accommodation they have moved to and which it was reasonable for them to have continued to occupy. This category also applies where they have left temporary accommodation provided by the council under a duty arising via the Housing Act 1996 (as amended Homelessness Act 2002) to provide interim accommodation to homelessness households. For an applicant to have intentionally worsened their circumstances there must be evidence that it would have been reasonable for the applicant to have remained in their original accommodation.

## 3.0 Assessment of Need

### 3.1 The banding system

To try and be as fair as possible in deciding who should be offered properties, we use a banding system to determine priority for re-housing. Assessment is based on an applicant's housing circumstances, suitability of the property, and any medical problems.

Persons eligible to join the housing list will have their application assessed by a Housing Options Advisor and placed into one of four bands, in accordance with the 'Fair and flexible' statutory guidance. The bands are referred to as 'A, B, C, and D', and applications in band A will be given the highest priority for re-housing, band B the next highest, then C, with band D applicants having the lowest priority. Further details of how an applicant's circumstances will determine the priority band they are placed in, are set out in (Appendix 2).

- **Band A – Urgent housing needs**

- Factor 1 - Urgent medical or welfare needs.
- Factor 2 - Management transfer.

- **Band B – Serious housing needs**

- Factor 1 - People occupying very overcrowded housing or otherwise living in very unsatisfactory housing conditions.
- Factor 2 - Social housing tenants in Thanet who are under-occupying by one bedroom or more.
- Factor 3 - Armed Forces Personnel

- **Band C – Reasonable preference**

- Factor 1 - People who are homeless
- Factor 2 - People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- Factor 3 - People who need to move on medical or welfare grounds, including grounds relating to a disability

- **Band D – General housing needs**

- Factor 1 - People who are intentionally homeless, or who have deliberately worsened their housing circumstances
- Factor 2 - People who are homeless by another local authority

## **3.2 Medical priority**

Applicant's who indicate in their application form that they consider their health or disability is adversely affected by their current housing conditions, will be asked to complete a Welfare and Medical Assessment form describing their health problems.

Additional information, such as from a medical professional, may also be submitted. A home visit may be made to establish how the medical issue is affected in real terms by their housing situation. Applicants should be aware that even if they provide supporting documents stating that a move to alternative accommodation is essential, it is for the council to determine the appropriate level of priority in accordance with the allocation scheme (See Appendix 3 for more information).

All medical information supplied will be assessed initially by the Thanet Medical Panel, consisting of a minimum of two council Housing Advisors. Cases that are unable to be determined due to the complexity will be advised of the Kent Agency Assessment process. Dependent on the case, we can request information from Now Medical. Applicants will be advised by letter of the medical priority awarded and the type of accommodation identified as being suitable for their needs.

If we determine that a particular type of property is required on medical grounds; for example a home with no internal stairs, the applicant will be expected to bid for accommodation matching that criteria. Bids placed on accommodation that does not meet the required criteria may be bypassed. Contact may be made to explain your accommodation needs based upon the information we have on file. If the applicant continues to bid on accommodation that does not meet their medical requirements any priority awarded on medical grounds will be reviewed. If an applicant's medical circumstances improve, any priority awarded on medical grounds will be reviewed and may be removed.

## **3.3 Kent Agency Assessment**

The Kent Agency Assessment (KAA) process is a mechanism for Health or Social Services professionals, and their agents, to refer an applicant with a housing related health/support need, to the council for help accessing suitable accommodation. A Kent Agency Assessment should be used where an applicant requires re-housing due to a health/support need that cannot be met in, or is being exacerbated by, their current accommodation and the form provides all the supporting information required to assess an applicant's housing needs. Applicants will be advised by letter of the level of priority awarded and the type of accommodation identified as being suitable for their needs.

Where an applicants needs are so great or severe that general housing is not suited, there are documents to evidence this or where a duty of care is owed by another statutory partner Thanet District Council will be able to refuse the KAA and send back to the referrer to ensure the applicant is provided with the appropriate accommodation that is suited to the applicants needs.



### 3.4 Suitable size of accommodation

The council considers the suitable size of accommodation for a household to be as shown in the following table. Properties that have specific adaption's such as a through floor lift, the social housing provider can disregard this as a bedroom. If you have any children under 12 years old on the date of offer, you will have priority over applicants with children over that age in the same band as you when we offer houses with private gardens.

Single Person	Studio or one bedroom flat (inc up to 32 weeks pregnant)
Couple	One bedroom flat (inc up to 32 weeks pregnant)
Families with one child (under 18)	Two bedroom flat, maisonette or house
Families with two children of the same sex up to 16 years old	Two bedroom flat, maisonette or house
Families with two children of the opposite sex where the eldest child is under 10 years old as in line with housing benefit regulation	Two bedroom flat, maisonette or house
Families with two children of the opposite sex where at least one child is 10 years old or over as in line with housing benefit regulations	Three bedroom flat, maisonette or house
Families with three children	Three bedroom flat, maisonette or house
Families with four or more children	three or four bedroom flat, house or maisonette
Households with special housing needs	studio flats, bungalows, sheltered flats and accommodation as defined by Kent Agency Assessment (see section 3.3)

### 3.5 Additional bedroom requests/carers

Where households request an additional bedroom due to medical or health needs we will not allow additional rooms for medical equipment, or for the applicant or partner to occupy additional rooms. We will only consider the room requirement of households to be increased as in line with housing benefits for a carer if:

- The carer is not already a household member (in which case they may be able to share with other members of the household, a partner perhaps, so being a carer doesn't entitle them to an extra room), or
- A non resident carer is required for either the claimant or the partner and the claimant or partner receives disability living allowance care at either middle or highest rate or attendance allowance and supporting evidence is provided by a medical professional to confirm this requirement.

