

**Housing Allocation Policy  
and  
Choice Based Lettings Scheme**  
*Interim Policy*  
*(09/11/2015)*

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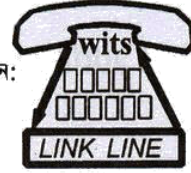
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**01483 750548**

# Housing Allocation Policy and Choice Based Lettings Scheme

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# Interim Housing Allocation Policy and Choice Based Lettings Scheme

## 1. Introduction

This document outlines Epsom & Ewell Borough Council's Housing Allocation Policy and Choice Based Lettings Scheme (CBL) as required by the Housing Act 1996. There is no 'council housing' in Epsom and Ewell. The Council transferred its entire permanent housing stock through Large Scale Voluntary Transfer to Rosebery Housing Association in 1994. In order to meet housing need the Council has 'nomination rights' to a percentage of the housing association vacancies. This Policy identifies the priorities and procedures the Council will follow in allocating the Social Housing properties where it has nomination rights.

The intention in developing the Allocation Policy has been to have a scheme that prioritises housing applicants with a housing need and a local connection to Epsom & Ewell Borough Council.

The policy enables the Council to consider the individual needs of its applicants while making best use of the limited housing stock within the Borough. The policy sets out:

- Who is eligible & qualifies to be accepted onto the Housing Needs Register
- Who is not eligible & non-qualifying to be accepted onto the Housing Needs Register
- How to apply for housing
- How priority for housing applicants will be given
- What the decision making processes are
- How properties will be advertised
- How applicants will be selected
- How properties will be let
- How reviews will be conducted

Under the Housing Act 1996, as amended the Council is required to have an Allocation Scheme to determine priorities in allocating housing and to set out the procedures to be followed. This Policy has been drafted to comply with the requirements of the Housing Act 1996, as amended and takes account of statutory guidance issued by the Department of Communities and Local Government Department (DCLG).

Under the Localism Act 2011 each Local Authorities may review their Allocation Schemes to set their own local priorities and to decide which applicants are qualifying or not qualifying for inclusion on the Housing Needs Register.

As a result the Council has recently made changes to how the Housing Needs Register will operate. The changes are designed to make the allocation scheme more straightforward to administer and fairer to all categories of applicants on the Housing Needs Register.

The Council is looking to implement these changes in phases over the next year and has developed this interim policy to do so.

The most significant changes the policy, from the Council's previous policy, are as follows:

- The register will no longer be an open register and stronger restrictions will be placed on who can qualify for social housing with strengthened criteria relating to local connection, financial resources and behaviour. *(Implemented in November 2015).*
- The points based scheme will be replaced with a banding scheme. *(Due to be implemented in 2016)*
- Qualifying applicants will be placed in an application category as either a homeless applicant, a waiting list applicant or a transfer applicant and a quota of properties will be attached to each of the categories. *(Due to be implemented in 2016).*
- The level of choice available to homeless households living in temporary accommodation has been reduced and they will now be made one direct offer of suitable accommodation. *(Implemented in July 2015).*
- Reduced priority will be given for waiting list and transfer applicants who refuse 3 suitable offers of accommodation. *(Implemented November 2015).*
- Specific provision has been made for armed forces personnel and right to move applicants.
- Household and property size criteria will be aligned with the DWP Bedroom Standard. *(Implemented in July 2015).*

## **1.1 Legal Background**

In framing the Housing Allocation Policy and Choice Based Lettings Scheme the Council has had regard to the following:

- Relevant legislation
- Statutory Guidance and other relevant Government guidance/information
- Relevant decided cases
- The Council's Tenancy Strategy 2012
- The Council's Homelessness Strategy 2008-13

References in the Housing Allocation Scheme to statute and case law, regulations, and ministerial guidance are necessarily limited. They are not intended as a substitute for the original sources, which should be consulted directly where necessary. References to legislation are to the current version, incorporating any amendments.

## **1.2 Aims and Objectives of the Allocations policy**

The overall aim of the Council's policy is to ensure that all social housing in the Borough that the Council has nomination rights to, is allocated fairly and objectively to those most in need, having regard to any legislative requirements and any regulations or Codes of Guidance issued by DCLG.

The policy has been written with a view to meeting the following key principles:-

- Operate an Allocation Policy and Choice Based Lettings Scheme for housing applicants with a local connection to Epsom & Ewell Borough Council who are in housing need that realistically reflects the housing options available
- Ensure those in housing need are given preference for housing, in accordance with the law and relevant Codes of Guidance

- Meet local needs and local circumstances
- Maintain an appropriate balance between the needs of homeless households and others in housing need
- Offer applicants as much choice as possible within the boundaries of high demand for housing and limited availability of resources
- Ensure that the process of applying for, and the allocation of, a housing is open, fair, transparent and accessible
- Make best use of the housing stock in the borough ensuring safe, sustainable and balanced communities are maintained, re-let times are minimised and under-occupation is reduced
- Consider appropriate priority for social tenants who want to downsize
- Recognise and address the housing and support needs of vulnerable people
- Ensure that Armed Forces Service personnel get appropriate priority
- Contribute to the prevention of homelessness and provide a wider housing options approach which encourages applicants to explore all of the alternative housing options
- Provide information and feedback on homes that are let through the CBL scheme in order to enable applicants to make informed decisions about their housing choices and on their future prospects of housing
- Prevent Housing Needs Register /Homelessness fraud
- Collect data on housing need as reflected in the Housing Needs Register to inform local & central government and other statistical returns

### **1.3 The Allocation Scheme**

#### **1.3.1 Definition of an 'allocation'**

The Council maintains a single Housing Needs Register for people in need of affordable housing. The Housing Needs Register is used by the Council for allocating all housing under Part 6 of the Housing Act 1996 . This applies where the Council; -

- Selects a person to be a Secure or Introductory Tenant of accommodation held by that authority;
- Nominates a person to be given a Secure or Introductory Tenant of accommodation held by another Housing authority;
- Nominates a person to be an Assured Tenant of accommodation held by a Private Registered Provider (or Registered Social Landlord in Wales).

The term "Assured Tenant" includes a person with an Assured Shorthold Tenancy, including of an Affordable Rent property and "Secure Tenant" includes person with a Flexible Tenancy granted under s107A of the Housing Act 1985.

#### **1.3.2 Lettings not covered by the Scheme**

Not all nominations or lettings made by the Council are allocations made under Part 6 of the Housing Act 1996. The following are examples of lettings not covered by, or specifically excluded from the Allocation Scheme, under the provisions of the Housing Act 1996:

- Offers of Non-Secure Tenancies or assured shorthold tenancies to homeless persons pursuant to any duty under Part 7 of the Housing Act 1996

- The conversion of Introductory /Starter Tenancies into Flexible, Secure or Assured Tenancies
- Offers of tied accommodation made to Council employees (service occupancies)
- Offers of, or nominations to, accommodation made at the Council's own instigation rather than in response to an application. For example offers to tenants being decanted from their homes to allow major works to take place.
- Assignments and successions to tenancies
- Mutual Exchanges
- Transfers of tenancies made by Court Order under the Matrimonial Causes Act 1973 or other family legislation
- Vesting or disposal of tenancies by order of a Court
- Referrals to Assured Shorthold Tenancies by the Housing Options Team to prevent homelessness where the landlord is a Registered Provider or private landlord
- Any other situations, added by the Secretary of State through the making of regulations, in which the allocation scheme will not apply
- Existing secure, introductory and assured tenants seeking a transfer who are not considered to have reasonable preference are outside the scope of the provisions on Allocation of Housing Accommodation in Part 6 Housing Act 1996
- Supported housing and extra care housing, where additional support and social care services are required will not be advertised through Epsom & Ewell Home Choice and will be allocated by dedicated allocation panels. Allocations through these panels will be based on an assessment of the level of support and care required by the applicant.

#### **1.4 Housing Stock Profile**

As noted above, there is no 'council housing' in Epsom and Ewell. The Council transferred its entire permanent housing stock through Large Scale Voluntary Transfer to Rosebery Housing Association in 1994. In order to meet housing need the Council has 'nomination rights' to a percentage of the housing association vacancies. All tenancies allocated for settled social rented housing are Assured Tenancies. The term "Assured Tenant" includes a person with an Assured Shorthold Tenancy, including of an Affordable Rent property.

Rosebery Housing Association and Mount Green Housing Association also manage hostels and self-contained accommodation providing temporary accommodation to persons owed a duty under sections Part 7 of the Housing Act 1996, as well as properties let on Assured Shorthold Tenancies to prevent homelessness. These properties fall outside the allocation scheme.

#### **1.5 Statement on Choice**

Epsom & Ewell Borough Council has developed this Allocation Policy and Choice Based Lettings scheme to extend choice to all eligible applicants for social housing by giving them an opportunity to express their preference for the area and type of housing they want to live in. Wherever possible such preferences will be taken into account in allocating accommodation. However, this must be balanced with the requirement that the Council meets its legal duties as a local authority, addresses local housing need and ensures the efficient management of the housing stock to which we can nominate tenants. With the exception of homeless households to whom this Council has accepted the full homelessness duty, most applicants are therefore allowed to freely choose their preferred



landlord, property type and area that they wish to be considered for. Exceptions to this are described in Section 1.5.1.

Waiting list and transfer applicants will be allowed to refuse 3 suitable offers of accommodation. A reasonable offer of accommodation is one that is suitable for the households needs. Applicants who refuse 3 suitable offers of accommodation will be entitled to remain on the Housing Needs Register but will have their priority reduced. Their degree of preference will continue to be determined by their housing need assessment but their Registration Date will be amended to be the date of refusal of the third offer and any time points will be removed, therefore reducing their priority.

Homeless households and emergency medical cases will be made one suitable offer of nomination for accommodation within the borough.

It should be noted that in order to make the best use of the stock, available lettings plans and property selection criteria may specify that only applicants of a specific household type may bid for particular sizes or types of property. Where this is the case the property advert will set out clearly the particular criteria that applies to that property. Applicants will then be short-listed based on these criteria.

### **1.5.1 Restricted and Assisted Choice**

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

- Emergency Medical Cases
- Statutorily homeless households

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

### **1.5.2 Emergency Medical Cases**

These applicants will be made one suitable offer of nomination for accommodation within the borough. In determining the suitability of the property, consideration will be given to any medical needs that the household has, the location of employment, schooling and support networks, mobility and transport issues and any proven issues of violence or harassment.

If the applicant with an emergency medical priority refuses a suitable offer of nomination they will no longer be entitled to that priority. Any further nominations will then be made in accordance with the normal procedure regarding needs and choice.

### **1.5.3 Statutorily homeless households – Assisted Choice**

For homeless households, an 'assisted choice system' will be in place. Where the Epsom & Ewell Borough Council has accepted a full statutory duty, a direct offer of one suitable property will be made anywhere in the borough. The Council will arrange for automatic bids to be made for these applicants from the date the Council accepts their homelessness application.

Offers to these applicants will generally be flats and could be located anywhere in the borough. However, in determining the suitability of a property, consideration will be given to any medical needs that the household has, the location of employment, schooling and support networks, mobility and transport issues and any proven issues of violence or harassment.

The Council can also discharge its statutory duty to homeless households through an offer of accommodation in the private rented sector, not necessarily within the borough. This does not require an applicant's consent but it will be in line with the relevant legislation.

In addition where an applicant is unintentionally homeless, eligible for assistance and has a priority need for accommodation, the housing authority has a duty to secure that accommodation is available for occupation by the applicant. The authority may discharge its duty to make accommodation available by making a direct offer of accommodation under Part 6 of the 1996 Act if the applicant has the necessary priority under the allocation scheme.

In these cases applicants will be advised that this offer is a final offer and if the offer is refused the Council will discharge any duty that may be owed under Part 7 of the Housing Act 1996 and possession proceedings will be commenced to evict them from their temporary accommodation.

Applicants have the right to request a review of our decision if they feel the property offered was unsuitable under the legislative requirements. Applicants offered suitable accommodation in discharge of our duty under Part 7 of the Housing Act 1996 have a right to accept the property, move in and still request a review regarding its suitability.

#### **1.5.4 Epsom & Ewell Home Choice**

In order to offer choice Epsom and Ewell Borough Council operates a Choice Based Lettings scheme known as Epsom and Ewell Home Choice. The Council will advertise housing association vacancies to which it has nomination rights in its offices, on the internet, on a dedicated telephone line and by newsletter. Applicants on the Housing Needs Register are invited to express an interest in, or bid for, the properties advertised. Applicants may make a total of 3 bids in any one advertising cycle.

In addition Epsom & Ewell Borough Council participates in a Sub-Regional Choice Based Lettings Scheme known as East Surrey Home Choice. The other partners to this scheme are Tandridge District Council, Mole Valley District Council and Reigate & Banstead Borough Council. On occasions the partners may advertise their properties on East Surrey Home Choice and they will be available to applicants on all partners registers. These homes are generally for people over 55 years old or hard to let properties.

#### **1.6 Type of Allocation Scheme**

This interim allocation scheme is a points based scheme. Applicants are awarded points and are held in priority order, based on an assessment of their current circumstances and housing needs. The criteria and details of the points scheme are set out in Section 9 and Appendix 2 below.

##### **1.6.1 Registration Date**

All applications will be given a 'registration date'. This will be used when allocating properties to determine how long an applicant has been entered on the Housing Needs Register. The registration date of the application will be the date the fully completed form and documentation is received by the Council.

## **2.0 The Housing Needs Register**

The Housing Needs Register is the Council's list of households in need of social rented housing and low cost home ownership and is the primary access route into social housing in the borough. As there is no 'council housing' in Epsom and Ewell. Social rented housing is provided by a number of different housing associations, the largest being Rosebery Housing Association. The Council has 'nomination rights' to a percentage of the Housing Association vacancies, however the demand for housing exceeds supply and the Council uses the register to assess need and decide who will be put forward to each vacancy. The majority of vacancies will be allocated through the Council's choice based letting scheme, Epsom & Ewell Home Choice.

The Housing Needs Register includes the following types of applicant, subject to their meeting the eligibility criteria:

- Current housing association or Council tenants wishing to move
- New and existing housing waiting list applicants
- Homeless households

### **2.1 Who can apply to join the Housing Needs Register?**

When applicants apply to join the Housing Register, the Council will first consider:

- Whether someone is eligible to apply for housing, and if yes;
- Do they qualify under the policy rules?

### **2.2 Eligibility and Qualification to join the Housing Needs Register**

To qualify for inclusion on the Council's Housing Needs Register applicants must be over the age of 16 and be eligible & qualifying for Social Housing and not fall within any of the non-qualifying classes outlined in Section 2.5.

An applicant will be assessed for eligibility and whether they qualify for an allocation at the time of the initial application and again when the Council is considering making an allocation, particularly where a long time has elapsed since the original application.

### **2.3 Eligibility**

An applicant may be ineligible for an allocation of accommodation under the Housing Act 1996, and, if so, will be ineligible for inclusion on the Housing Needs Register.

### **2.3.1 Exclusions from the Housing Needs Register**

#### **2.3.2 Persons from abroad**

A person may not be allocated accommodation under Part 6 of the 1996 Act if he or she is a person from abroad who is ineligible for an allocation under s.160ZA. A person is not eligible if they are:

(i) *a person subject to immigration control* - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State, and

(ii) *a person from abroad* other than a person subject to immigration control - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation.

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

A housing authority must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, the authority may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a Private Registered Provider. Most transferring tenants fall outside the scope of the allocation legislation; while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions.

The statutory provisions regarding eligibility in respect of persons from abroad are set out in section 160ZA of the Housing Act 1996. These requirements are set centrally. The Secretary of State may from time to time amend the classes of person eligible to be considered for housing. The Allocation Scheme would automatically be amended to reflect any such changes from the date of their implementation. Full the statutory provisions regarding eligibility are outlined in Appendix 1.

### **2.4 Qualification**

Under the Housing Act 1996 social housing may only be allocated to 'qualifying persons' and housing authorities are given the power to determine what classes or groups of people are qualifying or not qualifying for inclusion on the Housing Needs Register. These requirements are in addition to the provisions on eligibility in respect of persons from abroad which continue to be set centrally by the Government.

### **2.4.1 Qualifying Persons**

In order to qualify to be included on the Housing Needs Register applicants must fulfil the following criteria:

### **2.4.2 Local Connection**

In line with statutory code of guidance the Council has elected to restrict access to the limited social housing available to applicants with a local connection with the borough. Therefore applicants without a local connection will not qualify for inclusion in the Housing Needs Register unless specifically provided for in legislation or the Exceptions to the Local Connection Criteria in Section 2.4.3.

