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# **Sevenoaks District Housing Allocations Policy**

## **2018**

# SEVENOAKS DISTRICT HOUSING ALLOCATIONS POLICY

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# 1. Introduction and Background

## 1.1. What is an Allocation?

Sevenoaks District Council is a local housing authority. This policy sets out who qualifies for social housing in the Sevenoaks District and how we will make this assessment. It covers how applicants can apply for and access social housing, the priority they will be given and the order in which any offer of social housing will be made.

Sevenoaks District Council no longer owns its own housing stock, having carried out a transfer of its housing stock to West Kent Housing Association in 1989. This Allocation Policy therefore applies to all properties to which we have rights of nomination (whether by way of a legally enforceable arrangement or not).

West Kent Housing is appointed as the 'Managing Agent' for the Sevenoaks District Housing Register (SDHR) and administer the Sevenoaks District Housing Register and the Kent Home Choice Based Lettings (CBL) scheme on behalf of this Council. The Housing Allocations Team at West Kent Housing is responsible for assessing new applications and will assess whether an applicant qualifies for the Housing Register using this policy to assess housing needs and will award any priority Band to an application if the criteria set out in this policy are met.

## 1.2. Legal Framework

This Council, as a local housing authority, has a legal duty to develop and publish a Housing Allocations Policy. The legal requirements for this duty, including the Housing Act 1996 Part VI (as amended by the Homelessness Act 2002), Localism Act 2011, the Equalities Act 2010 and the Homelessness Reduction Act 2017, have been considered when developing this Policy. This Policy will be reviewed on a regular basis and updated if there are any changes to relevant legislation or operational processes. The Government's code of guidance has also been considered when drafting this Policy including:

- a) Allocation of Accommodation: Guidance for Local Housing Authorities in England (2012, DCLG) "the Code";
- b) Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code".

The following statutory regulations have also been considered when developing this Policy:

- a) Allocation of Housing (Procedure) Regulations 1997, SI 1997/483;
- b) Allocation of Housing (England) Regulations 2002, SI 2002/3264;
- c) Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294;
- d) Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869;
- e) Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989;

- f) The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015;

To ensure this Policy meets all data protection requirements, it is regularly monitored and reviewed. This Council is committed to ensuring that this policy is non-discriminatory and that customers can access the service taking account of any vulnerability or other specific housing needs. This includes reasonable preference categories (as defined in Part 6 of the Housing Act 1996) and protected characteristics (as defined in the Equality Act 2010), as well as being provided with a Statement of Choice through the Kent Homechoice Scheme.

In accordance with The Local Authority Order 1996 (SI 1996 No 3205), Sevenoaks District Council (SDC) has contracted out the management of the register to West Kent Housing under a series of Service Level Agreements.

## **2. Eligibility to join the Housing Register**

### **2.1. Who can join the Sevenoaks District Housing Register**

Subject to the exclusions outlined in section 5 below, anyone living in the United Kingdom who is over the age of 16 can apply to join the housing register if they:

- a) have a genuine reason for seeking affordable housing in Sevenoaks District;
- b) have a local connection to the Sevenoaks District (see section 3.1 for full details);
- c) are applying for a social housing property to use as their only or principal residence; and
- d) are capable of maintaining a tenancy.

Local housing authorities may only allocate accommodation to people who are defined as ‘qualifying persons’ under the Housing Act 1996. The Government has granted all housing authorities, including this Council, the power to decide the criteria of people who are, or are not, classed a qualifying person for the register. It should be noted that individual Registered Housing Providers might have their own letting and eligibility rules.

Sevenoaks District Council is part of the Kent Homechoice Partnership that advertises vacant properties in this District using an online Choice Based Lettings Scheme. Some exceptional circumstances, as outlined in this Policy, may mean that properties are advertised or allocated in partnership with the relevant housing provider.

Once an applicant has been accepted onto the Housing Register, a decision will be made as to the size of property they are eligible to bid for under the Kent Homechoice Lettings Scheme using the National Bedroom Standard.

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 should contact The Housing Options Team, West Kent Housing Association, 101 London Road, Sevenoaks, Kent, TN13 1AX for assistance.

## 2.2. 16 and 17 year olds and Care Leavers

Applicants aged 16 and 17 can join the Housing Register but they must have a guarantor and their ability to manage a tenancy will need to be assessed. This is to make sure that they can cope with being a tenant at a young age and that they do not lose any tenancy offered through lack of support. This may include a referral and the need for an assessment by Kent Social Services or other support services to ensure the appropriate support is in place. If a person is 16 or 17 and if they are given a tenancy, this will be held in trust until they reach 18. This means that another suitable person (such as a parent, legal guardian, social worker or relative) will be responsible for the property as a guarantor.

Care leavers and 16/17 year olds will be considered in accordance with the relevant Kent Housing Group protocols in place between Kent County Council and Kent district and borough councils.

## 3. Qualifying to join the Register

Only those who can demonstrate a local connection to the District and have an identified housing need are eligible to apply for inclusion on the Sevenoaks District Housing Register.

### 3.1. Local Connection

An applicant can only join the Housing Register if they have a local connection to the Sevenoaks District and are also assessed as having a housing need as defined by this Policy.

There are a number of defined exceptions to the local connection qualification rules. Full details can be found below.

To demonstrate a local connection, applicants must meet at least one of the following criteria:

- a) Have lived permanently in Sevenoaks District continuously for the last 2 years, or 3 years in total out of the last 5 years;
- b) Be in paid full or part time employment in Sevenoaks District, for a minimum of 16 hours per week. See section 3.2 below for further details.
- c) Have close family (normally mother, father, brother, sister, son or daughter) that has lived in Sevenoaks District for a minimum of the last 5 years and the circumstances are that they need to give or receive essential care and/or support for the foreseeable future. Documentary evidence to show the level of support will be required by the applicant to demonstrate it is significant and ongoing and is not short term or low level (e.g. to carry out shopping once a week);
- d) Applicants to whom the Council has accepted a full homelessness duty under section 193 (2) of the Housing Act 1996 and they do not have a local connection with any other area.

- e) A local connection is automatically applied for any serving or ex armed forces personnel or War Widows/Widowers, see section 4.1 below for full details.

For the purposes of determining a local connection, the Council will not consider a holiday let, including bed and breakfast accommodation booked for holiday purposes, as a local connection.

There may be times when it is not appropriate to apply the local connection provision set out within this Policy. In these circumstances, the Council and the Managing Agent can on behalf of the Council, exercise discretion not to apply the local connection provisions in exceptional circumstances. Each case will be assessed on its merits.

### 3.2. Employment in Sevenoaks District

An applicant will be considered to have employment in the District and therefore may meet the local connection criteria if they are:

- a) In paid full or part time permanent employment for 16 hours or more per week and their actual working location is within Sevenoaks District; or
- b) Working in Sevenoaks District on a temporary or zero-hour employment contract that has been in place for at least 6 months and can demonstrate they have worked at least 16 hours per week since starting the employment contract;
- c) Self-employed, or if the employment requires them from time to time to work outside of Sevenoaks District, they will be required to demonstrate that their permanent base of operations is within the Sevenoaks District.
- d) The employment must be the actual place of work in Sevenoaks District and not employment based on a head office or regional office situated in the District but from which they do not work;

At least one adult member of the household must be employed at the point of application and at the point of nomination for a property, in accordance with validation process of the relevant housing provider. The applicant must provide evidence that a permanent job offer has been accepted and meets the above criteria. It will be the applicant's responsibility to provide documentary evidence to satisfy this Council that the work or job offer is genuine.

Appropriate evidence could include:

- a contract of employment
- wage/salary slips or bank statements covering the last three months;
- Tax and benefits information - e.g. proof that the applicant is in receipt of working tax credit (if eligible).

Where the employment status of an applicant does not meet the criteria in 3.2 a) to d) above, a decision on local connection will be made by the Managing Agent in consultation with the Council.

For details relating to employment can be found under the 'Right to Move' section of this Policy (Section 3.5).

### 3.3. Income and Asset Thresholds

Maximum income limits have been set as part of this Policy and anyone above these limits will not qualify to access the Housing Register. This is to ensure that social housing is allocated to those in the greatest need due to their housing priority and affordability. These limits, together with some limited exceptions, are set out in this Policy below.

Due to the pressure on social housing in this District, those with sufficient assets and/or income will not be allowed to access the Housing Register as they can pursue other housing options. If an applicant is unsure if they qualify because of their household income and asset thresholds, they should contact the Council's Housing Advice Service or the Managing Agent for further advice. If they are above the thresholds and unable to access the Register, Housing Officers at Sevenoaks District Council can assist with other available housing options. The Housing Advice Team can be contacted on 01732 227000.