### **3.6 National Witness Mobility Service (NWMS)**

In order to assist the national police force to tackle serious crime and to support witnesses in the legal process, the council works in partnership with colleagues in the NWMS and will, as required, accept referrals from this source.

Such cases will have been assessed and verified by the NWMS managers and referrals will only be accepted with the agreement of the Housing Options Manager. There are particular confidentiality considerations for such cases and no personal information will be taken until the applicant accepts a direct offer of accommodation in the district. Any proposed offer will be checked for suitability by the NWMS before the offer is made and details of successful lettings may not subsequently be made available to the public.

### **3.7 Other considerations in determining need**

Because of the shortage of social housing and in order to make best use of all the available stock, there may be occasions when properties are restricted to applicants who have particular medical needs. There are limited availability of purpose built and adapted properties for people with disabilities. People with a need for such accommodation will be considered for suitable vacancies on the basis of medical priority. If a ground floor property becomes available, and at the time of allocation there are no suitable applicants requiring ground floor accommodation the property may then be let to those registered for a house, maisonette or upper floor accommodation, at the discretion of the council.

Priority for houses will be given to applicants with dependent children therefore if the household consists of adult children only i.e. over the age of 16 you may not be offered a house. Because of the very limited availability of four bedroom homes, priority for three bedroom properties with two living rooms (lounge & dining rooms), will be given to larger families, to ensure best use is made of the available stock. For households that are pregnant, 8 weeks prior to the birth of the baby, we will request a copy of your MATB1 form to enable us to registration baby X. This means households can bid on suitable size accommodation. This will mainly benefit those that would require an additional bedroom following the birth.

## **4.0 Determining priority**

### **4.1 Homeless households**

We are committed to extending choice of housing to those who are accepted as homeless under the Council's statutory duties, ensuring effective use of Council resources and the provision of temporary accommodation. Consequently those accepted as being owed the full statutory housing duty under Part VII of the Housing Act 1996 (as amended), will be given a period of a month from notification of acceptance within which to bid for properties through KentHomechoice. If at the end of the month they have not been bidding appropriately for a property, officers may bid on their behalf for each suitable property that becomes available and may change bids when an applicant has applied for a property that they are ineligible for. When a bid is successful for a suitable property this will then constitute as a offer or nomination for the purposes of discharging the homeless duty. Direct lets can be made to households owed a homeless duty.

The Localism Act 2011 gives a legislative change to enable the way in which the duty on authorities to secure accommodation under section 193(2) of the 1996 Act can be brought to an end with an offer of suitable accommodation in the private sector. These changes allow local authorities to end the main homelessness duty with a private rented offer. The duty can only be ended in the private rented sector in this way with a minimum 12 month assured shorthold tenancy. If the household becomes homeless within two years of taking the tenancy then the reapplication duty (section 195A(1)) applies.

### **4.2 Domestic Abuse**

If any household is experiencing domestic abuse they should report this to the police. Housing Options can provide advice and assistance for victims and one option could be to secure accommodation in a refuge which will be a place of safety. Households in the local Oasis refuge will have their housing assessed by the Homeless Criteria and if accepted will then be banded as per the Service Level Agreement 2013. Social tenants should notify their Neighbourhood Manager if they are experiencing domestic abuse and believe they are in danger in your existing home.

### **4.3 Separated households**

If one member of the household is suitably housed and the 'partner' could move into the property without causing additional housing need then their banding could be prioritised based upon that accommodation.

Children will only be considered on an application if they primarily reside with that household. If that child also resides with another household they will only be considered as part of the household they primarily reside with.

## **4.4 16 and 17 year olds**

Young people under the age of the age of 18 are eligible to join the housing register (subject to exemptions). If you are aged 16 or 17 the law states that you are not old enough to hold an assured or secure tenancy. In exceptional circumstances an applicant aged under 18 maybe eligible to join the housing register:

- If you are a non-dependent applicant aged 16 or 17, requiring independent accommodation, which is not provided by Specialist Childrens Services (SCS)
- If you are a teenage parent aged 16 or 17
- If you are aged 16 or 17 and leaving local authority care
- If you are aged 16 or 17 and owed a housing duty by Thanet Council

Where you are an applicant aged under the age 18 and are eligible to be on the housing register, if you are successful within an allocation of a property, you must have an appropriate adult aged 18 or over, to hold your tenancy in trust for you until you reach the age of 18. This will be in the form of an “Equitable Agreement” where the trustee will hold the legal estate, but is not liable for the rent.