Definition of a local connection under this policy is different to that under Part 7 of the Housing Act 1996, dealing with homelessness.

For the purposes of this policy an applicant has a local connection with the borough if s/he falls in one of the following classes:

#### **Residence**

- a) the applicant or the joint applicant must live in the borough and have done so continuously for the last 2 years.

#### **Residence through family member**

- b) the applicant or the joint applicant has a connection with the borough because s/he has an mother, father or adult child, brother or sister (including those by legal adoption) who has lived in the borough for at least 5 years and there is an evidenced need to move/live in the borough to provide or receive care or support because of an current and ongoing welfare and/or health reason.

#### **Working**

- c) the applicant or the joint applicant has a connection with the borough through employment, which means that s/he:
  - i) has been and is in continuous employment for more than 2 years (although not necessarily with the same employer), and
  - ii) the employment must be of at least 16 hours per week, or
  - iii) has been and is in self-employment for more than 2 years with an ongoing viable venture which is undertaken within the borough, and
  - iv) Any work undertaken must be genuine and effective.

### **2.4.3 Exceptions to the Local Connection Criteria**

The following exceptions will apply to qualifying classes:

## **Armed Forces Personnel**

Regulations provide that authorities must not disqualify the following applicants on the grounds that they do not have a local connection with the borough:

Those where any member of the applicant's household comes within the scope of the Regulations, namely:

- i) is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing
- ii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where
  - the spouse or civil partner has served in the regular forces; and
  - their death was attributable (wholly or partly) to that service; or
- iii) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

## **Social Housing Tenants – The Right to Move**

On 20 April 2015 *The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967)* came into force. Consequently the proposed Allocation Policy has been amended to reflect these statutory changes.

The Regulations ensure that, where local housing authorities decide to use a local connection requirement as a qualification criterion, they must not apply that criterion to certain persons so as to disqualify them from an allocation of social housing. Specifically, a local connection requirement may not be applied to social tenants in England who:

- have reasonable preference because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works or has been offered work in the district of the authority and has a genuine intention to take up the offer.

Persons, who at the date of their application, are social housing tenants with an assured, introductory or secure tenancy and do not reside in the borough of Epsom & Ewell, will be deemed to have a local connection if:

- they need to move to borough to avoid hardship; and
- their work is located in the borough of Epsom & Ewell; or
- they have an offer of work in the borough of Epsom & Ewell that they have a genuine intention to accept.

The Council will require documentary evidence to confirm work or an offer of work. Their employer will also be contacted. This will be checked again before an offer of social housing is made.

To assess whether they need to move to avoid hardship the Housing Operations Manager will make an assessment and will take into account the following factors:

- the distance and/or time taken to travel between their work in Epsom & Ewell and their current home;
- the availability and affordability of transport from their current home to their work in Epsom & Ewell taking into account the level of their earnings;
- the nature of their work and whether similar opportunities are available closer to their current home;
- other personal factors, such as medical conditions and child care, which would be affected if they could not move;
- the length of their work contract; and
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

This will also apply to apprenticeships and offers of apprenticeships but does not apply to work that is short-term or marginal in nature, or ancillary to work in another borough. Voluntary work is also excluded.

Persons who qualify under this section will be assessed in accordance with the welfare or hardship criteria outlined in Section 9 of this policy and any quotas that may be set aside for this group will be set annually in line with section 16 of this policy.

### **Households accepted as homeless by Epsom & Ewell Borough Council**

A household who has been accepted as homeless by Epsom & Ewell Borough Council under the Housing Act 1996 (and has not been referred to another authority on 'local connection' grounds) and duty has yet to be discharged, will be deemed to be a qualifying person with regard to local connection within this policy. People found to be homeless who have a local connection, are defined by the Housing Act 1996 Part 7.

Applicants placed outside the borough by the Council into temporary accommodation under the homelessness legislation will retain a local connection for the purposes of qualifying for the Housing Needs Register.

### **Retained local connection**

Applicants placed outside the borough by the Council into accommodation with a supported housing provider will retain a local connection for the purposes of qualifying for the Housing Needs Register.

Where an applicant has been assisted by the Council with privately rented accommodation through the Rent Deposit Bond Scheme (to prevent homelessness) and that accommodation is outside of the borough, the applicant will be assessed as still having a local connection whilst they remain in that accommodation.

Where someone is in care or an institution outside of the borough they will be treated as having a local connection if they can show that they met the residence local connection prior to being placed there. This will include looked after children and care leavers.

### **Special or Exceptional Circumstances**

Exceptions may be made to the local connection criteria on a case by case basis. For example, where the applicant provides documentary evidence that can be verified to show that they have special circumstances through which a local connection has been established with the borough or where applicants are fleeing domestic abuse or other vulnerable people for whom returning to their area of origin would place them at risk, and there is third party evidence of the risk e.g. from the Police, Probation, Adult Social Care and Children's Services etc.

In these cases the information will be reviewed on a case by case basis by the Housing Operations Manager, who will make a decision on whether the exemption should be granted.

Exceptions may also apply if the Council has agreed to assist another Council or housing provider through a reciprocal or partnership arrangement, such as through the Surrey Mobility Scheme or Witness Protection scheme.

#### **2.4.4 A Local Connection will not be established**

Where the applicant has been placed in temporary accommodation within the borough by another local authority in the discharge of their homelessness duties or as a prevention option.

Where the applicant has been placed in supported housing within the borough by another local authority and has no qualifying local connection to this borough. Time spent living in the supported housing in Epsom & Ewell will not count as a local connection.

Where the applicant is living in a hostel accommodation or supported housing in the borough they will not be considered to have any local connection unless previous residence or other qualifying local connection in the borough can be proved. Time spent living in this accommodation in Epsom & Ewell will not count as a local connection.

Where the applicant qualified for registration because the Council owed them the main homelessness duty and the Council has ceased to be subject to that duty because of the refusal of a suitable offer, and the applicant does not have any other qualifying local connection for the Housing Needs Register.

#### **2.4.5 Applicants Aged 16 or 17 years**

Applicants aged 16 or 17 years will be accepted onto the Housing Needs Register providing they do not fall within the groups of applicants who are not eligible or do not qualify. Their application will be jointly assessed by the Council and Surrey County Council's Children's Services before any offer of accommodation is made. A suitable guarantor will need to be identified if the young person is offered a tenancy, which will need to continue until the applicant reaches the age of 18 years.

### **2.5 Non Qualifying Persons**



Non-qualifying persons will not be entitled for inclusion on the Housing Needs Register regardless of local connection. Following classes of persons are classed as non-qualifying persons:

### **Financial Resources**

The Council has set financial qualifying criteria so that people with sufficient household income, savings or assets, or own their own home will not qualify to join the Housing Needs Register. The following classes of applicant will not be entitled for inclusion on the Housing Needs Register:

- a) Singles people or couples without dependent children with gross annual earnings of £25,000 or more
- b) Couples or single parents with dependent children with gross annual earnings of £50,000 or more
- c) Applicants with capital or assets in excess of £16,000, with the exception of compensation paid to armed forces personnel for an injury or disability sustained on active service
- d) Owner Occupiers or those with a financial interest in a property – exceptions may apply on a case by case basis to elderly or disabled owner occupiers with a local connection who need sheltered/adapted accommodation and whose home/assets are not of sufficient value to secure such accommodation privately
- e) Applicants who have within 5 years of the date of application disposed of, or deprived themselves of an asset, which they could reasonably have been expected to use to resolve their housing difficulties.

### **Behaviour**

The behaviour of applicants, any member of their household or persons who might reasonably be expected to reside with them, will be taken into account in determining their qualification to join and to remain on the Housing Needs Register.

The behaviour that may affect qualification to join and to remain on the Housing Needs Register is wide ranging and is set out below.

#### **Behaviour – deception and fraud**

- a) The applicant is seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances.
- b) The applicant has an unspent conviction for housing or welfare benefit related fraud.
- c) The applicant has obtained a tenancy by deception and/or attempted tenancy fraud.

Consideration will also be given to pursuing a criminal prosecution under s.171 of the Housing Act 1996 (or other similar legislation that may be applicable).

### **Behaviour – anti-social or criminal behaviour**

The Council takes anti-social behaviour seriously and does not believe that tenants or those living in a community should be adversely affected by the behaviour of their neighbours or those living nearby.

- d) An applicant will not be entitled for inclusion on the Housing Needs Register if they or a member of their household has engaged in anti-social behaviour or criminal activity or conducted that makes them unsuitable to be a tenant within two years of the date of the application.

Examples being:

- Any unacceptable behaviour which, if the applicant were a secure tenant, would entitle the housing authority to an outright possession order under the grounds for possession in the Housing Act 1985
- Breaching a condition of the tenancy agreement
- Neglect of a property
- Arson
- Anti-social behaviour
- Nuisance
- Illegal or immoral behaviour
- Violence or threats of violence
- Racial abuse or harassment
- Homophobic abuse or harassment
- Domestic abuse or domestic violence
- Being convicted of an arrestable offence committed in, or in the vicinity of their home
- Causing the condition of the property to deteriorate by a deliberate act, or by neglect.

Where the Council is satisfied that these amount to anti-social or criminal behaviour, which would make the applicant unsuitable to be a tenant, the applicant will not qualify to join the Housing Needs Register. However, if the behaviour or convictions are deemed to have had no impact on the applicants' conduct of a tenancy, the application may not be affected. This will be assessed by a Housing Operations Manager in conjunction with police/probation reports.

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

Each Housing Association has its own rules and criteria may still refuse to accept an applicant for a nomination.

## **Behaviour – housing related debt**

- e) Applicants or a member of their household has rent arrears or have an outstanding housing related debt with the Council, current or former rent arrears/debt with a housing association or private landlord and who have not made and maintained suitable repayment arrangements with the debtors. A suitable repayment arrangement will normally mean having an agreed plan in place and payments have been maintained for a period of at least 6 months. If accepted as a qualifying person the applicant would need to have cleared the debt before being considered for a nomination. Each Housing Association has its own rules and criteria may still refuse to accept the applicant for a nomination.

Housing related debts includes:

- rent arrears at a current tenancy\* or any former tenancies
- housing benefit overpayment at a current or former tenancies
- court costs associated with possession action or injunctions to address anti-social behaviour
- rent arrears from any temporary accommodation placements
- rent arrears from any current or previous hostel or supported housing placements
- withheld deposits or claims on any bonds which were provided by this Council or any other social housing provider to secure a private tenancy
- an outstanding loan for rent in advance made by this Council to the applicant in order to secure a private tenancy
- any housing debt which has been written off by a social housing landlord within a reasonable period of time
- outstanding re-chargeable repairs associated with a current or former social housing tenancy
- storage charges.

\*Exceptions may be made for existing social housing tenants living in the borough, who have current rents arrears caused as a result of the removal of spare room subsidy, and who are looking to downsize to a smaller property.

## **Behaviour – deliberately worsening circumstances**

- f) Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for a higher priority under the scheme, they will not be able to join the Housing Needs Register for 12 months from the date the Council has informed the applicant of this decision.

This includes failure to take reasonable actions or follow advice which would prevent them becoming homeless or improve their housing circumstances, for example, accept an offer of suitable private rented or housing association accommodation which, given their situation, would be reasonable to do so. This may also include failure to bid for suitable accommodation that they may have been offered.

## **2.5.1 Exceptions to the non-qualifying criteria**

### **Households accepted as homeless by Epsom & Ewell Borough Council**

A household who has been accepted as homeless by Epsom & Ewell Borough Council under the Housing Act 1996 (and has not been referred to another authority on 'local connection' grounds) and duty has yet to be discharged, will be deemed to be a qualifying person within this policy. However in the following situation further restrictions may apply.

- For homeless applicants where it is considered that they have enough financial resources as outlined in Section 2.5 the Council will seek to discharge that duty to the homeless households through an offer of suitable accommodation in the private rented sector, which may not necessarily be within the borough.
- Homeless applicants who have housing related debt will not be considered for a nomination until they have cleared the debt and can demonstrate that they can maintain a good rent payment history throughout their tenancy. See Section 9.
- Homeless applicants where they, or any member of their household, is engaging in anti-social behaviour or criminal activity the applicant will not be considered for a nomination if there has been formal action for anti-social behaviour or criminal activity taken against them within two years.

### **The accommodation needs of applicants who are subject to Multi Agency Public Protection Arrangements (MAPPA)**

S325 of the Criminal Justice Act 2003 imposes a duty to co-operate on housing authorities in Multi-Agency Public Protection Arrangements (MAPPA) cases.

An exception to the non-qualify policy may be made for serious offenders subject MAPPA whose re-housing is a public protection issue. Normally these cases will be considered in partnership with probation, police and registered social landlords under the Housing of Offenders Protocol.

Exceptions may be made to the non-qualifying criteria on a case by case basis when it is considered appropriate in light of all circumstances, including other statutory obligations.

## **2.6 Notifying ineligible and non-qualifying applicants**

The Council will write to anyone who is being excluded from the Housing Needs Register giving their reasons. Applicants have the right to ask for a review of a decision to exclude them from the Housing Needs Register and to be informed of the decision on the review and the grounds for it. See Section 19.2.

Where an applicant who the Council in the past has decided is to be treated as ineligible or non-qualifying and the applicant considers that they should no longer be treated as such they may make a fresh application to the Council.

On that fresh application it will be for the applicant to show the Council that their circumstances or behaviour have changed so that they should not now be excluded. Any such change will be considered by the Council on its merits and against the Council policy and local conditions at the time of the fresh application.

If at any time the Council obtains information that leads it to believe that an applicant already on the Housing Needs Register is ineligible or not qualifying, it will inform the applicant in writing. The applicant will be given 28 days to provide information showing that they are eligible or qualifying. If they do not reply within this period, or if they reply but the Council remains of the view that they are ineligible or non-qualifying, they will be removed from the Housing Needs Register.

## **2.7 Evidence Required**

The burden is on the applicant to satisfy the Council with appropriate information and evidence that s/he is eligible by law and considered to be a qualifying person. Additional information will be requested by the Council

## **3.0 Applying For Housing**

### **3.1 How to Apply**

To apply for social housing, applicants must be registered on the Council's Housing Needs Register. All applicants requesting entry on to the Housing Needs Register must complete an application form and provide the required supporting documentary evidence. The form can be obtained from the Council offices or via the website at [www.epsom-ewell.gov.uk](http://www.epsom-ewell.gov.uk). The completed form should be returned along with the required documentation to Housing Services, The Town Hall, The Parade, Epsom, Surrey, KT18 5BY.

The form asks for information about the applicant and any family members and about the applicant's current accommodation. It is important to answer every question on the form and to write clearly.

Any incomplete application forms will be returned to the applicant and the form will not be processed. The registration date of the application will be the date the fully completed form and documentation is later received by the Council.

### **3.2 Supporting Documentation**

At the time of applying all applicants will be required to provide original documents to support the application form. These will be photocopied and returned to the applicant.

Supporting documentary evidence will normally include:

- Photographic proof of identity for all household members
- Evidence of their right to be allocated housing in the UK if they are not British Citizens. Note: Under recent regulations some people have the right to reside in the UK but no right to housing.
- Proof of current address
- Proof of their local connection
- Proof of income, saving, assets
- Proof that any dependent child(ren) reside with the applicant i.e. child benefit
- Any other evidence required to demonstrate that the applicant are eligible and qualify to join the Housing Needs Register
- Additional information will be required where an applicant currently or has previously owned a property.

A full list of acceptable documentation is listed on housing application form.

### **3.3 Applicant's consent and declaration**

When an applicant applies for social housing, they will be required to sign a declaration on the application form to confirm that:

- The information they have provided is true and accurate
- They will inform the Council of any change in circumstances that might affect their housing needs application/registration
- They consent for the Council to contact and share information with Social Housing providers and support agencies, Citizens Advice Bureaux, Local Authorities, Social Services, the Police and Probation Services, Solicitors, former landlords/agents, the Benefit Agency (DWP), local Councillors, Doctors and other health professionals including the Primary Care Trusts, as applicable.
- They consent to the Council making enquiries of any relevant persons to confirm the information on the application form is correct.

The Council may take legal action against applicants who withhold or provide false information regarding their housing application.

Where an applicant has been allocated a property as a result of providing false information, the Landlord of that property may take court action to obtain possession of the property.

### **3.4 Verification**

The Council will verify the information provided which may include inviting the applicant for an interview or completing a home visit. Further verification will be required at the time an applicant is nominated for a property and the Council may check information with other sources as allowed by the law, including credit referencing agencies. See Section 20 & 21.

