



**Sevenoaks**  
DISTRICT COUNCIL  
Despatched: 04.01.13

**SERVICES SELECT COMMITTEE**  
**14 January 2013 at 7.00 pm**  
**Conference Room, Argyle Road, Sevenoaks**

**AGENDA**

**Membership:**

Chairman: Cllr. Davison Vice-Chairman: Cllr. Brown  
Cllrs. Abraham, Mrs. Ayres, Ayres, Ball, Mrs. Dibsall, Edwards-Winsler, Fittock,  
Mrs. George, Horwood, Neal, Mrs. Parkin, Pett, Piper, Raikes, Scholey, Miss. Stack and  
Towell

	<b><u>Pages</u></b>	<b><u>Contact</u></b>
<b>Apologies for Absence</b>		
1. <b>Minutes</b>	(Pages 1 - 4)	
Minutes of the meeting of the Committee held on 1 November 2012		
2. <b>Declarations of interest</b>		
Any interests not already registered		
3. <b>Formal Response from the Cabinet following matters referred by the Committee and/or requests from the Performance and Governance Committee (please refer to the minutes as indicated):</b>	(Pages 5 - 6)	
a) Kent Joint Municipal Waste Management (Cabinet 08.11.12 Minute 49)		
b) 2013/14 Budget and Review of Service Plans (Cabinet 06.12.12 Minute 38)		
4. <b>Actions from the Previous Meeting</b>	(Pages 7 - 8)	

5. **Future Business, the Work Plan 2011/12 (attached) and the Forward Plan.** (Pages 9 - 12)

Members will develop a schedule of work over the year to reflect the terms of reference of the Committee focussing on the Council's priorities for policy development. This includes opportunities to invite other organisations who provide services in the District to provide information to the Committee and discuss issues of importance to the Community.

6. **Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy** (Pages 13 - 90) Pat Smith  
Tel: 01732 227355

7. **Localising Support for Council Tax - Verbal Update** Adrian Rowbotham  
Tel: 01732 227153

#### EXEMPT ITEMS

(At the time of preparing this agenda, there were no exempt items. During any such items which may arise, the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

**The Democratic Services Team (01732 227241)**

SERVICES SELECT COMMITTEE

Minutes of the meeting held on 1 November 2012 commencing at 7.00 pm

Present: Cllr. Davison (Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Ball, Mrs. Dibsdall, Edwards-Winser, Fittock, Mrs. George, Horwood, Mrs. Parkin, Pett, Piper, Raikes, Scholey and Miss. Stack

Apologies for absence were received from Cllrs. Brown, Neal and Towell

Cllrs. Mrs. Davison and Mrs. Hunter were also present.

21. Minutes

Resolved: That the minutes of the meeting of the Services Select Committee held on 25 September 2012 be approved and signed by the Chairman as a correct record.

22. Declarations of interest

No new declarations of interest were made.

23. Formal Response from the Cabinet following matters referred by the Committee and/or requests from the Performance and Governance Committee:

a) Universal Credit In-Depth Scrutiny Board – Findings (Cabinet 11.10.12 Minute 38)

Members noted the response. The Committee congratulated the Working Group on all their hard work.

24. Actions from the Previous Meeting

There were none.

25. Future Business, the Work Plan 2011/12 and the Forward Plan

Members noted the Work Plan. The Chairman advised that the Annual I.T. Update would be moved forward to be considered at the April 2013 meeting.

Members discussed the membership of the Under Occupation of Social Housing Working Group

Resolved: That Cllr. Horwood step down and be formally replaced by Cllr. Miss. Stack.

## Agenda Item 1

Services Select Committee - Thursday, 1 November 2012

A Member asked whether it would be possible to carry out a scrutiny review of rural broadband. The Director of Corporate Resources, Deputy Chief Executive, advised that this area fell more within the terms of reference of the Environment Select Committee. He also reported that a number of Officers and the Kent Association of Local Councils (KALC) had already carried out a lot of work on this subject. There was a considerable amount of funding available. Councillors Ayres, Edwards-Winsor and Miss. Stack expressed an interest in being part of any joint working group formed.

*Action 1: The Chairman to discuss with the Chairman of Environment Select Committee and the Director of Corporate Resources, Deputy Chief Executive, a possible joint scrutiny approach .*

### 26. Kent Joint Municipal Waste Management Strategy: Refresh of Policies

The Committee considered a report which advised that the first Kent Joint Municipal Waste Management Strategy (KJMWMs) was adopted in 2007 by all thirteen Councils that made up the Kent Waste Partnership. The main targets outlined in the 2007 Strategy were actioned one year early in 2011/12 and it was therefore felt appropriate to refresh the Strategy.

Paul Vanston, the Kent Waste Partnership Manager gave a presentation setting out the key points of the report, and advising that it was just a strategy or guide. The Chairman pointed out that the strategy referred to household or 'municipal' waste and was not concerned with business waste. In response to questions, Members were advised that the Allington Quarry Waste Management Facility had more capacity than the rest of Kent could provide and as a private facility needed to make a profit to remain viable, and could provide power for 34,000 households.

Members expressed concern over the new conditions imposed at Kent County Council's (KCC) recycling centres. The Head of Environmental advised that this had been discussed at the Environment Select Committee in September where he had been tasked with liaising with KCC and reporting back to the Committee in May 2013 on the impact of the review once it had had time to bed down. It was noted that this was separate to the Strategy under consideration, but in light of Members' comments Mr. Vanston undertook to contact KCC the next day and convey the concerns expressed.

Referring to the work undertaken with the packing industries. Mr. Vanston advised that work here had been quite successful and packaging was getting lighter. An adverse effect of this was that dry recycling rates then came under pressure.

Resolved: That it be RECOMMENDED to Cabinet that the refreshed Kent Joint Municipal Waste Management Strategy objectives and policies 2012/13-2020/21, be adopted.

### 27. Revenues, Benefits, Audit and Anti-Fraud Partnership Update Report

The Group Manager, Financial Services, presented the report which provided an update on the partnership between Sevenoaks District Council and Dartford Borough Council for

the delivery of Revenues, Benefits, Audit and Anti-Fraud Services. It also set out the current and future challenges facing the service, and the action being taken to address them. He advised that the staff within the partnership had successfully built a 'one team' culture resulting in it being difficult to tell which authority an individual was employed by as all staff completed work relating to both authorities. With reference to performance indicators he reported that the average number of days to process new claims was currently in the mid 30s; and average number of days to process change events was currently 19 and improving.

In response to questions concerning bailiffs. The Director of Corporate Resources, Deputy Chief Executive, advised that there was a cost to the bailiffs that was recovered by the claimants being chased. The Council was as sympathetic as it could be and maintained some level of understanding throughout the process, however one reason collections were effective was that the Council was known to pursue. With regards to bailiff behaviour, if anyone had a complaint they should first contact the Bailiffs and copy the Council in. If the issue was not addressed the Council could then follow it up. The bailiff company employed by the Council had a robust code of conduct and if there were examples of unacceptable behaviour these would be taken very seriously. He advised that there was generic data available on complaints about the bailiffs that could be shared.

Resolved: That the report be noted.

#### 28. Localising Support for Council Tax - Verbal Update

The Group Manager, Financial Services, updated the Committee in light of a recent Government announcement. Currently council tax benefit was a national scheme administered by local authorities but funded by central government. From 1 April 2013 each authority would have their own local scheme. Government funding would be 10% less than present. Due to the high number of pensioners in the district. The 10% saving would be needed to be spread over the remaining 48% of claimants. Town and parish councils would not be affected.

The proposed scheme presented to Cabinet in July included a standard deduction of 18.5% on all non-pensioner claimants (i.e. if an individual currently receives 100% benefit, under the proposal they would receive an 81.5% discount.)

The Director of Corporate Resources had been negotiating with Kent County Council to reduce the proposal from 18.5% to 15% by the second home discount being abolished and checking the single person discount eligibility.

On 16 October 2012 the Department for Communities and Local Government (DCLG) announced an additional £100 million in funding for councils to help support them in developing local council tax support schemes. This would be a voluntary transition grant for councils who set a scheme with a standard deduction of no more than 8.5% on all non-pensioner claimants. The £100 million would be insufficient to cover the gap in funding and it was likely to be only for one year. It was currently being investigated whether Kent could make a bid and share the funding.

*Action 2: That an update be provided at each Committee meeting.*

## Agenda Item 1

Services Select Committee - Thursday, 1 November 2012

A Member queried the cost of collection. The Group Manager, Financial Services, advised that the practicality and cost of chasing low amounts was being looked at. In response to questions the Committee was further advised that the Government was not giving the option of amending the single person discount. An exercise is currently taking place to check the eligibility of people claiming the single person discount using credit reference agencies were a starting point.

### 29. 2013/14 Budget & Review of Service Plans

The Committee considered a report which set out proposals for updates to the 2013/14 budget within the existing framework of the 10-year budget and four year savings plan. The report presented some service changes that had been identified by managers and that needed to be considered before finalising the budget for 2013/14. At this stage the Committee was not being asked to find savings, but if needed a report may be brought back to the Committee in January 2013 asking Members to consider areas where savings could be made.

Members noted the additional tabled information in relation to Appendix C, and considered Appendix D to the report. In response to Members' questions concerning Human Resources (HR) (SCIA31), the Director of Corporate Resources, Deputy Chief Executive, reported that it had been the intention that shared staff would have access to the HR staff where they were situated. In effect this had not happened as the HR for the two Councils were arranged in different ways, Dartford Borough Council's (DBC) being outsourced.

With reference to Property Services (SCIA6,7) the Head of Property Services advised that there was an element of possible unrealised additional income not provided for as there were six desks available. However without substantial redesign of the layout, it could only be let to a public or quasi public body.

It was also noted that the growth item for Housing Homeless (SCIA2) was no longer required following additional work by officers.

Resolved: That the comments above be noted and referred to the Cabinet meeting on 6 December 2012.

THE MEETING WAS CONCLUDED AT 8.56 PM

CHAIRMAN

**Formal Response from the Cabinet following matters referred by the Committee and/or requests from the Performance and Governance Committee**

(a) Kent Joint Municipal Waste Management (Cabinet 08.11.12 Minute 49)

The Portfolio Holder for The Cleaner and Greener Environment introduced a report outlining the refreshed Kent joint Municipal Waste Strategy objectives and policies for 2012/13 to 2020/21. The first Kent Joint Municipal Waste Management Strategy (KJMWMS) was adopted in 2007 by all 13 Council that comprise the Kent Waste Partnership. The main targets outlined in the 2007 Strategy were actioned one year early in 2011/12 and it was therefore felt appropriate to refresh the Strategy.

Members noted that during the development of the refreshed policies, two Equality Impact Assessments had been taken forward (in February and August 2011) to ensure the public's interests were taken into account. On both occasions the results were satisfactory and full Equality Impact Assessments were not required.

Members considered issues surrounding recycling and the Head of Environmental and Operational Services reported that around 10% of recycling continued to be rejected at the Allington MRF, but this was an improving situation. Leaflets were regularly distributed to residents explaining what waste should be put in recycling. It was important that there was consistency in the messages to residents.

Resolved: That the refreshed Kent Joint Municipal Waste Management strategy objectives and policies 2012/13 – 2020/21 be adopted.

(b) 2013/14 Budget and Review of Service Plans (Cabinet 06.12.12 Minute 38)

The Portfolio Holder for Finance and Value for Money introduced a report setting out the progress made in preparing the 2013/14 budget and providing Members with an update on key financial information. The Cabinet would make its final recommendation on the budget at its meeting on 7<sup>th</sup> February 2013, after taking into account any updated information available at that date.

The Portfolio Holder for Finance and Value for Money reported that a list of growth and savings items resulting in net growth of £160,000 had been presented to the Select Committees who recommend that these items be included in the budget. Uncertainty over two major funding streams remained. Provisional Government Support figures were not expected until 19<sup>th</sup> December and the Council would need to decide on the level of Council Tax for 2013/14 following the Government's announcement of another freeze grant being offered and a cap being set at 2%.

Due to these uncertainties, a further report will be presented to Cabinet in January which would hopefully contain a more complete picture including whether further savings would be required.

## Agenda Item 3

The Group Manager – Financial Services highlighted that whilst the Government settlement was not expected until 19<sup>th</sup> December, this date was by no means confirmed and there could be further delays in the process. There had been no further information as to what the reduction in funding was likely to be. Members noted that there was a statutory requirement for the budget to be set in February 2013.

In regard to Council Tax, from a financial perspective, the Group Manager – Financial Services stressed that it would be significantly advantageous if the Council Tax for 2013/14 was set close to the 2% cap instead of taking the grant being offered if it was frozen.

For the report to Cabinet in January 2013, Officers would update the 10-year budget with the settlement figure and any Council Tax decision as well as revisiting the other assumptions with any additional information that had become available. If a budget gap remained, difficult savings decisions would need to be made.

The Group Manager – Financial Services had sent an email to all Town and Parish Councils the previous week informing them of the effect of the Government changing their decision as to how the Council Tax Base was calculated for these authorities. The Government would be giving Sevenoaks District Council some funding to help address the effect on these councils which would be allocated proportionately based on the impact of the change to Council Tax Support.

The Chairman suggested that, as the Government grant became more marginal, Sevenoaks District Council would need to manoeuvre into a self-sustaining position in order to become less reliant on any future grant.

A Member suggested that the savings assumptions around partnership working be reviewed to ensure that they were realistic assumptions. Whilst acknowledging the point that was being made, the Chairman stressed that assumptions were constantly tested.

Members stressed the need to consider the £160,000 savings that the Council would need to make and the Chairman tasked each Portfolio Holder to have discussions around the options available before the Cabinet meeting in January.