It is the applicant's responsibility to provide all financial information and supporting evidence relating to all members of the household and to update the Managing Agent of any changes from the original housing application immediately. Any person who knowingly withholds any financial information on their housing application about their total household finances or deliberately provides false information may be guilty of committing a criminal offence and could face a fine if convicted. This will also result in a disqualification or suspension from the Housing Register, withdrawal of a tenancy offer or further legal action.

#### Income Limit Summary

A household cannot qualify if they have a gross household income that exceeds that set out below. This is the total combined income across all members of the household and is based on the household size and bedroom need<sup>1</sup>:-

Household size	Maximum Income Limit (per annum)
1 bedroom need	£30,000
2 or more bedroom need	£40,000

This gross income of all household members will determine eligibility and will include:

- Gross wages or income;
- Benefits received, excluding those listed below;
- Any regular cash deposits from others.

Financial payments not included within this calculation are:

- Guardians Allowance;
- Disability Living Allowance (DLA);

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<sup>1</sup> In accordance with the 'Bedroom Standard' formulas in Part 10 of the Housing Act 1985 and the Housing Benefit Regulations

- Attendance Allowance (AA);
- Personal Independence Payment (PIP);
- Housing Benefit;
- Armed Forces war pensioners' mobility supplement (AFIP);
- Foster Carer Allowance from a local authority.

### Capital Assets and Savings Limits

In addition to the income limits above, applicants applying for general needs properties cannot have capital assets or savings that exceed £16,000 in total across all members of the household (for all general needs household sizes). This figure is in line with the current housing benefit savings limit. Assets include equity in any home owned.

Applicants applying for housing that is designated specifically for those aged 55+ (including sheltered, supported housing and extra care schemes) may have savings and/or assets up to the value of £350,000.

### Limited Exceptions - Income and Asset Thresholds

Fostering/adopting - Applicants who are approved foster carers or a prospective adoptive parent with appropriate supporting documentation, who do not meet the financial limits, but who can clearly demonstrate that they are not able to access the open housing market, may be considered for inclusion on the register. A full financial assessment will be undertaken and the application considered by the Social and Welfare Panel (see Appendix 4 for Social and Welfare Panel details). Confirmation in writing will be requested from the relevant County Council or adoption agency.

Low Cost Ownership Schemes (LCHO) - This restriction does not prevent applicants being considered for any Low Cost Home Ownership schemes as set out in section 5.7 (Shared Ownership). The rules for being accepted onto these schemes are different and are applied on a scheme by scheme basis. If the gross household income exceeds the Income and Asset limits in this Policy, the applicant may still apply for a LCHO assessment. Those with an income below £80,000 (the current government set 'Help to Buy limit) may be eligible for affordable housing through a LCHO scheme. Those above a household total annual income of £80,000 will not be eligible for any affordable housing options. These amounts are subject to change in line with the government's 'Help to Buy' limits.

Exception Sites - Where an applicant is applying to the Housing Register in order to be considered for rented housing on a specific Exception Site, they may have an income up to the current 'Help to Buy' or LCHO limit. **It is the applicant's responsibility to make this clear on the application form.** See section 3.6 for further details on Exception Sites.

Special Circumstances - The Managing Agent in consultation with the Council may choose not to apply these criteria where the applicant or a member of their household, despite having the financial means to resolve their housing situation,

cannot resolve the situation in a reasonable period of time and their housing needs are so urgent and exceptional as to require social housing.

Vulnerability - Vulnerable clients whose income exceeds the financial limits but who have documentary evidence to show that they cannot access private rented accommodation or LCHO may be assessed by the Social and Welfare Panel to be able to join the Housing Register.

### 3.4. Older People's properties

Anyone who is over the age of 55 and meets the qualification to join the Housing Register can apply for sheltered or supported housing (specifically for this age group) if they:

- are either aged 55 or over or;
- are within 3 years of state pensionable age and;
- can provide evidence that their projected income is anticipated to fall below the current income limit at the time of retirement.

The size of the housing specifically designed for over 55's (including sheltered or Extra Care), may include one bedroom more than they require e.g. enabling the applicant to bid on two bedroom sheltered housing even if they only have a one bedroom need. Any offer is subject to an affordability assessment to ensure rental costs can be met.

The support and housing needs of an applicant will be assessed by 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 support them to identify a suitable home. Individual housing associations may vary this age criteria.

Applicants for extra care housing schemes in the District will be assessed by a Joint Allocations Panel who will consider the applicant's care, support, social and housing needs. The Panel will include representatives from Sevenoaks District Council, Kent County Council, housing association and care provider. On occasions, extra care properties may be advertised and allocated outside the Choice Based Lettings scheme.

If required, the Managing Agent will support the applicant to apply and bid on properties advertised via the Choice Based Lettings scheme. Where applicants are a current tenant of a housing association, this support should be provided by their existing landlord.

### 3.5. Right to Move Applicants

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/ 967) and corresponding statutory guidance, allow existing social housing tenants to be allocated social housing across local authority boundaries within England for work related reasons. This may include a need to move to be closer for work or to take up a job offer.

The onus is on the applicant to provide the information needed to evidence the 'Right to Move' to alleviate hardship. In determining hardship, this Council will take into account:

- a) Distance and/or time taken to travel between work and home;
- b) The availability and affordability of transport, taking into consideration the level of the applicant's earnings;
- c) The nature of the work and whether similar opportunities are available closer to home;
- d) Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move;
- e) The length and type of the work contract;
- f) Whether failure to move would result in the loss of an opportunity to improve the applicant's employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.

Work which is short term and voluntary (unpaid) is not included. The work should be for at least 16 hours per week and for at least the minimum wage, or an apprenticeship, and expected to last for at least a year.

### **3.6. Exception Sites and Parish Connection**

This section applies if the applicant does not have a housing need, but has been accepted onto the Housing Register because they qualify for housing designated under a Planning Agreement Rural Exception Site, because of a Parish connection.

In these circumstances, the applicant must not have an income that exceeds the current Low-Cost Home Ownership (sometimes referred to as shared-ownership) eligibility criteria<sup>2</sup>. Any bids that do not come under the definition of a Rural Exception Site Agreement will be considered ineligible.

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 planning 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 (known as a Section 106 Agreement). In these circumstances, local connection criteria will usually mean connection to a village or parish rather than the district as a whole.

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, 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, preference will be given to those with a local parish connection and this will be clearly stated in the advert for the vacant property. The introduction of a Local Lettings Plan is subject to the Registered Provider/Housing Association obtaining

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<sup>2</sup> For more information, please visit [www.gov.uk/affordable-home-ownership-schemes/shared-ownership-scheme](http://www.gov.uk/affordable-home-ownership-schemes/shared-ownership-scheme)

the agreement of the Council's Chief Officer for Housing. More information on these policies are detailed in section 7.8.

## 4. Exemption to the local connection rules

### 4.1. Armed Forces Personnel

One exception to the District's local connection criteria is Armed Forces Personnel<sup>3</sup> or War Widows/Widowers meeting the criteria below. The following people are able to apply to the Housing Register in this District regardless of whether or not they meet the District local connection criteria. This exception is set by housing legislation<sup>4</sup> and has not been decided locally. This includes:

- Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the 5 years proceeding their application to the Housing Register;
- Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased to be, or will cease to be, entitled to reside in Service Family Accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly connected to their service;
- Serving or former members of the Reserve Forces who need to live in the District because of a serious injury, illness, medical condition or disability that is wholly or partly connected to their service.

### 4.2. Over 55's wishing to downsize

If an applicant is aged over 55 and currently living in Sevenoaks District wishes to downsize, they may be considered for sheltered or supported housing (specifically designated for this age group) even if they do not meet the local connection rules. This would ensure that their required support and housing needs are met and to release another property in this District.

Households applying for extra care housing will be subject to a Joint Allocations Panel when allocating properties. See section 3.4 above for full details relating to properties for older people.

### 4.3. Exceptions process

Sevenoaks District Council retains the authority to exercise its discretion when making decisions with regard to someone being accepted or banded awarded on the Housing Register. This will be related to 'exceptional circumstances' which is defined as an additional social and/or welfare need above the housing need which has been evidenced by the Housing Officer, support or partner agency. See Appendix 4 for further details regarding social and welfare needs.

## 5. Exclusions - Non-qualification rules

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<sup>3</sup> as defined by S.374 of the Armed Forces Act 2006

<sup>4</sup> The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (SI 2012/1879)

## 5.1. Housing Register exclusions

Some people are excluded from the Housing Register either due to government regulations or because the Council has decided to exclude them. This could be because they are not considered suitable to be tenants (because of their previous recorded conduct) or because the Council has to prioritise the use of housing stock.