## **4. Assessment**

Once the applicant has provided all the required information the application will be assessed.

The assessment procedure is based on an assessment of the applicants' current housing circumstances. An applicant's priority for housing will be assessed on the basis of the information provided in the application form they have completed, revised information provided by the applicant as a result of a change in their circumstances and other information which comes to the attention of the Council which is relevant to their application.

An applicants' bedroom entitlement will be assessed in relation to their household size according to the Council's Bedroom Standard Criteria. See section 10.1.

Applicants will also be assessed for the East Surrey Home Choice Scheme.

They will then be registered on the Council's computer system for the Housing Needs Register and will be able to bid for properties through Council's Choice Based Lettings Scheme, Epsom & Ewell Home Choice and East Surrey Home Choice.

#### **4.1 Registration Date**

All applications will be given a 'registration date'. This will be used when allocating properties to determine how long an applicant has been entered on the Housing Needs Register. The registration date of the application will be the date the fully completed form and documentation is received by the Council.

#### **5.0 Notification**

After assessment the Council will write to eligible and qualifying applicants to inform them of their:

- Registration date
- Points
- Priority Band and Band Date (Easy Surrey Home Choice)
- The bedroom category
- Their unique reference number, which will allow them to bid for properties through the choice based letting scheme Epsom & Ewell Home Choice and East Surrey Home Choice
- Likely chances of being housed

If an applicant is not eligible or does not qualify for inclusion on the Register, the Council will notify them in writing, giving the reasons for the decision and informing them of the right to request a review of the decision. See Section 19.2.

They will also advise that information about alternative housing options which include private sector opportunities and shared ownership, can be provided by Housing Options Services.

#### **6.0 Application, Renewal, Change of Circumstances & Cancellation**

##### **6.1 Annual Renewal**

The Council considers that applicants wishing to be considered for social housing should take responsibility for ensuring that they comply with the renewal process.

All applicants registered will be required to renew their Housing Needs Register application on an annual basis. On the anniversary of an application the Council will send out a renewal notice to those applicants. All applicants who receive this notice must complete and return it within 28 days. If the notice is not returned within 28 days the applicant will be informed in writing that the application has been cancelled and that their application will be removed from the Housing Needs Register.

Where an applicant wishes to re-join Housing Needs Register at a later date their new registration date will be the date they re-apply and their application will have to be re assessed.

## **6.2 Change of Circumstances**

Applicants are required to notify Housing Services immediately in writing of any changes in their personal circumstances that affects their housing needs in order that any necessary amendments can be made to their application. If an applicant moves address they will be required to complete a new form and their application will be reassessed based on their new housing circumstances. Any delay in notification will affect an applicants' priority for rehousing and could result in an application being cancelled or excluded from the Housing Needs Register. See Section 2.4.

Notifying other departments of the Council such as Housing Benefits, etc of change of address or circumstances, does not qualify, as information is not routinely passed between departments.

If following an update or the renewal of an application a change in the applicant's circumstances results a change priority, the Council will inform the applicant in writing of the new points, the reason for it, the applicable priority and of their right to request a review of this decision. See Section 19.2.

## **6.3 Cancelling an application**

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

- At the applicant's request
- If the applicant becomes ineligible or non-qualifying for housing
- When the applicant has been housed through the allocations policy
- When a tenant completes a mutual exchange
- Where an applicant does not maintain their application through the renewal process, or where they move and do not provide a contact address
- Where the applicant has died

When an application is cancelled, we will write to the applicant or their representative to notify them. Where an applicant has been highlighted as vulnerable, the Council will contact the applicant to check their circumstances before cancelling the application. If the applicant wishes to appeal against a decision to cancel their application they may contact the Council in writing within 21 days of the date of the cancellation letter to request a review. See Section 19.2.

## **7. Who can be included on the application and be considered part of the household?**

Members of the applicant's household will normally be permanently residing with the applicant as their only or principal home at the time of registration and still be resident with the applicant at the time of allocation of a property. For the purposes of this Policy people in the following categories will be considered members of the household:



## **Applicant or joint Applicant**

- Sole applicant
- Married or civil partners, or
- Cohabiting partners who are living with the applicant and can show evidence that they are in a long term & enduring relationship
- Any adult siblings who have lived together for more than 12 months

## **Dependent Children (Under 18)**

Any parent(s) and dependent children or foster children permanently residing with the applicant(s) or who would reasonably expect to be permanently residing with them. The applicant(s) will be required to provide proof that the child resides with them as their main home. Children are only treated as living with the parent that is responsible for them and provides their main home. For a person to be treated as responsible for a child or young person, the child or young person must normally be living with that person as their main home. If a child or young person spends equal amounts of time in different households, or there is a question as to whom they normally live with, they will be treated as living with the person who is receiving child benefit for them. Any reference to child includes those by legal adoption.

## **Adult Children**

Adult children who are not dependent and normally lives with the applicant but the adult child is in the Armed Forces and is away on operations.

Adult children who are still living at home because of a care need. The applicant will need to demonstrate to the satisfaction of the Council that care is necessary.

Adult children living in the family home may be considered to be a separate household if they live with their partner or have a child.

Adult children will be considered as a separate household where it would be reasonable to do so, and will be considered on a case by case basis.

## **Dependent relative**

A dependent relative who is unable to live independently and there are no other reasonable options for the family and they have been part of the household for a minimum of six months.

The family will be expected to provide evidence to support this. Where necessary the advice of the Council's medical advisor or other independent medical advisor, may be sought on whether the relative needs to live with the family. Where this is not considered essential, other options, such as sheltered housing, will be discussed with the family before a decision is made as to whether the relative should be included in the application or advised to make a separate application.

## **Carers**

Where the applicant can demonstrate to the satisfaction of the Council that a live-in carer is necessary, this will be taken into account in determining the size of

accommodation needed for their household. There must be an established need for overnight care, which can be demonstrated by the person being cared for receiving Attendance Allowance, or receiving Disability Living Allowance (DLA) care middle or higher rate and Housing Services have been provided with sufficient medical evidence and details of the community care assessment to show care is required.

## **8.0 Assessing Need and Level of Priority**

This section of the policy sets out the factors which will be considered and the priority accorded to them when someone makes an application for housing. Applications will be considered on an individual basis however all assessments and subsequent nominations will be made in accordance with this allocations policy.

### **8.1 How Needs are Assessed**

This section of the policy sets out the factors which will be considered and the priority accorded to them when someone makes an application for housing. Applications will be considered on an individual basis however all assessments and subsequent nominations will be made in accordance with this allocations policy.

The Council's system for awarding points is detailed on Appendix 2. The basis for that system is set out below in Section. 9.0.

### **8.2 Legal Duties**

The Council is required by Part 6 of the Housing Act 1996 to have a scheme for determining its priorities and procedures to be followed when allocating housing accommodation. A Council's Allocations Scheme is required to give 'reasonable preference' to certain categories of people.

#### **8.2.1 Reasonable Preference**

The system for determining priority has been designed to ensure that reasonable preference is given to the following categories of people, as set out in s.166A(3) of the Housing Act 1996:

- people who are homeless (within the meaning of Part 7 of the 1996 Act)
- people who are owed a duty by any local housing authority under s190 (2), s193 (2) or s195 (2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3)
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- people who need to move on medical or welfare grounds and including grounds relating to a disability people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

The scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s166A(3), over those who do not. There is no requirement to give equal weight to each of the reasonable preference categories. There is also no requirement for the scheme to afford greater priority to applicants who fall within more than one reasonable preference category (cumulative preference) over those who have reasonable preference on a single non-urgent basis.

The Scheme allows additional preference to be given to those households identified as having the most urgent needs. In addition, the Council will take into account local circumstances in determining which applicants are to receive preference under the Scheme.

Applicants will not be given Reasonable Preference if they would only qualify for Reasonable Preference by taking into account a “Restricted Person”. A “Restricted Person” is a person subject to immigration control who is not eligible for homelessness assistance because they do not have leave to enter or remain in the UK or have leave which is subject to a “No Recourse to Public Funds” condition.

### **8.2.2 Additional Preference Categories**

Section 166A(3) gives Councils the power to frame their allocation scheme to give additional preference to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing needs. Additional preference will be awarded to:

- those who need to move urgently because of a life threatening illness or sudden disability
- families in severe overcrowding which poses a serious health hazard
- those who are homeless as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence

The Scheme must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more of the statutory reasonable preference categories and who-

- is currently serving in the regular armed forces and suffering from a serious injury illness or disability which is attributable (wholly or partly) to her/his service
- formerly served in the regular armed forces
- is a bereaved spouse or civil partner who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of her/his spouse or civil partner whose death was attributable (wholly or partly) to service in the regular armed forces
- is, or had been, serving in the reserve armed forces (this includes the Territorial Army) and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to her/his service.

## 9.0 How applicants are prioritised & How Needs are Assessed

The Council will administer the Housing Needs Register on a points based system which will include a variety of factors to reflect the extent of their need for permanent social housing. The Council's system for awarding points is detailed on Appendix 2. The basis for that system is set out below:

- **Homelessness within the meaning of Part V11 Housing Act 1996**

Points will be awarded if this Council accepts a section 190(2),192 9(2),193(2),195(2) duty to any applicant who makes an application for assistance under Part V11 Housing Act 1996.

- **Unsanitary, overcrowded or unsatisfactory current housing**

Points will be awarded where an applicant's current accommodation lacks particular basic amenities such as bath, kitchen or hot/cold water supplies, or these facilities have to be shared with another household.

Points will also be awarded where the Council's Environmental Health Department certifies that a property is in disrepair and thus renders a property dangerous for occupation or significantly affects the suitability of accommodation for occupation, or the property is statutory overcrowded. The points allocation will be assessed following an inspection by the Council's Environmental Health Officer under Part 1 of the Housing Health & Safety Rating System (Housing Act 2004).

The accommodation itself and the facilities it provides may make it unsatisfactory for a particular applicant or their household. Points will therefore also be awarded for a deficiency in the number of bedrooms required, having regard to the needs of the applicant and their household and the Council's Standard Accommodation Requirements, where additional bedrooms are required for medical reasons, or where children of opposite sexes are sharing a bedroom and at least one is 6 years of age. In certain circumstances points may also be awarded if the accommodation lacks a living room.

- **Medical Factors**

Additional priority points can be awarded where an application is made on the grounds that an applicant's accommodation is no longer suitable for the household needs and/or the illness/disability is likely to be exacerbated by their current housing conditions. The applicant or a member of their household will be required to complete a medical questionnaire, which will be referred to the Council's Medical Adviser for assessment and consideration. There will usually be a need for supporting documentation from the most appropriate health or social care professional that has direct knowledge of the applicant's condition, as well as the impact their condition has on their needs to be re-housed to be provided.

The information given on this form will help the Council Officers and /or the Council's Medical Adviser to assess an applicant's priority for housing and the type of accommodation that is required. Where the information provided relates to minor ailments, a Council Officer may carry out an assessment. The Council's Medical

Adviser will assess information of a more serious nature and provide a recommendation for the Council to consider.

In exceptional circumstances the Council's Medical Adviser may recommend that overriding medical points are awarded. If an applicant refuses a suitable officer of accommodation after receiving overriding medical points these points may be then removed.

- **Need to move on Welfare Grounds**

Additional points will be awarded to an applicant where there are particular welfare or social factors or exceptional circumstances, which are not covered elsewhere within the policy. The award of these additional points will only be made in exceptional circumstances and these will usually need to be supported by evidence. The Housing Operations Manager will make the award of these points after a review of the applicant's circumstances.

- **Need to move on Hardship Grounds**

Additional points will be awarded to applicants who need to move to a different locality in order to give or receive care, to access specialised medical treatment or to take up a particular employment, education or training opportunity. The award of these additional points will only be made in exceptional circumstances and these will usually need to be supported by evidence. The Housing Operations Manager will make the award of these points after a review of the applicant's circumstances.

- **Additional Preference**

Additional preference will be given to those households identified as having the most urgent needs and/or composite needs. The award of these additional points will only be made in exceptional circumstances and these will usually need to be supported by evidence. The Housing Operations Manager will make the award of these points after a review of the applicant's circumstances.

- **Time in Local Authority arranged accommodation**

In recognition of the need for certain applicants to have settled accommodation, points will be awarded for the length of time an applicant occupies short term accommodation (AST) arranged by this Council to prevent homelessness or temporary accommodation arranged by this Council in pursuance of its duties under Part 7 Housing Act 1996, as amended and extended by the Homelessness Act 2002. The amount of the points awarded will depend on the suitability of the accommodation. The date used to assess time points will be the date the fully completed form and documentation is received by the Council. These may be reduced or removed if an applicant fails to bid for suitable properties that become available. See section 6.6 Time Limits for Bidding for Properties.

- **Time on Housing Register**

Additional priority points are awarded to reflect the time spent waiting on the register. The registration date of the application will be the date the fully completed form and documentation is received by the Council.

- **Local Connection**

Applicants will be awarded points if they can demonstrate a local connection, within the meaning of section 199 Housing Act 1996.

- **Care Leavers**

Applicants who are care leavers and who have been referred by Surrey County Council Social Services Department. Additional priority points will be awarded when they are within 12 months of having to leave their care placement and where there is a local connection with this borough.

- **Under Occupancy**

Points will be awarded for Social Housing tenants living in the borough who are under occupying a property and wish to down size. The resulting vacancy will then be made available to the Housing Needs Register.

- **Armed Forces Personnel**

The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012.

As required under section 166A(3) of the Housing Act additional preference will be given to persons who fall within the reasonable preference categories, have urgent housing needs and who meet one or more of the following criteria:

- is currently serving in the regular armed forces and suffering from a serious injury illness or disability which is attributable (wholly or partly) to her/his service
- formerly served in the regular armed forces
- is a bereaved spouse or civil partner who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of her/his spouse or civil partner whose death was attributable (wholly or partly) to service in the regular armed forces
- is, or had been, serving in the reserve armed forces (this includes the Territorial Army) and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to her/his service.

For this purpose “the regular forces” and “the reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006(a).”

### **Armed Forces Covenant**

Housing Authorities are strongly encouraged to take into account the needs of all serving or former Service personnel when framing their Allocation Schemes, and to give sympathetic consideration to the housing needs of family members of serving or former Service personnel who may themselves have been disadvantaged by the requirements of military service and, in particular, the need to move from base to base. This is in line with the Government’s Armed Forces Covenant published in May 2011.

Members of the Armed Forces who have been living in any accommodation provided by the Armed Forces who are required to leave this accommodation due to retirement, honourable discharge or redundancy will need to advise the Council when they are due to leave military service and provide official notification that their accommodation will be ending. These applicants will need to attend the office for a housing options interview to explore a range of homeless prevention options.

Those who were living in Epsom & Ewell Borough prior to joining the Armed Forces, and who would be in priority need and have a local connection should homelessness arise (as defined in the Housing Act 1996 Part VII section 189) will be entitled to Armed Forces personnel additional preference points.

Where homelessness cannot be prevented within 28 days of leaving the accommodation applicants will also be entitled to threatened with homelessness points.

For this purpose “the regular forces” and “the reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006(a).”

- **Transfer Applicants**

The transfer list is part of the Housing Needs Register. All applications from existing social housing tenants will be assessed on the same basis of housing need, i.e. needing larger or smaller accommodation, a medical or social need to move. Applications for transfer are not usually considered unless their current rent account is clear. Exceptions may be made for tenants living in the borough, who have current rents in arrears caused as a result of the removal of spare room subsidy, and who are looking to transfer and downsize to a smaller property.

- **Right to Move Applicants**

Persons who qualify for inclusion on the Housing Needs Register as a Right to Move applicant will be assessed in accordance with the welfare or hardship criteria outlined in Section 9 of this policy.

## **10. Bedroom Entitlement**

The number of bedrooms for which each applicant will be considered will depend upon the size and composition of the applicant’s household. The requirements for each size of household are set out below and are aligned to the DWP social sector size criteria as introduced following the Welfare Reform Act 2012. Applicants not dependent on benefits will be subjected to the same Bedroom Standard as this is considered to be the fairest way to allocate social housing without discriminating against those who are benefit dependent.

The Council will not offer a home that is larger or smaller than the identified need. The Council has decided to align its bedroom standard criteria with the criteria which apply to housing benefit applications. By doing so the Council will never knowingly under occupy a family home unless in special circumstances which are set out in the notes below.