Resolved: That

- (a) The comments and recommendations of the Select Committees as set out at Appendix E be noted;
- (b) Officers and Portfolio Holders be requested to investigate further proposed solutions for the £160,000 budget shortfall.



ACTIONS FROM THE MEETING HELD ON 01.11.12			
Action	Description	Status and last updated	Contact Officer
ACTION 1	The Chairman to discuss with the Chairman of Environment Select Committee and the Director of Corporate Resources, Deputy Chief Executive, a possible joint scrutiny approach of rural broadband.	The chairman will provide a verbal feedback at the meeting.	
ACTION 2	That an update on the localisation of Council Tax Support be provided at each Committee meeting	Has been added to the work plan.	Adrian Rowbotham

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SERVICES SELECT COMMITTEE - WORK PLAN 2012/13

Topic	14 January 2013	4 April 2013	June 2013	September 2013	1 November 2013
In-Depth Scrutiny		Under Occupation of Social Housing Action Plan review			
			Universal Credits Action Plan Review		
Housing (Pat Smith)	SDHR amended Allocation Policy and Sevenoaks District Tenancy Strategy		Affordable Housing Position Report		
Licensing (Richard Wilson)		Licensing Update Report (information only)			
Payments & Benefits (Adrian Rowbotham)				Business Rates Retention Benefits Performance	Revenues and Benefits Partnership Update
Human Resources (Syreeta Gill)					

Topic	14 January 2013	4 April 2013	June 2013	September 2013	1 November 2013
Information Technology (Jim Carrington-West)		Members IT Working Group – Disaster Recovery Arrangements Annual IT Update (information only)			
Waste and Recycling (Richard Wilson)					
Communications & Customer Service		Customer Services Report (information only)			
Budget (Adrian Rowbotham)	Localising Support for Council Tax - Update	Localising Support for Council Tax - Update			Review of Service Plans Review of Budget Proposals for 2014/15
Referral of Performance Issues from P&G Committee			Human Resources Update (information only)		
Other					

## Key Stages of In-Depth Scrutiny Review

Stage 1 – Scoping and identifying key lines of inquiry

Stage 2 – Familiarisation with subject area

Stage 3 – Submission of evidence

Stage 4 – Deliberation/Consideration of Options

Stage 5(a) – Formulation of recommendations and reporting

Stage 5(b) – Outcomes

Stage 6 – Review and Monitoring

## Working Group Membership 2012/13

### Members IT Working Group

Cllrs. Abraham, Ayres, Mrs. Dibsdall, Pett (Chairman) and Scholey

### Members' Under-occupation of Social Housing Working Group

Cllrs. Mrs Ayres, Mrs George, Mrs Parkin, Piper and Miss Stack.

### Members' Universal Credits Working Group

Cllrs. Ball, Firth\*, Hogarth\*, Horwood and Raikes.

\*Visiting member– not a member of Services Select Committee

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**SEVENOAKS DISTRICT TENANCY STRATEGY AND SEVENOAKS DISTRICT HOUSING REGISTER ALLOCATIONS POLICY**

**Services Select Committee - 14 January 2013**

**Report of the Deputy Chief Executive and Director of Community and Planning Services**

Status: For Decision

Also considered by: Cabinet - 7 February 2013

Full Council - 19 February 2013

Key Decision: Yes

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**Executive Summary:** This report covers the District Council's proposed housing strategy response/approach to current welfare reform and to ensure that the District's limited affordable housing supply goes to those deemed in most need (with more emphasis on local connection and employment) and future rent revenues are maximised to generate funding for the provision of new social sector housing.

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**This report supports the Key Aim of:**

- (a) Community Plan; and
- (b) Housing Strategy.

**Portfolio Holder** Cllr. Mrs Carol Clark

**Head of Service** Head of Housing and Communications – Mrs. Pat Smith

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**(a) Recommendation to Services Select Committee:** Members support the adoption of the Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy and recommend both documents to Cabinet for approval as District Council policy.

**(b) Recommendation to Cabinet:** Members support the adoption of the Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy and recommend both documents to Full Council for approval as District Council policy.

**(c) Recommendation to Full Council:** Members approve and adopt the Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy as District Council policy.

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**Reason for recommendation:** To comply with related legislation, associated rules and good practice guidance (mostly associated with current welfare reform), and to ensure the most effective use of the District's limited social housing stock.

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### Introduction

- 1 The Localism Act 2011 introduces a number of provisions in relation to social (also known as 'affordable') housing. This includes the introduction of the fixed-term tenancy which can be used as an alternative to secure lifetime tenancies, which have been issued in the past. The Act also introduces new provisions in relation to the way in which local housing registers are managed and how priority can be awarded. Local authorities and other social housing providers consequently have the discretion to consider a wider range of factors when letting properties and when considering social tenancy types.
- 2 The purpose of a tenancy strategy is for the local authority to set out how it sees new tenancy types being used; its priorities in relation to who should be allocated social housing; for how long; and to set the framework within which social housing providers (in its area) need to have regard to when developing their own landlord tenancy strategies and allocations policies.
- 3 The Homes and Communities Agency (HCA) also requires that registered Housing Associations (HAs) publish clear and accessible policies which set out the lengths of tenancies; when they will be renewed; the approach to management, including interventions to sustain tenancies and prevent unnecessary evictions; and tackling tenancy fraud.
- 4 The Kent Housing Group has subsequently developed the Kent and Medway Tenancy Strategy Framework and this provides the base from which district/borough tenancy strategies/policies can now be developed, whilst still taking into account local housing strategy objectives.
- 5 New style allocations policies set out the detailed rules and are designed to make the allocation of social housing fairer, more transparent and easier for applicants to assess their prospects of being offered a housing association home. They are also now much more flexible, allowing local authorities the freedom to set local rules with less top-down control.

### Existing and newly-arising housing need

- 6 In recent years, housing need has continued to significantly outpace the supply of new-build and re-lets, creating a considerable mismatch in need-v-supply. As a consequence, the Sevenoaks District Housing Register (SDHR) has continued to grow. With no sign of this abating in the foreseeable future (and, in fact, a likely worsening of circumstances as we move forward), this need is likely to grow yet further and at unmanageable rates.
- 7 With such limited scope for new provision and relatively few local social sector re-lets in the Sevenoaks District, introducing more restrictive qualifying criteria (as



set out in both attached documents) would be a sensible housing strategy approach to take from this point forward.

### **Sevenoaks District Tenancy Strategy and Allocations Policy**

- 8 In response to the above, an updated Sevenoaks District Housing Register Allocations Policy (SDHRAP, Appendix A) and a new Sevenoaks District Tenancy Strategy (SDTS, Appendix B) have both been produced and set out the District Council's new housing strategy approach to the allocation of social housing in the District.
- 9 These policies will provide the framework and detailed rules for a fairer allocations system that does not over-subsidise households that aren't in need; does not create a disincentive for work; promotes economic activity; and is relatively simple to understand, administer and communicate (all key policy objectives of Government).
- 10 The tenancy strategy process will now see interlinked policies and plans in the following order: Kent and Medway Tenancy Framework (broad county-wide policy); SDTS (broad District-wide policy); SDHRAP (sets detailed District allocations rules); and individual HA landlord/tenancy policies (reflecting all of the above).
- 11 The SDHRAP will also place more emphasis on local connection to the Sevenoaks District and take into account certain economic and community contributions, such as employment and/or volunteering. Housing need and associated priority will also be determined through a new banding system (removing points scoring), corresponding with other policies and approaches across Kent. This is generally accepted as a much fairer, easier to follow, and workable system.

### **Summary**

- 12 This new housing strategy approach will help to ensure that the District's limited affordable housing supply goes to those deemed in most need and can contribute to economic growth in the Sevenoaks District. It will also help to ensure that rent revenues are maximised to generate funding for future provision of new social sector housing. Both measures will be essential to tackle increasing housing need and significantly reduced social housing grant (and, consequently, opportunities to develop new affordable housing) in the future.

### **Key Implications**

#### Financial

There are no immediate, significant financial implications for the Council which arise as a result of this report. However, reviewing and updating the allocations policy has afforded the opportunity to streamline and refine the management of the SDHR. There is a charge incurred in changing and updating operating software but all costs will be contained within existing budgets.

## Agenda Item 6

### Community Impact and Outcomes

The impact on the local Community from the Welfare Reform and the Localism Act is that the local community will be greater involved in consultation and formulation of District Council policy. In terms of the SDHR, applicants have a right to bid for appropriate properties. The local community will be empowered to make its own decisions about housing and encouraged to go back into employment. The proposed reforms intend to shift the public's perception of social housing to it being a springboard into work and self-sufficiency.

### Legal, Human Rights etc.

The Housing Act 1996 (as amended by the Localism Act 2011) requires local authorities to have an allocations policy and procedure in place in order to allocate social housing

Part VI Section 167 of the Housing Act 1996 provides that every housing authority must have a scheme for determining priorities, and the procedures to be followed in allocating housing accommodation and under Part VII of the Housing Act 1996 (as amended by Homelessness Act 2002) to make provision for homeless households.

The SDHRAP must be framed so that "reasonable preference" is given to people who are homeless, people eligible for assistance under the Housing Act 1985, people who are occupying insanitary or overcrowded or otherwise unsatisfactory housing, 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 part of the authority's area where failure to meet that need would cause hardship.

The 2009 Code of Guidance "Fair and Flexible: statutory guidance on social housing allocations for local authorities in England" gives local authorities flexibilities in determining who they prioritise within the reasonable preference groups. This guidance is superseded by the allocation of accommodation: guidance for local housing authorities in England which came into force on 18 June 2012. The District Council's amended SDHRAP exercises the new freedoms and existing flexibility within the allocation legislation to encourage work, mobility and respond to local priorities.

Subject to that requirement relating to "reasonable preference groups", an allocations scheme may also make provision about the allocation of particular accommodation to persons of a particular description, whether or not they are within the "reasonable preference" groups.(Section 167(2E)) The Act therefore permits allocation schemes to give preference to those in employment, and those with a strong connection to Sevenoaks District Council as is proposed, subject to the statutory obligations in relation to "reasonable preference" groups remaining part of the scheme. The proposals set out in this report are consistent with those statutory requirements.

To mitigate any risks, Housing Services works closely with the Legal Section.

Resource (non-financial)

Liaison with appropriate heads of service as when required.

Value For Money and Asset Management

**All appropriate contracts are taken through the procurement process. For example, Kent Homechoice is a Kent-wide scheme which was tendered and the partnership approach has made the scheme cost effective for each Kent local authority. There is a contract in place with West Kent HA to ensure efficiencies and high performance and there are regular liaison meetings.**

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	Yes / No	See attached Equality Impact Assessments
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes / No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

**Risk Assessment Statement**

All the Housing Services Risk Assessments are in place , including one for the Housing Register and the revised Allocation Policy. All Housing Service Risk assessments are reviewed regularly and updated annually .

**Appendices**

Appendix A – Sevenoaks District Allocations Policy

Appendix B – Sevenoaks District Tenancy Strategy

**Background Papers:**

[Community Plan \(2010-13\)](#)

[SDHR Allocation Scheme \(2008\)](#)

[Housing Strategy Action Plan \(2012\)](#)

## Agenda Item 6

[West Kent Joint Homelessness Strategy \(2011-16\)](#)

[Kent and Medway Tenancy Strategy Framework \(2012\)](#)

**Contact Officer(s):**

Pat Smith x7355

Jane Ellis x7296

Kristen Paterson

Deputy Chief Executive and Director of Community and Planning Services.

## SEVENOAKS DISTRICT HOUSING REGISTER ALLOCATIONS POLICY

### 1.0 Who can Join the Sevenoaks District Housing Register (SDHR)

1.1 Anyone living in the United Kingdom, who is at least 18 years old, be applying for a social housing property to use as their only or principal residence and who have a local connection to the Sevenoaks District may apply to the SDHR. More information on local connection is detailed at 1.9.

1.2 All applications to the register should be made by completing an on-line application available at <http://www.kenthomechoice.org.uk/register.aspx> .

Those without access to the internet can request a paper copy of the application form from The Housing Options Team, West Kent Housing Association, 101 London Road, Sevenoaks, Kent, TN13 1AX.

1.3 Owner occupiers cannot join the register unless they can demonstrate that their financial and personal circumstances prevent them from securing suitable accommodation to meet their housing need. (For example: they have insufficient resources to pursue low cost home ownership and/or a medical condition or disability, or other vulnerability). Owner occupiers aged 55 and over will only be considered for sheltered or retirement housing.

1.4 Applicants with sufficient financial resources who meet the financial criteria for low cost home ownership, (LCHO) also known as Homebuy, shared ownership and shared equity will be referred to the Zone Agent for LCHO, Moat Housing The financial limits for the register are detailed in Appendix C.

1.5 There are groups of people who cannot join the register due to their immigration status or their recorded previous conduct. More information on this is available in 2.0: Who is Excluded from Joining the Register.

1.6 Once an applicant has been accepted onto the SDHR, a decision will be made as to the size of property they are eligible to bid for under the Kent Homechoice, Choice Based Lettings Scheme using the criteria set out in Appendix A.

1.7 An applicant's eligibility to join the SDHR will be kept under regular review during the rehousing process. Should the SDHR become aware of information during the rehousing process that affects an applicant's eligibility to be included on the Housing Register, the application will be rendered ineligible. There is a right of review of this decision and this process is detailed in paragraph 20. When applicants apply to the SDHR, they agree to inform the SDHR should their circumstances change to enable their application to be reassessed.