We cannot nominate someone for housing if they are ineligible for an allocation of housing accommodation by being subject to immigration control or a person from abroad who is ineligible<sup>5</sup>. See section 5.3 below for further information.

If it is considered that an applicant is not eligible to apply for the Housing Register, the Managing Agent will inform them in writing of this decision, stating the grounds for the decision. This letter will include how the applicant can request a review of this decision. If the applicant is affected by these exclusions, they can contact the Housing Advice Service at the Council for further advice.

## 5.2. People who WILL be excluded from joining the housing register

Current legislation states or allows that the following are ineligible to join the Housing Register and they **will be excluded**:

### 5.2.1. Immigration Status

- People from abroad subject to immigration control or regulations, or people prescribed as 'ineligible' by Regulations made by the Secretary of State.
- A person from abroad who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996 will be ineligible, unless they are of a class of persons prescribed by the Secretary of State who are subject to immigration control but are eligible for an allocation.
- Certain persons from abroad, who are not subject to immigration control, and fail the habitually resident test in the Common Travel Area (as defined in the Allocation of Accommodation Code of Guidance for local housing authorities).
- Any application identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act.

The Council reserves the right to seek independent advice and assistance to resolve the issue of eligibility. This may mean contacting the Home Office Immigration and Nationality Directorate.

### 5.2.2. No Local Connection

- Details of local connections are set out in section 3.1.
- Applicants who do not have a local connection with the District will be excluded from the Sevenoaks District Housing Register. They may still be able to access housing advice and support through the Council's Housing Advice Service and apply for other types of properties in the area such as the

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<sup>5</sup> Housing Act 1996, s.160ZA (1), (2) and (4) and Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294

private sector lettings scheme. An exception to this is Armed Forces Personnel or War Widows/Widowers meeting the criteria set out in section 4.1.

- Anyone who is aged over 55, living in the District already and who wishes to downsize to a smaller property may apply to the Register, even if they do not meet the local connection rules. However, they will only be considered for accommodation specifically designated for this age group and the financial limit rules will apply.
- Applicants with a local connection to an exception site, who do not meet the District local connection criteria, will only be eligible to place bids on properties where they are considered to be an exception site applicant. Such applicants will not be considered for general properties advertised within the District (see section 3.6 for full details on exception sites).

### 5.3. People who MAY be excluded from joining the housing register

#### 5.3.1. Home owners

If an applicant (including anyone in the household covered by the application) owns a property, they are not eligible to join the Register (this includes properties owned and rented out to other persons and or properties in other countries). The exemption is **unless** the applicant can demonstrate there are exceptional financial and personal circumstances that prevent them from living in this accommodation or securing other suitable accommodation to meet a housing need. For example: they have insufficient resources to pursue low cost home ownership and/or a medical condition or disability, or other vulnerability including risk of homelessness due to mortgage arrears following illness or job loss). This will be assessed the Managing Agent in consultation with the Council on a case-by-case basis.

Owner occupiers aged 55 and over whose savings and assets fall within the limits (set out in section 3.3), and they meet the local connection criteria, can apply to the Register, but will only be considered for housing designated for this age group (this includes sheltered or extra care housing).

#### 5.3.2. Shared Ownership

All applicants are required to provide details of their income and assets. If applicants exceed the financial limits for the Register but have sufficient funds to access home ownership options, then the housing advice service can advise accordingly. Those with an income that exceeds the current government 'Help to Buy' limit of £80,000 will not be able to register for LCHO and will not be eligible for any form of affordable housing.

Help to Buy is a range of home ownership products designed to assist people who cannot afford to buy a property on the open market. Local Help to Buy Agents are appointed by the Government to administer the schemes to support how to access these low cost home ownership (LCHO) options. For details of the Help to Buy Agents, visit [www.helptobuyese.org.uk](http://www.helptobuyese.org.uk). Other options available may include Help to Buy, shared ownership and shared equity.

#### 5.3.3. Financial limits

Applicants will be required to provide proof of income and assets for all members of the proposed household over the age of 16. Savings and financial assets will be assessed on a case-by-case basis to determine whether or not the applicant is able to secure suitable housing.

Applicants with a household income above the financial limits, as outlined in Section 3.3 of this Policy, will not qualify to be included on the Housing Register. Applications who are assessed as having savings and/or financial assets (including capital), which are sufficient to allow them to meet their housing needs, will not qualify for the Housing Register.

#### **5.3.4. Unacceptable Behaviour**

This will apply where the applicant (including any member of the current or prospective household) has a history of serious unacceptable behaviour or former rent arrears, which in our view makes the applicant unsuitable to be a tenant<sup>6</sup>.

We will determine whether the behaviour and/or former or current rent arrears means that they cannot qualify for the Register. We will not be restricted to applying a test of whether the behaviour would entitle the landlord to a Possession Order (if the applicant was a tenant).

Whether the behaviour and/or former or current rent arrears means that the applicant cannot qualify for the Register will be decided by a register officer working for the Managing Agent. A right to have a review will then be carried out by a senior officer for the Managing Agent in consultation with Sevenoaks District Council.

Reasons for non-qualification, including but are not limited to anti-social behaviour, where:

- The Applicant, or any member of the household, has assaulted a member of staff and an injunction is being sought or has already been obtained. This may include violence, threats of violence or aggressive behaviour;
- Nuisance or annoyance to neighbours including anti-social behaviour;
- The Applicant, or any member of the household, have knowingly given false or misleading information or withheld information that has been reasonably requested;
- The Applicant has rent arrears and a recoverable housing related debt (except where this has been verified by the Council as being through no fault of their own). This includes failing to uphold repayments as part of a housing debt repayment plan;
- The Applicant has been non-compliant with a current or former tenancy agreement. This may include obtaining a tenancy by deception, allowing the condition of a property to deteriorate, using the property for illegal or immoral behaviour.

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<sup>6</sup> In accordance with s160ZA (8) of the Housing Act 1996, as amended by the Homelessness Act 2002

As rent arrears or recoverable housing-related debt may prevent the applicant from being considered for an allocation of a property, it is important that the applicant demonstrates they taken reasonable steps to address the debts.

For further advice can be provided by the Housing Advice Service at Sevenoaks District Council on 01732 227000 or email [housing@sevenoaks.gov.uk](mailto:housing@sevenoaks.gov.uk). For independent advice and support, contact a local Citizens Advice service.

Applicants who are excluded will be informed in writing and will be advised of their statutory right to request a review of this decision; see section 9.1 for further details of the review process.

For the applicant to be able to re-apply for the Register at a later date, it is important that you can demonstrate that you have taken reasonable steps to address the issues within the original exclusion.

## 6. How to Apply for Social Housing

### 6.1. How to join the Housing Register

Any applicant interested in joining the Register can undertake the pre-assessment process on the Kent Homechoice website at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk) to find out whether they qualify. If an applicant qualifies to join the Register, they must apply through the Kent Homechoice website by completing the online application form, this is a choice based lettings scheme, and it is used all across Kent. They must include on their application all members of the household, i.e. people who normally live with them, or would reasonably be expected to live with them.

Applicants who are verified as meeting the eligibility and qualification rules will be registered on Kent Homechoice. It is the applicants' responsibility to ensure that the information provided on the application form is correct and all the required supporting documents must be provided within 28 days of making the application or within an appropriately agreed timescale. See Appendix 3 for details of the required documents. The applicant will then receive a registration letter and a Welcome Pack that contains a user guide. The letter will also state the Band according to the housing needs, the size of property they are eligible for and a unique Kent Homechoice reference number. This letter may be sent electronically to the applicant's email address on the Register application.

Once registered, the applicant can bid on advertised social housing properties in the area of their choice within Sevenoaks District.

The Managing Agent is able to set up an auto-bid process on behalf of the applicant if required, and this can be discussed directly with the Managing Agent. This enables bids to be made automatically on behalf of the applicant, in accordance with this Policy and in line with the applicant's banding and preferred areas.

**Failure to bid on suitable and reasonable properties within the applicants chosen and preferred areas within a 12 months' period may result in the**

**applicant being removed from the Housing Register; see section 10.2 for further details.**

Any applicants without access to the internet can contact the Allocations Team, West Kent Housing Association, 101 London Road, Sevenoaks, Kent, TN13 1AX, or call 01732 749400 for assistance with applying and bidding on the Register.