Young people may also be asked to attend and interview with a Neighbourhood Manager from East Kent Housing to ensure that you have the skills to sustain a tenancy. You must be willing to be referred for floating support to assist with tenancy sustainment if necessary.

If you are under 18 and have a serious housing problem, you are homeless or in threat of becoming homeless, please contact either Kent County Council Children’s Specialist Services on 08458 247 100 or the Housing Options Team. We will make every effort to ensure that you are able to remain within your parental or family home. Where it may not be appropriate for you to remain in your home, you will need to attend a joint assessment with a Housing Options Officer and Children’s Specialist Services Social Worker to see what your needs are. This will be arranged with you and normally will take place within your home or at the Thanet Gateway.

## **4.5 Serious Offenders**

Applications made by serious offenders, as defined by the Serious Crime Act 2007 will be subject to an appropriate assessment of their eligibility, which will take MAPPA (Multi-Agency Public Protection Arrangements) guidance into account. Any allocation will only be made following a multi-agency risk assessment and where suitable and safe accommodation has been identified.

## **4.6 Armed Forces**

Armed Forces Personnel means a person who is serving in the regular forces or a person who has served in the regular forces within three years of the date of their application for an allocation of social housing under Part 6 of the Housing Act 1996. The Regulations give effect to the Government’s commitment to ensure that members of the regular and reserve forces, and their families, are given appropriate priority for social housing if they need it when serving or after they have left the Armed Forces.

The “regular forces” and “reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006:

- “the regular forces” means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force;
- “the reserve forces” means the Royal Fleet Service, the Royal Naval Reserve, the Royal Marine Reserves, the Army Reserve, the Territorial Army, the Royal Air Forces Reserve or the Royal Auxiliary Air Force”.

These Regulations are made by the Secretary of State under section 166A(7) of the Housing Act 1996, inserted by section 147 of the Localism Act 2011. Section 166A(7) gives the Secretary of State power by regulation to amend the reasonable and additional preference provisions in section 166A(3) which determine who has priority for an allocation of social housing.

The Regulations provide that local housing authorities must frame their allocation scheme to give additional preference to the following persons if they fall within one or more of the statutory reasonable preference categories and are in urgent housing need:

- a) serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- b) former members of the regular forces
- c) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
- d) serving or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

For members of the Armed Forces, band B will be awarded and residential criteria will be applied (2.1). In addition armed forces personnel will not be discriminated against when assessing their financial situation (6.4/6.5) however if they own their own home the normal housing assessment will take place (6.6).

## **4.7 Reduced priority**

Your housing priority can be reduced in the following circumstances:

- If you are in band A, claiming a critical medical priority with an urgent need to move, and you reject two suitable offers of accommodation (regardless of area & type of property) we will reduce your medical priority to band C for 12 months, after which we will re-assess your priority.
- If you make your housing situation worse (for example by moving to a house that is more overcrowded than your previous one) we will assess you as if you were still living in your previous home for 12 months. At the end of this period we will re-assess your priority.
- If your home has a category 1 hazard but you fail to co-operate with your
- landlord when he is trying to carry out the repairs, your application will be placed in band D until the works have been completed. After this, your priority will be re-assessed.

## **5.0 Housing for older people**

### **5.1 Sheltered housing**

Sheltered housing is housing designed for persons over 55 with housing related support needs. Sheltered housing will normally only be available to persons requiring the level of support offered in this type of accommodation. Eligible persons may be subject to an assessment by the landlord to establish their support needs and suitability for living in the scheme selected. Applicants over 55 years of age will be considered as well as applicants with a disability who require the accommodation and support provided within a sheltered scheme. In the latter case, some landlords will accept persons over 50 years of age.

Priority for allocations to ground floor sheltered and elderly persons accommodation will be given to current tenants on the housing register, living on an upper floor, within the same block, who have a medical/mobility need for ground floor accommodation. Allocations made thereafter will be based on individual need. This will then free up a property for another applicant via CBL. If the assessment indicates that the person requires a higher level of support than can be provided by sheltered housing, they will be advised that sheltered housing would not be appropriate and referred to Adult Care Services.

### **5.2 Extra care housing**

Extra care is housing for older people where additional support and social care services are provided in accordance with assessed need. Extra Care housing is intended to enable older people to live as independently as possible for as long as possible and improve the quality of life and choice that older people can expect as they become less able. Extra care housing will be advertised through Kent Homechoice but a dedicated allocation panel, consisting of representatives from the Council and Social Services, will make allocations. Allocations through this panel will be based on an assessment of the level of support and care required by the applicant.

## 6.0 Financial criteria

### 6.1 Current rent arrears

We may take into account, in accordance with S167(2B) of the Housing Act 1996 (as amended), current rent arrears. If a tenant of a social landlord applies on the housing register we will apply for a tenancy reference from your current landlord. If the applicant/tenant is in arrears and there is a failure to maintain a payment arrangement, the application may be suspended until the situation is resolved. For households that are affected by welfare reform and have accrued rent arrears, each case will be considered on their own merit based upon circumstances, level of debt, reasons why they are affected, efforts to pay etc. Where any application is not considered for the above reasons the applicant will be notified in writing of the decision and the grounds for it (S167(4A)(b)).