1.8 Only those with a local connection to the District are eligible to apply for inclusion on the SDHR.

## Agenda Item 6

To demonstrate a local connection either an applicant or their family must:

- Have been living in this area for either six months during the last year or for three years out of the last five years.
- Currently have permanent employment in the District or need to move here to take up an offer of permanent employment.
- Have close family currently living in the District and they have done so for the last 5 years.
- The definition of a close family member covers: parents, adult children or siblings. It may also include, step parents, grandparents, grandchildren, aunts or uncles depending on the close links the applicant has with them in the form of frequent contact, commitment and dependency. However, a local connection is not limited to the relationships listed here; it can include extended family such as cousins, based upon the character and nature of the relationship. Decisions on local connection will be made by Officers working for the Managing Agent for the SDHR.
- Have an evidenced, special reason for needing to live in the District, for example, needing to either give or receive care or support.
- Former members of the Armed Forces can establish a local connection with this District through living here during a posting or through previous residence in the District, for example: having lived here prior to a posting overseas.
- Serving members of the Armed Forces who need to move to this District because of a serious injury, medical condition or disability sustained as a result of their service will be considered to have a local connection.
- Bereaved spouses and civil partners of members of the Armed Forces who need to live in this District as they have to leave Service Family Accommodation following the death of their spouse or partner will be considered to have a local connection.
- Serving or former members of the Reserve Forces who need to live in this District because of a serious injury, medical condition or disability sustained as a result of their service will be considered to have a local connection.
- Applicants who make a community contribution which promotes the wellbeing of their neighbourhood, making it stable and healthy will also be considered to have a local connection. A community contribution is made by:
  - Participating in regular significant volunteering or community activities. To qualify you must undertake your volunteering or community activity for an average of approximately 20 hours per month and have been engaged in it for a minimum period of 1 year. A reference is required to confirm the circumstances of your volunteering/community activity and to determine the future longevity of your contribution.

- 1.10 Applicants to whom the Council has accepted a full homelessness duty under section 193 (2) because they do not have a local connection with any other area.
- 1.11 For the purposes of determining local connection the Council will not take the following into account:
- Residency in a non traditional dwelling – e.g. a mobile home, tent, caravan or motor caravan that is not placed on a residential site in this District will not be considered to have established a local connection;
  - Residency in a holiday let, including bed and breakfast accommodation booked for holiday purposes;
- 1.12 There may be circumstances where to apply the local connection provision set out within this policy is inappropriate. Accordingly, the Manager of the Housing Register can on behalf of the Council exercise discretion not to apply the local connection provisions in exceptional circumstances and each case will be assessed on its merits. Examples of this includes those owed a homelessness duty or who would be owed a homelessness duty if assessed as a result of being a victim of violence, harassment, intimidation or where threats of violence are likely to be carried out. Also includes domestic violence, witnesses to serious crime who are at risk or victims of crime, including hate crime.

### 2.0 Who is Excluded from Joining the Register

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

Unacceptable behaviour is defined as:

(a) behaviour of the person concerned which would (if he were a secure tenant of the Authority) entitle the Authority to a Possession Order under Section 84 of the Housing Act 1985 (c68) on any ground mentioned in Part 1 of Schedule 2 of that Act (other than Ground 8);

or

(b) behaviour of a member of his household that would (if he were a person residing with a secure tenant of the Authority) entitle the Authority to such a Possession Order.

This means that applicants or a member of their household with a history of:

- Former or current rent arrears or not keeping to a housing debt repayment plan;
- violence, threats of violence, arson or antisocial behaviour;

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- Allowing the condition of a property to deteriorate;
- Obtaining a tenancy by deception;
- Illegal or immoral behaviour;

will be excluded from the SDHR for the reasons described above.

Applicants who are excluded will be informed in writing and will be advised of their statutory right to request a review of this decision, as detailed in paragraph 20 of this policy.

Applicants excluded from the SDHR due to unacceptable behaviour, may reapply to the register in the future if they can demonstrate a change in conduct. Whether the change in conduct is sufficient to render the applicant eligible for inclusion is determined by the Housing Register Manager on behalf of the Council.

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

### Persons Subject to Immigration Control

- 2.2 Persons subject to immigration control are not eligible to join the register as detailed below:

Under s160ZA (2) of the Housing Act 1996 (as amended), persons from abroad who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 are ineligible for allocation unless of a class prescribed by regulations made by the Secretary of State, referred to under s160ZA (4), of the same Act.

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

### Persons Subject to the Habitual Residence Test

- 2.3 Persons deemed not to be habitually resident in the UK are not eligible to join the register as detailed below:

Under s160ZA the Secretary of State has also prescribed classes of persons who are not subject to immigration control but have to be habitually resident in the common Travel Area (UK Channel Islands, Isle of Man and the Republic of Ireland). The habitual residence test will be applied to all applicants who have not had continuous residence in the UK in the last two years.

The SDHR and SDC are responsible for carrying out the habitual residence test. The SDHR will register an applicant where a positive decision has been made by the Department for Work and Pension/Social Services or the Social Housing Team. Where negative decisions are made or no decision has been made the SDHR will carry out its own tests to decide on eligibility.

- 2.4 A8 nationals no longer require permission to work in this Country and the Workers Registration Scheme closed on April 2011. A2 Nationals (Bulgaria and Romania) will



continue to be required to register and obtain permission to work in the UK until 31 December 2013. A2 nationals are eligible to apply to join the register during the first year of their residence if they have registered their employment under the Worker Authorisation Scheme (A2 national) and are working for an authorised employer. An A2 national will not be eligible if they cease working for an employer under the terms of the authorisation.

**Accession (Immigration and Worker Registration) Regulations 2004 (the Worker Registration Regulations) and the Accession (Immigration and Worker Authorisation) Regulations 2006 (the Worker Authorisation Regulations) Accession (Immigration and Worker Authorisation) (Amendment) Regulations 2011/2816.**

- 2.5 Applicants are entitled to a review of a decision that they are ineligible for an allocation due to s160 A (3) or (5). Review procedures are detailed in paragraph 20 of this policy.
- 2.6 In addition to the reasons above in this section, applicants whose immigration status or established habitual residence would ordinarily enable them to apply to the Housing Register will be excluded from registering an application if they have no identified housing need and are adequately housed.

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### 3.0 How the SDHR Policy works

- 3.1 The demand for social housing (also known as affordable rent housing) in the Sevenoaks District exceeds supply and the SDHR Allocations Policy exists to prioritise the rehousing of those households who are in the greatest need in a fair and transparent way. Since the transfer of the Council's housing stock to West Kent Housing Association in 1989, there is now no Council housing in the District and Housing Associations (also known as Registered Providers and Registered Social Landlords) have become the major providers of social housing. Each year the total amount of vacant social housing stock available varies. Therefore, from 1<sup>st</sup> April each year, a quota will now be agreed with West Kent HA (the largest owner of social housing stock in the district) as to what percentage is offered to each band.
- 3.2 Each application is assessed taking into account the factors listed in the attached banding scheme. Each factor is linked to a priority band which determines an applicant's priority for rehousing from "Emergency and Very Severe Housing Need", "High Priority and Urgent Need to Move", "Applicants with Identified Housing Need" through to the lowest priority band "General Housing Need". Usually an application will be linked to several factors across different priority bands but the highest factor that applies to applicant's circumstances will determine which band they are placed in. For example, an applicant with an emergency medical condition will go into the band Emergency and Very Severe Housing Need, even if their other circumstances are linked to a lower band.
- 3.3 Medical priority will be assessed by Officers working for the Managing Agent for the Housing Register with the option of referring the case to an independent medical advisor if considered appropriate.
- 3.4 Sevenoaks District Council is part of the Kent Homechoice Partnership responsible for delivering Kent Homechoice, the Kent wide Choice Based Lettings Scheme. Unless the Council's Head of Housing & Communications and the partner Registered Providers and/or Housing Associations agree otherwise, all social housing properties will be allocated through this choice based lettings process. For further information on how properties are advertised through Kent Homechoice and how to bid for vacant homes see the Statement of Choice which supports this policy at paragraph 18.

Under the SDHR policy, vacant homes will be advertised for two Kent Homechoice bidding cycles. If after two bidding cycles either

a) no eligible bids have been received for the property

or

b) those who have been offered the property have refused it

to progress the letting of the property and minimise the time the property is vacant, other means of identifying a suitable applicant for the property will be considered, for example, advertising on alternative internet websites.

- 3.5 When deciding who will be offered a vacant home, eligible bids received from applicants in Band “Emergency and Very Severe Housing Need” (the highest band) will be considered first, in the order of the date they were accepted onto the SDHR. If no one suitable has bid from Band “Urgent and Very Severe Housing Need”, eligible bids from applicants in lower bands will be considered in succession. Within each band applicants will be prioritised in date order of acceptance. In order to meet local priorities, some properties will be advertised inviting bids from specific groups, for example, those who are under occupying property.
- 3.6 If an applicant is not offered a particular vacancy, a clear record of the reason will be made and the applicant is entitled to know why they have not been offered the property (although the confidential nature of other applicants’ circumstances may not be disclosed).
- 3.7 It is the applicant’s responsibility to advise the SDHR of any changes to their circumstances. Applicant details and eligibility for the SDHR are verified before an offer of housing is made. Should an applicant’s circumstances have changed following the submission of their SDHR application form, their application will be reassessed accordingly and any pending offer of accommodation may be withdrawn.
- 3.8 Some properties or developments have a specific local connection requirement in their planning or funding conditions, such as rural exceptions sites and those developed under section 106 agreements. In these cases there will be restrictions on who can bid for the home and this will be made clear in the advert for the vacant property. This type of qualifying criteria is usually agreed as part of planning or funding conditions. In these circumstances local connection criteria will usually mean connection to a village or parish rather than the district as a whole. Under section 167 (2) of the Housing Act 1996 (amended by the Homelessness Act 2002) applicants will be required to provide evidence to support their local connection as part of the application for housing in those properties, which will be verified by the SDHR. More information on this is detailed in Para 15.
- 3.9 Local Lettings Plans will be used for some properties or developments where, for example, Housing Associations need to allocate properties sensitively to ensure that community safety issues have been taken into account, or to promote the sustainability of the area, or to earmark suitable properties for those who are currently under-occupying their social housing home. In these cases there will be restrictions on who can bid for the home and this will be made clear in the advert for the vacant property. The introduction of a Local Lettings Plan is subject to the Registered Provider/Housing Association obtaining the agreement of the Council’s Head of Housing & Communication. More information on these policies is detailed in paragraphs 16 and 17.

#### 4.0 Homelessness Prevention Policy

- 4.1 The Council places great emphasis on the prevention of homelessness, particularly for vulnerable people and families, by providing support and advice at an early stage to ensure applicants are aware of their housing options and are supported to make informed choices before they become roofless.

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4.2 Where the Council has carried out investigations and are satisfied that an applicant is:

- within 28 days of becoming homeless;
- has a priority need under the Housing Act 1996;
- are actively working with the Councils Private Sector Lettings Scheme;
- is not placed in temporary accommodation arranged by a Council;

they will be placed in Band “High Priority and Urgent Need to Move” for a period of 90 days. If a suitable property becomes vacant during this time but the applicant fails to bid for it, the award of this priority will be reviewed by a Housing Officer at the Council. If considered appropriate, the award of this priority will be extended for a further 90 days or removed and the applicant placed in the lowest band “General Housing Need”.

An applicant has the right to a review of this decision. The procedure for requesting a review is detailed at paragraph 20.

If at the end of 180 days (2 x 90 days), the applicant failed to bid for any suitable vacancy that arose during that time, the Band “High Priority and Urgent Need to Move” priority granted to the application will be withdrawn and the application will be placed for a 12 month period in Band “General Housing Need” (the lowest band).

An applicant has the right to a review of this decision. The procedure for requesting a review is detailed at paragraph 20.

### 5.0 Removal from the Register

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

6.2 An applicant can request a review of the decision to remove them from the register as detailed in paragraph 20 of this policy.

### 7.0 PRIORITY BAND SYSTEM

As previously outlined in this document, there are now 4 bands identifying priority, instead of points (in line with other Kent Allocation policies and Kent Homechoice). The following is an explanation of those bands.

#### Emergency and Very Severe Housing Need

1. Applicants with an emergency medical condition, welfare need or disability which is critically affected by their housing circumstances. This must be supported by Police, MAPPA Process, Social Services or medical professional. This category includes Service Personnel who need to move into suitable adapted accommodation because they have sustained serious injury, a medical condition or a disability during their service.

Emergency medical priority is verified by Officers working for the Managing Agent for the Housing Register but there is the option of referring the case to an independent medical advisor for advice if appropriate.

Emergency welfare priority is verified jointly by officers of the Managing Agent for the Housing Register and Sevenoaks District Council.

2. Applicants with an exceptional need to move. This includes those owed a homelessness duty or who would be owed a homelessness duty if assessed as a result of being a victim of violence, harassment, intimidation or where threats of violence are likely to be carried out. Also includes domestic violence, witnesses to crime or victims of crime, racial or homophobic harassment. (Applicants who qualify under this category are not required to have a local connection and their eligibility will be determined by the Manager of the Housing Register as set out in 1.12).
3. A tenant of one of the SDHR partner Registered Providers/Housing Associations who would release an adapted social housing property by moving.
4. A tenant of one of the SDHR Partner Registered Providers/Housing Associations where the social landlord requires the tenant to move due to major works or other urgent management reason. This includes those who are irregularly occupying a social housing property as a non-successor where a decision to rehouse the applicant has been made. The decision to rehouse such applicants is made jointly by the Homechoice Manager and the Social Housing Team Manager and is based upon whether the person is eligible to register an application on the SDHR along with the particular circumstance of each case.
6. Farm workers who need immediate housing under the Rent (Agriculture) Act as recommended by the Agricultural Dwelling Housing Advisory Committee.
7. Occupiers of properties under Emergency Prohibition or Demolition Orders.