## **6.2. Assessing Applications**

In order to assess the applicant's housing need, a housing register officer will use a needs based Banding System scheme, Banding A to D. The full details of the Banding system are set out in Section 7.2 and Appendix 2 of this policy.

The Bands are awarded to reflect the applicant's housing need, based on the information provided on the application and supporting documents. The housing needs reflected in the highest Band (A) indicates the greatest need for housing. Usually an application may be linked to several factors across different priority bands; 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 Band A, even if their other circumstances are linked to a lower band.

**It is the applicant's responsibility to ensure that all the required information and supporting documentation are provided to within 10 working day from request. Incomplete applications will not be made active until such time when all information has been received to complete an assessment. If the application is incomplete, it will be cancelled after a period of 28 days from the date the information was requested.**

A cancellation of this nature does not prevent the applicant from making another application at a later date. In these cases, the effective date of registration will not be backdated to the earlier application date.

If the applicant is a current or previous tenant, a reference may be requested from the current or previous landlord. If applicable, references may also be requested from a recent landlord. Where a landlord does not reply, a reminder will be sent and, if still not forthcoming, any other information or records available will be checked to try to determine whether there have been any concerns over the way an applicant may have conducted their tenancy.

The applicant will not be disadvantaged if, despite every effort, it is not possible to obtain a reference from current or previous landlords.

## **6.3. Data Sharing and Declaration**

As part of the online Register application, the applicant will be required to sign a declaration to:

- a) Confirm that the information given is correct and that any changes of circumstances will notified the Managing Agent or Council;

- b) Give consent to allow enquiries to be made concerning their eligibility for housing and level of priority;
- c) Give consent to allow information to be provided to other partner organisations in the scheme.

To determine eligibility for the Housing Register, the Managing Agent or Council will make any enquiries they deem necessary in order to assess the application. This may include information sharing with professionals such as health professionals, Kent County Council, other Council departments and the Police etc. By submitting personal information on the Housing Register application form, the applicant is giving permission to share information with other housing providers and statutory agencies as needed to process and verify the application, in accordance with Kent Data Sharing Protocols.

#### **6.4. Applicant checks**

In the interests of assessing an applicant's eligibility to join the Register, all members of the prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

The Managing Agent or Council may use any information disclosed during the application, assessment and allocation of property processes to find out whether the applicant qualifies for joining or remaining on the Register.

Where a criminal conviction is spent<sup>7</sup>, this will not be taken into account. The assessment will reflect whether there is evidence of any current serious unacceptable behaviour regardless of any previous convictions of this nature.

If during the assessment process it is felt that there is a need for a police check, the Disclosure and Barring Service may be contacted for information to establish if there has been any involvement in serious crimes that may come under the unacceptable behaviour non-qualification criteria.

Information gained will not automatically exclude the applicant from the Register. It may also be used to make informed decisions about any nomination for vacant property. All assessments will be carried out in accordance with the data protection and information sharing policies and legal requirements.

#### **6.5. Joint applications**

Joint applications will be accepted and will be treated as one application. The housing need of the full household will be considered in assessing housing needs. When allocating to two or more persons jointly, at least one of the persons must qualify and all of them must be eligible (see section 3 for details). However, in relation to the housing associations that are part of this Policy, some individual association may decide whether to allow a joint tenancy depending on their own rules.

#### **6.6. Households with access to children/shared residency order**

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<sup>7</sup> In accordance with the 'spent convictions' definitions outlined in the Rehabilitation of Offenders Act (ROA) 1974

As part of the assessment process, the applicant will record whether children live with them part of the week, whether or not this arrangement is set by the court or not. All children should be detailed on the application; however, applicants should be aware that this does not automatically mean they will be guaranteed an additional bedroom(s) for the child/children.

Social housing is a scarce resource and therefore social housing can only be allocated to those who have a housing need. In certain situations, a child will have a permanent place of residence with another parent and it will only be in exceptional circumstances that it would be reasonable to expect a child who has a home with one parent to be provided with another<sup>8</sup>.

It is the applicants responsibility to ensure they provide evidence of any court order or residency order and proof of child benefit and tax credits as part of the application process.

### **6.7. Housing for People Aged 55+**

Some housing within the District is advertised and offered to specific target groups. The need for supported/sheltered properties for people aged over 55 is a priority in this District as the older population increases. See section 3.4 above for further information.

### **6.8. Notification of Registration**

When an application has been fully assessed, the applicant will be notified in writing and this notification will include the following information:

- Whether they qualify for the register and, if not, why not;
- If the applicant does qualify, they will be notified of the registration date and unique Kent Homechoice registration reference number to enable the applicant to start bidding on properties, and;
- The allocated Band according to the assessed housing need and the type of property the applicant can bid for;
- Details of the applicant's right to request a review of the decision. This may include querying the allocated banding or in certain other specified circumstances (see the review section 9.1 below for further details).

### **6.9. Change of circumstances**

It is the applicants' responsibility to let the Council or Managing Agent know of any change of circumstances for any and all members of the household and, where requested, provide proof of that change. Notification of a change in circumstances should be done as soon as possible and within 2 weeks of any change. Registered applicants should fill in the online change of circumstances form available at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk) and submit evidence. Examples of a change in circumstances include, but are not limited to:

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<sup>8</sup> Holmes-Moorhouse v Richmond upon Thames 2009

- a. A change of address or contact details, for any members of the prospective household;
- b. A change in medical condition or disability (either existing or newly diagnosed);
- c. A request for additional family members or other people wishing to be added to the application (This will be subject to an assessment and the rules set out in this policy);
- d. Any family member or any other person(s) on the application who is no longer part of the household; and
- e. Any significant changes in income, savings or assets that may require a reassessment of the application.

It does not follow that every change in circumstance will result in a change in priority. The information provided by the applicant will be used to reassess their priority and may result in no change to priority band, change to higher or lower priority or may result in your application being removed from the register if you no longer qualify under this policy.

The applicant will not actively be considered for social housing whilst the change of circumstance is being verified and we undertake to assess the change of circumstances as quickly as possible. Checks will be made on an application's current circumstances before an offer of a tenancy is made. Failure to notify the Managing Agent of a relevant change in circumstance may result in the application not being valid at the time of offer and they will not be offered a property.

#### **6.10. Reviewing and Renewing Housing Applications**

Every applicant on the Housing Register will have their application reviewed annually or more frequently, as required. This will be on a rolling basis depending on the operational processes adopted at any time for reviewing the Register. A letter will be sent to all applicants requesting confirmation of the current circumstances and whether they wish to remain on the Register, this may be sent electronically to a given email address. Failure to complete the annual review will result in the application being cancelled and the need to re-apply. If a reply is not received within 28 days of the date sent, the application will be cancelled in line with 6.11 below.

The Allocations Policy is monitored to make sure that allocations made reflect current housing needs and meet legislation requirements. This policy will be reviewed and updated regularly, particularly when changes in legislation and/or operational processes are required, to ensure the Housing Register continues to meet local housing needs.

#### **6.11. Cancelling Applications**

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

- a) At the request of the applicant;
- b) If the applicant (including all household members) become ineligible under one of the eligibility and qualification rules;

- c) When the applicant has been housed;
- d) On failure to reply to a review letter or requests for further information within a given time period;
- e) Where it is discovered that the applicant has given false or misleading information;
- f) If the applicant fails to bid on any properties, which are suitable to the household size and within preferred locations within a 12 month period.
- g) If the applicant refuses two suitable and reasonable offers of a property, for which the applicant has placed a bid.

In circumstances b), e), f) and g), the applicant will be notified in writing including the reason why the application has been cancelled and detailing the right to request a review of the decision. It is the applicant's responsibility to inform the Managing Agent of any changes which may result in the application being cancelled.

### **6.12. Short Term Intermediate Rented Properties**

On occasions, where a property is hard to let, some homes may be available for short term lets for people with exceptional circumstances or who are waiting on the Housing Register and are about to be made homeless.

### **6.13. Deliberate Worsening of Circumstances**

Where there is evidence that someone has deliberately made their housing situation worse in order to gain a higher priority on the Register, the assessment of their needs will be based on the circumstances before their situation changed through their deliberate worsening of their circumstances.