### 6.2 Former tenancy debts

We may also take into account former tenancy debts with another social landlord (registered social landlord or local authority). If an outright possession order was granted by the court and no efforts have been made to clear this debt, or we have reason to believe that an outright possession order would have been granted, we will not consider your application until this debt has been cleared. If a debt is owed to any social housing provider you will not be eligible for housing on the housing register.

Housing associations (HAs) participating in the choice based lettings scheme may have policies which prevent them offering a tenancy to an applicant who has former/current tenant arrears with another local authority or HA.

### 6.3 Statute Barred debts

A debt is statute-barred if legal proceedings for the recovery of the debt from the debtor have not been started within a period of six years from the date when the debt became payable. Although the debt continues to exist, Thanet District Council is unable to take any legal action against an applicant in order to recover the debt.

If an applicant applies for housing and has a former tenancy debt with Thanet District Council and it is **not** statute barred then the applicant will be required to clear this debt subject to any duty that the council may have to an applicant under relevant legislation.

If the debt **is** statute barred then Thanet District Council will not pursue this debt through the legal channels however the applicant will still be required to clear this debt.

### 6.4 Income

If any member of the household is earning a higher rate salary which places them in the higher or additional rate taxable bands (as per HM Revenue & Customs) then you will not be considered on the housing register.

## **6.5 Savings and Assets**

If an applicant applies on the housing register and has savings and/or assets of over £16k they will not be considered on the housing register as in line with housing benefit regulations (Armed Forces Personnel will be exempt from this rule). The applicant will be expected to use this money to secure accommodation. If it is considered that an applicant has purposely deprived themselves of capital in order to meet the criteria to apply on the housing register their application will not be considered.

## **6.6 Owner/Occupiers**

If an applicant owns their home they will not be considered on the housing register unless there is a substantial reason to move. If specific or specialist accommodation is required due to change in circumstances, each application will be considered based upon evidence on file such as a Kent Agency Assessment (see 3.3).



## 7.0 Allocations exceptions

### 7.1 What does this mean?

People who apply to join the housing register are assessed in accordance with the provisions of Part VI of the Housing Act 1996 (as amended). There are a number of circumstances where people will be assessed outside of this and will have their applications managed by the local authority and/or housing association separately. These circumstances are:

- Mutual exchange.
- An application made under Part VII of the Housing Act 1996 (as amended) (Homelessness) and consideration for temporary accommodation under this Part.
- Transfers involving a temporary decant for major works, or other management reason not involving an application from the tenant.
- Where a local authority secures the provision of suitable alternative accommodation under the Land Compensation Act 1973, section 39.
- The grant of a secure tenancy under the Housing Act 1985, section 554 or 555, regarding a defective home.
- Any duties arising from an application made under the Rent (Agriculture) Act 1976, section 27 or 28.
- Where a secure tenant dies, the tenancy is a periodic one, and there is a person qualified to succeed the tenant under the Housing Act 1985, section 89.
- Where a secure tenant with a fixed term tenancy dies and the tenancy remains secure by virtue of the Housing Act 1985, section 90.
- Where a secure tenancy is assigned to someone who would be qualified to succeed to the tenancy if the secure tenant died immediately before the assignment.
- The grant of a secure joint tenancy where the tenancy is held by one of the joint tenants as a sole tenancy.
- The grant of a secure sole tenancy to a former joint tenant, where the joint tenancy has been terminated by one joint tenant and the other tenant wants to remain in the property (when this is in accordance with eligibility for that specific property type).
- Where a secure tenancy vests or is otherwise disposed of in pursuance of an order made under:
  - the Matrimonial Causes Act 1973, section 24 (property adjustment orders in connection with matrimonial proceedings);
  - the Matrimonial and Family Proceedings Act 1984, section 17(1) (property adjustment orders after overseas divorce); or
  - the Children Act 1989, Schedule 1, paragraph 1 (orders for financial relief against parents).

## **8.0 Transfer applications**

### **8.1 Thanet District Council tenants**

Social tenants can apply to move to alternative council and housing association owned property. Priority awarded to their application will be based on an assessment of their housing needs. Applications for transfer may be made jointly by separate tenants of the council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the council makes an acceptable offer of a transfer to a third property. Transfer applications will be subject to checks relating to the condition of the applicant's property and their compliance with the conditions of their tenancy.

### **8.2 Transfer Incentive Scheme/bedroom tax**

In order to encourage council tenants who are under-occupying homes to move to smaller non-family housing, or if a tenant is occupying fully adapted, wheelchair accessible accommodation and no longer requires the use of these facilities, a grant of £1,000 is currently offered. Any debt owed to Thanet District Council will be cleared using this money prior to the remainder being paid to you. This grant will only be payable if the move is as a result of a successful bid to alternative council or housing association property through the choice based lettings scheme. For more information please refer to the East Kent Housing Transfer Incentive Scheme policy.