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### High Priority and Urgent Need to Move

1. Applicants recommended by Sevenoaks District Council as qualifying under the Council's Homelessness Prevention Policy (Time Limited Priority).
2. A Housing Officer from the Council's Private Sector Housing Team has identified a category 1 health and safety hazard in an applicant's home using the Housing Health and Safety Rating System and they are in a vulnerable group that is at risk from this hazard. For example, an older person living in a property with inadequate heating or a family with children living in a property with severe dampness.
3. A tenant of one of the local Registered Providers/Housing Associations who is currently under occupying a social housing home in the District.
4. Applicants who are statutorily overcrowded. Statutory Overcrowding occurs when there are too many people in a room or by having too many people for the size of the room:
  - a) Where two children of opposite sex, one of which is over 10 years old, sleep in the same room.
  - b) Where a child over 10 years of age sleeps in the same bedroom as parent(s) or other relatives.

In both (a) and (b) regard will be given to the size of the bedroom in accordance with the standards laid down in the statutory overcrowding provision of the Housing Act 1985.

5. Applicants for whom a Single Agency Assessment has been accepted and awarded High Priority.
6. Applicants who have been awarded high medical priority. Additional confirmation will be required by Health professionals.
7. Applicants who have been awarded high priority need to move due to hardship or welfare needs as determined jointly by Officers from WKHA and Sevenoaks District Council.
8. Applicants who need to move to a particular locality in the District to give and receive care or support or to take up a confirmed offer of permanent employment.
9. Applicants who need to move on from a specialist supported housing scheme into general needs housing who qualify for rehousing in the Sevenoaks District under the Kent wide Supporting People Reconnection Policy.
10. Homeless households owed a full homeless duty under sections 193 (2) 195 (2) Housing Act 1996 who have lived in temporary accommodation for six months.  
**ONE OFFER ONLY.**

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11. A tenant of one of the SDHR partner Housing Associations living in general needs housing who wants to move into older persons accommodation.
12. Service Personnel who have received a Certificate of Impending Homelessness and who have insufficient means to purchase a suitable property. This includes separated wives in MOD housing given 93 days notice.

Applications from Service Personnel will be suspended until three months before end of service. It will be necessary to provide details of financial resources at that time.

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### Applicants with Identified Housing Need

1. Homeless households owed a full homeless duty under sections 193 (2) Housing Act 1996, as amended by the Homelessness Act 2002.
2. Applicants who are overcrowded as defined by the Bedroom Standard set out in the Housing Bill but who are not statutorily overcrowded as defined by the Housing Act 1985. (see Appendix A)
3. Applicants who have been awarded medium medical priority. Additional confirmation will be required by Health professionals.
4. Applicants who have been awarded medium priority to move due hardship or welfare needs as determined jointly by the Managing Agent for the Housing Register and Sevenoaks District Council Officers.
5. Applicants for whom a Single Agency Assessment has been accepted and awarded Medium Priority.
6. Applicants whose home lacks kitchen facilities (applies if you have no separate sink unit (not within bathroom), and/or do not have the facility to cook hot meals.
7. Applicants whose home lacks bathing facilities (applies if you have no shower or bath with hot and cold water).
8. Applicants whose home lacks a WC within the building.
9. A Category 1 Hazard exists in an applicant's home but the occupier is not in a vulnerable group.



### General Housing Need

1. Applicants who need to share kitchen, bathroom, WC or living room with people who are not part of their household. This could, for example, be a young couple who wish to set up their own home but circumstances require them to continue living in their family home(s).
2. Applicants whose home has poor internal or external arrangements – i.e. walking through a bedroom to get to another room.
3. Applicants who have been awarded Low medical priority.
4. Applicants who have been awarded Low priority to move due hardship or welfare needs by WKHA Social Welfare Panel.
5. Applicants who are owed a homelessness housing duty by another local authority under sections 190 (2), 193 (2) or 195 (2) Housing Act 1996, or who are occupying accommodation secured by another local authority under section 192 (2)
6. Any other applicant who is not excluded or disqualified from being registered on the Sevenoaks District Housing Register. This band will include (this is not an exhaustive list):
  - Applicants classed as becoming homeless intentionally under the Housing Act 1996;
  - Those who have deliberately worsened their housing situation. This includes those who fail to bid for suitable properties during the time limits granted under the Homelessness Prevention Policy.
7. Applicants serving a prison sentence. Following notification that the applicant is within 3 months of release, their application will move to Band “High Priority and Urgent Need to Move” under the Councils Homelessness Prevention Policy, where they will remain for 90 days.

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### 8.0 Awarding Additional Medical Priority

- 8.1 Applicants must provide documentary evidence of how their health issues are affected by or cannot be managed in their current home by completing a self assessment medical form available from the Housing Options Team at West Kent Housing Association. On receipt, officers at the SDHR will consider whether any supplementary information is needed from other relevant professionals (for example: Environmental Health or Housing Officers, Social Worker or Health Visitor) to further explain the impact the medical condition/disability has on the applicants current housing. While this information is being provided to the SDHR and pending the assessment, eligible applications will be registered and placed in a band according to their circumstances excluding medical priority.
- 8.2 Officers in the SDHR will make a decision based upon the information provided before making a decision to award additional priority to an application on medical grounds. Priority levels awarded to applications on medical grounds are Emergency Medical Priority, High Medical Priority, Medium Medical Priority, Low Medical Priority or No Additional Medical Priority Granted. Emergency Medical priority will only be awarded in exceptional circumstances where there is an immediate life threatening situation. There is the option of referring the case to an independent medical advisor if considered appropriate.
- 8.3 The SDHR will send a letter to the applicant advising them of any change in their priority and where no priority is awarded, advice will be given on resolving the housing difficulties they are experiencing.
- 8.4 Where medical priority has been awarded, an annual review will be made to ensure the priority awarded remains valid. On review, priority may be increased if the situation has worsened, remain the same if the situation is the same or withdrawn if the situation is resolved.
- 8.5 Where an applicant notifies a change of medical and/or housing circumstances to the SDHR the applicant's priority will be re-assessed by an officer from the Housing Register.
- 8.6 Additional medical priority may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties.
- 8.7 Each permanent member of the applicant's household can make a separate application for additional medical priority but the overall award given to the application will reflect the highest priority awarded across all family members. For example, if two household members have submitted medical information to be considered and one household member has been awarded low medical priority and the other medium medical priority, the application will be placed in Band C to reflect the award of medium medical priority.
- 8.8 An applicant has the right to a review of a decision made under this section. See paragraph 20 for details of the review procedure.

### 9.0 Awarding Additional Social and Welfare Priority

- 9.1 Social and Welfare points are awarded where the applicant's home is unsatisfactory or unsuitable in a significant way and this is having a detrimental affect on the household or individual. Where an applicant is homeless, the affect of living in temporary accommodation on the applicant or household may be considered.
- 9.2 Priority can be awarded in a variety of situations including racial, sexual, or general harassment, threats of violence and/or intimidation or where an applicant is vulnerable with a need to move to receive support or those needing to move on urgently from supported housing.
- 9.3 Social and Welfare priority is awarded following the assessment of a prepared report on a pro forma available from the Housing Options Team at West Kent Housing Association. The report must be completed by a relevant professional (for example: Housing Officer, Social Worker, Education Welfare Officer) which details the reasons why the applicant needs to move urgently on social and welfare grounds. This report is considered by the Homechoice Manager and the Social Housing Team Manager. Priority levels awarded to applications on these grounds are Emergency Need to Move, High Need to Move, Medium Need to Move, Low Need to Move or No Additional Social and Welfare Priority Granted. Emergency Need to Move priority will only be awarded in exceptional circumstances where there is an immediate life threatening situation. The Homechoice manager will inform the professional making the request for Social and Welfare priority of the outcome of the evaluation of their report.
- 9.4 Additional priority may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties.
- 9.5 Each permanent member of the applicant's household can make a separate application for additional social and welfare priority but the overall award given to the application will reflect the highest priority awarded across all family members
- 9.6 Where social and welfare priority has been awarded, an annual review will be made to ensure the priority award remains valid. On review, priority may be increased if the situation worsens, may remain the same if the situation is unchanged, or may be withdrawn if the situation is resolved or changed.
- 9.7 Where the applicant notifies the SDHR of a change in their housing and/or social and welfare circumstances, points will be re-assessed.
- 9.8 An applicant has the right to a review of a decision made under this section. See Paragraph 20 for details of the review procedure.

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### 10.0 Sheltered Housing

10.1 Applicants who request category 2 sheltered housing (housing with warden support 7 days per week) or extra care sheltered housing (housing for more frail elderly people, with 24hr warden support, plus access to restaurant or dining facilities along with other care services) will be assessed at the time of application by the sheltered Housing Team of the relevant housing association. Where it is identified that an applicant is bidding on accommodation that is not suitable for their needs, an assessment will be made to enable them to identify a suitable home.

Where appropriate sheltered applicants will be given support by the SDHR to enable them to bid for properties advertised via the Choice Based Lettings scheme. Where applicants are a current tenant of a Registered Provider this support will be provided by their existing Housing Officer.

### 11.0 Behaviour

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

- Where there is evidence of breach of tenancy agreement the applicant will be placed in Band D (Lowest band) for 12 months. (this covers both Private and Social Housing tenancies)
- Where an applicant has deliberately worsened their housing circumstances by deliberately overcrowding their home, the applicant will be placed in Band D for 12 months.
- Where an applicant has refused to bid for a suitable property or is persistently bidding for properties under the Kent Homechoice CBL scheme and there is no real prospect of them taking up any of the properties, the applicant will be placed in Band D for one year.

11.2 The adjustment can be lifted before the expiry of 12 months if the SDHR is satisfied that the behaviour which necessitated the adjustment has been remedied.

11.3 A senior officer for the Managing Agent for the Housing Register will make decisions set out in sections 11.1 – 11.2.

11.3 Applicants have the right of review of any decision made under this section. Details of the review procedure are at paragraph 20.

### 12.0 Legal Framework

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

- 12.2 This Allocations Policy has been written to ensure that the Council discharges its responsibilities under Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002) and the Code of Guidance. It also takes account of the Housing Corporation's Regulatory Code and Guidance. The Sevenoaks District Housing Register (SDHR) is committed to acting within Human Rights and Equal Opportunities legislation.
- 12.3 This policy determines how applicants are nominated from the SDHR to vacant homes owned by Registered Providers, who will each have their own allocations policy. Each RSL applies its own allocation policy to applicants nominated to them for vacant properties from the SDHR.
- 12.4 The policy relates to the letting of permanent or probationary tenancies and also the short term intermediate rented scheme. The main Housing Associations who accept nominations from the SDHR are WKHA, Moat Homes Ltd, Places for People, Rockdale Housing Association and Orbit Housing Association. It should be noted that these organisations might also operate their own registers and transfer lists.
- 12.5 Applicants wishing to be considered for LCHO (low cost home ownership) will be referred to the Zone Agent, Moat Housing, who operates the register for low cost home ownership options in-Kent.

### Awarding Priorities

- 12.6 The scheme is designed to reflect the reasonable and additional preference categories outlined in the Housing Act 1996 part VI and the Code of Guidance. The scheme is in line with the Housing Corporation's Regulatory Code and gives preference to the groups outlined in the Code.
- 12.7 It is intended that the SDHR allocation scheme will give reasonable preference to the following people as set out in s167 (2) of the 1996 Act (as amended by the Homelessness Act 2002) and this has been reflected in the banding system:
- People who meet the homeless definition under Part VII of the 1996 Act but who are not in priority need or have made themselves intentionally homeless, e.g. rough sleepers.
  - People who are owed a duty by any housing authority under Section 190 (2), 193 (2), 195 (2) or 192 (3) of the Housing Act 1996, or under Section 65 (2) or 68 (2) of the Housing Act 1985.
  - People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
  - People who need to move on medical or welfare grounds.
  - People who need to move to a particular locality in the district of the housing authority to either give or receive support or to take up employment.

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### Additional Preference

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

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

### 13.0 Offers of Accommodation

13.1 Through the Kent Homechoice CBL scheme applicants can choose when to bid for a property. If they then choose not accept an offer of accommodation made to them they will not lose any priority for housing.

There are some exceptions to this rule:

- Those with exceptional medical/welfare points who have not bid for 2 or more properties that could be deemed suitable for them will have an offer made.
- Refusal of that offer can result in exceptional medical/welfare points being removed.
- Homeless duty being discharged against a homeless applicant.
- Households living in approved Housing Association accommodation awarded Move On Points.
- Where an applicant is making malicious or hoax bids or persistently and irrationally making bids where it is deemed that they have no real intention of taking up a property. Cases will be judged on an individual basis and the result may be a loss of priority by the applicant being placed in Band E for up to a maximum period of 12 months.

### 14.0 Making a Reasonable Offer

14.1 In deciding what is a reasonable offer, the SDHR will take into account the needs of the applicant and their household and their choices and preferences. Within the CBL scheme, for applicants with high priority, the definitions within Offers of Accommodation at paragraph 13 will apply.

- 14.2 These will be balanced against the availability of property type and size preferred and the urgency of the applicants' need for housing. For example applicants with a high welfare or medical award or an applicant given high priority because they are homeless may not be given a preference for a house rather than a flat and under the CBL scheme would be expected to bid for suitable properties regardless of preference. Applicants in these circumstances have an urgent need for housing and may be required to bid for a property that may not be in their areas of choice. This would enable an offer or bid of housing to be made within a reasonable length of time.
- 14.3 An applicant is entitled to a review of the reasonableness of an offer as detailed in paragraph 20.

### 15.0 Local Letting Plans

- 15.1 The SDHR may sometimes use local lettings plans to allocate a property.