Examples of this may include, but not limited to:

- Allowing family members or others to move into a property who previously had suitable accommodation or the financial means to secure their own accommodation and this has resulted in the property being overcrowded;
- Moving from previously suitable or more suitable accommodation which it was reasonable for the applicant to continue to occupy, into a less suitable property;
- If the applicant was a Homeowner and has transferred their property to another family member within the last 5 years from the date of application to join the Housing Register.
- Giving up affordable and suitable private rented accommodation, which could have been kept to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household;
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- Where a customer fails to report or to cooperate with the landlord to get repairs done to the property which worsens the housing condition or where advice has been provided of appropriate actions the tenant needs to take to reduce or prevent a condition such as condensation but fails to do so which exacerbates a medical condition

These are examples only. There will be other circumstances considered to decide whether someone has deliberately worsened their circumstances. The Managing Agent in consultation with the Council reserve the right to review and make a decision based on the information provided by the applicant. Further information may be requested from other sources (including family members and/or landlords) before a decision is made.

#### **6.14. Misrepresentation, False Statements and Withholding Information**

Applicants must supply full information about their circumstances, and must provide supporting evidence where required to do so. It is an offence to provide false information, or to withhold information, in order to fraudulently obtain a tenancy (Section 171, Housing Act 1996).

Any person who knowingly withholds any information about their housing application or deliberately provides false information, will be guilty of committing a criminal offence, and could face a conviction.

If an applicant has knowingly given false information the Managing Agent in consultation with the Council will:

- Suspend or disqualify the applicant from the housing register and/ or;
- Withdraw any offer of a tenancy and/ or;
- Work with the landlord to take County Court action for misrepresentation and/or eviction from a tenancy.

### **7. The Allocation Process**

#### **7.1. How are applicants selected for allocation?**

Applicants who meet the eligibility criteria and are validated for the Register will have their individual housing needs assessed and their application will then be placed in a band according to their circumstances and housing priority. Each year the total amount of vacant social housing stock varies. Applicants and nominations for homes are made in accordance with the rules in section 7 of this policy. Allocations of a home is made by the relevant housing association/landlord in line with their own Eligibility Policy.

Nominations to the landlord to made the offer are made in line with the banding system. The banding system gives preference to those most in need. Properties will be offered to the bidder in the highest band who has the earliest Banding Date, some exceptions may apply to this process due to exceptional circumstances.

Further validation of the application details may be undertaken by the landlord, in line with their own Eligibility Policy, before an offer of accommodation is made. This is to determine that the applicant is still eligible to receive the nomination for a property and circumstances are up to date.

As part of this Policy, vacant homes will be advertised for two Kent Homechoice bidding cycles. If after two bidding cycles an applicant is not allocated to a property because either

- a) no eligible bids have been received for the property
- or
- b) those who have been offered the property have refused it

other means of identifying a suitable application for the property will be considered to minimise the time the property is vacant. This may include a direct let from a Registered Housing Provider's waiting list or advertising it using other methods.

## 7.2. The Banding system

The banding system will normally be used to decide when to make an offer of accommodation and to whom. On occasions, properties may be allocated outside of this system in exceptional circumstances and as agreed by the Council and the Managing Agent. Once an application has been verified and all documents received, the Managing Agent will allocate an A to D banding criteria based the applicant's housing needs based on their identified reasonable preference groups<sup>9</sup>

**There are 4 bands and properties will be allocated in the following order based upon housing need:**

<b>Band A:</b> Urgent need to move	These are applicants in need of the highest priority with an urgent need to move.
<b>Band B:</b> High Priority	These applicants in need of a high priority need to move.
<b>Band C:</b> Medium Priority	These applicants have a medium priority need to move.
<b>Band D:</b> Low Priority	These applicants have a low priority need to move.

Priority for an offer of housing is normally determined by the band and then the length of time the applicant has been placed in that Band. Medical priority will be assessed by the Managing Agent with the option of referring the case to an independent medical advisor if considered appropriate.

See Appendix 2 for the full definitions for each priority group awarded a banding. Usually, an application is linked to several factors across different priority bands but the highest factor will normally determine the band.

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<sup>9</sup> as defined in Part 6 of the Housing Act 1996

Applicants for older people's extra care housing schemes in the District will be assessed by a Joint Allocations Panel who will consider the applicant's care, support, social and housing needs. The Panel will include representatives from Sevenoaks District Council, Kent County Council, the relevant housing association and care provider. On occasions extra care properties may be advertised and allocated outside the Choice Based Lettings scheme.

### 7.3. Banding Allocation Exceptions

Priority within a Band will be determined by the length of time the application has been placed in that Band and most allocations will be made to people in the highest band, and then by the time they have waited within that Band. In some exceptional circumstances an offer will be made to someone outside of the priority band and 'time registered' procedure. This is where there is an urgent need for an individual household to be housed or where there is an operational or financial need to house certain categories of applicants.

For example, if there are additional preferences due to an exceptionally urgent need for housing, an applicant may be placed at the front of the priority band and made an offer of housing as soon as possible. A decision whether a need to be housed is exceptionally urgent would be made by the Managing Agent in consultation with the Council. Examples of the circumstances, but are not limited to:

- A need to move due to a fire or flood or severe storm damage to a home;
- An imminent risk of violence and/or are to be housed through a witness protection programme;
- An applicant needs to house urgently as part of a multi-agency protocol such as a Public Protection arrangement (MAPPA), Multi Agency Risk Assessment Conference (MARAC) etc.;
- Where an applicant is homeless and in temporary accommodation that would not be suitable for more than a short period of time or where there is a need to move out of temporary accommodation to manage the budgetary impact on the Council as a whole.
- Where a vacant adapted property or a property designed to disability standards becomes available, it may be offered if an applicant has an established need for this property type, regardless of the date they were registered or banding.

In some circumstances, qualification criteria for a property will be restricted to households that meet specific criteria. Restrictions may apply to:

- properties subject to a local lettings policy;
- properties situated on rural exception sites;
- properties subject to an agreement under Section 106 of the Town and Country Planning Act 1990

Further details of exceptions to the banding criteria and local connection rules can be found in this Policy. The Managing Agent in consultation with the Council has the authority to allocate properties in exceptional circumstances outside the current banding system.

#### 7.4. Type of property allocated to an Applicant

The Council wants to make the best use of affordable housing properties that become available in the District. When deciding the size and type of property for which applicants are eligible, the Government's National Bedroom Standard<sup>10</sup> will normally apply. A summary of how a property size is calculated can be found below.

When bidding for properties, there are a number of very important considerations that an applicant should take into account. These include property size, location and affordability.

Applicants should note that not all types of accommodation are available in all of the towns and villages in the Sevenoaks District. Therefore, to maximise opportunities of being offered a property, it is important that an applicant bids for all types of properties that meet their housing needs in their preferred locations. **Applicants who do not bid on any suitable properties within a 12 month period and/or decline two reasonable offers on properties, including where an applicant has placed a bid AND the property meets their bedroom size within their preferred areas, this will result in the applicant being removed from the Housing Register, see section 10 for full details.**

Alternatively, if the applicant has been awarded an urgent (Band A) or high priority (Band B) and fails to bid or accept suitable properties, this priority banding may be removed at the discretion of the Managing Agent in consultation with the Council.

#### **National Bedroom Standard Summary**

When the National Bedroom Standard is used to calculate the size of the property (based on the household size), the following rules will apply:

The Bedroom Standard allocates a separate bedroom to each:

- married or cohabiting couple;
- adult aged 21 years or more;
- pair of adolescents aged 10-20 years of the same sex;
- pair of children aged under 10 years regardless of sex.

#### 7.5. What are other considerations

The following circumstances may be taken into account when assessing the bedroom and household size requirements of an application for a property:

- Where an applicant has been identified as requiring a live-in carer (by Kent County Council Social Care Service), a need for a spare bedroom would be taken into account, subject to affordability checks;
- Prospective foster carers or adopters who would require an extra bedroom to accommodate a foster or adoptive child;

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<sup>10</sup> In accordance with s.169 of the Housing Act 1996

- Where a property has been substantially adapted for the needs of a disabled person, the property will only be allocated to applicants if their household would benefit from those adaptations;
- Where an additional room may be required for medical or welfare reasons, applications would be assessed by the Social and Welfare Panel;
- Older people's sheltered housing will only be available if the applicant is over 55. However, the age criteria may vary for exceptional circumstances, including high support and care needs, and may differ for individual Registered Housing Providers.

## 7.6. Making an offer of a Property

Once an applicant has bid on a property and the advert closes, the details of the applicants who have bid on the property are passed to the relevant housing provider (who owns the property). Prior to an offer being made, the housing provider will contact the successful applicant to carry out further verification on eligibility and priority based on the housing provider's own Eligibility Policy.

Once verification is completed, the successful applicant will receive an offer of a tenancy in writing from the Registered Housing Provider (the landlord) which will include details of the weekly rent and any service charges. Once the applicant has been offered a property, they will be unable to place any further bids on other properties.