### **10.1 Bedroom Standard Criteria**

An assessment will be first made to assess who is to be considered part of the applicants' household as outlined in Section 7. The following criteria are then used to calculate the number of bedrooms rooms that a household requires.

One bedroom will be allowed for the following:

- every adult couple
- a single person aged 16 or over
- any two children of the same sex under the age of 16
- any two children regardless of sex under the age of 10
- any other child under the age of 16

### **10.1.2 Situations where an additional bedroom may be allowed**

An additional bedroom may be allowed in the following circumstances:

- if the applicant has a disabled child who cannot share a bedroom due to their disability (see below)
- if the applicant is an approved foster carer (see below)
- if the applicant requires a non-resident carer who provides overnight care (see below)
- if the applicant has an adult child who is away on operations in the Armed Forces (see below)

#### **Disabled Children**

An additional bedroom may be allowed where there is a disabled child who cannot share a bedroom due to their disability.

A separate bedroom is allowed for a child in the household where that child is:

- in receipt of the care component of disability living allowance at the middle or highest rate; and
- is not reasonably able to share a bedroom with another child.

When an applicant says that their children cannot share a bedroom Housing Services should be provided with sufficient medical evidence to satisfy themselves of these factors. Housing Services will then have to assess the individual circumstances of the applicant and their family and decide whether their disabilities are genuinely such that it is inappropriate for the children to be expected to share a room. This will involve considering not only the nature and severity of the disability but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom. In all cases this will come down to a matter of judgment on the facts

#### **Foster Children**

An additional bedroom is allowed if the applicant is an approved foster carer, and s/he:

- has a foster child living with them, or
- is between placements and has fostered a child in the last 12 months



Applicants who have become approved foster carers in the last 12 months but do not have a child living with them will be assessed on a case by case basis.

Only one extra bedroom is permitted regardless of the number or sex of foster children in the household.

Housing Services must be satisfied that all appropriate evidence is in place before allowing the additional room. The applicant will need to provide a letter confirming their approval from the social worker responsible for their assessment.

This additional bedroom criteria does not apply to special guardianships or private foster care arrangements.

If the applicant ceases to be an approved foster carer or their approval is revoked, the additional room will cease to apply to the size criteria.

### **Child in the Armed Forces**

An additional bedroom is allowed if the applicant, or her/his partner, has an adult child/step-child, who normally lives with them, who is in the Armed Forces and:

- is away 'on operations'. This does not necessarily mean on duty outside the UK, it also covers pre-deployment training and post-operation leave (i.e. 'normalisation')
- has been a non-dependant when living at home
- intends to return to the claimant's home.

Member of the Armed Services means a member of the Naval Service, British Army or Royal Air Force of the Crown or members of the Reserve Forces.

Housing Services must be satisfied that that the adult son or daughter normally lives with them and has been deployed on operations. The applicant will need to obtain a letter from the son or daughter's chain of command in the armed forces, confirming the deployment.

### **Carers**

An additional bedroom is allowed if the applicant or joint applicant, or her/his partner require an additional bedroom for a non-resident carer or team of carers who provides overnight care.

Housing Services must be satisfied that:

- The bedroom is 'reasonably required' for a non-resident overnight carer or team of carers who normally live elsewhere
- The care is received and required
- Care should be sufficiently regular and frequent to enable the applicant, or her/his partner to continue to live in the community
- There must be an established need for overnight care, which can be demonstrated by the person being cared for receiving Attendance Allowance (AA), or receiving Disability Living Allowance (DLA) care middle or higher rate and Housing Services has sufficient medical evidence and details of the community care assessment to show care is required.

This additional bedroom criteria does not apply if care is needed by another member of the household.

In cases where an additional bedroom is allow under the above criteria this does not mean that they will be entitled to housing benefit or universal credit for this additional room.

### Disabled adults

Couples who are unable to share a bedroom because of a disability or need an additional room for storage of medical/special equipment would only be allowed an additional bedroom in exceptional circumstances where there is an overriding medical need supported by the Council’s Medical Adviser.

When an applicant says that they cannot share a bedroom Housing Services should be provided with sufficient medical evidence to satisfy themselves of these factors. Housing Services will then have to assess the individual circumstances of the applicant and decide whether their disabilities are genuinely such that it is inappropriate for them to be expected to share a room. This will involve considering not only the nature and severity of the disability but also the extent and regularity of the disturbance to the sleep of the person who would normally be required to share the bedroom. In all cases this will come down to a matter of judgment on the facts.






Where an additional bedroom is allow under this criteria this does not mean that they will be entitled to housing benefit or universal credit for this additional room.







### 10.1.3 Situations where an additional bedroom is not generally allowed

#### Separated parents - shared care of children

Where parents who don’t live together have shared care of their children the children are only treated as living with the parent that is responsible for them and provides their main home. For a person to be treated as responsible for a child or young person, the child or young person must normally be living with that person as their main home. If a child or young person spends equal amounts of time in different households, or there is a question as to whom they normally live with, they will be treated as living with the person who is receiving child benefit for them.

### 10.2 Bedroom Standard Criteria

Bedroom Standard Criteria					
Household Size	Number of Bedroom				
	Bedsit	1	2	3	4
Single Person					
Couple without children					
Parent(s) with 1 child					
Parent(s) with two children of different sexes who are both under 10 years of age					

Parent(s) with two children of same sex under 16 years of age					
Parents(s) with two children where one child is aged 16 years or over					
Parent(s) with two children of different sex where the eldest is 10 years of age					
Parent(s) with three or four children depending on the age and sex of the children*					
Parent Parent(s) with five or more children					
One bedroom for any two children of different sex who are both under 10 years of age					
One bedroom for any two children of the same sex under 16					
An additional bedroom for any remaining children or additional person aged 16 years or over to a maximum of 4 bedrooms					
An additional bedroom may be allowed if the applicant has a severely disabled child who cannot share a bedroom due to their disability					
An additional bedroom may be allowed if the applicant is an approved foster carer					
An additional bedroom may be allowed if the applicant requires a non-resident carer who provides overnight care					
An additional bedroom may be allowed if the applicant has an adult child who is away on operations in the Armed Forces					
A child up to 12 months is ignored in the calculation of room deficiency points, but not in the assessment of rehousing bedroom requirement					
If any bedroom(s) fall below the minimum legal size requirement the Council can award points on the basis of room deficiency.					
There is a very limited supply of properties larger than 4 bedrooms, therefore all households who require a larger property will be considered for properties with 4 bedrooms. Any assessment of need will be made on this basis.					

## 11.0 Type of Accommodation and Best use of Stock

The Council aims to make the best use of properties within the stock to which it nominates. When allocating or advertising properties consideration will be given to the best use of that property; therefore some households may be given additional priority for a particular vacancy. Properties with two separate reception rooms will be considered to have an additional bedroom. For example a 2 bedroom property with 2 reception rooms may be let as a 3 bedroom property.

Properties that are considered to be larger than an average property may be let to households with the greatest number of family members. For example, a property with 3 double bedrooms may be considered for a 6 person household before those with 5 persons.

The authority has a very limited supply of properties larger than 4 bedrooms, therefore all households who require a larger property will be considered for properties with 4 bedrooms.

Where a property has been adapted for a person with disabilities and a suitable applicant cannot be identified within a reasonable timeframe the property may be let as temporary accommodation to avoid removal of the adaptations.

### 11.1 Properties designated for older people

Some flats are designated for older people who are capable of living independently. To be eligible the applicant must be 55 years of age or older. For some of these flats good mobility is necessary, as many are the first floor without a lift.

### **Sheltered housing**

This type of accommodation is for applicants aged 55 years of age or older who can live independently and are able to manage alone, but who prefer the added security of an alarm system and the assistance of support workers. This accommodation is also suitable for applicants who are able to care for themselves with the help of a social services care package.

### **Extra Care Sheltered Housing**

These are sheltered schemes within which an extra care element available in a designated number of units. Applicants are assessed as to their suitability for this type of accommodation through a joint panel meeting.

The panel meets on a regular basis and consists of representatives from Housing Services, Housing Provider and Adult Services.

To apply, the applicant needs to be on the Housing Needs Register and to have had their needs assessed by Social Services. Care Managers are responsible for completing an assessment and a care plan, which will be considered by the panel.

The panel will nominate applicants to the scheme on the basis of selection criteria which fall outside of this policy, however consideration will also be given to the applicant's current circumstances and level of priority on the Housing Needs Register.

## **12 Social & Affordable Rent Properties**

There are different scales of rents in social housing and the Council will nominate applicants to homes which could either be at a social rent or affordable rent, and will have regard to an applicant's stated means before doing so. Social rents are typically less than the market rent level and Affordable Rent properties have their rents set at a level of up to 80% of the market rent. These will be similar level to most private rented housing rents.

The vast majority of general needs properties available in the borough will be let on Affordable Rents.

Housing Associations are also be able to let their properties on fixed-term tenancies of at least five (occasionally two) years.

## **13.0 Lettings of Properties**

### **13.1 Advertising**

When a property becomes available it will be advertised through the Council's choice based letting scheme, Epsom and Ewell Home Choice.

Properties are advertised on a weekly cycle from midnight Thursday to midnight the following Wednesday. They are advertised in the following ways:

- Via Epsom & Ewell Home Choice website [www.eebc-homechoice.org.uk](http://www.eebc-homechoice.org.uk)
- In a newsletter available from Housing Services, Rosebery Housing Association and the C.A.B.
- On display in the Reception area at Town Hall and other locations around the Borough.
- On our property information line 01372 732666

### **13.2 Excluded Properties**

The Council is committed to advertising as many vacant properties as possible through the CBL system. There will be occasions when certain properties will not be advertised and the reasons for these exclusions will be monitored. See Section 15.

### **13.3 Describing and Labeling Properties for Advertising**

The advert will contain details of the property to help applicants decide which properties are right for them. Where available a general photograph of the road, block or scheme is provided and along with information about the local area and facilities.

The advert will state if there are any special requirements that the applicant must meet such as age requirements, if the property is adapted or if a lettings plan applies to the property. Applicants who do not meet the requirements stated may still apply for the property providing it is suitable for their household size but preference may be given to those households who do meet the criteria, even if they are lower on the list (however they must have a high housing need – i.e. within the top 20 of the shortlist).

### **13.4 Property Description**

A property description would normally include the following information:

- Who owns the property and whether it is a specialist landlord
- Size and type of property
- Availability of a lift (if appropriate)
- Type of heating
- Any age restriction
- Any special features
- Parking facilities and if any garage is within the curtilage of the property
- If there is a garden, whether it is communal or for the properties sole use
- Weekly rent including any other charges
- Council Tax Band
- Local facilities e.g. access to shops, schools etc.
- The date the property is likely to be ready for occupation (if known)

### **13.5 Labelling**

All properties advertised will be labelled with the eligibility criteria for that property. The Housing Needs Officer will be responsible for making a decision about labelling after liaising with the landlord and having regard to any lettings plans they may apply. Labelling will normally include the following:

- Minimum and maximum numbers of persons in the household
- Size and type of household the property is suitable for
- If applications are restricted to particular cases e.g. for adapted properties, criteria for Supported Housing Schemes
- Age requirements
- If pets are allowed
- Lettings plan or property selection criteria

### **13.6 Bidding for Properties**

Applicants will be able to bid for a maximum of 3 properties during the advertising cycle. Bids will not be accepted after midnight on a Wednesday. Applicants will only be able to bid for a property that is suitable for their household size and fall within their application category. During the advertising cycle applicants can withdraw bids and reallocate the bid to other properties.

Applicants can express their interest in or bid in one of the following ways:

- Online via Epsom & Ewell Home Choice website, [www.eebc-homechoice.org.uk](http://www.eebc-homechoice.org.uk)
- By telephoning the 24hr automated bidding line on 0845 2701908
- By using the kiosk in the main Reception area of the Town Hall. Our staff will be happy to show you how to do this
- Local Libraries, such as the Ebbisham Centre
- By autobid, if applicants are unable to access the service in any other way. Applicants will need to tell us that they would like this facility

### **13.7 Vulnerable or Potentially Excluded Applicants**

The Council believes that applicants should be given every assistance to access the Housing Needs Register and search/bid for suitable properties. For example, the provision of interactive telephone bidding will assist those with mobility issues, visual impairment and literacy.

To further assist potentially vulnerable or excluded residents the following methods will be used:

- Potentially vulnerable residents will be identified through the assessment process. These applicants will be contacted by the Council staff to establish what support is required and to identify ways to ensure they can access the Epsom and Ewell Home Choice system
- Where applicants agree, support agencies will be provided with access on behalf of the applicant to view advertised properties and make proxy bids
- Automatic bids can be made for the most vulnerable residents to ensure that they are able to consider all suitable available properties. Further information will be required on the applicant's preferred properties and areas
- Direct mailing of adverts will be made available to all vulnerable applicants, on request
- Translation services are available online and by request at the Council Offices.

## **14.0 Short-Listing and Selection**

After the close of the advertising and bidding cycle a shortlist of eligible applicants will be taken from the choice based lettings computer system. The shortlist will identify the order of applicants by placing all eligible bids into priority order.

For Epsom & Ewell Home Choice properties priority is decided first by points and then by registration date. For East Surrey Home Choice properties priority is decided first by bands and then by band date.

Applicants who do not meet the lettings plan or property selection criteria may be overlooked in favour of someone who does, even if they are lower than them on the shortlist. For East Surrey Home Choice properties priority is decided first by bands and then by band date.

If an applicant comes to the top of more than one shortlist the decision as to which property to offer is at the Council's discretion, however the Council may contact the applicant and ask them to decide which property is their first preference and will prioritise them accordingly.

Accommodation which has been advertised will be offered to the applicant who has the highest priority under the allocation scheme, and matches the letting criteria for that property, unless one of the exceptions outlined in Section 15.1 applies.

The Council reserves the right to offer a property out of a strict priority order to an applicant who has special needs and for whom the particular property is uniquely or unusually suitable (for example, location, layout, access or capacity for adaptation) to meet those needs.

If there are no eligible bidders for the property the Council may decide to consider an applicant who has bid but does not meet the eligibility criteria and make a direct offer, re-advertise it or where appropriate refer it back to the landlord.

### **14.1 Verification Prior to nomination**

The Council will verify all information provided by the applicant that is relevant to their eligibility and / or priority for an allocation of accommodation. Further verification, which may include inviting the applicant for an interview or completing a home visit, will be required at the time an applicant is allocated a property and the Council may check information with other sources as allowed by the law, including credit referencing agencies.

The Council will verify again that an applicant is still eligible, qualifying and meets the property criteria at the point of nomination. Prior to being considered for a property applicants will also be required to provide any additional proof considered appropriate to confirm the applicant's circumstances, including evidence that all persons included on the application are resident at the address applied from.

Any applicant that does not provide the documents within the time scale requested will be deemed to have refused the property. See Section 14.5.

Where practicable, applicants will be visited at home to verify their circumstances prior to any offer of accommodation being made.

Checks will also be made by Housing Needs Officer to confirm:

**Rent account status:** The Council will contact the applicant's landlord (private and Registered Providers) to check that the applicant's rent account is up to date and has no arrears.

**Anti-social behaviour / breaches of tenancy agreement:** Checks will be made with the applicant's landlord and other relevant agencies regarding anti-social behaviour and breaches of tenancy agreement. If the applicant or members of their immediate household have been involved in anti-social behaviour and in the Council's view this makes the applicant unsuitable to be a tenant, the property will not be offered and the applicant may be removed from the Housing Needs Register.

**Property Inspection/Home Visits:** Applications living in temporary accommodation or a Rent Deposit Scheme property must have a home visit prior to the nomination proceeding. Those who have not maintained their property in a satisfactory manor will have the offer withdrawn. Those who do not agree to a visit will be treated as a refusal and the Council will look to discharge any duty owed to that applicant.

## **14.2 Nomination of Accommodation**

Prior to nomination the Council will carry out any verification required. If the applicant is either ineligible for an offer or the required documentation to verify their circumstances is not provided the Council will overlook the applicant and move onto the next applicant on the shortlist. Where the applicant is eligible for an offer and the verification is completed, a formal offer of nomination will be made.

An offer of nomination is where an applicant is put forward for a housing association vacancy and this will be made to applicants in writing. This letter will set out the address, type, number of bedrooms and name of landlord of the property being offered.

An applicant's details will be passed to the relevant housing association, which will then make their own assessment and make a decision whether or not to accept the nomination. The housing association will then make arrangements for the applicant to view the property.