A local letting plan may be used to facilitate sustainable communities:

- Where there have been particular management problems identified in an area.
- When allocating for a new or refurbished development to ensure the creation of a balanced and sustainable community, for example consideration of child density levels. In these circumstances it is expected that nomination agreements will be made during the development phase.
- To fulfil planning requirements (also known as section 106 conditions).
- To assist with wider strategic objectives of the Council, e.g to remedy under occupation of existing social rented homes.

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

### 16.0 Sensitive Letting (property)

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

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would make them unsuitable they will not be nominated and the next applicant will be considered.

### 17.0 Special Circumstances (applicant)

- 17.1 Under some special circumstances, it may occasionally be desirable to be particularly sensitive when a person needs housing. This will be decided at the time of application and/or when the SDHR or housing association receives relevant information, usually having considered the advice of relevant professionals and in agreement with the applicant. This would generally be when the applicant would be at risk of harm if housed in a particular location, or may pose a risk to others.

Examples could be where there has been a breakdown in a violent relationship, or where someone is at serious risk of harm because they have acted as a witness in court, or where we have information from the Police or Probation Service that they may be a risk to the community.

- 17.2 Applicants are entitled to details of any criteria attached to their housing application, although provision will be made to ensure that confidentiality is not breached that would put others at risk. If a bid made under CBL results in an applicant being at risk, the SDHR will discuss the suitability of the offer with the applicant. This may result in the offer of accommodation not being made. If a bid under the CBL scheme is made that may place an applicant at risk, the suitability of the offer will be discussed and a decision may then be made not to make such an offer of accommodation.
- 17.3 Applicants can request a review of the decision to place any restrictions made on their re-housing as outlined in paragraph 20.

### 18.0 Providing Applicants with Choice

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

#### 18.2 Statement of Choice

The SDHR offers applicants choice despite high demand for social housing. The SDHR makes an assessment of applicant's circumstances against the priority banding criteria and places the application in the priority band that best reflects the urgency of their housing need.

Within the CBL scheme properties becoming available will be advertised on a fortnightly basis via the Kent Homechoice Scheme. The properties will be advertised primarily on the internet but a free personalised report can be provided on request from the Housing Options Team at West Kent Housing Association. It is also possible



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to pay a subscription fee to Locata, who provide the Kent Homechoice software, for them to provide a personalised report to you on a regular basis.

Once an applicant has been accepted onto the Sevenoaks District Housing Register, their application is automatically uploaded onto Kent Homechoice and they will receive a welcome pack which contains their Personal Identity Number. This will enable them to make an “interest” bid by telephone, website, text or coupon for vacant properties that are suitable for their needs.

Properties will then be offered to applicants from the highest band, with the longest registration date on the Sevenoaks District Housing Register.

The CBL scheme aims to give transparency to the way empty properties are allocated. Adapted properties will be advertised giving the type of adaptations within the property and which applicants will be eligible to bid for this type of property. The Council supports that RSL’s make best use of their stock and therefore larger 3 bedroom homes will be advertised with a maximum number people who can occupy. This is to ensure these units are available for larger families due to the shortage of 4 bedroom homes in the District. Temporary accommodation provided for homeless people under Part VII of the Housing Act 1996 will not be included in the CBL scheme.

Applicants are invited to bid for properties and we aim to ensure that all relevant information is available to enable applicants to make informed choices regarding bidding. Subject to eligibility criteria, which includes the size of property an applicants can bid for, applicants are invited to:

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

The SDHR will:

- a. Provide applicants with information which explains why they have been placed in a particular priority band. Where requested information regarding the implications an applicants choices in terms of waiting time and the availability of properties. This is to assist and enable them in making choices.
- b. Allow applicants a maximum of 3 bids per fortnightly advertising cycle under Kent Homechoice, CBL where possible.
- c. Provide applicants with the results table of the successful bids for individual properties showing the level of points required for a successful bid.

The SDHR provides support and offers advice on a range of tenures that applicants can apply for:

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- Affordable and social rented housing;
- Intermediate rented housing at sub market rents;
- Low cost home ownership housing options, e.g. Shared ownership, Homebuy and shared equity;
- Key worker accommodation at sub market rents;
- Mutual exchange;
- Private Sector Letting Scheme (Rent in advance or deposit bond for potentially homeless applicants);

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

Those applicants who may qualify for low cost home ownership will be directed to contact the Zone Agent, Moat Housing.

### 19.0 Access to Information/Sharing Information

- 19.1 Applicants have the right to request such general information as will enable them to assess how their application will be treated under the policy and whether they are likely to fall into reasonable preference categories.
- 19.2 Applicants can request information as to whether accommodation appropriate to their needs is likely to be made available and an indication as to how long this may take. Applicants have the right to see the information about their application that the SDHR hold on their files.
- 19.3 When applicants sign their application form they are asked for their consent to share information with other agencies such as housing associations, private landlords (to be contacted for a reference only), social services, health services, Parish Councils (for Rural Exceptions Sites only) and the District Council.
- 19.4 Partners of the SDHR have the right to see the applicants' application files and arrangements can be made to visit Housing Options Team to see the files. Information is shared in order to:
- Determine an applicant's priority.
  - To assess any potential risks to the client and others.
  - To ensure suitable accommodation is provided for applicants.

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

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

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

### 20.0 Requesting a Review of a Decision

#### 20.1 Decisions made by the SDHR

##### Stage 1

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

The most common types of review concern the following:

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

##### Stage 2

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

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

### 20.2 Requesting a review of the reasonableness of an offer

See paras 13 and 14 for the definition of a reasonable offer.

#### a. Non-homeless applicant

If an applicant who has been awarded emergency medical or social and welfare priority feels that an offer was not 'reasonable' they can request a review. If the review decision is that the offer was not reasonable then the applicant's priority will revert to the level prior to the refusal of the offer.

If the review decision is that the offer was reasonable then an applicant's priority will be reduced (see paragraph 14).

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

#### b. Homeless applicant

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

If the review decision is that the offer was reasonable, the applicant can take up the tenancy or continue to refuse the offer. If they continue to refuse the reasonable offer this will lead to their priority being adjusted in accordance with para 11. The property will be offered to the next suitable applicant. In addition it is likely that SDC will consider that it has discharged its duty to the applicant under the homelessness legislation.

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

### 21.0 Complaints

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

Areas of complaint that WKHA will investigate are:

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

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

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

### 23.0 Offences related to information given or withheld by applicants

23.1 Under section 171 (false statements and withholding information) the SDHR will take action to prosecute an applicant and will consider possession proceedings under Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by the Housing Act 1996, s 146) where an applicant has given false information and obtained a tenancy.

23.2 The circumstances that an offence could have been committed would include:

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

### 24.0 Equal Opportunities

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

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

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### APPENDIX A – Normal Room Requirements

#### Overcrowding

The number of bedrooms applicants and their households will be registered for will be determined using the Bedroom Standard set out in the Housing (Overcrowding) Bill (Bill 46). Although this Bill has not been passed by Government it is considered to provide best practice nationally with regards to awarding bedrooms and priority for overcrowding. Applicants overcrowded as defined by the Bedroom Standard will be placed in Band C.

People who share a room must be family members or in a relationship together. Where applicants have access rights to children, WKHA will determine the child's principle place of residence and award overcrowding at one property only.

Bedroom Standard:		
Household Members	Number of Bedrooms	
	1	2
Single Adults over 21	✓	
Couple (including same sex couples)	✓	
28+ weeks pregnant woman with or without a partner and no other children	✓	
One child	✓	
2 children under 10 regardless of sex	✓	
2 children of the same sex aged between 0 and 21	✓	
2 Children of the opposite sex aged between 10 and 21		✓

Statutory Overcrowding is when there are too many people in a room or by having too many people for the size of room and will be determined by standards set out in the Housing Act 1985. Applicants who are **statutorily overcrowded** under these provisions will be placed in Band B.

For households including a pregnant women, the baby will not be taken into account when assessing the number of rooms required until it is born. Where there is an existing child until the sex of the baby is known the assumption will be that the baby is the same sex as the existing child.

#### Varying property sizes

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

#### Medical requirements for additional rooms

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

### Large households

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

### Access to children

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

### Prospective adoptive parents or approved foster carers

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

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

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### APPENDIX B – Short Term Intermediate Rented Scheme

From time to time some homes may be available for short term lettings for people who are waiting on the register and that have a NTQ. These properties will be advertised via CBL. Full details of the scheme are available from the Managing Agent for the Housing Register.



### APPENDIX C - Financial Limits

Due to the pressure on social housing in this District, those with sufficient assets or income to pursue low cost home ownership (LCHO) will be referred to the Zone Agent, Moat Housing for consideration and will not be included onto the Housing Register.

As a guide, those with a gross household income which exceeds £33,383 will not be accepted onto the Housing Register and will be automatically referred for a LCHO assessment. Those with an income which exceeds the current government set LCHO limit of £60,000 will not be able to register for LCHO and will not be eligible for any form of affordable housing.

Where an applicant is applying to the housing register in order to be considered for rented housing on a specific Rural Exception Site, they may have an income up to the current LCHO limit.

**It is the applicant's responsibility to make this clear on their application form.**

Applicants applying for general needs properties must not have savings which exceed current housing benefit savings limits.

However, applicants applying for sheltered housing may have saving and/or assets up to £350,000.

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APPENDIX B

# TENANCY STRATEGY (2013-18)

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Sevenoaks District Council

## Agenda Item 6

This publication is available in large print. For a copy call 01732 227414

This publication can be explained in other languages by calling the Language Line officer in Housing Services on 01732-227000.

[www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

Additional copies of this publication can be obtained on the District Council's website or by calling Housing Policy on 01732-227000.

Address: Council Offices, Argyle Road, Sevenoaks, Kent TN13 1HG

February 2013

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**Note:**

This guidance specifically applies to Registered Providers (RPs) – those housing associations registered with and governed by the Homes and Communities Agency (HCA). Although non-registered social housing providers are not required to comply with this guidance, it is still considered good practice to do so and would help to standardise approaches to social housing tenancies across the Sevenoaks District.

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### Introduction

The Localism Act 2011 introduces a number of provisions in relation to social housing. In particular, the introduction of the fixed-term tenancy which can be used as an alternative to secure, lifetime tenancies, which have generally been issued in the past.

The Act also introduces new provisions in relation to the way in which the local housing register list is managed and how priority can be awarded. Local authorities and other Registered Providers (RPs)<sup>1</sup> of social housing now have the discretion to consider a greater range of factors when letting properties and when considering the type of tenancy to be awarded.

The purpose of a tenancy strategy is for the local authority to set out how it sees the new tenancy type being used, its priorities in relation to who should be housed and for how long and to set the framework within which RPs (and other social housing providers) need to have regard when developing their landlord tenancy and allocations policies.

Key aims of this document are to ensure that those in most in need are suitably housed; to make the best use of District's limited social housing stock; be fairer and not over-subsidise households that don't need it; promote economic activity and not be a disincentive for work; and be relatively simple to understand, administer and communicate.

This document also embraces the requirement for a revised Allocation Policy which takes into account Government guidelines, Welfare Reform, social housing tenants, residents and partner organisations' views. Consultation concerning Tenancy Strategy objectives was undertaken both with tenants and the RPs.

### Regulatory requirements

It is a regulatory requirement that RPs let their homes in a fair, transparent and efficient way which takes into account the housing needs and aspirations of tenants and potential tenants. Local RPs need to demonstrate how their lettings make the best use of available housing and contribute to local housing strategy and wider Community Plan outcomes. When developing tenancy strategies, local authorities must have regard to their homelessness strategy and allocations scheme. There is a West Kent Homelessness Strategy which is constantly reviewed by a multi-agency group and the current document expires 2016.

The HCA also requires that RPs publish clear and accessible policies which set out the lengths of tenancies; when they will be renewed; the approach to management, including interventions to sustain tenancies and prevent unnecessary evictions; and tackling tenancy fraud.

### Local context

Property prices in the Sevenoaks District are the highest in Kent and amongst the most expensive in the UK. As at April 2012, the average price of a property in the

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<sup>1</sup> RPs – this term includes the District Council's partner housing associations who are actually registered with the Homes and Communities Agency (HCA)

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District was £354,272 compared to the Kent average of £225,125. Using lower-quartile property prices as a measure of affordability, an average property in Sevenoaks costs £222,750 compared to Thanet at £116,000. The average for Kent is £147,000; the SE Region £165,000; and England £125,000.

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The Sevenoaks District is also ranked the second most expensive authority for private renting in the South-East region. In contrast, seven other Kent local authorities were ranked in the lowest eleven in South-East England. Rents across the whole of West Kent are generally higher than those in East Kent, reflecting the higher incomes and house prices of the London fringe area.

At 14%, the District has a lower proportion (and overall number) of social housing units than its local authority counterparts in West Kent. There are also far fewer 1-bedroom units in comparison to neighbouring authorities. At April 2012, the District's social housing stock comprised: 1-beds (19%); 2-beds (35%); 3-beds (44%); and 4-beds (2%).

The District's social housing stock is owned and managed by a number of RPs, with West Kent Housing Association and Moat Homes Ltd holding the majority of the stock. The remaining social housing stock is owned and managed in small numbers by a number of other RPs, either being specialist accommodation or general needs units in a particular neighbourhood. The Council's entire housing stock was transferred to West Kent HA in 1989 and that RP manages the Sevenoaks District Housing Register for the Council. The Council's proposed SDHR Allocation Policy will identify priority ranking for bidding and re-housing into the social housing stock.

Being an expensive area with a relatively low proportion of affordable housing (across tenures), there is a distinct mismatch between local housing need and supply. As at April 2012, there were 1,485 households registered as needing social housing on the Sevenoaks District Housing Register (SDHR). With an average of 337 re-lets per annum, the current social housing stock is far from sufficient and housing need continues to outpace supply.