In certain situations, the offer will not be made, or, if made, may be withdrawn if:

- Since joining the scheme, the applicant has become ineligible;
- On verification of their details, the priority band has been incorrectly awarded due to the information received by the applicant, or due to mistakes in the assessment of the application itself;
- The circumstances of the applicant have changed since the priority band was awarded or they are no longer entitled to the same level of priority;
- The landlord has a good housing management reason not to offer a property.

If the applicant does not reply to an offer within 2 working days of receiving an offer, then the offer will be deemed to have been refused and the property will be offered to the next applicant on the shortlist who qualifies for that offer.

All offers will be formally made in writing. Notification in writing may be made by letter, e-mail or, in an urgent situation, by text.

## 7.7. Refusals of Offers

Unless the applicant is being housed under the homelessness legislation (see section 8), the applicant may refuse a maximum of two suitable and reasonable offers of accommodation<sup>11</sup>. If both offers are considered suitable and reasonable and are refused, the applicant will be removed from the register and will not be able to re-apply for 12 months.

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<sup>11</sup> 'suitable offers' is defined by the Homelessness (suitability of accommodation) (England) Order 2012)

Before any applicant is removed, checks will be made to determine if both the offers were reasonable in relation to the applicant's housing circumstances. The Applicant will have the right to request a review of the decision to be removed from the Register. See section 9.1 on the review process.

It is within the discretion of the Managing Agent in consultation with the Council to waive this removal.

## 7.8. Local Lettings Plan

The Housing Register may sometimes use local lettings plans (LLP) to nominate a property. A local lettings plan is an agreement between a developer and the Council about how properties will be allocated. It is used to facilitate sustainable communities:

- Where there have been particular management problems identified in an area;
- When nominating a new or refurbished development to ensure the creation of a balanced and sustainable community. This could include, for example, consideration of child density levels. In these circumstances a nominations agreement will be made between the housing provider and the Council during the development phase.
- To fulfil requirements under Planning Agreements (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.

The Council will monitor to ensure that allocations reflect the Local Lettings Plan and do not discriminate on equality grounds.

## 7.9. Sensitive Letting (property)

An individual property may be a 'sensitive let'. This could be where there is a confirmed history of anti-social behaviour or criminal activity at that property involving the previous tenant or members of their household. A property will only be named a sensitive let with the approval of a senior manager for the Managing Agent or Council.

## 7.10. Social and Welfare Priority

The Social and Welfare Panel is able to consider and make decisions on applications relating to register eligibility, exemptions and banding when information on the application does not clearly fit within the assessment criteria, and additional social and/or welfare priorities may be taken into account. The Panel is made up of representatives from the Managing Agent, Sevenoaks District Council and the Registered Housing Provider. The Panel meets at least monthly to consider the supporting evidence and documentation provided by a relevant

support worker or professional (this may include Housing Officer, Social Worker, Education Welfare Officer etc.) to consider urgent social and welfare priorities.

For further details on the Social and Welfare Panel can be found in Appendix 4.

### **7.11. Special Circumstances (applicant)**

Under some special circumstances, it may be necessary to consider other priorities when assessing a person's need for housing. This will be decided at the time of application and/or when the Managing Agent or Registered Provider/Housing Association receives relevant information, usually having considered the advice of relevant professionals and in agreement with the applicant. This would generally be when the applicant would be at risk of harm if housed in a particular location, or may pose a risk to others.

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

Applicants are entitled to details of any criteria attached to their housing application, although provision will be made to ensure that confidentiality is not breached that would put others at risk. If a bid made under Choice Based Lettings (CBL) results in an applicant being at risk, the Managing Agent 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.

### **7.12. Specially adapted Properties**

Some homes have been specially adapted to meet people's needs or have the potential to be adapted to meet people's needs, for example; homes for the disabled and for older people. To ensure we match people to appropriate homes and make the best use of the accommodation, properties currently adapted or suitable for adaptation will be advertised for those with a recognised need. The Council, in partnership with the housing provider, reserve the right to allocate such a property outside of the Choice Based Lettings scheme, band and date order system in order to best match that property to an applicant who requires an adapted property.

### **7.13. Providing Applicants with Choice**

As far as possible, the Council wishes to give choice to anyone who is looking to obtain an offer of social housing. This is why the Council operates Choice Based Lettings scheme to give applicants the best possible choice over where they may wish to live. However, this must be set against the need to resolve a situation where there is an urgent need to provide settled or alternative housing. For example, where there are homeless households to whom there is a statutory duty to provide housing. Therefore, in certain circumstances, choice may be limited.

In very exceptional circumstances, the Council or Managing Agent may make a direct offer of suitable accommodation at any time in order to resolve a threat of homelessness, homelessness itself, or to reduce the financial burden on the Council of the cost of temporary accommodation:

- a. If an applicant is accepted by the Council as statutorily homeless and owed a duty to house<sup>12</sup>;
- b. If an applicant is granted homeless status<sup>13</sup>; or
- c. If an applicant has been awarded Homeless Prevention banding under this policy.

Please note that if an applicant falls into the categories listed above and refuse a suitable offer of accommodation, they will lose the allocated A or B priority banding.

An offer of suitable accommodation made will also bring to an end any statutory homeless duty owed<sup>11</sup>. **The applicant will be warned of this consequence at the point the property is formally offered.** It is unlikely that the applicant would then receive a second offer within 12 months given lower banding. However, if they do receive such an offer and refuse that second offer, this applicant will be removed from the Register for a minimum period of 12 months.

## 8. Homelessness and Housing Advice

As part of the Homelessness Reduction Act 2017, this Council has a statutory duty to provide 'advisory services' to anyone who is threatened with homelessness within the next 56 days. As part of this service, the Council will work with individuals to complete a Personalised Housing Action Plan and help prevent them becoming homeless. This may include supporting them into alternative suitable accommodation, liaising with the current landlord and assessing their affordability to maximise income.

Not all housing problems can be dealt with through the Housing Register, or at least not in the required timescale, for example if someone is homeless or at threat of becoming homeless, or if there are problems with a landlord, or disrepair of a property.

If an individual is homeless or at risk of homelessness, the Council's Housing Advice Service can assess the housing needs under Part VII of the Housing Act 1996 (as amended).

Someone requiring housing advice about housing problems, housing options or wish to make an application as homeless should contact the Housing Advice Service at Sevenoaks District Council, Council Offices, Argyle Road, Sevenoaks TN13 1HG, tel: 01732 227000.

## 9. Requesting a Review and Making a Complaint

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<sup>12</sup> & <sup>11</sup> Housing Act 1996, sections 193(2) or 195(2)

<sup>13</sup> Under section 166A (3) (a) (people who are homeless within the meaning of Part VII of the Housing Act 1996)

## 9.1. The Review Process

Any applicants have the right to query a decision made in relation to a housing application to join the Register and any subsequent decisions. The applicant has a right to ask for a formal review of the decision within 21 days of receiving the notification letter.

An applicant has a legal right to a review of a decision in the following circumstances if they:

- a) Do not agree with the allocated Band, or with a banding change;
- b) Consider that a decision has been reached based on incorrect information;
- c) Disagree with a decision made on the basis of immigration status;
- d) Disagree with a decision made based on serious unacceptable behaviour;

If an applicant wishes to request a review of a decision, the process is set out below:

- i. The applicant will be notified in writing of any decisions made in respect of the application stating their right of review;
- ii. If an applicant wishes to seek a review, they must request a review of a decision within 21 days of being notified in writing, unless there are exceptional circumstances outside this timescale. The applicant must give reasons why they wish to have the decision reviewed, including where they believe an incorrect decision has been made, based on the facts.
- iii. The review request must be in writing (email is acceptable) stating the reasons for the review. The request for a review should be addressed to:

Housing Allocations Team  
West Kent Housing Association  
101 London Road  
Sevenoaks  
Kent TN13 1AX  
Email: [housing.options@wkha.org.uk](mailto:housing.options@wkha.org.uk)

- iv. The Managing Agent will undertake the review, which will be checked by a Housing Manager at Sevenoaks District Council who has not been involved in making the original decision.
- v. The review will be considered on the basis of the allocation scheme, any legal requirements and all relevant information. This will include information provided by the applicant on any relevant developments since the original decision was made.
- vi. Aim to complete the process and inform them in writing of the decision within 21 working days of receipt of the request and supporting information, after taking into account any additional information that is provided. Alternatively, the applicant will be advised of any time extension required to make the decision.
- vii. The applicant may also raise their dissatisfaction through the West Kent Housing Association's Complaints Policy which is detailed on their website at [www.westkent.org](http://www.westkent.org).