### **8.3 Bedroom Tax for tenants**

From April 2013, people of working age who under-occupy their property will have their housing benefit cut by 14% for one spare room and 25% for two or more spare rooms. Therefore, for tenants who are affected should contact their landlord/housing officer. The social housing provider should explore your housing options and if a move is appropriate and agreed either a direct let will be offered within existing stock or you will be placed into band B for under-occupying.

### **8.4 Management transfers**

The council recognises that there may be exceptional circumstances where the only way a housing need can be resolved is through the use of discretion. If a council or housing association tenant has an urgent need for re-housing due to a confirmed risk to the personal safety of themselves or their household, or other exceptional factors, their landlord may agree a management transfer. This will only be agreed if there are no other options available or feasible and you are in immediate housing need. Please contact East Kent Housing for more information on the Management Move Policy.

## 9.0 How homes are let

### 9.1 Choice based lettings

We are one of 14 local authorities and 23 housing association partners involved in Kent Homechoice the choice based lettings service which is used to let social homes across the whole of Kent. As a partner we are committed to offering the greatest choice possible in the allocation of social housing in the district, whilst ensuring that housing goes to those with the greatest need.

Choice based lettings (CBL) schemes are designed to introduce an element of choice for people who apply for council and housing association homes. Choice based lettings allow people applying for a home, including existing tenants who want a transfer, to bid for properties which become available. Available properties are advertised through various channels and the adverts will describe the property and which type of household can bid for it. For example, if it is for an elderly or disabled person, or for a household which needs a certain number of bedrooms.

Where an applicant may have difficulty in making bids for properties without assistance, they may nominate a friend, relative or advocacy worker from an appropriate agency to act on their behalf. In certain circumstances applicants can be added to the assisted bidding list and sent a fortnightly personalised freesheet with details of all the properties they are eligible to bid for. Once bids have been made they are sorted in order of priority, and the person with the highest priority normally gets considered first for the property. If that person turns the offer down, the next person on the list gets the chance to see it, and so on.

There will be certain situations where choice in the allocation of housing has to be restricted – such as when the council or a housing association needs to re-house a household in an emergency. The circumstances when this may apply are set out in the policy. Apart from these exceptional cases, housing will be allocated to applicants who bid for a specific property, and all applicants will have the opportunity to bid for properties they are entitled to be considered for, having regard to household size and other eligibility criteria.

Choice based lettings enables those seeking housing in the district to identify the level of priority they have been awarded within the allocation scheme, to develop awareness of the availability of accommodation suitable to their needs within the district, and to make informed decisions which balance their need for accommodation with the availability of properties that meet their requirements. As a result applicants can decide whether to wait until they have sufficient priority to obtain their ideal property, or whether to lower their aspirations and bid for properties they are more likely to have a chance of obtaining. It also helps applicants to make an informed choice about whether they wish to seek alternative solutions to their housing needs.

## **9.2 Length of time**

The housing register will differentiate between people who are in the same priority band according to the date their priority band was awarded.

## **9.3 Local lettings policies**

Local Lettings Policies have been introduced to help maintain and promote a balanced and sustainable community, in line with the Kent Sustainable Communities Protocol. The Council has the power under s167 (2e) of the Housing Act 1996, as amended by the Homelessness Act 2002, to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories or not. However, in operating local lettings policies, we need to ensure that, overall, reasonable preference for allocations is given to applicants in the reasonable preference categories; and that our local lettings policies do not discriminate, directly or indirectly, on racial or other equality grounds, as set out in Paragraph 5.26 of the Allocations Code of Guidance issued in November 2002.

Examples of situations when a local lettings policy may be used include:

- New developments where there is a need to achieve a balanced mix of household sizes
- Criteria that aim to reduce the likelihood of anti-social behaviour in areas that have existing high levels of ASB.
- Rural Housing developments where a local connection is identified in the Section 106 agreement.

Following the implementation of a Local Lettings Plan on a development any re-lets on the site will be subject to the same criteria as outlined in the plan.

## **9.4 Discretionary powers**

The Allocations Policy cannot cover every eventuality and in special cases where there are exceptional needs or hardship, the Housing Options Manager has discretionary power to review any criteria within the policy to ensure an additional priority is awarded and/or approve offers of housing, sometimes outside of choice based lettings. A full audit trail should be available to evidence the decision reached and the reasons why.

## 10.0 Applying to the Thanet Housing Register

### 10.1 What is the Housing Register?

The Housing Register is essentially the list of people who wish to be housed by a social landlord in the Thanet district and existing tenants who wish to transfer to another council or housing association property. We receive a large number of enquiries each year from people looking to rent a home in the district and the housing register is constantly growing. Regrettably, there are only enough properties becoming available to be able to house those most in need. As a result of this shortfall, applicants for housing, and in particular those identified as having no or low need, may never be housed. We will only accept households who would reasonably be expected to reside with each other and joint tenancies will only be offered to cohabiting couples as recognised in law.