With the majority of the Sevenoaks District being designated Green Belt (c93%), there is limited opportunity to build affordable housing to keep pace with growing need. As a consequence, local housing strategy aims to make more effective use of the existing housing stock by better matching households to properties. In the process, this also helps to reduce under-occupation and over-crowding – both key local housing strategy objectives. The aims of objectives of this policy are to therefore maximise the use of the existing social housing stock to compensate for low levels of new development.

### **Kent and Medway Tenancy Strategy Framework**

The Kent and Medway Tenancy Strategy Framework<sup>2</sup> was developed in partnership with the Kent County Council and local authority partners across the county (lead by the Kent Housing Group). This provides a base from which local authority tenancy strategies can be developed across Kent, in a consistent approach that is aimed at delivering county housing strategy priorities, whilst still taking into account local district/borough demographics and other circumstances.

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<sup>2</sup> Available at: <http://www.kenthousinggroup.org.uk/>



### Guidance for social housing providers

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The following guidance takes into account the Kent and Medway Tenancy Strategy Framework and ties in with local housing strategy, including direct links with the District Council's new Sevenoaks District Housing Register Allocations Policy.

The aim of this strategy is to deliver policy objectives of welfare reform whilst still allowing enough flexibility for partner housing associations to continue delivering their own policy objectives, priorities and housing management procedures – all aimed at the most effective and efficient use of the District's social housing stock.

#### 1) Tenancies types/options

In the main, five-year tenancies are supported in the Sevenoaks District – but there are some circumstances where shorter terms will be desirable. During consultation, tenants supported this option but agreed each case should be considered on its merit.

##### Fixed-term

The District Council supports the use of introductory or probationary tenancies followed by fixed-term tenancies. Fixed-term tenancies provide a way of making the best use of limited stock and linking tenancy renewal to behaviour and responsibilities. It is desirable that all new social tenancies across the District are on similar fixed terms, rather than there being a hierarchy of tenancies which are difficult to explain to customers. In the main, five-year tenancies are supported but there will be some circumstances where shorter terms are desirable. Tenants generally support probationary tenancies because the more vulnerable households are given support to pay their rent and minimise anti-social behaviour. Without a probationary tenancy some tenants would have quickly been evicted.

##### Two-year

The HCA states that two-year tenancies should only be granted in exceptional circumstances. This could be, for instance: where a short tenancy is being offered for a fixed period and there is no intention to renew; or where an existing five-year tenancy is coming to an end and a further shorter term is more appropriate as the tenant has a history of not keeping to the terms of their tenancy agreement. During consultation with RP tenants it was identified that some are concerned about such short tenancies and that it may create a negative approach to their housing due to insecurity and the Council is mindful of this.

Any issues regarding tenancy concerns are usually dealt with through probationary tenancies.

##### Five-year

The District Council recognises that five-year tenancies give adequate security to most households as they provide a balance between residents having stability and feeling settled in an area, with the ability to still make the best use of the limited social housing stock. This view was generally agreed by tenants.

##### Life

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Under the Localism Act, RPs must offer secure or assured tenancies to applicants who were already social tenants before the provisions were enacted and this applies to mutual exchanges, reciprocal moves or moves as a result of major works or regeneration. Tenants with enduring vulnerability or lifelong need for support that would disadvantage them in securing alternative accommodation should be offered lifetime tenancies. This applies to tenants in both general needs housing and those in specialist and/or supported accommodation. The District Council is also of the view that those residing in designated older persons' accommodation, should continue to be granted lifetime tenancies. Through consultation some tenants raised the issue of families with disabled children having life time tenancies. It is understood that RPs will look at these on case by case basis.

### Rural housing schemes (exceptions sites)

Due to the nature and key purpose of rural exceptions sites, and the fact that there are additional limitations in rural areas, the District Council would support longer tenancy reviews for relevant stock-holding RPs. In the case of the English Rural Housing Association (the District Council's specialist rural housing partner), the District Council supports its corporate policy of a set 21-year review period.

### 2) Tenancy renewal

HAs should clearly communicate renewal terms to new tenants when they are offered fixed-term tenancies so they understand that, in most circumstances, tenancies will be renewed. This will help people feel connected and settled and also able to contribute to their local areas and to invest in their homes. Social housing also comes with responsibilities and there should be a link between expected behaviour and tenancy renewal which needs to be strongly communicated at the start of the tenancy.

Tenancy renewal is likely to be a contentious area. To ensure the process is dealt with as sensitively as possible, whilst also ensuring key outcomes are still achieved, the District Council supports the following approach:

- The tenancy renewal meeting should be timed to give enough time to consider all issues and for appeals to be made. During consultation some tenants felt that 1 year before tenancy end was an appropriate time to consider renewal
- It should be used as an opportunity to link the household to any necessary support, including employment and training (including HERO scheme);
- Tenancies should generally not be renewed where there has been a serious and persistent breach of the tenancy agreement, such as anti-social behaviour and criminality. Consultation has identified that generally tenants agreed with this.
- Consideration should be given to not renewing tenancies where the tenant is not engaging in the review process (any vulnerability issues need to be fully taken into account) Generally tenants felt this approach is fair
- Income and capital should be taken into account and other appropriate housing options discussed, such as intermediate tenures. The Council is currently liaising with West Kent HA to increase level of capital held after a

property is sold for older people, to ensure that this level is consistent with current house prices.;

- RPs should take a consistent, fair and transparent approach to decisions at the point of tenancy review; and
- The contribution of the household to the overall vitality of the community and potential impact on the community if they were to move out of the area.

In situations where a decision has been taken by a social housing provider not to renew a tenancy at the end of a fixed-term, the provider should seek to engage with the tenant at the earliest possible opportunity to make them aware of the provider's intentions. Tenants raised this and felt it important that RPs are proactive so that some issues can be resolved.

Social housing providers should provide households affected by the termination of a tenancy with any relevant advice and assistance that will assist them in successfully relocating to alternative accommodation. This advice and assistance should include:

- Advice on low-cost home ownership options and other alternative affordable housing tenures;
- Specialist housing and or welfare-related advice and/or signposting to appropriate advice services; and
- Advice on renting in the private rented sector and assistance in identifying and securing a suitable property (this may involve assistance of the District Council's rent-in-advance or property accreditation scheme).

### **3) Affordable Rent**

The District Council aims to prevent excessive disparities between different localities in terms of affordable rent prices to ensure affordability for low-income working households and also for households that are dependent on welfare benefits.

To address the above, the District Council requires social housing providers to ensure that rents charged for affordable rented properties do not exceed the relevant LHA rate that is applicable for that property size at the time of rent setting. This is to avoid excessively high affordable rents in the District's high value areas.

RPs can also convert a proportion of their existing social rented homes to affordable rent to generate additional income to fund future development in place of significantly reduced grant and a shift from a capital to revenue-based delivery model (subject to individual RPs' business plans and agreement from the District Council, where appropriate and unless otherwise agreed). RPs should take a responsible view when determining the size, type and location of the stock they plan to convert to the affordable rent tenure. Conversions should not be over-concentrated in any particular area.

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Affordable rent levels must take into account known future welfare reform and have rents which can continue to be paid once these changes have been introduced. This includes the re-basing of rents at the end of a tenancy. Affordable rent levels must not prohibit or prevent tenants or household members from looking for work by creating a benefits trap.

### **4) Income and capital levels**

Many households that have increased their incomes and levels of savings may still need to remain in the area for employment reasons or if they have children at local schools and may not be able to afford local market or intermediate housing to meet their needs. In circumstances where households with higher incomes and levels of capital are unable to move, the District Council supports charging more rent rather than ending tenancies.

Affordability limits for eligibility for intermediate housing are good indicators that households can afford to access other housing or can pay more rent. The income limit for the Sevenoaks District Register is a gross maximum income of £33,383 pa. For households applying for housing solely on a rural exception site, applicants may have a higher limit of income in line with those set for eligibility for Homebuy (currently £60,000 gross, per annum) Capital assets should also be taken into account and can be assessed as notional income in the way that is commonly used for benefit purposes. This means that capital over the Housing Benefit upper savings limit (£16,000 at December 2012) is assumed to generate income for households applying for general needs housing, but an upper limit of £250,000 is in place for applicants requiring sheltered housing only..The Council is liaising with WKHA particularly to possibly increase this level by £100,000 to reflect the increase in house prices. When calculating income and capital, the District Council supports taking the tenant's income into account plus that of their partner or spouse and also some income and capital of wider family members.

### **5) Succession**

The Act allows for one succession of tenancy by a spouse or partner of a deceased tenant, although local authorities and RPs have the flexibility to extend these rights. The District Council expects social housing providers to consider the needs of the household against making best use of their housing stock (under-occupation etc.) when making decisions.

### **6) Right-to-Buy/Acquire**

In addition to already existing rules and limitations that may apply to a particular property/tenancy, a tenant must hold a tenancy for a minimum length of five-years to qualify for the right-to-buy/acquire in the District.

### **7) Kent Homechoice**

When advertising properties directly and through Kent HomeChoice, Social housing providers should clearly indicate the duration of the tenancy being offered, the rent type and level that will be charged, and any client group limitations.

### **8) Under-occupation and over-crowding**

The use of fixed-term tenancies should be the most effective way to manage under-occupation in future – a key local housing strategy objective. RPs should encourage under-occupiers to move by not re-issuing tenancies to properties which are the wrong size for the household and assisting them into a tenancy for a smaller or a more accessible property. This approach should tie in with over-crowding and mutual exchanges, where possible.

RPs should ensure that their policies do not restrict the mobility of existing tenants living in the social rented sector, particularly where existing households are over-occupying or over-crowded. To enable mobility and encourage down-sizing, in particular, the District Council expects that social rented tenants should be allowed to retain their existing security of tenure if they choose to transfer to an alternative property.

### **9) Discharge of homeless duty into the private sector**

Local authorities are now able to discharge their duty to homeless households with an offer of suitable accommodation in the private rented sector, provided that the tenancy offered is for a minimum period of 12-months.

Increasing use of the private rented sector will help the District Council to meet some of the increasing need for housing from households who register on the SDHR, particularly at a time when new supply is falling. The District Council will seek to make an offer of suitable private rented accommodation to applicants approved as statutory homeless where they are deemed able to sustain accommodation. This will only take place where those properties are safe, decent, affordable and well-managed accommodation.

### **10) Disposal of stock**

The District Council in general terms would not wish to see the disposal of housing stock. However, it is recognised that in certain circumstances this may be justifiable providing it allows for future investment within the District in more appropriate housing. In certain circumstances, we would support generated funds being directed elsewhere across Kent.

We would ask that RPs consult with us before disposing of any stock, so that we have the opportunity to discuss the individual situation.

### **11) Appeals and complaints**

The regulator requires RPs to set out the way in which a tenant or prospective tenant may appeal against or complain about the length of the fixed-term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed-term.

The District Council expects related RP tenancy policies, to:

- Set out to whom appeals or reviews should be made (this is expected to be a more senior officer that wasn't involved in the original decision) and how they can be made;
- Give timescales for dealing with appeals or reviews;

## Agenda Item 6

- Set out how the tenant can take their appeal or review further if they are dissatisfied with the response i.e. to a tenant panel or Housing Ombudsman and where they may get independent advice; and
- Be accessible and easily available i.e. published on websites/available in local offices.

### Equalities

The public sector equalities duty under the Equality Act 2010 requires public bodies in exercising their functions to have due regard to the need to eliminate unlawful discrimination and to advance equality of opportunity. RPs should consider equalities when rent setting, managing and terminating social housing tenancies. Equalities impact assessments on RP tenancy policies are considered the best way of demonstrating due regard.

### Monitoring and review

The District Council will need to monitor the impact of this policy against the objectives it is trying to achieve as outlined in both the Housing Strategy and West Kent Homelessness Strategy.. The Government guidance suggests 5 years but this Council will monitor the situation regularly and if necessary undertake earlier reviews before that period of time. These reviews will reflect economic, environment changes, legislation, and Government guidance and local issues..

### Comments/feedback

If you would like to comment and/or feedback on this document, please email [jane.ellis@sevenoaks.gov.uk](mailto:jane.ellis@sevenoaks.gov.uk) or send to the following postal address: (email address as per consultation docs)

Sevenoaks District Council  
Social Housing Team  
Council Offices  
Argyle Road  
Sevenoaks  
Kent TN13 1HG

### Abbreviations

LHA	LOCAL HOUSING ALLOWANCE
RP	REGISTERED PROVIDER
SDHR	SEVENOAKS DISTRICT HOUSING REGISTER
WKHA	WEST KENT HOUSING ASSOCIATION

KEY HOUSING DATA

Sevenoaks District Housing Register (SDHR)

<b>Live applications (as at November 2012)</b>	
1-bedroom	785
2-bedrooms	388
3-bedrooms	248
More than 3-bedrooms	62
Not stated	2
<b>Total</b>	<b>1,485</b>

Historic lettings through SDHR

<b>SDHR</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
Total number	313	409	339	323	300

Number of rent-in-advance/deposit bonds issued in private sector

<b>Year</b>	<b>Number</b>
2008/09	77
2009/10	72
2010/11	59
2011/12	<b>20</b>

Current 'social' and 'affordable' rent levels (key providers) and how they compare to relevant LHA rates

## Agenda Item 6

### Local Housing Allowance (LHA)

The Sevenoaks District falls within two Broad Rental Market Areas (BRMAs) - these being North-West Kent and High Weald. As at November 2012, weekly LHA rates were as follows:

<b>Accommodation types</b>	<b>NW Kent BRMA</b>	<b>High Weald BRMA</b>
Shared-accommodation	£68.27	£77.00
One-bedroom	£121.15	£130.38
Two-bedrooms	£150.00	£171.92
Three-bedrooms	£167.31	£201.92
Four-bedrooms	£229.62	£323.08

Directgov (November 2012)

### Social housing development programme

<b>Year</b>	<b>Units</b>
2007/08	61
2008/09	57
2009/10	80
2010/11	51
2011/12	15
2012/13	62
2013/14	127
2014/14	47

} Anticipated

### House prices - Sevenoaks District (Land Registry, September 2012)

<b>TYPE</b>	<b>COST</b>
Average	£448,336
Detached	£695,407
Semi	£353,043
Terrace	£259,478
Flat	£219,919



APPENDIX B

Registered Providers in the Sevenoaks District

West Kent HA London Road Sevenoaks TN 01732-749400	Moat Homes Ltd
Places for People	Orbit HA
Housing 21	Servite Homes
Hanover HA	Beckett Trust
English Rural HA	Anchor Trust

**List of consulted groups:**

West Kent HA  
Moat  
Orbit HA  
Places for People  
Rockdale  
Shelter Housing Aid  
Citizens Advice Bureaux  
Kent County Council  
Age UK  
Home and Communities Agency  
English Rural HA  
Kent County Council Supporting People  
National Landlord Association  
Planning Policy team  
Community Development team  
Tenancy Boards  
Sevenoaks District Housing Register applicants

**Feedback from the groups listed above**

**1) Tenancies types/options**

In the main, five-year tenancies are supported in the Sevenoaks District – but there are some circumstances where shorter terms will be desirable. During consultation, tenants supported this option but agreed each case should be considered on its merit.