- viii. The right to a review of a decision does not prejudice the applicant's right to direct complaints to the Local Government Ombudsman, the Housing Ombudsman or other appropriate bodies.

## 9.2. Making a Complaint

To make a complaint about this Policy, complaints should first be made using the Stage 1 and 2 of the Council's complaints procedure. A copy of the current procedure is available on the Council's website at [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk).

If the applicant is still not satisfied with the outcome of their complaint, a further complaint can be made direct to the Local Government Ombudsman service. The Local Government Ombudsman is an independent service run by central government to make sure that Local Authorities provide the required standard of service to customers.

The Ombudsman will normally deal with a complaint if a customer feels they have been treated unfairly as a result of maladministration.

All complaints to the Ombudsman must be in writing. Applicants can request assistance from their local Councillor or get someone else to write on their behalf. The contact details for the Local Government Ombudsman are:

Local Government Ombudsman  
PO Box 4771  
Coventry CV4 0EH

If an applicant wishes to make a complaint about how the Managing Agent has handled a housing application or the operational process of an application, please use West Kent Housing Association's Complaints Policy which is detailed on their website at [www.westkent.org](http://www.westkent.org), in the first instance before using the Council's Complaint's procedure as detailed above.

## 10. Removal from the Register

### 10.1. Refusal of Suitable Offers

If any applicant refuses 2 suitable or reasonable offers<sup>14</sup> in a 12 month period they will be removed from the Housing Register and will not be able to reapply for a period of 12 months.

Please note: that term ‘accommodation’ means any accommodation which matches the housing needs.

If an individual is owed a main homelessness duty, the two offer policy does not apply and the refusal of one suitable offer will end the homelessness duty. This will also result in the Council no longer owing the applicant a statutory homelessness duty as one offer has been refused.

If an applicant has been awarded an ‘urgent need to move’ priority banding A, they may be removed from the Register if they refuse 1 suitable and reasonable offer which meets the housing needs in preferred locations, as the housing need is classed as an urgent priority.

Any decision to waive the removal from the Register rule for refusing two offers due to exceptional circumstances will be made by the Managing Agent in consultation with the Council.

### 10.2. Failure to bid

If an applicant does not bid on any property within a period of 12 months, the applicant will be removed from the Housing Register and will not be able to reapply for a period of 12 months, unless they can demonstrate exceptional circumstances.

The Managing Agent in consultation with the Council have the authority to waive this removal.

Note: If the applicant is granted a priority or urgent band (A or B), the applicant may lose this priority banding if they are not bidding within a reasonable period of time, which could be as little of 3 months.

### 10.3. Giving False Information

It is a criminal offence if, when applying for housing, an applicant knowingly gives false information or withhold information relevant to an application. An offence is also committed if an applicant allows a third party to provide false information on their behalf.

If an applicant is found to have withheld or given false information and are removed from the Register, they will not be able to reapply for a minimum period of 12 months. Decisions to remove anyone from the register will be made

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<sup>14</sup> ‘suitable offers’ is defined by the Homelessness (suitability of accommodation) (England) Order 2012)

based on the seriousness of the false information given and an assessment of why the information was withheld.

## 11. Applicant Information and Rights

### 11.1. Confidentiality

Information received in relation to an application will be treated in confidence in accordance with the Data Protection Act 1998. Confidential Information held about customers will not be disclosed to third parties apart from:

- Where the individual has consented to the disclosure;
- Where the Council is required by law to make such a disclosure;
- Where disclosure is made in accordance with a recognised Information Sharing Protocol or for reasons of public protection.

### 11.2. Data Protection and Information Sharing

The Managing Agent and Council will ensure that all information provided by an applicant, and by third parties in relation to an application, is treated in strictest confidence. In doing so, this will comply fully with legal requirements<sup>15</sup>.

We will seek an applicant's consent to share personal information about them or any member of the household.

Where an applicant does not consent to their information being shared, this may result in an application not being complete and consequently, unless there is an exceptional reason for not consenting, the applicant will not be admitted onto the Housing Register.

The applicant's information may be shared irrespective of whether consent has been obtained in exceptional circumstances. These circumstances will include:

- a) In accordance with the provisions of the Crime and Disorder Act<sup>16</sup>
- b) For the purposes of the prevention or detection of crime and fraud.
- c) Where there is a serious threat to the applicant or a third party, including staff or contractors.
- d) Where information is relevant to the management or support duties of the proposed landlord or any nominated support organisation, to ensure the health and safety of the applicant, a member of the household or a member of staff.

### 11.3. Equal Opportunities and Monitoring

Sevenoaks District Council is committed to ensuring that its policy and procedures in the letting of property are non-discriminatory and that all customers are able to access the service especially taking account of any

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<sup>15</sup> Data Protection Act 1998, in relation to the way the Council stores and processes the information we hold on applicants, and with s.166(4) of the Housing Act 1996.

<sup>16</sup> Crime and Disorder Act 1998, Section 115

vulnerability or other specific needs, and also the needs of different groups protected by Section 149 of the Equality Act 2010.

To identify the needs of our customers, the application form will have specific questions relating to vulnerability, ethnic origin, sexual orientation, disabilities and other relevant criteria. This information will be used to monitor the impact of the policy on minority and specific needs groups and to make such amendments as may be required, to ensure no group is disadvantaged by the policy.

Under the Equality Act<sup>17</sup>, this Council is required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, in their exercise of a public function. To comply with our duties in the Equality Act, 'reasonable preference' categories are given priority for housing and the overall customer satisfaction with the scheme is monitored.

#### **11.4. Treating all applications fairly**

Elected Councillors cannot be involved in assessing housing applications or the allocation of housing. However, this does not prevent them from seeking or providing information on behalf of their residents.

In order to ensure that we treat all applicants fairly, any application for housing from Councillors or employees of the Council or a partner Housing Association must be disclosed to the Managing Agent or Council. Canvassing is not allowed. These applications will be assessed in the normal way, but an offer of housing must be approved by a manager at Sevenoaks District Council with responsibility for housing.

#### **11.5. Right to information**

The Freedom of Information Act 2000 makes it a requirement for every Local Authority to produce a Publication Scheme which sets out all the information it makes available to the public and whether copies of that information are available free of charge. The Publication Scheme includes information that the Council is legally obliged to publish. The Scheme is also intended to assist in developing a culture in which openness and transparency are encouraged which supports the requirements of the Local Government Act 2000. This duty does not apply to registered social housing providers.

## **12. Glossary**

AA	-	Attendance Allowance
AFIP	-	Armed Forces war pension
CBL	-	Choice Based Lettings Scheme
DBS	-	Disclosure and Barring Service
DCLG	-	Department of Communities and Local Government

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<sup>17</sup> Equality Act 2010, section 149

DLA	-	Disability Living Allowance
HERO	-	Housing, Energy, Retraining and Options
KCC	-	Kent County Council
LCHO	-	Low Cost Home Ownership
LLP	-	Local Lettings Plan
MAPPA	-	Multi Agency Public Protection Arrangement
MARAC	-	Multi Agency Risk Assessment Conference
PIP	-	Personal Independence Payment
SDC	-	Sevenoaks District Council
SDHR	-	Sevenoaks District Housing Register
SLA	-	Service Level Agreement
TA	-	Temporary accommodation

### 13. Appendix 1 - Definitions

<b>Adult</b>	An adult is a person aged 18 or over who has legal control over their person, actions and decisions and is therefore regarded as independent, self-sufficient and responsible.
<b>Affordable Housing</b>	Accommodation provided by 'Registered Housing Providers'.
<b>Allocation</b>	A housing authority allocates accommodation (under Part 6 of the Housing Act 1996) when it: <ul style="list-style-type: none"> <li>• selects a person to be a secure or introductory tenant of accommodation held by that authority</li> <li>• nominates a person to be a secure or introductory tenant of accommodation held by another housing authority</li> <li>• nominates a person to be an assured tenant of accommodation held by a Private Registered Provider</li> </ul>
<b>Assured tenant</b>	A person with an assured shorthold tenancy, including of an Affordable Rent property.
<b>Child</b>	A dependent child is defined as being under 16 years of age, or under 18 and in, or about to begin, full-time education or training. A 16 or 17 year old may not be seen as dependent if they are living independently, have been excluded by parents or are leaving care etc.
<b>Common Travel Area</b>	Includes the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.
<b>Council</b>	Sevenoaks District Council or its Managing Contractors.
<b>District</b>	The whole locality area for the Council of the Sevenoaks District.
<b>Employment</b>	Paid employment in the District.
<b>Exception Site</b>	A site outside the normal development boundary of a village or market town that has been granted planning permission to provide accommodation for local people. Allocation arrangements are specified in a Section 106 Agreement.