Once an applicant has been nominated and offered a property their application will be temporarily suspended until they have made a decision as to whether or not they will accept that offer. If they decide to accept the offer their application will remain temporarily suspended until they have signed a tenancy agreement, at which point their application will be cancelled.

If there is no response to an offer of accommodation after 3 working days the offer will be withdrawn and, after reasonable steps have been taken to check that the offer has been received, this will be treated as a refusal.



### **14.3 Viewing**

In order to minimise delays multiple viewings may be arranged as appropriate. A multiple viewing is when a number of suitable applicants are invited to view the same property on the same day. Generally the top two shortlisted applicants may be offered an accompanied viewing of the property, with the first applicant being given first refusal. This is to ensure that if the applicant at the top of the short list decides not to take the property it can be quickly offered to the next person on the shortlist.

An immediate viewing may be arranged if the property is vacant or if the current occupier is happy for a viewing to take place. If this is not possible, the applicant will be advised when the property is due to become vacant and that they will be contacted to make an appointment to view once the keys have been returned.

If the applicant does not attend the appointment time set and does not contact the office prior to the appointment, they will normally be deemed to have refused the offer.

The applicant at the top of the shortlist will be given 24 hours after viewing a property and receiving an offer of a tenancy, to accept or refuse the offer. However on occasions they may be invited to sign for the tenancy at the viewing. If the offer is refused the person next on the short list will be offered the property.

Nominations to Housing Association vacancies will generally be made in accordance with the Council's Allocation Policy, however on some occasions the Housing Association may themselves have different eligibility criteria that the Council will need to apply when selecting a suitable household for the vacancy.

### **14.4 Withdrawal of Offers**

All offers of accommodation will be on a provisional basis and may be withdrawn at any time until the tenancy agreement is signed.

In the following very exceptional circumstances, the Council may withdraw an offer of a property:

- Where there has been a change in the applicant's circumstances
- Where the applicant has provided false or misleading information
- Following verification the applicant is not eligible for the property
- Where an error has been made in the advertising criteria
- Where an error has been made in the assessments of the applicant's housing priority
- Where an offer of accommodation could put a vulnerable person at risk of any harm
- Where applicant may not have sufficient support to live independently
- Where the property is no longer available and has been withdrawn
- Where there is no response to an offer of accommodation after 3 working days the offer will be withdrawn

- Where applicants living in temporary accommodation or a Rent Deposit Scheme property have not maintained their property in a satisfactory manor.

## **14.5 Refusing an Offer of Accommodation & Penalties**

Waiting list and transfer applicants will be allowed to refuse 3 suitable offers of accommodation. A reasonable offer of accommodation is one that is suitable for the households needs. Applicants who refuse 3 suitable offers of accommodation will be entitled to remain on the Housing Needs Register but will have their priority reduced. Their degree of preference will continue to be determined by their housing need assessment but their Registration Date will be amended to be the date of refusal of the third offer and any time points will be removed, therefore reducing their priority.

Homeless households and emergency medical cases will be made one suitable offer of nomination for accommodation within the borough. See Section 1.5.1.

Homeless households will be advised that this offer is a final offer and if the offer is refused the Council will discharge any duty that may be owed under Part 7 of the Housing Act 1996 and possession proceedings will be commenced to evict them from their temporary accommodation.

Applicants have the right to request a review if they feel the property offered was unsuitable under the Housing Act 1996. Applicants offered suitable accommodation may accept the property, move in and still seek a review regarding its suitability.

## **14.6 Feedback**

An important part of the choice based letting scheme is giving applicants feedback on who has recently been allocated properties. This information will enable applicants to make informed decisions about their likely chances of being housed in light of patterns of varying level of supply and demand.

Feedback on recent lets will be available on Epsom and Ewell Home Choice website and in the Home Choice Newsletters and will include:

- Property size and type
- Property location
- Number of applicants who applied for each property
- Points/Band of successful applicant
- Band/Registration Date of successful applicant

## **15.0 Exceptions to the Standard Allocation and Advertising Process**

### **15.1 Exceptions to the Standard Selection Process**

Properties which have been advertised will be usually offered to the applicant who has the highest priority under the relevant allocation scheme, and who matches the letting criteria for that property, unless one of the exceptions applies.

Exceptions to this would be:

- (a)** The applicant at the top of the list will not have sufficient support to live independently
- (b)** The applicant at the top of the list has outstanding rent arrears or owes any housing related debts\*\*
- (c)** The applicant at the top of the list has been served with a Notice of Seeking Possession or Notice of Proceedings for Possession
- (d)** The applicant has pets and the property is not suitable for certain pets or pets are not permitted
- (e)** The applicant at the top of the list is not suited to, or is not eligible for, the vacant property
- (f)** The allocation of the tenancy is likely to result in serious estate management difficulties
- (g)** A mix of applicants is required to establish a balanced community
- (h)** The applicant at the top of the list has sufficient financial means (at the time of eligibility to receive an offer), to secure his/her own accommodation
- (h)** The property is subject to a lettings plan and the applicant at the top of the list does not meet the criteria (See Section 16.0, Letting Plans)
- (i)** The applicant at the top of the list does not meet the advertised property criteria
- (j)** Direct Allocations (See Section 15.3, Direct Allocations)
- (k)** Anti-social behaviour. Applicants may be bypassed where they or any member of the household their family members have a recent history of antisocial behaviour
- (l)** The applicant at the top of the list has a conviction for Housing/ Welfare Benefit fraud
- (m)** The applicant at the top of the list circumstances have changed and this results in a reduction in the level of priority
- (n)** The applicant at the top of the list has provided incorrect, false or misleading information, which has resulted in the application being awarded a higher priority than it deserves
- (o)** Where there is a multi property advert or more than one similar property is available, more than one applicant may be selected from a single shortlist.
- (p)** To do so would conflict with the Council's objectives to make the best use of the nomination stock and to address housing need

- (q) The Council reserves the right to offer a property out of a strict priority order and waiting time order to an applicant who has special needs and for whom the particular property is uniquely or unusually suitable (for example, location, layout, access or capacity for adaptation) to meet those needs
- (r) The property is subject to a sensitive let and the household does not meet the eligibility criteria
- (s) Community Safety Concerns. Applicants may be bypassed where there are community safety concerns/risks which relate to the applicant being placed in a particular property or area
- (t) Properties advertised through East Surrey Home Choice (See Section 15.2 East Surrey Home Choice).

\*\*This may not apply to existing social housing tenants living in the borough, who have current rents arrears caused as a result of the removal of spare room subsidy, and who are looking to transfer and downsize to a smaller property.

## **15.2 East Surrey Home Choice**

Epsom & Ewell Borough Council participates in a Sub-Regional Choice Based Lettings Scheme known as East Surrey Home Choice. The other partners to this scheme are Tandridge District Council, Mole Valley District Council and Reigate & Banstead Borough Council. On occasions the partners may advertise their properties on East Surrey Home Choice. These homes are generally for people over 55 years old or hard to let properties. These properties will be allocated in accordance with the East Surrey Home Choice Allocation Scheme (Appendix 3).

## **15.3 Direct Allocations**

On rare occasions, the Council may decide to remove properties from Choice Based Lettings process and make a direct allocation. This allocation will still be made based on an assessment of applicants' needs and to the applicant who has the highest priority under the allocation scheme for that type of property.

The list below gives some examples of where the Council might do this.

- Sensitive allocations e.g. Public Protection cases
- Homeless households in temporary accommodation or short term housing association accommodation arranged by the Council, to prevent homelessness who have failed to exercise choice will be made one suitable offer. The household will be advised that this offer is a final offer and if the offer is refused the Council will discharge any duty that may be owed under Part 7 of the Housing Act 1996 and possession proceedings will be commenced to evict them from their current accommodation
- Reciprocal & Special Mobility Arrangements. One offer will be made to meet the Council's obligations under the Surrey Mobility Scheme. If the offer is refused the referring authority will be advised that the Council is unable to assist this applicant further under this scheme
- Veterans re-housing agreement
- Witness Protection Mobility Arrangements
- Hard to let properties

- Special Needs Register applicants ready to move on from Supported Housing
- An adapted property that has been identified as being particularly suited to a household's needs may be directly offered to that household
- Offers of assured shorthold tenancies for accommodation normally used as permanent stock in pursuance of any of the Council's duties under Part 7 of the Housing Act 1996
- Supported Housing and extra care sheltered accommodation - all applicants who meet the criteria for this type of accommodation will be subject to a separate assessment process. A direct offer outside the scheme will be made to the most suitable applicant.
- Applicants whose needs are considered to be so exceptionally severe as to warrant immediate/imminent rehousing.

#### **15.4 Reciprocal Arrangements**

The Council may, at its discretion and in partnership with other housing authorities or registered social landlords, enter into arrangements to nominate to or receive a nomination for supported, adapted or move on accommodation which is available within the Borough and for which there is no one on Epsom and Ewell's housing register in need of the type of accommodation available.

The Council may, at its discretion and in partnership with other housing authorities or registered social landlords, comply with a request for assistance made through the mobility scheme for the re-housing of victims of violence or re-housing of offenders in accordance with the current procedure agreed by the Surrey District Housing Authorities.

#### **15.5 Sensitive Lettings**

Occasionally a housing provider may request that a property is allocated as a 'sensitive let' this may, for example be due to a need to reduce incidents of anti-social behaviour in a particular area or to ensure that vulnerable people are not housed in an inappropriate area. When such a request is received the Council may decide not to advertise this property on Epsom & Ewell Home Choice. In this situation, an applicant will be nominated directly from the Housing Needs Register.

#### **16.0 Lettings Plans**

In order to ensure socially and economically balanced communities the Council operates two types of lettings plans; an annual lettings plan and local lettings plan for new build properties.

##### **16.1 Annual Lettings Plan**

Each year the Council draws up a lettings plan to be used as a guide to ensure that there is an appropriate balance of property allocation between the different categories of applicants on the Housing Needs Register. The lettings plan will be updated annually to reflect current issues and needs.

##### **16.2 Local Lettings Plans (LLP)**

Under the Housing Act 1996 local authorities are able to allocate particular accommodation to people of a description, whether or not they fall within the "reasonable

preference” categories, provided that overall the authority is able to demonstrate compliance with the Act. This is the basis for operating Local Lettings Plans.

For new build schemes Local Lettings Plans can play an important role in widening housing choices for local people and contributing to socially and economically balanced communities. They can sometimes be designed so that properties are made available to households that would not otherwise have the opportunity to access affordable housing. This is to ensure that affordable housing seeks to meet a range of housing needs. There may be instances, therefore, where the Council will seek to assist households with limited housing need.

Local Lettings Plans may be used under this Allocations Scheme to achieve wider social and economic objectives. For example, they may be used to:

- Deal with concentrations of deprivation by setting aside a proportion of vacancies for applicants who are in employment or involved in significant community contribution or to enable existing tenants to take up an offer of employment
- Create mixed and sustainable communities by allocating accommodation sensitively, taking into account any special circumstances affecting applicants and the wider community
- Attract key workers into the borough by giving them priority for a small number of properties even though they may not fall within one of the reasonable preference categories
- Provide accommodation for Members of the Armed and Reserve Forces
- Ensure properties which are particularly well suited to people with adaptation needs are prioritised most effectively or where the location of particular
- accommodation may address accessibility issues (e.g. ground floor flats for people with mobility problems or sensitive lets where older residents still reside)
- Consider child density within communities in order to ensure community stability in the longer term (e.g. the number and ages of children comprising a household seeking accommodation will be used to inform letting decisions)

Any LLP criteria used will clearly be displayed on the property adverts and applicants are then shortlisted according to these criteria.

## **17.0 Low Cost Home Ownership and Help to Buy**

Help to Buy (previously known as HomeBuy) is government initiative to provide a 'one stop shop' service to assist eligible families and individuals to find affordable home ownership housing.

Help to Buy includes a range of products from shared ownership homes to Help to Buy Mortgage Guarantee to schemes for existing social tenants to help them to buy.

The government has appointed a number of not-for-profit agents to manage Help to Buy. [Bedfordshire Pilgrims Housing](#) is the agent for Surrey.

Bedfordshire Pilgrims Housing (bpha) provides a 'one stop shop' for all government supported homeownership and rental opportunities. Applicants must register with Bedfordshire Pilgrims Housing to be assessed for all schemes and to be kept informed of all opportunities offered by housing associations, private developers and local

authorities. To be considered for this scheme Applicants will also need to be on the Council's Housing Needs Register.

For more information please visit <http://www.helptobuyese.org.uk> or call 03333 214044 or email [helptobuy@bpha.org.uk](mailto:helptobuy@bpha.org.uk). More details about the available options and schemes are available on this website.

## **18.0 Performance Monitoring and Amendments to the Policy**

### **18.1 Monitoring of the policy**

This policy will be reviewed annually to

- Consider whether the aims and objectives need amending
- Determine if the policy is meeting the objectives that have been set.
- Monitor the housing lettings plans

#### **18.1.2 Monitoring of Allocations**

The Housing Operations Manager is responsible for ensuring that allocations are made in accordance with the agreed policy. They will make random checks to confirm that allocations are being made appropriately and will take corrective action if required.

### **18.2 Discretion and amendments to the Housing Allocations Policy**

This Housing allocation policy been designed to provide a comprehensive policy framework compliant with current legislation, following government guidance and case law. It also has regard to local housing need and provision. It is important that the Allocation Policy remains sufficiently flexible and responsive to individual needs, changing legal requirements, case law and local circumstances.

The Allocation Policy aims to provide guidance to officers of the Council when making decisions on Housing Applications. Officers must retain the ability to act appropriately and proportionately when applying the policy to ever changing situations; the Housing Operations Manager is therefore permitted to exercise his or her discretion (subject to compliance with the provisions contained in legislation and in with regard having been had to regulations or guidance laid down by the Secretary of State):

- To depart from the policy framework set out above where there may be situations which would operate unfairly to restrict an applicant's entitlement to housing
- In such situations where the applicant can demonstrate exceptional circumstances
- To offer accommodation to housing applicants assessed as requiring care and support on the condition that they comply with an agreed care plan or such supervision requirement as he or she may deem appropriate
- As otherwise set out in this document
- To make minor amendments to the scheme to ensure that it remains responsive to individual and local housing needs. (However, these changes should not significantly affect large numbers of applicants. The reasons for making any changes will be documented and available to the public).

- To implement such amendments as may be required to ensure compliance with the legislation and government guidance.

Where the Council is considering making significant changes to the policy it will consult with all necessary statutory and voluntary agencies. Any significant changes to the policy will require the approval of Social Committee.

## **19.0 Rights to Information and Reviews**

### **19.1 Right to Information**

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

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

### **19.2 Right to Review**

An applicant has the right to request a review of the following decisions:

- That they are ineligible or non-qualifying to join the Housing Needs Register or that they have become ineligible or non-qualifying
- That they are ineligible for an offer of accommodation
- That their application has been cancelled other than at their request
- Any other decisions relating to the Allocation Policy, including points, banding and priority dates.

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

- A request for a review must be made to the Council by within 21 days from the day on which the applicant is notified of the authority's decision. The applicant must clearly inform what decision they wished to be reviewed. The Council has discretion to extend the time limit if it considers this would be reasonable.
- An applicant may provide any additional information that they think the Council should take into account when reviewing its decision. This must be in writing and provided within 14 days from the date the Council notifies the applicant that it is carrying out a review.



- The review will consider all the relevant facts as of the date of the review.
- The applicant will be advised of the outcome of the review within eight weeks unless the applicant has agreed to an extension of time.
- There is no right to request a further review.

Reviews of decisions made under Part 7 of the Housing Act 1996 (Homelessness) are outside the scope of this Policy.

A homeless applicant has the right to a review of the suitability of an offer of accommodation. In addition they have a right of appeal to the County Court. Whilst seeking a review and appeal, the applicant may still move into the property in question, without prejudicing the outcome. Applicants will be advised of this procedure in writing at the time an offer is made.

## **20.0 Fraud & False Information**

Affordable housing is in short supply and the affordable housing that exists provides a much valued opportunity for settled accommodation for those who qualify for it and need it.

Therefore, the Council takes a strong approach to dealing with fraudulent applications and false information.

Under Sections 2, and 3 of the Fraud Act 2006 and Under Section 171 of the Housing Act 1996, an applicant, or someone acting on their behalf, commits an offence if they

- knowingly or recklessly give false information, or
- knowingly withhold information that the Council has reasonably required the applicant to give.

Applicants who are found to have deliberately given false information on their Housing Needs Register application form will have their application reviewed immediately. The application will be suspended pending the outcome of the review. This means the applicant will not be permitted to use Home Choice, or be considered for a nomination.