Applicants may want to consider other options for re-housing such as renting accommodation in the private sector. Thanet District Council has a team of Housing Options Officers who can provide advice and information about how to access other types of housing. Further information about other options available can be found on the Kent Homechoice website: <http://www.kenthomechoice.org.uk/> (<http://www.kenthomechoice.org.uk/>)

Because of the limited amount of social housing available, we have a system to prioritise households on the housing register in accordance with their identified need for housing and to manage the letting of social homes in accordance with our objectives. The criteria and rules that relate to this system are set out in (Appendix 2) of this policy.

### 10.2 How to apply for housing

People wishing to apply for housing should complete a housing application form. To do this visit the Kent Homechoice website at <http://www.kenthomechoice.org.uk/> (<http://www.kenthomechoice.org.uk/>) and choose the Register tab.

It is important that the application is completed fully and any evidence requested on the form is provided. Additional priority for length of time on the Housing Register will only start to accrue from the date that we receive all the information necessary to make an assessment. Incomplete applications without photographs and supporting information may be returned to the applicant. Once the form has been completed and all the information has been provided, the council may need to make additional enquiries.

In accordance with S171 of the Housing Act 1996 (as amended), a tenancy granted on the basis of information subsequently found to be false or because material information has been withheld, may result in legal action being taken by the landlord to recover possession of the property. In addition it may be decided that an applicant has committed a criminal offence where:

*'he knowingly or recklessly makes a statement that is false and may lead the council to award priority for housing if the statement was relied on when assessing the application'.*

A person guilty of such an offence would be liable on summary conviction to a fine of up to £5,000.

### **10.3 Proof of identity and supporting information**

The housing options department has a service level agreement with the housing benefit department, enabling officers to use the verified identification documents, to process their housing register application.

Every person making an application to the housing register will need to supply 2 identical passport-sized photographs, or an alternative type of photographic identification acceptable to the council, for each named applicant or joint applicant must accompany all applications. These should be recent photographs with the applicant's name printed on the reverse together with his/her signature. (Appendix 1) has more information about providing proof of identity.

### **10.4 Renewing an application**

It is an applicant's responsibility to renew their application each year. Every applicant will be sent a renewal request, close to the anniversary of the date of registration, which will include a request to provide information on any change in circumstances. If the renewal form is not returned within four weeks the application will be cancelled without further notice. An application can only be considered for reinstatement in exceptional circumstances and if the request is made within six months of the cancellation date.

### **10.5 Changes of circumstances**

Once placed in a priority band, applicants should notify the Council of any material change in their circumstances that will affect their priority for housing, for example:

- A change of address, for themselves or any other person on the application
- Any additions to the family or any other person joining the application
- Any member of the family or any other person on the application who has left the accommodation
- The health of any member of the family or any other person on the application, getting better or worse.
- A change in the applicants income or employment status

Applicants will normally be required to complete a new housing register form. Applications will be temporarily suspended from bidding while the Council assesses the information provided by the applicant and completes further enquiries that may be necessary. The council will carry out an assessment of each applicant's entitlement and priority for re-housing on the basis of information which has been provided by the applicant or otherwise received in connection with the application.

## **10.6 Removing or suspending your household from the register**

The Housing Options team can remove or suspend your application in the following instances:

If you refuse two offers of housing that you have placed bids on within the last 12 months we will suspend your application for 12 months, after which we will re-assess your priority.

if we are awaiting additional information from you

There are also circumstances where we will remove your application from the Register. When we do so we will contact you, explaining the reason. There are a number of reasons why we may remove your application, for example:

- you have accepted an offer of accommodation from us
- you have completed a mutual exchange;
- you have failed to renew your application (we ask you from time to time if you wish to remain on the Register)
- you have not responded to letters or phone calls from us, when we are seeking information from you;
- you are no longer eligible to join the Register

Households will have the opportunity to request a review on this decision.

## **10.7 Members of the council, staff members and their relatives**

To ensure that we are seen to be treating all applicants fairly, any application from members of the council, employees of the council or associated persons must be disclosed on the application form. Such applications will be assessed in the normal way but in addition be passed to the Housing Options Manager to be audited. In order to ensure public confidence, any accommodation allocated to the applicant under the scheme must be approved by the Housing Services Manager following appropriate checks. The term 'associated persons' above is as defined in S178 of the Housing Act 1996 (as amended).

## 11.0. Reviews and Customer Feedback

### 11.1 Right to a review

Applicants have the right to ask for a review of any decision made under the terms of this policy with which they do not agree.

Please note that only information that has already been supplied can be reviewed. If an application has been correctly assessed but the applicant failed to supply the requested or appropriate information at the point of application they are not entitled to have their application reviewed. They will instead be asked to submit a new application, which gives a clear account of their current situation. If an applicant is eligible for inclusion onto the housing register by virtue of this new application, priority will begin from the date that all the correct information is received. **An application will not be backdated.**

A request for a review must be made to the Housing Options Manager within 21 days of being notified of the decision. Following the request for a review being received the Council has a maximum of 8 weeks to respond. If the review is likely to take longer the applicant will be notified of the amended response time. The Council's decision on the review will be final and the applicant will not be entitled to a further review of that decision. Reviews of decision requested under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) are outside the scope of this Allocations Policy.