<b>Guarantor</b>	Person who holds the responsibility to ensure rent is paid as well as any losses, expenses or damages where the young person fails to carry out their obligations under the agreement.
<b>Homeless</b>	An individual who lacks housing including a person whose primary residence during the night is a supervised public or private facility (Shelter) that provides temporary living.
<b>Housing Register</b>	A list of applicants who are eligible to apply for housing in the District.
<b>Intentionally homeless</b>	<ul style="list-style-type: none"> <li>• If a person deliberately does or fails to do anything in consequence ceases to occupy accommodation (or the likely result of being forced to leave accommodation) and;</li> <li>• the accommodation is available for the person's occupation; and</li> <li>• it would have been reasonable for the person to continue to occupy the accommodation.</li> </ul>
<b>Managing Agent</b>	'West Kent Housing Association' who manages the Sevenoaks District Housing Register on behalf of Sevenoaks District Council as part of a Service Level Agreement.
<b>Secure tenant</b>	A person with a flexible tenancy granted under s.107A of the Housing Act 1985
<b>Statutory homelessness</b>	Statutory duties on local housing authorities to ensure that advice and assistance to households who are <b>homeless</b> or threatened with <b>homelessness</b> is available free of charge
<b>We/our</b>	This is intended to mean Sevenoaks District Council

## 14. Appendix 2 - Banding Criteria

Full definitions within each priority group to be added.

Banding System A-D	Housing Need Priority Group or Circumstance
<b>Band A</b> <b>Urgent Need to Move</b>	Imminent risk of serious harm
	Demolition or Compulsory Purchase Order
	Major works
	Statutory overcrowding
	Emergency medical condition, welfare need or disability
	Young people in care
	Releasing adapted housing
	Agricultural workers (Rent Agriculture Act)
<b>Band B</b> <b>High Priority to Move</b>	Homeless households in TA for over 6 months
	Qualification under Homelessness Reduction Act 2017
	Serious Medical, Welfare or Disability needs
	Hardship (support or employment)
	Under-occupying in social housing
	Overcrowding in social housing
	Serious hazards assessed in private sector housing
	Moving to housing specific for older people
	Members of the Armed Forces
	Parental eviction - at home for over 12 months
Applicants in supported housing	
<b>Band C</b> <b>Medium Priority to Move</b>	Homeless households in TA under 6 months
	Made and eligible for homeless application but not in priority need
	Rough Sleepers (verified)
	Parental eviction - able to remain for 12 months
	No or shared access to facilities essential to health and wellbeing
	Overcrowding (as defined by the Bedroom Standard) with no priority need (as defined by Housing Act 1996)
	Non-successor - low priority
	Intentionally homeless
	Non critical or serious Medical, Welfare or Disability needs
No access to a kitchen	
<b>Band D: Low Priority to</b>	Need to share kitchen, bathroom, WC or living room

The text highlighted in red forms are the operational changes going out to consultation

Move	Rural Exception site applicants and Parish Connection
	Over 55 year olds with no housing priority need but want to move into housing designated for older people
	Applicants banding reduced for a period of time

## 15. Appendix 3 - Documents required for Housing Register application

Proof of an applicant's identity, current address, household details and finances are required before the application can be accepted onto the Housing Register to verify the information provided.

Required documents	Examples
Proof of identity At least one proof of identity must include a photograph	Birth certificate Valid Passport
Current proof of residence One of the following for each person aged over 16 years	<ul style="list-style-type: none"> <li>• Rent card/book</li> <li>• Recent bill or credit payment book for gas, electricity, water supply or telephone</li> <li>• Confirmation from Employer or DSS</li> <li>• Tenancy Agreement</li> <li>• Full UK driving licence</li> <li>• Council tax bill</li> <li>• Notice to quit, Section 21 or Property repossession order if applicable</li> </ul>
If the applicant is a Council or Housing Association tenant	Copy of the tenancy agreement
Proof of Income All of these are relevant for each member of the household over 16 years	<ul style="list-style-type: none"> <li>• Last three months' wage slips (or 13 weeks if paid weekly) or latest tax return if self employed</li> <li>• Proof of all benefits received i.e. income support, DLA, etc.</li> <li>• Disbursement details (if there has/will be a house sale in last 3 years)</li> </ul>
Proof of Financial details	<p>The most recent three months' full bank statements for every account held by each person aged over 16 years. This includes:</p> <ul style="list-style-type: none"> <li>• Bank, building society, savings and post office accounts.</li> </ul> <p>Each statement must show all transactions because summary statements or balance sheets will not be accepted.</p>
Proof of any other assets held	<p>Copies of other assets including stocks, shares and bonds - including any assets owned outside the UK.</p> <p>A current valuation of any property owed including outside the UK.</p>
Proof of income from child benefits or equivalent	<p>Children living with the applicant - Proof of the following:</p> <ul style="list-style-type: none"> <li>• Child benefit</li> </ul>

	<ul style="list-style-type: none"> <li>• Child Tax and Working Tax Credits</li> <li>• Custody or Residence Order</li> <li>• A letter from a Solicitors confirming that they acted for the applicant in relation to a dispute regarding custody/ residence of children &amp; how it was resolved</li> <li>• Confirmation from DSS or Social Services</li> </ul>
Maternity Certificate	If pregnant, a copy of the Maternity Certificate (MAT B1) which a doctor/midwife will provide at the 26 weeks pregnant stage.

## 16. Appendix 4 - Social and Welfare Priority Assessment Panel

### The purpose and frequency of the Panel

Social and Welfare Panel is able to consider and make decisions on applications, exemptions and banding when information on the application does not clearly fit within the assessment criteria, and additional social and/or welfare priorities may be taken into account.

The Panel meets at least monthly (more frequently if required) to consider the supporting evidence and documentation provided by a relevant support worker or professional (this may include Housing Officer, Social Worker, Education Welfare Officer etc.) to consider urgent social and welfare priorities. Any evidence will be sent to Panel representatives in advance for consideration.

### Panel Representatives

The Panel will consist of the following representatives:

- Sevenoaks District Council - Housing Advice Team Leader or relevant representative with responsibility for Housing;
- West Kent Housing Association Senior Officer or their relevant representative;
- Additional members co-opted as and when required.

### Panel Process

A written assessment and supporting evidence is considered by the Panel to establish whether a social and welfare priority should be awarded, as the evidence indicates an exceptional reason for a change in priority banding or housing. **All options for resolving the applicant's difficulties will be considered before any additional priority may be awarded.**

Some examples of social and welfare priority that may be considered by the Panel include:

- Urgent welfare needs in order to deal with child protection issues arising under the Children Act;
- To provide further protection and reduce the risk level to vulnerable adults or children, as the current home could contribute to deteriorate to the household member at risk;
- Where an applicant requires a type of special housing provision such as where additional care or support is required for a long term medical condition or disability;
- Families with a child with medical or behavioural difficulties, which may require an additional bedroom or a particular type of accommodation;
- Requiring additional space to accommodate a carer or to foster/adopt (confirmation in writing will be requested from the relevant County Council or adoption agency);
- The need for rehousing due to irreconcilable neighbour disputes when all other options have been exhausted including mediation etc. This may include

acts (or attempted acts) of violence, threats, witnesses of crime, harm, intimidation and harassment.

- Applicant requests for exceptions to this Policy, such as increase affordability due to a change of circumstances (ill health, loss of work etc.) or to alleviate hardship;
- Requests for a transfer or rehousing where there has been a bereavement or personal tragedy in the property or area;
- Applicants that may be excluded from this Policy but where exceptional circumstances need to be considered to establish qualification.

### **Monitoring and Outcomes**

All decisions and reasons for that decision will be recorded and the applicant informed of the decision. Additional evidence or information may be required before the Panel can make a final decision. In exceptional cases, an applicant may be asked to attend the Panel to provide clarification on their case.

A review date will be set (at least annually) to ensure that the priority award remains valid; the applicant at review may be required to re-apply for a Panel assessment. If the applicant has been awarded an 'urgent need to move' priority banding is A, they will be removed from the Register if they refuse 1 suitable and reasonable offer which meets the urgent housing needs and is within their preferred locations. Applicants who have been awarded as an urgent priority banding of A will be reviewed on a six monthly basis to see if any help or support is required with bidding and to ensure this urgent priority awarded is still valid and appropriate.

It is the applicant's responsibility to notify the Managing Agent of any changes in their housing and/or social and welfare circumstances to enable priority to be re-assessed. Failure to notification may result in the loss of any priority banding.