The Council will undertake an investigation with partners, including Registered Providers and other agencies as appropriate. The applicant will be informed in writing of the outcome of the review.

If following the review the Council concludes that the applicant has not committed an offence the application will be reinstated as if no review had taken place. If following the review the Council decides that a person appears to have committed such an offence it will work with partners and consider taking one or more of the following actions –

- Removing the applicant from the Housing Needs Register
- Not allowing the applicant to join or re-join the Housing Needs Register for a period of not less than year.
- Instigating criminal proceedings and / or eviction from any social housing gained in partnership with the Registered Provider.

An immediate review of an application will be undertaken if an applicant is found to have deliberately changed or worsened their housing situation in order to be gain a higher priority than they would normally be awarded.

### **21.0 Credit Checking and National Anti-Fraud Network (NAFN)**

The Council works in partnership with the NAFN and all applications are subject to a full credit checking process using independent companies. By making an application for social housing an applicant is agreeing to this process. There are also a questions on the application form which an applicant is required to answer regarding sharing of information with other agencies.

### **22.0 Allocations to Staff, Elected Members or their Family Members**

Members of staff, elected members and their family who require housing may apply for housing in the same way as other applicants. Their status should be disclosed on the application form at the time of applying.

If an applicant who is a member of staff, elected member or a member of their family, makes a successful bid for a property, Head of Housing & Environmental Services will be informed and must approve the letting prior to the formal offer being made.

All allocations to staff, elected members or members of their families will be in accordance with the policy as it applies to applicants generally, with no preferential (or detrimental) treatment.

### **23.0 Equal Opportunities**

This Council is strongly committed to fairness and equal treatment for all. The Council aims to treat everyone equally and fairly regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation. In doing so we aim to meet our Public Sector Equality Duty to prevent and eliminate unlawful discrimination, advance equality of opportunity and foster good relations between those with a protected characteristic. The Council has carried out an Equality Impact Assessment of this Allocation Policy which is available on [www.epsom-ewell.gov.uk](http://www.epsom-ewell.gov.uk).

### **24.0 Data Protection, Signed Declaration & Authorisation**

The Council's Housing Register is registered under the Data Protection Act 1998, and information on it including medical information is received, held, and disclosed only for registered purposes.

In line with the Data Protection Act 1998, information regarding a person's application for housing will not be disclosed to any third party or member of the public without the applicant's express consent unless the Council is able or required to do so legally.

Applicants who wish another person to represent them must provide a signed authorisation to that effect.

By signing the housing application form an applicant gives consent for Epsom & Ewell Borough Council to make relevant enquiries with regard to their housing need and their potential ability to manage a future tenancy. This includes conducting a search with a credit reference agency to verify the information given.

The declaration also gives consent for the Council to contract and information share with the Social Housing providers and support agencies, Citizens Advice Bureaux, Local Authorities, Social Services, the Police and Probation Services, Solicitors, former landlords/agents, the Benefit Agency (DWP), Doctors and other health professionals including the Primary Care Trusts share information with Citizens Advice Bureaux, Local Authorities, Social Services, Primary Care Trusts, the Police and Probation Services and Social Housing providers, including support agencies.

#### **24.1 Access to Personal Information**

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

The Town Hall  
The Parade  
Epsom  
Surrey  
KT18 5BY  
01372 732000

#### **24.2 Data Retention**

Application forms and associated information from any cancelled or excluded applicants will be retained for a period three years in accordance with the data retention arrangements for the Housing Services. This may be reviewed from time to time.

#### **25.0 Information about the Housing Allocation Policy and Choice Based Lettings Scheme**

This document is available for inspection during working hours at Housing Services at the Town Hall. Copies of this document are also available from the Council or the document can be downloaded from the Council's website at [www.epsom-ewell.gov.uk](http://www.epsom-ewell.gov.uk) A summary of this Housing Needs Register and Allocations Policy will be made available free of charge to any member of the public who asks for one.

## Statutory Guidance on Eligibility

### Rights to reside in the UK derived from EU Law

1. EEA nationals and their family members who have a right to reside in the UK that derives from EU law are not persons subject to immigration control. This means that they will be eligible for an allocation of accommodation under Part 6 unless they fall within one of the categories of persons to be treated as a person from abroad who is ineligible for an allocation of accommodation by virtue of regulation 4 of the Eligibility Regulations.

#### General

##### Nationals of EU countries

2. Nationals of EU countries enjoy a number of different rights to reside in other Member States, including the UK. These rights derive from the EU Treaties, EU secondary legislation (in particular *Directive 2004/38*), and the case law of the European Court of Justice. 3. Whether an individual EU national has a right to reside in the UK will depend on his or her circumstances, particularly his or her economic status (e.g. whether employed, self-employed, seeking work, a student, or economically inactive etc). *Nationals of Bulgaria and Romania - the A2 accession states* 4. A slightly different regime applies to EU nationals who are nationals of Bulgaria and Romania which acceded to the EU on 1 January 2007. Bulgaria and Romania are referred to in this guidance as the A2 accession states. *The Immigration (European Economic Area) Regulations 2006*

5. The *Immigration (European Economic Area) Regulations 2006* ('the EEA Regulations' – SI 2006/1003) implement into UK domestic law *Directive 2004/38*. Broadly, the EEA Regulations provide that EU nationals have the right to reside in the UK without the requirement for leave to remain under the Immigration Act 1971 for the first 3 months of their residence, and for longer, if they are a 'qualified person' or they have acquired a permanent right of residence. *Nationals of Iceland, Liechtenstein and Norway, and Switzerland*

6. The EEA Regulations extend the same rights to reside in the UK to nationals of Iceland, Liechtenstein and Norway as those afforded to EU nationals. (The EU countries plus Iceland, Liechtenstein and Norway together comprise the EEA.) The EEA Regulations also extend the same rights to reside in the UK to nationals of Switzerland. For the purposes of this guidance, 'EEA nationals' means nationals of any of the EU member states (excluding the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland.

##### Initial 3 months residence

7. Regulation 13 of the EEA Regulations provides that EEA nationals have the right to reside in the UK for a period of up to 3 months without any conditions or formalities other than holding a valid identity card or passport. Therefore, during their first 3 months of residence in the UK, EEA nationals will not be subject to immigration control (unless the right to reside is lost following a decision by an immigration officer in accordance with regulation 13(3) of the EEA Regulations).

8. However, regulations 4(1)(b)(ii) and (c) of the Eligibility Regulations provide that a person who is not subject to immigration control is not eligible for an allocation of accommodation if:

- (i) his or her **only** right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations, or

(ii) his or her **only** right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area) is a right equivalent to the right mentioned in (i) above which is derived from the EU Treaty

## **Rights of residence for ‘qualified persons’**

9. Regulation 14 of the EEA Regulations provides that ‘qualified persons’ have the right to reside in the UK so long as they remain a qualified person. Under regulation 6 of the EEA Regulations, ‘qualified person’ means:

- a jobseeker
- a worker
- a self-employed person
- a self-sufficient person
- a student

## **Jobseekers**

10. For the purposes of regulation 6(1)(a) of the EEA Regulations, ‘jobseeker’ means a person who enters the UK in order to seek employment and can provide evidence that he or she is seeking employment and has a genuine chance of being employed.

11. Nationals of Bulgaria and Romania who need to be authorised to work do not have a right to reside in the UK as a jobseeker<sup>1</sup>. However, they may have a right to reside by virtue of another status, e.g. as a self-sufficient person.

12. Although a person who is a jobseeker is not subject to immigration control, regulation 4 of the Eligibility Regulations provides that a person is not eligible for an allocation of accommodation if:

- (i) his or her **only** right to reside in the UK is derived from his or her status as a jobseeker or the family member of a jobseeker, or
- (ii) his or her **only** right to reside in the Channel Islands, the Common Travel Area is a right equivalent to the right mentioned in (i) above which is derived from the Treaty establishing the European Community

## **Workers**

13. In order to be a worker for the purposes of the EEA Regulations, a person must be employed. That is to say, he or she is obliged to provide services for another person in return for monetary reward and is subject to the control of that other person as regards

the way in which the work is to be done. 14. Activity as an employed person may include part time work, seasonal work and cross-border work (ie. where a worker is established in another Member State and travels to work in the UK). However, case law provides that the employment must be effective and genuine economic activity, and not on such a small scale as to be regarded as purely marginal and ancillary.

15. Provided the employment is effective and genuine economic activity, the fact that a person’s level of remuneration may be below the level of subsistence or below the national minimum wage, or the fact that a person may be receiving financial assistance from public benefits, would not exclude that person from being a ‘worker’.

16. A person who is a worker is not subject to immigration control, and is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area.

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<sup>1</sup> Regulation 6(2) of the *Accession (Immigration and Worker Authorisation) Regulations 2006* (SI 2006/3317).

#### *Retention of worker status*

17. A person who is no longer working does not cease to be treated as a 'worker' for the purpose of regulation 6(1)(b) of the EEA Regulations, if he or she:

(a) is temporarily unable to work as the result of an illness or accident; or

(b) is recorded as involuntarily unemployed after having been employed in the UK, provided that he or she has registered as a jobseeker with the relevant employment office, and:

(i) was employed for one year or more before becoming unemployed, or

(ii) has been unemployed for no more than 6 months, or

(iii) can provide evidence that he or she is seeking employment in the UK and has a genuine chance of being engaged; or (c) is involuntarily unemployed and has embarked on vocational training; or

(d) has voluntarily ceased working and embarked on vocational training that is related to his or her previous employment. *A2 state workers requiring authorisation who are treated as workers*

18. By virtue of the *Accession (Immigration and Worker Authorisation) Regulations 2006* ('the Accession Regulations'), nationals of the A2 states (with certain exceptions) must obtain authorisation to work in the UK until they have accrued a period of 12 months continuous employment.

19. An A2 national requiring authorisation is only treated as a worker if he or she is actually working and:

(i) holds an accession worker authorisation document, and

(ii) is working in accordance with the conditions set out in that document (regulation 9(1) of the Accession Regulations)

20. Authorities may need to contact the employer named in the authorisation document, to confirm that the applicant continues to be employed.

#### **Self-employed persons**

21. 'Self-employed person' means a person who establishes himself in the UK in order to pursue activity as a self-employed person in accordance with Article 49 of the Treaty on the Functioning of the European Union.

22. A self-employed person should be able to confirm that he or she is pursuing activity as a self-employed person by providing documents relating to their business. A person who is no longer in self-employment does not cease to be treated as a self-employed person for the purposes of regulation 6(1)(c) of the EEA regulations, if he or she is temporarily unable to pursue his or her activity as a self-employed person as the result of an illness or accident. 23. A2 nationals are not required to be authorised in order to establish themselves in the UK as a self-employed person.

24. A person who is a self-employed is not subject to immigration control and is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area. **Self-sufficient persons**

25. Regulation 4(1)(c) of the EEA regulations defines 'self-sufficient person' as a person who has:

- (i) sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence, and
- (ii) comprehensive sickness insurance cover in the UK

26. By regulation 4(4) of the EEA Regulations, the resources of a person who is a self-sufficient person (or a student – see below) and, where applicable, any family members, are to be regarded as sufficient if (a) they exceed the maximum level of resources which a UK national and his or her family members may possess if he or she is to become eligible for social assistance under the UK benefit system or, if (a) does not apply, (b) taking into account the personal situation of the person concerned and, where applicable, any family members, it appears to the decision maker that the resources of the person or persons concerned should be regarded as sufficient.

27. Where an EEA national applies for an allocation of accommodation as a self-sufficient person and does not appear to meet the conditions of regulation 4(1)(c) of the EEA regulations, the housing authority will need to consider whether he or she may have some other right to reside in the UK. 28. Where the applicant does not meet the conditions of regulation 4(1)(c) but has previously done so during his or her residence in the UK, the case should be referred to the Home Office for clarification of their status.

29. A person who is a self-sufficient person is not subject to immigration control, but must be habitually resident in the Common Travel Area to be eligible for an allocation of accommodation.

### **Students**

30. Regulation 4(1)(d) of the EEA regulations defines 'student' as a person who : (a) is enrolled at a private or public establishment included on the Register of Education and Training Providers<sup>2</sup>, or is financed from public funds, for the principal purpose of following a course of study, including vocational training, and (b) has comprehensive sickness insurance cover in the UK, and (c) assures the Secretary of State, by means of a declaration or such equivalent means as the person may choose, that he or she (and if applicable his or her family members) has sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence.

31. A person who is a student is not subject to immigration control but must be habitually resident in the Common Travel Area to be eligible for an allocation of accommodation.

### **Permanent right of residence**

32. Regulation 15 of the EEA Regulations provides that the following persons shall acquire the right to reside in the UK permanently : (a) an EEA national who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years (b) a non-EEA national who is a family member of an EEA national and who has resided in the UK with the EEA national in accordance with the EEA regulations for a continuous period of 5 years (c) a worker or self-employed person who has ceased activity (see regulation 5 of the EEA Regulations for the definition of worker or self-employed person who has ceased activity) (d) the family member of a worker or self-employed person who has ceased activity (e) a person who was the family member of a worker or self-employed person who has died, where the family member resided with the worker or self-employed person

immediately before the death and the worker or self-employed person had resided continuously in the UK for at least 2 years before the death (or the death was the result of an accident at work or an occupational disease) (f) a person who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years, and at the end of that period was a family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition of a family member who has retained the right of residence). Once acquired, the right of permanent residence can be lost through absence from the UK for a period exceeding two consecutive years.

33. A person with a right to reside permanently in the UK arising from (c), (d) or (e) above is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area. Persons with a permanent right to reside by virtue of (a), (b), or (f) must be habitually resident to be eligible.

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2 Now known as the Register of Sponsors and held by UKBA.

## **Rights of residence for certain family members**

### **The right to reside**

34. Regulation 14 of the EEA Regulations provides that the following family members are entitled to reside in the UK:

- (i) a family member of a qualified person residing in the UK
- (ii) a family member of an EEA national with a permanent right of residence under regulation 15
- (iii) a family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition)

35. A person who has a right to reside in the UK as the family member of an EEA national under the EEA Regulations will not be subject to immigration control. The eligibility of such a person for an allocation of accommodation should therefore be considered in accordance with regulation 4 of the Eligibility Regulations.

36. When considering the eligibility of a family member, housing authorities should consider whether the person has acquired a right to reside in their own right, for example a permanent right to reside under regulation 15 of the EEA Regulations.

### **Who is a ‘family member’?**

37. Regulation 7 of the EEA regulations provides that the following persons are treated as the family members of another person (with certain exceptions for students – see below): (a) the spouse of the person (b) the civil partner of the person (c) a direct descendant of the person, or of the person’s spouse or civil partner, who is under the age of 21 (d) a direct descendant of the person, or of the person’s spouse or civil partner, who is over 21 and dependent on the person, or the spouse or civil partner (e) an ascendant relative of the person, or of the person’s spouse or civil partner, who is dependent on the person or the spouse or civil partner (f) a person who is an extended family member and is treated as a family member by virtue of regulation 7(3) of the EEA regulations (see below)

*Family members of students* 38. Regulation 7(2) of the EEA regulations provides that a person who falls within (c), (d) or (e) above shall not be treated as a family member of a student residing in the UK after the period of 3 months beginning on the date the student is admitted to the UK unless:



(i) in the case of paragraph 37(c) and (d) above, the person is the dependant child of the student, or of the spouse or civil partner, or (ii) the student is also a qualified person (for the purposes of regulation 6(1) of the EEA regulations) other than as a student

#### *Extended family members*

39. Broadly, extended family members will be persons who: (a) do not fall within any of the categories (a) to (e) in paragraph 37 above, and (b) are either a relative of an EEA national (or of the EEA national's spouse or civil partner) or the partner of an EEA national, and (c) have been issued with an EEA family permit, a registration certificate or a residence card which is valid and has not been revoked.

### **Family members' eligibility for an allocation of accommodation**

#### *Relationship with other rights to reside*

40. This section concerns the eligibility of an applicant for an allocation of accommodation whose right to reside is derived from his or her status as the family member of an EEA national with a right to reside. In some cases, a family member will have acquired a right to reside in his or her own right. In particular, a person who arrived in the UK as the family member of an EEA national may have subsequently acquired a permanent right of residence under regulation 15 of the EEA Regulations, as outlined in paragraph 32 (a) – (f) above. The eligibility for an allocation of accommodation of those with a permanent right of residence is discussed at paragraphs 32 and 33.