**Fixed-term**

Tenants generally support probationary tenancies because the more vulnerable households are given support to pay their rent and minimise anti-social behaviour. Without a probationary tenancy some tenants would have quickly been evicted.

### **Two-year**

During consultation with RP tenants it was identified that some are concerned about such short tenancies and that it may create a negative approach to their housing due to insecurity and the Council is mindful of this.

Any issues regarding tenancy concerns are usually dealt with through probationary tenancies.

### **Five-year**

This view was generally agreed by tenants.

### **Life**

Through consultation some tenants raised the issue of families with disabled children having life time tenancies. It is understood that RPs will look at these on case by case basis.

### **Tenancy renewal**

- During consultation some tenants felt that 1 year before tenancy end was an appropriate time to consider renewal

### **Affordable Rent**

Affordable rent levels must not prohibit or prevent tenants or household members from looking for work by creating a benefits trap

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## Equality Impact Assessment

Details of the assessment	
<b>Name of Function/Policy/ Service being assessed</b>	Sevenoaks District Housing Register Allocations Policy
<b>Date of assessment</b>	Commenced: 17/12/12 Completed: 21/12/12
<b>Directorate &amp; Service</b>	C&P Services/Housing Services
<b>Policy Owner</b>	Jane Ellis
<b>Name of Officer(s) carrying out assessment:</b>	Jane Ellis

Step 1	Initial Screening for:	
	<ul style="list-style-type: none"> <li>New/revised policies/strategies</li> <li>policy decisions</li> <li>considering partnership working arrangements</li> <li>procurement/commissioning activities</li> </ul> (For assessments identified within the Equality Impact Assessment Timetable please go straight to Step 2).	
	Key Questions	Answers/Notes

## Equality Impact Assessment

Step 1	Initial Screening for:	
	<ul style="list-style-type: none"> <li>• New/revised policies/strategies</li> <li>• policy decisions</li> <li>• considering partnership working arrangements</li> <li>• procurement/commissioning activities</li> </ul> <p>(For assessments identified within the Equality Impact Assessment Timetable please go straight to Step 2).</p>	
	Key Questions	Answers/Notes
1	What are you looking to achieve in this activity?	<p>To:</p> <ul style="list-style-type: none"> <li>• update the existing Sevenoaks District Housing Register Allocations Policy in line with new legislation (Localism Act 2011 and Welfare Reform Act 2012) and associated guidance;</li> <li>• contribute toward the introduction of a consistent methodology for assessing housing need across Kent by disbanding the existing points system and introducing a priority band system similar to other Kent Councils in order to gain strategic benefits and operational efficiencies;</li> <li>• ensure a strong customer focus by introducing an Allocations Policy that is easier for all to understand and that is more transparent than the existing system;</li> <li>• Promote equality of opportunity in accessing the Sevenoaks District Housing Register and social housing;</li> <li>• Encourage applicants on the Sevenoaks District Housing Register to access employment or volunteering in the District.</li> </ul>
2	Who in the main will benefit?	<ul style="list-style-type: none"> <li>• Those in housing need as defined by Housing Act 1996 as amended by the Homelessness Act 2002 and Localism Act 2011 who have registered an application on the Sevenoaks District Housing Register;</li> <li>• Registered Providers.</li> </ul>
3	Does the activity have the	<input type="checkbox"/> Please explain:

## Equality Impact Assessment

Step 1	Initial Screening for:		
	<ul style="list-style-type: none"> <li>• New/revised policies/strategies</li> <li>• policy decisions</li> <li>• considering partnership working arrangements</li> <li>• procurement/commissioning activities</li> </ul> <p>(For assessments identified within the Equality Impact Assessment Timetable please go straight to Step 2).</p>		
	Key Questions	Answers/Notes	
	<p>potential to cause adverse impact or discriminate against different groups in the community?</p>	<p>YES</p>	<p>Please explain:</p> <p>The new Allocation policy will be based on the requirements of the Housing Act 1996 as amended by the Homelessness Act 2002 and Localism Act 2011 and also the Welfare Reform Act 2012.</p> <p>There will be sections of the community who will be considered to have a greater need than others and therefore will be allocated more priority to assist them to achieve rehousing more quickly through the Choice Based Lettings process. However, this has always been the case. Everyone is subject to the Allocation policy when applying for re housing.</p> <p>The policy promotes equality of opportunity and access between groups of people with a similar housing need; the policy will guide officers and inform applicants how the process is equitably administered.</p> <p>The consequence of the revised policy is that those who are eligible to apply will be competing with smaller numbers of applicants for suitable housing and this may have a positive impact on waiting time.</p> <p>The Sevenoaks District Housing Register Allocations Policy reflects welfare reform changes which impact on the size of property people can register for and may result in some families, living in overcrowded situations for longer.</p> <p>The new policy will be applied to all register applicants equally</p>

## Equality Impact Assessment

Step 1	Initial Screening for:	
	<ul style="list-style-type: none"> <li>New/revised policies/strategies</li> <li>policy decisions</li> <li>considering partnership working arrangements</li> <li>procurement/commissioning activities</li> </ul> (For assessments identified within the Equality Impact Assessment Timetable please go straight to Step 2).	
	Key Questions	Answers/Notes
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.
4	Does the activity have potential to make a positive contribution to equalities?	Yes <input checked="" type="checkbox"/> Please explain:  The new policy will remove unfair and unjustified positive impacts on certain groups that existed in the previous system such as allowing those without a local connection to the District to apply to the register.  The allocations policy is a working document that has been updated dynamically to accommodate changes in legislation and equality issues since it was created and has been out for consultation.  Positive actions for certain age-related and vulnerable groups will remain.
		No <input type="checkbox"/> Please explain:
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.

Where the screening has identified the need for a full impact assessment, this must:

- be commenced during the drafting stages of a new policy/strategy and fully completed following any consultation period before submitting for committee approval
- carried out before any policy decision is taken
- completed in the planning stages of any procurement exercise



## Equality Impact Assessment

	Key Questions	Answers/Notes
<b>Step 2</b>	<b>Scoping the assessment</b>	
1.	What is the overall aim, or purpose of the function/ policy/service?	<ul style="list-style-type: none"> <li>• To create a single access point into all social housing in the District which complies with all relevant legislation and guidance;</li> <li>• Meet housing need locally;</li> <li>• To prevent homelessness;</li> <li>• To enable people in housing need to choose where they would like to live;</li> <li>• To make the best use of the limited social housing stock in the District;</li> <li>• Ensure that the allocation of social housing is open, fair and accountable;</li> <li>• Help create safe, mixed, sustainable and balanced communities;</li> <li>• To ensure sufficient flexibility to address specific local housing priorities;</li> <li>• To reduce the numbers of those eligible to apply so that those registered will be competing with smaller numbers of applicants for suitable housing in order to have a positive impact on waiting time.</li> </ul>
2.	What outcomes do you want to achieve with this function/ policy/service and for whom?	<ul style="list-style-type: none"> <li>• To let vacant properties via the Choice Based Lettings Scheme (Kent Homechoice) in accordance with the Council's adopted Sevenoaks District Housing Register Allocation policy;</li> <li>• To make all allocations fairly, equitably and without any unlawful discrimination based upon an individuals protected characteristics;</li> <li>• To help develop community cohesion and employment;</li> <li>• Maximise use of existing housing stock;</li> <li>• To demonstrate effective progress towards achieving locally identified priorities (e.g. under occupation);</li> </ul>
3.	Who will be affected?	<ul style="list-style-type: none"> <li>• Those in housing need as defined by Housing Act 1996 as amended by the Homelessness Act 2002 and Localism Act 2011 who have registered an application on the Sevenoaks District Housing Register;</li> </ul>

## Equality Impact Assessment

	Key Questions	Answers/Notes	
		<ul style="list-style-type: none"> <li>Registered Providers.</li> </ul>	
4.	Who defines or defined the function/service/ policy?	Legislation and local strategy/policy/circumstances/demographics/consultation with the local community, Shelter. CABs and providers .	
5.	Who implements the function/service/policy?	The Council in partnership with West Kent HA which manages the Register for the Council.	
6.	How do the outcomes of the function/service/policy meet or hinder other policies, values or objectives of the public authority (if applicable)?	Please indicate which of the Councils core values / promises (as set out in the Vision) these outcomes relate to:	
		We will provide value for money	✓
		We will work in partnership to keep the District of Sevenoaks safe	
		We will continue to collect rubbish efficiently and effectively	
		We Will protect the Green Belt	✓
		We will support and develop the local economy	✓
		Fairness	✓
		Integrity	✓
		Quality	✓
7.	What factors could contribute or detract from the outcomes identified earlier?	During the consultation applicants and partner organisations have been positive but the Council will be monitoring the arrangement.	
<b>Step 3 Consideration of data and information</b>			
8.	What do you already know about who uses this function/service/ policy?	<p>We know and understand the protected characteristics of people registered on the Sevenoaks District Housing Register who have a housing need as defined by the Housing Act 1996 as amended by the Homelessness Act 2002 and Localism Act 2011.</p> <p>A scrutiny committee has examined the issue of under occupation in socially rented homes.</p> <p>A scrutiny committee has examined the potential impact of welfare reform.</p>	

## Equality Impact Assessment

	Key Questions	Answers/Notes
		<p>Previous EIA's undertaken for the Housing Register function.</p> <p>Qualitative information obtained through consultation.</p> <p>Quantitative data obtained through PI collation.</p>
9.	Has any consultation with service users already taken place on the function/service/ policy and if so what were the key findings?	<p>Consultation events have taken place – for example: two with key stakeholders and partners, one with residents.</p> <p>The document has been sent to other key stakeholders and partners for comments.</p> <p>The document is placed on SDC's website with links to it from West Kent Housing Associations website.</p> <p>All applicants on the Sevenoaks District Housing Register have been written to inviting their comments on the Sevenoaks District Housing Register Allocations Policy.</p>
10.	What, if any, additional information is needed to assess the impact of the function/service/policy?	Not all applicants complete all elements of the equalities monitoring data.
11.	How do you propose to gather the additional information?	Applicants will continue to be encouraged by Housing Officers to provide this information.
<b>Step 4 Assessing the Impact</b>		

## Equality Impact Assessment

	Key Questions	Answers/Notes
12.	Based on what information you already know, in relation to each of the following groups consider whether a) there is anything in the function/service/policy that could discriminate or put anyone at a disadvantage b) for an existing function/service/policy, how it is actually working in practice for each group	
a.	<b>Equality groups</b>	Age  Safeguards are in place to ensure that older people who do not have access to the internet are able to bid for vacant homes, e.g., support from a Housing Officer along with different methods of bidding. There is a Kent wide vulnerable person policy in place which sets out the support available.
b.		Disability  Safeguards are in place to ensure that physically and mentally disabled people who do not have access to the internet are able to bid for vacant homes, e.g., support from a Housing Officer and different methods of bidding. There is a Kent wide vulnerable persons policy in place which set out the support available.
c.		Carers  No identified issues.
d.		Gender  No identified issues.
e.		Race  The Council has a Housing BME strategy in place. Relevant monitoring is also in place.
f.		Religion/Belief  No identified issues.
g.		Sexual Orientation  No identified issues.
h.		Marital / Civil Partnership status  No identified issues.
i.		Pregnancy and maternity  No identified issues.
j.		Gender reassignment  No identified issues

## Equality Impact Assessment

Key Questions		Answers/Notes
k.	General <i>i.e</i> affecting all of the above /other <i>e.g.</i> socio-economic	The policy is intended to support Government's intention to encourage and support people back into employment and to remove existing benefit traps.
<b>Step 5 Reviewing and scrutinising the Impact</b>		
13.	Have you identified any differential impact and does this adversely affect any groups in the community?	By undertaking widespread consultation, there is a better understanding of community needs and everyone is subject to being assessed for priority under the Sevenoaks District Housing Register Allocation policy.
14.	Can we make any changes?	No
15.	If there is nothing you can do, can the reasons be fairly justified?	While eligibility and reasonable preference categories continue to be set by central government, Localism gives Council's some flexibility to determine locally who should be housed and who should be given additional reasonable preference in addition to the centrally set requirements. These local decisions have been reached following consultation with the public, stakeholders and partners who have been empowered to make these choices through the Localism Act.
16.	Do any of the changes in relation to the adverse impact have a further adverse affect on any other group?	No.