### 11.2 Complaints, compliments and comments

We aim to provide a high standard of customer care and to treat every application equally. We appreciate feedback and would welcome any comments about how we can improve or increase the service that we offer. If an applicant is dissatisfied with any aspect of the way in which their application for housing is dealt with, other than one for which a review can be requested, they should contact the council and, if the matter is not resolved to their satisfaction, make a formal complaint which can be via telephone, email, in writing or by visiting the Thanet Gateway Plus.



## 12.0 Equality and diversity

We are committed to delivering a service that is accessible and equitable to all the communities that we serve. We will ensure that people will be treated with respect and dignity. We will monitor access to the housing list, and the assessment of need in accordance with our equality impact assessment. We will make certain that no-one is discriminated against on the grounds of:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Sex (gender)
- Religion or belief
- Sexual orientation

The various application forms referred to in this policy can be made available in a number of different languages. We can also arrange a translation service for people who visit the Council Offices. If you require this service, you should contact our Housing Options Team.

## **13.0 Information sharing**

### **13.1 Information Sharing Protocol**

We will share data provided by a person applying for housing in accordance with the Information Sharing Protocol agreed by the Kent Choice Based Lettings Partnership. When completing an application form, either using a paper copy of the form or on-line, the person is asked to provide their consent to the sharing of personal data between the parties to the protocol. Personal data can be shared provided the person has given informed consent and the sharing is for the purposes for which consent is given. Informed consent means that the person has the capacity to give consent, is aware of what information is to be shared, whom it is to be shared with and what it is to be used for. Personal information is only disclosed to other parties with the person's consent or in exceptional circumstances where disclosure without consent is necessary. These reasons are:

- Where there are overriding legal, social or public interest considerations, for example there is a risk of seriously harm to the person themselves or to others if the information is not disclosed.
- Where the information is required by a local authority department or external auditors to carry out a statutory function.
- Where the information is required by the police as part of a criminal investigation.

### **13.2 Personal Data**

Information provided to the council by housing applicants is confidential. The Data Protection Act 1998 (DPA) provides individuals with a right to request access to any of their personal data held by the Council, and a right to know where the data came from, how it is used and why it is held. Such a request is called a "subject access request" and applies to personal data in housing files.

Subject access requests should be made in writing to the Director of Community Services, and must describe the information sought. Applications must state their name and provide proof of their identity (please see appendix 1).

If the person considers the personal information they have received is inaccurate, they may request that it is amended or removed from their records. If this is accepted by the council, appropriate action will be taken to amend the records. In the event of a disagreement, the information will remain and the person's comments will be recorded on file.

Disclosure of information may be denied by the local authority in the following circumstances:

- The information could prejudice criminal proceedings.
- Legal professional privilege could be claimed.
- A care professional is of the opinion that disclosure could result in a risk of serious harm to the person or others as a result of disclosure.

Information held on file may include documents submitted by third parties, for example, health care professionals. This will only be provided to the applicant with the permission of the third party concerned.

# Appendix 1 - Application checklist

Please check that the information you have given is correct, ensuring that:

- You have answered all the necessary questions
- You have included your name, address and postcode on page 1 (if you are of 'no fixed abode' you must use state a care of or correspondence address)
- You have signed and dated the application form
- You have or will be providing the following items (these must be originals and not copies)

## Proof of Identity

(This is required for ALL household members).

Please provide either ONE of the documents from list A or TWO documents list B

### List A

- Passport
- Driving Licence
- Birth or Marriage Certificate
- Medical Card

### List B

- A letter addressed to you from a solicitor, social worker, probation officer, the Home Office, HM Revenue & Customs
- A letter addressed to you from Housing Benefit or Council Tax
- A recent gas, electricity or water bill
- A recent bank statement

## Proof of Current Address

(This must be provided even if you are of 'no fixed abode' and only using the address as a care of or correspondence address)

Please provide ONE item from the list below for each adult or non-dependent child named on the application to be re-housed.

- Utility Bill
- Council Tax bill
- Bank/Building Society Statement
- Housing Benefit entitlement letter
- College/School letter
- Letter from a professional person or organisation (i.e. Doctor; Probation Service; Social Services)
- Payslip with address
- Letter from Department of Work & Pensions (e.g. Benefit or Pensions letter)

- Tenancy agreement (if you are still within the fixed term of the tenancy)
- Mobile phone or telephone Bill

## **Proof of Income**

(Please provide proof of ALL income being received by the applicant)

- The last six weekly, last three fortnightly or last two monthly wage slips for you and your partner.
- Your latest accounts if you are self-employed and letter from the HMRC which indicate self-employment
- Benefit award letters i.e. Job Seekers Allowance, Employment Support Allowance, Pension Credit
- Child Benefit award letter
- Working and Child Tax Credit letters

## **Proof of Savings or Capital**

(For people not receiving income-based Job Seeker's Allowance, Income Support, income-related Employment Support Allowance, or Pension Credit Guarantee)

- Full statements for each account showing the last two months' transactions
- Documents showing any stock, shares, bonds, or certificates owned

## **Additional Documentation**

(You will also be required to supply additional documentation should any of the following apply)

- Proof of pregnancy i.e. MAT B1 form or pregnancy record (including the EDD)
- At least two valuations of any property owned in the UK or abroad and details or any outstanding mortgage or loans secured on this property.
- Home Office documentation, such workers registration scheme documents; residence cards or visas, for persons subject to immigration control or persons who do not hold a Great Britain and Northern Ireland passport.
- Notice to quit, possession order, notice of eviction or letter giving notice if you are being asked to vacate your current home.