#### *Family members who must be habitually resident*

41. For family members with a right to reside under regulation 14 of the EEA Regulations, the following categories of persons must be habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland in order to be eligible for an allocation of accommodation:

- a person whose right to reside derives from their status as a family member of an EEA national who is a self-sufficient person for the purposes of regulation 6(1)(d) of the EEA regulations
- a person whose right to reside derives from their status as a family member of an EEA national who is a student for the purposes of regulation 6(1)(e) of the EEA regulations
- a person whose right to reside is dependent on their status as a family member of an EEA national with a permanent right to reside
- a person whose right to reside is dependent on their status as a family member who has retained the right of residence

#### *Family members who are exempt from the habitual residence requirement*

42. A person with a right to reside under regulation 14 as a family member of an EEA national who is a worker or a self-employed person for the purposes of regulation 6(1) of the EEA regulations is exempted from the requirement to be habitually resident by regulation 4(2)(d) of the Eligibility Regulations. However, authorities should note that an extended family member (see above) is not counted as a family member for the purposes of regulation 4(2)(d) of the Eligibility Regulations (see regulation 2(3) of the Eligibility Regulations).

### **Family members of UK nationals exercising rights under the EU Treaty**

43. There are some limited cases in which the non-EEA family member of a UK national may have a right to reside under EU law. Under regulation 9 of the EEA Regulations, the family member of a UK national should be treated as an EEA family member where the following conditions are met:

- (i) the UK national is residing in an EEA State as a worker or self-employed person, or was so residing before returning to the UK, and
- (ii) if the family member of the UK national is his spouse or civil partner, the parties are living together in the EEA State, or had entered into a marriage or civil partnership and were living together in that State before the UK national returned to the UK

44. Where the family member of a UK national is to be treated as an EEA family member by virtue of regulation 9 of the EEA Regulations, that person is not subject to immigration control, and his or her eligibility for an allocation of accommodation should therefore be determined in accordance with regulation 4 of the Eligibility Regulations.

### **Worker authorisation scheme**

1. Bulgaria and Romania ('the A2') acceded to the European Union on 1 January 2007. A2 nationals have the right to move freely among all EU Member States. However, under the EU Accession Treaty for Bulgaria and Romania existing Member States can impose limitations on the rights of A2 nationals to access their labour markets (and the associated rights of residence) for a transitional period.

### **The Accession (Immigration and Worker Authorisation) Regulations 2006**

2. Under the *Accession (Immigration and Worker Authorisation) Regulations 2006* (SI 2006/3317) ('the Accession Regulations'), nationals of the A2 States (with certain exceptions set out in paragraph 9 below) are required to be authorised to work by the Home Office if they work in the UK during the transitional period. While looking for work (or between jobs) their right to reside will be conditional on them being self-sufficient and not imposing an unreasonable burden on the UK social assistance system. These conditions cease to apply once they have worked in the UK continuously and legally for 12 months. 3. The Accession Regulations also give workers from the A2 states the right to reside in the UK. This means that workers from the A2 states have the same right to equal treatment as other EEA workers while they are working in accordance with work authorisation requirements or are exempt from those requirements.

### **The worker authorisation scheme**

4. Nationals of A2 states who wish to work in the UK (except those who are exempt from the requirement) must have an accession worker authorisation document and must be working in accordance with the conditions set out in that document.

5. Nationals of the A2 states who are self-employed are not required to be authorised if they are working that capacity.

6. The following constitute worker authorisation documents:

- i. a passport or other travel document endorsed to show that the person was given leave to enter or remain in the UK before 1 January 2007, subject to a condition restricting his or her employment in the UK to a particular employer or category of employment

If the leave to enter or remain expires before the person qualifies to be exempt from the work authorisation requirements, or they wish to engage in employment other than the job for which the leave was granted, they will need to obtain an accession worker card

ii. a seasonal agricultural work card issued by the Home Office under the Seasonal Agricultural Workers Scheme. The card is valid for 6 months from the date the person starts work for the agricultural employer specified in the card

iii. an accession worker card issued by the Home Office

7. The accession worker card is valid for as long as the person continues to work for the employer specified in the card. If the person changes employer, he or she must apply for a new accession worker card.

8. The worker authorisation scheme is a transitional measure. The Accession Regulations provide for the scheme to operate for up to five years from 1 January 2007 (i.e. until 31 December 2011). However, there is provision for the scheme to be extended for a further two years in the event of a serious disturbance to the labour market. The decision was taken on 23 November 2011 to maintain transitional controls on Romanian and Bulgarian workers until the end of 2013.

## **A2 nationals exempt from worker authorisation**

9. The following are the categories of A2 nationals who are not required to obtain authorisation to work:

- those who are classified as highly skilled persons and hold a registration certificate allowing them unconditional access to the UK labour market
- those working legally, and without interruption, in the UK for a period of 12 months or more ending on 31 December 2006 (for example, they may have been already present in the UK as a work permit holder before accession)
- those who had leave to enter the UK under the Immigration Act 1971 on 31 December 2006 and that leave does not place any restrictions on taking employment in the United Kingdom (for example, a person may have been given leave to remain as the spouse of a British citizen or as the dependant of a work permit holder)
- those who are providing services in the UK on behalf of an employer established elsewhere in the EEA
- those who are also a national of the UK or another EEA state (other than an A2 state)

- those who are a spouse or civil partner of a national of the UK or a person settled in the UK those who are the spouse, civil partner or child under 18 of a person who has limited leave to enter or remain in the UK and that leave allows that person to work in the UK those who are a family member (spouse, civil partner or dependant child) of an EEA national who has a right to reside in the UK under the EEA Regulations, including those who are the family member (spouse, civil partner or descendant (under 21 or dependant)) of an A2 national who is working in accordance with worker authorisation requirements
- those who have a permanent right to reside in the UK under regulation 15 of the EEA Regulations
- those who are in the UK as a student and are permitted to work for 20 hours a week, provided they are in possession of a registration certificate confirming that they are exercising a Treaty right as a student

10. In addition, where a person has worked legally in the UK without interruption for a 12 month period falling wholly or partly after 31 December 2006, they will be free from the requirement to seek authorisation. At that stage, they will be able to apply to the Home Office for an EEA residence permit to confirm their right to equal treatment on the same basis as other EEA nationals.

### **12 months' uninterrupted work**

11. In order to establish '12 months' uninterrupted work' an A2 worker must have been working legally in the UK at the beginning and end of the 12 month period. The 12 month period does not have to run continuously. However, any intervening period in which an A2 national is not legally working must not exceed 30 days in total. If more than 30 days between periods of employment occur before a 12-month period of uninterrupted employment is established, a fresh period of 12 months' uninterrupted employment would need to commence from that point. 12. There is no restriction on the number of different authorised jobs (or employers) that a worker can have during a 12-month period of continuous employment.

### **Highly skilled workers**

13. A national of an A2 state is not required to be authorised under the worker authorisation scheme, if he is a highly skilled worker who has been given a registration certificate by the Home Office which includes a statement that he or she has unconditional access to the UK labour market.

### **Habitual Residence**

1. In practice, when considering housing applications from persons subject to the habitual residence test, it is only necessary to investigate habitual residence if the applicant has arrived or returned to live in the UK during the two year period prior to making the application.

#### **Definition of habitual residence**

2. The term 'habitual residence' is not defined in legislation. Housing authorities should always consider the overall circumstances of a case to determine whether someone is habitually resident in the Common Travel Area.

#### **General principles**

3. When deciding whether a person is habitually resident, consideration must be given to all the facts of each case in a common sense way. It should be remembered that:

- the test focuses on the fact and nature of residence
- a person who is not resident somewhere cannot be habitually resident there
- residence is a more settled state than mere physical presence in a country. To be resident a person must be seen to be making a home. It need not be the only home or a permanent home but it must be a genuine home for the time being. For example, a short stay visitor or person receiving short term medical treatment is not resident
- the most important factors for habitual residence are length, continuity and general nature of actual residence rather than intention
- the practicality of a person's arrangements for residence is a necessary part of determining whether it can be described as settled and habitual
- established habitual residents who have periods of temporary or occasional absence of long or short duration may still be habitually resident during such absences

### **Action on receipt of an application**

*Applicant came to live in the UK during the previous two years*

4. If it appears that the applicant came to live in the UK during the previous two years, authorities should make further enquiries to decide if the applicant is habitually resident, or can be treated as such.

*Factors to consider*

5. The applicant's stated reasons and intentions for coming to the UK will be relevant to the question of whether he or she is habitually resident. If the applicant's stated intention is to live in the UK, and not return to the country from which they came, that intention must be consistent with their actions.

6. To decide whether an applicant is habitually resident in the UK, authorities should consider the factors set out below. However, these do not provide an exhaustive check list of the questions or factors that need to be considered. Further enquiries may be needed. The circumstances of each case will dictate what information is needed, and all relevant factors should be taken into account.

*Why has the applicant come to the UK?*

7. If the applicant is returning to the UK after a period spent abroad, and it can be established that the applicant was previously habitually resident in the UK and is returning to resume his or her former period of habitual residence, he or she will be immediately habitually resident.

8. In determining whether an applicant is returning to resume a former period of habitual residence authorities should consider:

- when the applicant left the UK
- how long the applicant lived in the UK before leaving
- why the applicant left the UK
- how long the applicant intended to remain abroad
- why the applicant returned
- whether the applicant's partner and children, if any, also left the UK
- whether the applicant kept accommodation in the UK

- if the applicant owned property, whether it was let, and whether the lease was timed to coincide with the applicant's return to the UK
- what links the applicant kept with the UK
- whether there have been other brief absences
- why the applicant has come back to the UK

9. If the applicant has arrived in the UK within the previous two years and is not resuming a period of habitual residence, consideration should be given to his or her reasons for coming to the UK, and in particular to the factors set out below.

*Applicant is joining family or friends*

10. If the applicant has come to the UK to join or rejoin family or friends, authorities should consider:

- whether the applicant has sold or given up any property abroad
- whether the applicant has bought or rented accommodation or is staying with friends
- whether the move to the UK is intended to be permanent

*Applicant's plans*

11. Authorities should consider the applicant's plans, e.g:

- if the applicant plans to remain in the UK, whether their stated plan is consistent with their actions
- whether any arrangements were made for employment and accommodation (even if unsuccessful) before the applicant arrived in the UK
- whether the applicant bought a one-way ticket
- whether the applicant brought all their belongings whether there is evidence of links with the UK, e.g. membership of clubs.

12. The fact that a person may intend to live in the UK for the foreseeable future does not, of itself, mean that habitual residence has been established. However, the applicant's intentions along with other factors, for example the disposal of property abroad, may indicate that the applicant is habitually resident in the UK.

13. An applicant who intends to reside in the UK for only a short period, for example for a holiday or to visit friends is unlikely to be habitually resident in the UK.

#### *Length of residence in another country*

14. Authorities should consider the length and continuity of an applicant's residence in another country:

- whether the applicant has any remaining ties with his or her former country of residence
- whether the applicant stayed in different countries outside the UK

15. It is possible that a person may own a property abroad but still be habitually resident in the UK. A person who has a home or close family in another country would normally retain habitual residence in that country. A person who has previously lived in several different countries but has now moved permanently to the UK may be habitually resident here.

#### *Centre of interest*

16. An applicant is likely to be habitually resident in the Common Travel Area despite spending time abroad, if his or her centre of interest is located in one of these places.

17. People who maintain their centre of interest in the Common Travel Area for example a home, a job, friends, membership of clubs, are likely to be habitually resident there. People who have retained their centre of interest in another country and have no particular ties with the Common Travel Area are unlikely to be habitually resident.

18. Authorities should take the following into account when deciding the centre of interest:

- home
- family ties
- club membersh
- finance accounts

19. If the centre of interest appears to be in the Common Travel Area but the applicant has a home somewhere else, authorities should consider the applicant's intentions regarding the property.

20. It is not uncommon for a person to live in one country but have property abroad that they do not intend to sell. Where such a person has lived in the Common Travel Area for many years, the fact that they have property elsewhere does not necessarily mean that they intend to leave, or that the applicant's centre of interest is elsewhere.

## Points Assessment Sheet

	<u>Factors for which points can be given</u>	Number of points
1	<p><b>Unsanitary, overcrowded or unsatisfactory housing</b></p> <p><b>(a) Disrepair (certified by the Council's Environmental Health Department) which:</b></p> <p>Renders a property dangerous for occupation or; Significantly affects the suitability of accommodation for occupation</p> <p><b>(b) Statutory overcrowded (certified by the Council's Environmental Health Department)</b></p> <p><b>(c) Facilities lacking</b></p> <p>WC Bath or Shower Kitchen/cooking facilities Hot/cold water supplies</p> <p><b>(d) Facilities shared</b></p> <p>WC Bath or shower Kitchen/cooking facilities Living room</p> <p><b>(e) Room deficiency</b></p> <p>For each bedroom lacking</p> <p>For each person requiring an additional separate bedroom for medical reasons (Certified by the Council's Medical Advisor)</p> <p>No Living Room</p>	<p><b>1-20</b></p> <p><b>20</b></p> <p><b>10</b></p> <p><b>10</b></p> <p><b>10</b></p> <p><b>10</b></p> <p><b>5</b></p> <p><b>5</b></p> <p><b>5</b></p> <p><b>5</b></p> <p><b>10</b></p> <p><b>10</b></p> <p><b>10</b></p>
2	<p><b>Medical factors (Certified by The Council's Medical Advisor)</b></p> <p>High Priority Medium Priority Low Priority</p>	<p><b>15</b></p> <p><b>10</b></p> <p><b>5</b></p>
3	<p><b>Applicants who are owed a duty by the housing authority under s.190 (2), s.192 (3), 195 (2), s193 (2) of the Housing Act 1996.</b></p>	



	s.193 (2) duty s.195 (2) duty s.192 (3) duty s.190 (2) duty	<b>50</b> <b>30</b> <b>20</b> <b>10</b>
<b>4</b>	<u><b>Need to move on welfare grounds</b></u> (This would apply where a person has either social or care needs, or other needs on welfare or medical grounds)	<b>1-20</b>
<b>5</b>	<u><b>Need to move on “hardship” grounds</b></u> Needs to move to a different locality in order to give care Need to move to a different locality in order to receive care Needs to access specialised medical treatment Wishes to take up employment, education or training opportunity	<b>15</b> <b>20</b> <b>20</b> <b>10</b>
	<u><b>How additional points may be awarded</b></u>	
<b>6</b>	<b>Additional preference</b> Victims of domestic violence Victims of racial harassment amounting to violence of threat of violence Witnesses of crime, or victims of crime who would be at risk of intimidation if they remained in their current home Those who need to move due to urgent medical reasons Armed Forces Personnel Applicants who are Surrey County Council Care Leavers within 12 months of having to leave their care placement  Social Housing tenants living in borough wanting to down size	<b>20</b> <b>15</b> <b>15</b> <b>100</b> <b>30</b>  <b>50</b>  <b>50 per bedroom</b>
<b>7</b>	<b>Temporary accommodation/short term accommodation provided/arranged by EEBC to prevent homelessness</b>  Bed and Breakfast RSL temporary accommodation or short term prevention accommodation Refuge/Hostel Private rented accommodation secured by a rent deposit Floating Support Scheme	<b>Points per month</b>  <b>5</b> <b>5</b> <b>2</b> <b>2</b> <b>2</b> <b>2</b>
<b>8</b>	<b>1 Time on housing register</b> For each continuous period of 12 months that an applicant is registered (up to a maximum of 10 points)	<b>Points per year</b> <b>2</b>
<b>9</b>	Local connection - within the meaning of section 199 Housing Act 1996.	<b>20</b>

East Surrey HomeChoice Allocation Scheme



**East Surrey Home Choice  
Allocation Policy**

**May 2008**



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## **1. Introduction**

This policy has been agreed between the following local housing authorities: Reigate and Banstead, Tandridge, Epsom and Ewell and Mole Valley to facilitate cross-boundary mobility via the Sub-Regional Choice Based Lettings Scheme known as East Surrey Home Choice.

## **2. Aims**

The aim of East Surrey Home Choice is to facilitate cross boundary moves for applicants included on the Housing Registers of partner authorities. In principle, each partner authority agrees to offer an agreed proportion of available properties each year to applicants included on any of the partner authority's housing registers. These properties will be let in accordance with this allocation policy. Each partner will continue to allocate the remaining proportion of properties becoming available, through its own allocation scheme, details of which are available on the individual partners' websites.