## Equality Impact Assessment

Step 5 continued...		Actions to be inserted into Equality Action Plans		
Based on your answers in Step 5, please finalise your actions here. These actions will then be incorporated into our equality action plans.				
Equality Strand	Action	Outcome/monitoring information and targets	Date for Completion	Responsible Officer
If an adverse impact was found or unmet needs identified, which actions will you put in place to address this:				
If you did not find any evidence of unmet needs or adverse impact, list the actions you will put in place to maintain good practice:				

<b>Step 6 Decision making and future monitoring</b>		
	<b>Key questions</b>	<b>Answers / notes</b>
17.	Which decision making process do these changes need to go through i.e. do they need to be approved by a committee/Council?	The revised Sevenoaks District Housing Register Allocation Policy needs Member approval and endorsement
18.	How will you continue to monitor the impact of the function/service/ policy on diverse groups?	Regular liaison meetings with West Kent Housing Association and other Registered Providers
19.	When will you review this equality impact assessment?	In 5 years time or earlier if considered necessary.

### **Final steps**

#### **For an existing function/service/policy:**

- Submit the EqlA to your Departmental Management Team for approval.
- Send your assessment to the West Kent Equalities Officer for publication on the website.
- Update Covalent.

#### **For a new function/service/ policy:**

- Summarise your findings in the committee report.
- Ensure planned consultations address the findings of the impact assessment.

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## Equality Impact Assessment

Details of the assessment	
<b>Name of Function/Policy/ Service being assessed</b>	<b>Tenancy Strategy</b>
<b>Date of assessment</b>	<b>Commenced: 17/12/12 Completed: 21/12/12</b>
<b>Directorate &amp; Service</b>	C&P Services/Housing Services
<b>Policy Owner</b>	Jane Ellis
<b>Name of Officer(s) carrying out assessment:</b>	Jane Ellis

Step 1	Initial Screening for:	
	<ul style="list-style-type: none"> <li>• New/revised policies/strategies</li> <li>• policy decisions</li> <li>• considering partnership working arrangements</li> <li>• procurement/commissioning activities</li> </ul> <p>(For assessments identified within the Equality Impact Assessment Timetable please go straight to Step 2).</p>	
	Key Questions	Answers/Notes
1	What are you looking to achieve in this activity?	The Council has a statutory duty to produce a Tenancy Strategy which is set out in the Localism Act 2011.
2	Who in the main will benefit?	<ul style="list-style-type: none"> <li>• People in housing need as defined by the Housing Act 1996 as amended by the Homelessness Act 2002 and Localism Act 2011 who have sufficient priority to secure housing through the Sevenoaks District Housing Register;</li> <li>• Some people already living in social housing in the District who, in certain circumstances, chose to move to another socially rented home.</li> </ul>
3	Does the activity have the	<input type="checkbox"/> Please explain:

## Equality Impact Assessment

Step 1	Initial Screening for:		
	<ul style="list-style-type: none"> <li>• New/revised policies/strategies</li> <li>• policy decisions</li> <li>• considering partnership working arrangements</li> <li>• procurement/commissioning activities</li> </ul> <p>(For assessments identified within the Equality Impact Assessment Timetable please go straight to Step 2).</p>		
	Key Questions	Answers/Notes	
	<p>potential to cause adverse impact or discriminate against different groups in the community?</p>	<p>No <input checked="" type="checkbox"/></p>	<p>Please explain</p> <p>The Tenancy Strategy is based upon changes introduced by the Localism Act 2011, is subordinate to the Council’s Housing Strategy and has been designed to compliment the Council’s Homelessness Strategy and Allocations Policy.</p> <p>The Council’s Tenancy Strategy specifically asks Registered Providers to take into account the impact of their allocations and tenancy policies on individuals and their protected characteristics and to grant levels of security of tenure in line with Kent wide guidance to avoid discrimination and to minimise any negative impact.</p> <p>Ensuring this Council’s Tenancy Strategy is compatible with the Kent wide Tenancy Strategy, helps to provide consistency across a large area and makes it easier for Registered Providers working across Local Authority boundaries to comply with its guidance, minimising scope for adverse impact or discrimination.</p> <p>Consultation has taken place with tenants, Registered Providers and partner organisations as well as being placed on the website for any comments through survey monkey. All views and comments have been considered and included and Registered Providers are supportive of the Council’s views and strategy. The Tenancy Strategy is really guidance and not enforceable. All tenants and register applicants are treated the same and where appropriate each case is looked at on case by case basis to ensure fairness.</p>

## Equality Impact Assessment

Step 1	Initial Screening for:	
	<ul style="list-style-type: none"> <li>• New/revised policies/strategies</li> <li>• policy decisions</li> <li>• considering partnership working arrangements</li> <li>• procurement/commissioning activities</li> </ul> <p>(For assessments identified within the Equality Impact Assessment Timetable please go straight to Step 2).</p>	
	Key Questions	Answers/Notes
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.
4	Does the activity have potential to make a positive contribution to equalities?	<p>Yes <input checked="" type="checkbox"/></p> <p>Please explain: This Strategy provides a fairer and more equitable approach to tenancies, minimising what could be unjustified positive impacts on tenancies. The Strategy sets out the Councils guidance on future tenancies taking into consideration others views.</p> <p>The Tenancy Strategy gives guidance to Registered Providers when assessing what tenancies should be given. The various type of tenancies will address different circumstances and in certain cases provide adequate security which aids community cohesion and the provision of support to tenants to go back into employment.</p> <p>The Council's Tenancy Strategy therefore supports the Government's view that social housing should be a springboard into work and self sufficiency. It directs the Registered Providers to make available relevant support equally to all tenants</p> <p>Positive actions for certain age-related and vulnerable groups will remain.</p>
		No <input type="checkbox"/> Please explain:
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.

## Equality Impact Assessment

Where the screening has identified the need for a full impact assessment, this must:

- be commenced during the drafting stages of a new policy/strategy and fully completed following any consultation period before submitting for committee approval
- carried out before any policy decision is taken
- completed in the planning stages of any procurement exercise

## Equality Impact Assessment

	Key Questions	Answers/Notes	
<b>Step 2</b>	<b>Scoping the assessment</b>		
1.	What is the overall aim, or purpose of the function/ policy/service?	<ul style="list-style-type: none"> <li>As introduced under the Localism Act, to provide guidance to Registered Providers operating in the District, informing their tenancy policies and practices to meet local housing need and to make the best use of the housing stock. This includes guidance on the use of the affordable rent tenure and fixed term tenancies.</li> <li>To provide guidance to Registered Providers when formulating their individual allocation and tenancy management policies and to ensure there is a cohesive approach. This provides an equal framework.</li> </ul>	
2.	What outcomes do you want to achieve with this function/ policy/service and for whom?	To help Registered providers develop allocation and tenancy management policies which are fair and equitable and make effective use of the stock in the district.	
3.	Who will be affected?	Sevenoaks District Housing Register applicants, some tenants seeking to move and Registered Providers.	
4.	Who defines or defined the function/service/ policy?	Legislation and local strategy/policy/circumstances/demographics/consultation with the local community, Shelter. CABs and providers.	
5.	Who implements the function/service/policy?	Housing Services in partnership with Registered Providers.	
6.	How do the outcomes of the function/service/policy meet or hinder other policies, values or objectives of the public authority (if applicable)?	Please indicate which of the Councils core values / promises (as set out in the Vision) these outcomes relate to:	
		We will provide value for money	✓
		We will work in partnership to keep the District of Sevenoaks safe	
		We will continue to collect rubbish efficiently and effectively	
		We Will protect the Green Belt	✓
	We will support and develop the local economy	✓	

## Equality Impact Assessment

	Key Questions	Answers/Notes
		Fairness <span style="float: right;">✓</span>
		Integrity <span style="float: right;">✓</span>
		Quality <span style="float: right;">✓</span>
7.	What factors could contribute or detract from the outcomes identified earlier?	Registered Providers only have to have regard to the Council's Tenancy Strategy. If they do not agree with proposals, they could disregard the guidance provided by the Council and could find another route to allocate those homes not subject to a nominations agreement with the Council. However, whilst undertaking the consultation the Registered Providers were supportive of Council views and due to the excellent partnership working and liaison with district Registered Providers there is very minimal chance of this occurring
<b>Step 3 Consideration of data and information</b>		
8.	What do you already know about who uses this function/service/ policy?	<p>We know and understand the protected characteristics of people registered on the Sevenoaks District Housing Register.</p> <p>A scrutiny committee has examined the issue of under occupation in socially rented homes.</p> <p>A scrutiny committee has examined the potential impact of welfare reform.</p> <p>Kent wide research and consultation has taken place to develop a Kent wide tenancy strategy lead by the Joint Policy and Planning Board.</p> <p>Qualitative information obtained through consultation.</p>
9.	Has any consultation with service users already taken place on the	Consultation Events have taken place. For example, one was with a group of tenants who form a consultation panel and another with the partners of the

## Equality Impact Assessment

Key Questions		Answers/Notes
	function/service/ policy and if so what were the key findings?	<p>Sevenoaks District Housing Register.</p> <p>The document has also been sent to key stakeholders and partners for comments.</p> <p>The document is placed on SDC’s website with survey monkey set up for any comments or views. This links to West Kent Housing Associations website which is good practice.</p> <p>All applicants on the Sevenoaks District Housing Register have been contacted inviting their comments on the Tenancy Strategy. These comments are on the whole favourable.</p>
10.	What, if any, additional information is needed to assess the impact of the function/service/policy?	None. The current Strategy will be reviewed in 5 years time and earlier if there is a need.
11.	How do you propose to gather the additional information?	N/A
<b>Step 4 Assessing the Impact</b>		
12.	Based on what information you already know, in relation to each of the following groups consider whether a) there is anything in the function/service/policy that could discriminate or put anyone at a disadvantage b) for an existing function/service/policy, how it is actually working in practice for each group	
a.	<b>Equality groups</b> Age	The Strategy directs Registered Providers to offer lifetime tenancies to older people and to provide support where necessary. There are under occupation policies which encourage older people occupying family size accommodation to downsize into smaller homes with financial incentives and support.
b.	Disability	The Strategy directs Registered Providers to offer more secure tenancy periods to those with a disability or special needs in recognition that they have more specific accommodation requirements.
c.	Carers	The Strategy directs Registered Providers to offer more secure tenancy periods to those with a disability or special needs and older people – those groups requiring carers.

## Equality Impact Assessment

Key Questions		Answers/Notes
d.	Gender	The Strategy does not direct Registered Providers to differentiate on the issue of gender when considering tenancy types. Neither is it considered there will be an indirect impact. Everyone is treated the same.
e.	Race	The Strategy does not direct Registered Providers to differentiate on the issue of race when considering tenancy types. Neither is it considered there will be an indirect impact. Everyone is treated the same.
f.	Religion/Belief	The Strategy does not direct Registered Providers to differentiate on the issue of religion/belief when considering tenancy types. Neither is it considered there will be an indirect impact. Everyone is treated the same.
g.	Sexual Orientation	The Strategy does not direct Registered Providers to differentiate on the issue of sexual orientation when considering tenancy types. Neither is it considered there will be an indirect impact. Everyone is treated the same.
h.	Marital / Civil Partnership status	The Strategy does not direct Registered Providers to differentiate on the issue of marital/civil partnership status when considering tenancy types. Neither is it considered there will be an indirect impact.
i.	Pregnancy and maternity	The Strategy does not direct Registered Providers to differentiate on the issue of pregnancy/maternity status when considering tenancy types. Neither is it considered there will be an indirect impact.
j.	Gender reassignment	The Strategy does not direct Registered Providers to differentiate on the issue of gender reassignment when considering tenancy types. Neither is it considered there will be an indirect impact.
k.	General <i>i.e</i> affecting all of the above /other <i>e.g.</i> socio-economic	The Strategy is intended to support Government's intention to empower and encourage people back into employment wherever possible and to remove existing benefit traps.
<b>Step 5 Reviewing and scrutinising the Impact</b>		
13.	Have you identified any differential impact and does this adversely affect any groups in the community?	No anticipated adverse affect on the community as the Strategy treats everyone the same.
14.	Can we make any	As above but we will review.



## Equality Impact Assessment

	Key Questions	Answers/Notes
	changes?	
15.	If there is nothing you can do, can the reasons be fairly justified?	There are no issues
16.	Do any of the changes in relation to the adverse impact have a further adverse affect on any other group?	No adverse affect

## Equality Impact Assessment

Step 5 continued...	Actions to be inserted into Equality Action Plans			
Based on your answers in Step 5, please finalise your actions here. These actions will then be incorporated into our equality action plans.				
Equality Strand	Action	Outcome/monitoring information and targets	Date for Completion	Responsible Officer
If an adverse impact was found or unmet needs identified, which actions will you put in place to address this:				
If the impact is still unclear, list the actions you will put in place to gather the information you need:				
If you did not find any evidence of unmet needs or adverse impact, list the actions you will put in place to maintain good practice:				

<b>Step 6 Decision making and future monitoring</b>		
	<b>Key questions</b>	<b>Answers / notes</b>
17.	Which decision making process do these changes need to go through i.e. do they need to be approved by a committee/Council?	The Tenancy Strategy needs Member approval and endorsement
18.	How will you continue to monitor the impact of the function/service/ policy on diverse groups?	Regular liaison meetings with WKHA and other Registered Providers
19.	When will you review this equality impact assessment?	In 5 years time in line with the Government guidance unless there are specific circumstances requiring this take place earlier.

### **Final steps**

#### **For an existing function/service/policy:**

- Submit the EqlA to your Departmental Management Team for approval.
- Send your assessment to the West Kent Equalities Officer for publication on the website.
- Update Covalent.

#### **For a new function/service/ policy:**

- Summarise your findings in the committee report.
- Ensure planned consultations address the findings of the impact assessment.

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