Without this information it will not be possible to process your application for housing, so you must provide everything as quickly as possible.

## **Appendix 2 – Priority bands and criteria for reasonable preference**

The banding scheme reflects the legal requirement set out in the section 167(2) of the Housing Act 1996 which requires that the allocations system gives “reasonable preference” for people in five groups:-

- People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002)
- People who are owed a duty by any local 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 such authority under section 192(3)
- 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); and
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

The local authority may award “additional preference” to particular individuals, provided that they have “urgent housing needs”. The authority may take into account a wide range of actions when considering whether to give an individual “additional preference” or whether to give a lesser priority, but it must be able to explain the reasons for the decision.

### **Band A – urgent housing needs**

Applications from persons who meet the following criteria:

1. Urgent medical or welfare needs.

Where an urgent medical need has been agreed with the local authority or a high priority referral has been accepted by the local authority under the Kent Agency Assessment procedure.

2. Management transfer.

Where the social landlord requires the tenant to move or the tenant needs to move due to violence, harassment, intimidation or threats of violence likely to be carried out, major works or other urgent management reason.

## **Band B – serious housing needs**

Applications from persons where none of the above in Band A applies but who meet the following criteria:

1. People occupying very overcrowded housing or otherwise living in very unsatisfactory housing conditions.

Where a household is suffering from the following:

- a. Major overcrowding, that is lacking two or more bedrooms.
  - b. Living in supported people funded housing and needs to move, as support is no longer required.
  - c. Where a Category One hazard exists under the Housing Health and Safety Rating System, which cannot be resolved within a reasonable time.
2. Social housing tenants in Thanet who are under-occupying by one bedroom or more.
  3. Members of the Armed Forces.

## **Band C – reasonable preference**

Applications from persons where none of the above in band A or band B applies but who meet the following criteria:

1. People who are homeless.  
Where the local authority have accepted a re-housing responsibility under Part VII of the Housing Act 1996 (as amended), or determined that the person does not have a priority need for accommodation, or the household will be homeless soon. *Please refer to Service level agreement re: Domestic Abuse victims.*
2. People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.

Living in insecure housing, for example on a licence agreement or non-secure tenancy, but excluded occupiers

Lacking bathroom or kitchen

Lacking inside WC

Lacking cold or hot water supplies, electricity, gas, or adequate heating

Overcrowding

Sharing living room, kitchen, bathroom/WC

Property in disrepair, with a Category 1 hazard

Poor internal or external arrangements

Social housing tenants in Thanet under-occupying by one bedroom.

3. People who need to move on medical or welfare grounds, including grounds relating to a disability. Where a medical need has been agreed with the local authority or a priority referral has been accepted by the local authority under the Kent Agency Assessment procedure.

4. Mobility. People who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship to themselves or to others. For example, to give or receive care, or to take up employment.

## **Band D – general**

Applications from persons where none of the above in band A, band B or band C applies, or:

1. People who are intentionally homeless, or who have deliberately worsened their housing circumstances.

Where a decision has been made by the local authority under Part VII of the Housing Act 1996 (as amended) or, where a person has deliberately worsened their housing circumstances and would have been found to be intentionally homeless if an application under Part VII had been made.

2. People who are homeless by another local authority  
This applies where a duty is owed by another local authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996, or who are occupying accommodation secured by another local authority under section 192(3).



## **Appendix 3 - Medical or Welfare grounds**

### **Appendix 3 - People who need to move on medical or welfare grounds (criteria may apply to any member of the household).**

Medical or welfare priority is awarded where the current housing is adversely affecting the health or wellbeing of an applicant, or member of their household, and whereby a move would positively improve their health or wellbeing. Below are examples of where priority would be awarded.

Band A – Urgent medical or welfare needs.

- Any life threatening illness being made worse by housing conditions.
- A person who is housebound due to stairs or steps (e.g. using a wheelchair in an upstairs property).
- Any person who requires specifically adapted accommodation that they are lacking.
- Any person who cannot be released from hospital until alternative accommodation is secured.

Band C – People needing to move on medical or welfare grounds, including grounds relating to a disability.

- Severe mental health problems affected by current accommodation.
- Elderly persons with moderate to severe arthritis which significantly affects mobility (e.g. spine, legs) living upstairs or on a steep hill.
- Conditions requiring on going medical treatment, being very severely exacerbated by living conditions (e.g. extreme cases of asthma).
- Conditions causing a reduction in mobility (e.g. breathlessness, dizziness) when combined with stairs or poor location.