## **3. Information Sharing**

Each partner authority will seek the express permission of housing applicants applying to join their housing register to share personal information about the applicant, and any members of their household expected to reside with them, with the other partner authorities and housing associations to whom nominations may be made. However, information may be shared about the individual and their history irrespective of whether their consent has been obtained if:

- it is in accordance with the provisions of the Crime and Disorder Act 1998 (Section 115);
- there is a serious threat to the other partner's staff or contractors;
- information is relevant to the management or support duties of the partner authority or housing association.

Each partner will comply in all respects with the requirements of the Data Protection Act 1998.

## **4. Equalities & Diversity**

The partnership, through each individual partner authority's own Equalities and Diversity Policy and Procedures, will ensure that it does not discriminate against any person on the grounds of race, ethnic origin, disability, nationality, gender, sexuality, age, class, appearance, religion, responsibility for dependants, unrelated criminal convictions, HIV positive status or diagnosis of AIDS, or any other matter which causes any person to be treated with injustice or inequality.

## **5. Allocation Criteria**

Any applicant who has been accepted onto the housing register of one of the partner authorities will also be eligible to bid for properties identified for cross-boundary mobility moves that are suitable for their household size. This includes applicants who are on the housing register of the partner authority that is advertising the property.

The partner authority identifying a property for inclusion in this scheme will also identify the band in which applicants should be included.

Applicants' needs will be assessed in accordance with this policy and their application will be placed in one of five bands, as follows:

### **Band 1**

- Households who cannot occupy their current accommodation because of a medical problem or disability, and the property cannot be adapted e.g. a wheelchair user who lives in a first floor flat with no lift. An Independent Medical Adviser will normally have advised that the application should be awarded band 1/overriding priority.
- An application where the life of a household member would be in immediate danger if they continued to live in their current accommodation and this has been substantiated. E.g. Victims of domestic violence, racial harassment and applicants accepted under the Witness Protection Scheme.
- Other cases recognised as exceptional and/or emergencies but not fitting into the above.
- Applicants who are under occupying a property that is in high demand and who are a successor or a tenant of a local authority or registered social landlord.
- Applicants who are occupying a property, which is subject to a compulsory purchase order and/or where the Council has a statutory duty to move the applicant or they need to move because their home is to be demolished or redeveloped within 6 months
- Applicants whose needs fit into two or more categories in Band 2 or and who are judged to be top priority.

Applications that come within the above categories will be placed in Band 1, unless they have a high income, are home owners or they do not have a local connection with the partner authority on whose housing register they are included, in which case they will be placed in Band 4.

### **Band 2**

- Households with an urgent need to move for medical or welfare reasons
- Households for whom the Council has accepted an obligation to provide housing under Part 7 of the Housing Act 1996
- Households for whom the Council has facilitated an Assured Shorthold Tenancy in order to prevent their homelessness
- Vulnerable applicants who are retiring or whose contract is terminated on health grounds from tied accommodation
- Vulnerable applicants who are receiving a discharge from HM Forces due to redundancy and/or end of service

- Applicants who are care leavers and who have been referred by Surrey County Council Social Services Department. These applicants will be included in band 2 when they are within 12 months of having to leave their care placement
- Households with insufficient bedrooms for their needs as defined by the allocation bedroom entitlement
- Households whose accommodation lacks basic facilities (i.e. a kitchen, bathroom or lavatory) and this cannot be provided by the owner at reasonable cost
- Households whose accommodation is assessed as being uninhabitable, by a Private Sector Housing Officer or Environmental Health Officer, and which cannot be repaired at a reasonable cost
- Households with dependent children where the facilities are shared with others who are not members of the applicant's household
- Households who need to move on welfare grounds including to give or receive care or support, to take up a particular employment, education or training opportunity, to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse

Applications that come within the above categories will be placed in Band 2, unless they have a high income, are home owners or they do not have a local connection with the partner authority on whose housing register they are included, in which case they will be placed in Band 4.

### **Band 3**

- Households with a need to move for an identified medical or welfare reason which is not considered an emergency or urgent
- Households with no living room or those sharing a living room with another household
- Households who are renting accommodation with limited security of tenure e.g. Assured Shorthold Tenancies
- Households who are homeless but who are not owed the full housing duty within the meaning of Part 7 of the Housing Act 1996
- Applicants who are sleeping rough and whose circumstances are confirmed by a visiting Officer
- Households containing a dependent child/children who live in accommodation above the ground floor
- Households containing one or more people who have health problems which may be improved by moving to alternative accommodation

Applications that come within the above categories will be placed in Band 3, unless they have a high income, are home owners or they do not have a local connection

with the partner authority on whose housing register they are included, in which case they will be placed in Band 4.

#### **Band 4**

- Households who have sufficient funds to secure their own accommodation. Sufficient funds will be deemed to include the total of the household's equity, savings and gross income
- Households who have no local connection with any of the partner authorities

#### **Band 5**

- Households with no housing need as detailed in bands 1,2 and 3 above
- Applications that include a household member with a history of anti social behaviour that would give grounds to a social landlord providing them with accommodation, for an outright possession order.

The applicant with the earliest application date in the band identified by the advertising partner authority will normally be offered the property.

#### 6. **Local Connection**

Local connection is defined by the individual partner local authority on whose housing register an applicant is included.

#### 7. **Anti-Social Behaviour**

This will apply where any member of the household has behaved in such a way that their behaviour would have entitled a Council to a Possession Order had they been a secure tenant of a Council. Furthermore, that they are still unsuitable to be a tenant of a Council because of that person's behaviour.

Examples of such unacceptable behaviour would include

- Significant rent arrears or breach of tenancy obligations
- Serious nuisance or annoyance to neighbours
- A conviction for using accommodation or allowing it to be used for immoral or illegal purposes such as drug dealing
- Serious damage or neglect of a property

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

Any applicant regarded by one of the partner Councils as ineligible to join their housing register because of unacceptable behaviour may request a review of this decision from the Council which made the decision. (See section 13).

## 8. Financial Resources

Less priority for rented units will be given to applicants who:

- Have sufficient income, funds or assets to purchase alternative accommodation suitable for their needs privately or by using one of the East Surrey Shared Ownership / HomeBuy Schemes, or
- have within five years of the date of their application, disposed of an asset which they could reasonably be expected to use to resolve their housing difficulties, or
- are owner-occupiers that have an asset that could be used to obtain accommodation suitable to their needs.

The table below shows the income levels above which households will be considered to have sufficient income, funds or assets to purchase alternative accommodation suitable to their needs. Only applicants with an identified housing need and incomes below these levels will be considered for inclusion in bands 1-3.

Applicants with an identified housing need (as defined by bands 1-3 above) that have a higher income or assets or have disposed of an asset will be placed in band 4.

Applicants with no housing need will be placed in band 5, regardless of their financial resources.

**Table 1      Income levels**

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

## 9. Medical Assessment

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

### i) Emergency Medical Priority

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

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



## ii) Urgent Medical Priority

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

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

## iii) Medical Priority

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

## iv) No Medical Priority

Where:

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

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

## 10. Welfare Assessment

Priority may be awarded to applicants following a welfare assessment by in the following circumstances:

- a) where a person needs to move to another locality in order to give or receive care, to access specialist medical treatment, to take up particular employment or training. Furthermore that hardship would be caused to themselves or others if they were unable to do so;
- b) where the cumulative needs of an applicant and their household warrant additional priority. During the assessment of the application, applicants who have a range of needs, that would, when considered independently of each other, qualify them for the same band, will be identified. These cases will be further assessed to identify those applicants whose needs, when considered cumulatively, are considered to be sufficient to warrant them being placed in a higher band;
- c) where an applicant has a particular special need that causes them to be vulnerable, other than on medical grounds. Examples of such applicants, including those with a learning disability, a care-leaver aged 18-21 etc. Priority will normally be awarded

following assessment of an applicant's case at a Multi-Agency Special Needs Panel or similar meeting

d) other special circumstances as determined by the Housing Needs Manager.

One of the following awards on welfare grounds may be given by the Housing Needs Manager:

1) Urgent Welfare Priority

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

2) Welfare Priority

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

**11. Bedroom requirements**

The number of bedrooms for which an applicant will be listed within the various bands will be assessed by looking at the size and structure of the household. The size of property for which a typical household will normally be eligible is shown below -

<b>Household composition</b>	<b>Bedrooms</b>
Single applicant	Bedsit/1
Couple	1
Household with 1 child	2
Household with 2 children, same sex under 16	2
Household with 2 children, opposite sex under 7	2 or 3
Household with 2 children, opposite sex eldest over 7	3
Household with 2 children, same sex eldest over 16	2 or 3
Household with 3 children (depending on ages)	3 or 4
Household with 4 children (depending on ages)	3 or 4
Household with more than 4 children	3 or 4 or 5

Because of the lack of large properties available to all partner authorities, households who are eligible for 4 and 5 bedrooms may also be nominated to large 3 bedroom properties that have 2 living rooms. The second living room would be converted for use as a fourth bedroom for these households.

Households, with no more than three children, who are eligible for 4 bedrooms may also be nominated to 3 bedroom properties provided that there are 2 double bedrooms within the property.

3 bedroom properties with 1 living room, 1 double bedroom and 2 single bedrooms will be available for households requiring 3 bedrooms.

Any person wishing to be included as part of an applicant's household must satisfy the partner Council that they are a permanent member of that household, and show that it is reasonable to expect them to reside with the applicant.

Priority for houses will usually be given to households with dependent children under 16 years of age and households who have been awarded priority for this type of property on medical grounds.

Children will not normally be expected to share a bedroom where they are of opposite sex and one of them is over 7 years of age, or where they are of the same sex and there is an age difference of at least 10 years.

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

### **Other Considerations**

- The partner authority that has advertised the property will also consider which households "best fit" the property by comparing the size of the property with the number of people on the application
- If the property has features, which are best suited to a particular applicant, for example it is ground floor or has disabled adaptations, priority will be given to those applicants requiring those features
- The provisions of any local lettings policy that is in place for the property advertised.

## **12. Lettings Targets**

Lettings will be monitored to ensure there is a fair distribution between transferring tenants and housing need applicants. Targets may be introduced in the future.

## **13. Properties to be Included in the Scheme**

Each partner authority agrees to offer 10% of its available properties in each year to applicants on any of the partner authorities' housing registers.

### **General Principles**

- Both Council and RSL properties will be included in the 10%
- Partner authorities are encouraged, but not obliged, to include properties adapted for the disabled. These may be advertised when the vacancy first occurs, or later where it has not been possible to identify a suitable applicant from the partner's own housing register.
- Any other exclusion agreed by the partnership.

### **Number of each Property Type to be Included**

The exact number and type of each property to be included will be agreed annually by the partners and will be based on the stock profile and vacancy rate for each property type for the previous 3 years. In future years the proportion of properties may take into account the rate of population growth of the different local authority areas.

These figures will be the minimum number of properties to be identified for cross-boundary mobility moves. Each partner may choose if they wish to include additional properties e.g. hard to let sheltered bed-sit flats.

It is up to each partner to select the properties that are to be identified for cross-boundary mobility moves. However, low demand or less popular properties would not be expected to be overrepresented.

### **Timing of Properties to be Included**

In order to ensure as even a distribution as possible of properties available for cross-boundary mobility moves over the course of each year, a target has been set that each partner will aim to provide 25% of such properties each quarter.

### **Monitoring & Evaluation**

The outcome of each cross-boundary mobility move will be monitored by the partnership on a quarterly basis and corrective action proposed, if required, where an imbalance exists between properties advertised by each partner and cross-boundary mobility moves achieved.

## **14. Eligibility for Properties According to Size**

Each authority will allocate properties in accordance with the East Surrey allocation matrices set out in this allocation policy.

## **15. Lettings Process**

### **Advertising through East Surrey Home Choice**

- Each partner authority will identify properties to be advertised as available for cross-boundary mobility moves in accordance with Section 10 above.
- The partner authority or housing association landlord will prepare an advertisement for these properties to be included in the next available weekly cycle. Each cycle will commence on midnight Thursday and close on midnight Wednesday the following week.
- The advertisement will contain a photograph of either the particular property in question, if considered appropriate, or a photograph of a similar property type, or if no photograph is available the landlord's logo; a description of the property; other details including the weekly rent and any other charges and eligibility criteria as required by the software. It is the property landlord's responsibility to ensure that a photograph is provided if at all possible and that the information is accurate and complete.
- The partner authority or housing association landlord will set the requirements that the successful applicant must fulfil, for example with regard

to age criteria or the need for particular features of the property, such as disabled adaptations.

- When advertising a property the partner authority must ensure that the minimum and maximum bedroom size fields are set so that applicants on all the partner authority housing registers that would meet the required eligibility criteria for that property size are able to bid for it.

### **Bidding for Properties**

- Applicants may make a combined total of 3 bids in any one advertising cycle for properties advertised by the partner authority on whose housing register they are included and properties that are advertised for cross-boundary mobility moves.
- Any applicant who has been accepted onto the housing register of one of the partner authorities is eligible to bid for properties identified for cross-boundary mobility moves that are suitable for their household size, provided that they have not already accepted the offer of any other property.
- Applicants will be able to bid through the following mechanisms: -
  - Online via the website
  - Automated telephony system
- Bids must be made before the deadline shown in the advertisement otherwise the bid will not count.
- It is recognised that there will be applicants who have support needs and may need assistance with accessing or using the bidding system. Each partner authority will have in place their own mechanisms for providing the level of support required by the individual applicants.

### **Selection Process**

- After the close of bidding the partner local authority that has advertised the property will review the shortlist and decide which applicant is eligible to be offered the property in accordance with this policy. The shortlist will contain the names of eligible applicants in order of band priority and application priority date.
- If the partner authority that has advertised the property does not have sufficient information on which to base a decision they may ask the partner authority on whose housing register the applicant is registered to provide additional information either by telephone or through the completion of a pro forma. This should be completed electronically and sent back by secure e-mail/fax within 1 working day.
- It is the responsibility of the partner authority advertising the property to carry out their own verification checks in accordance with their own policy. The authority in which the applicant is resident will carry out a home visit, information will be recorded on an East Surrey Home Visit form. It will be sent to the landlord advertising the property back by secure e-mail/fax within 1 working day.
- If an applicant does not meet the verification criteria of the partner authority advertising the property they will be considered to be ineligible to be nominated to the landlord advertising the property. The partner authority will overlook the applicant and move onto the next applicant on the shortlist. In doing so

they will be responsible for advising, at the very least, the highest placed applicant that they are not eligible for the property and the reason for this.

## **Offers**

- Having identified the applicant who is eligible to be nominated, the partner authority will nominate the applicant to the landlord advertising the property.
- The landlord advertising the property will make a decision about offering the property to the applicant in accordance with their own policies and procedures. Nomination by one of the four East Surrey Councils to a landlord does not guarantee that individual applicants will be offered properties by that landlord. The final decision rests with the landlord advertising the property.
- After a property viewing, the applicant will be required to confirm whether or not they wish to accept the property. The timescale for this will be based on the normal timescale used by the partner authority or landlord advertising the property.
- If the applicant accepts the property they will be invited to sign for the tenancy. If the applicant refuses the property the next eligible person is selected.
- If an applicant who accepts a property is on the housing register of another partner authority the partner authority that advertised the property will inform the applicant's current partner authority and housing association landlord, if they are a tenant of a housing association, of the tenancy start date within 1 working day of its being agreed.
- At the end of each month each partner authority will compile a list of all applicants housed under the common allocation policy during the last month and forward this by secure e-mail/fax to the other partner authorities. This is to ensure that these applicants are shown as housed on all partner authorities' housing registers.
- Once a tenancy start date has been agreed the partner authority that advertised the property may request the applicant's file from the partner authority on whose housing register they are included. The file will be provided within 10 working days of this request.

## 16. Appeals Process

An applicant has a right to request a review of the following decisions:

- That they are ineligible for an offer. This request will be made to the partner authority that has advertised the property. An officer senior to the officer making the original decision and who was not involved in making the decision will carry out any such reviews.
- That they were not offered the property having successfully bid for it. This request will be made to either the partner authority or the landlord of the property advertised depending on who is responsible for making the decision not to offer the property.

Any request for review relating to the individual partner authorities' allocation schemes will be dealt in accordance with their own policy.

The procedure for carrying out a review will be in accordance with each individual partner authority or landlords' own procedures and timescales, providing they meet the requirements of the relevant legislation or code of guidance.

## 17. Review of East Surrey Allocations Policy

The East Surrey Authorities will monitor this policy. These authorities may undertake minor reviews of this policy as appropriate.