

# Gravesham Borough Council

## Housing Allocation Scheme

April 2021

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### Document Control

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### Revision History

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## 1. Introduction and Policy Objectives

- 1.1. The demand for people in need of housing or wishing to move to Gravesham is significantly higher than the number of homes available. There is an insufficient supply of social housing owned by the Council and Registered Providers (Housing Associations) to offer housing to everyone who would want it, or even to everyone who needs a home.
- 1.2. This allocation scheme ensures that we allocate the limited number of social homes available as fairly as possible and to those in greatest need. This policy sets out who is and who is not assisted under the scheme, how applications are assessed and how they are prioritised. The policy is designed to ensure we comply with our legal obligations and to support the objectives of Gravesham's Housing Strategy.
- 1.3. The objectives of the policy are to:
  - Comply with the law and have regard to statutory guidance.
  - Determine the priority of applicants in a clear, transparent and consistent way.
  - Allocate affordable housing fairly and in accordance with the scheme.
  - Provide accurate and timely advice and information to allow applicants to make informed choices about their housing options.
  - Create sustainable communities by the use of local lettings plans.
  - Make the best use of the housing stock within Gravesham, ensuring that vacant homes are let quickly and efficiently.
- 1.4. Only applicants who are accepted on to the Council's housing register will be able to apply for social housing in Gravesham. The Council will consider all applications for social housing in accordance with this policy, which sets out:
  - Who qualifies to be included on the register.
  - How to apply to get on the register.
  - How we determine an applicant's priority on the register.
  - How to bid for available properties.
  - How available properties are allocated.
  - How we keep the register up to date.
  - How applicants can seek a review of decisions made regarding the application, assessment and allocation process.
- 1.5. This allocations scheme has been written to comply with the provisions of the:
  - Housing Act 1996 (as amended by the Homelessness Act 2002),
  - Localism Act 2011.
  - Homelessness Reduction Act 2017.

It also takes into account the Code of Guidance on Allocations June 2012 and Supplementary Guidance December 2013, Providing Social Housing for local people October 2013 and Right to Move March 2015.

## 2. What properties are included and excluded from this scheme

- 2.1. The scheme covers all Council and Registered Partner Landlord properties, which the Council have nomination rights for. These are available to let on an Introductory Tenancy, Secure Tenancy, or Assured Tenancy and includes flexible tenancies and those let under the affordable rented schemes. The following are not considered to be an allocation under this policy:

- Statutory right of succession to a tenancy on the death of the original tenant.
- When an introductory tenancy becomes a secure tenancy at the end of the probationary period.
- Where a Court makes a decision about a tenancy (such as an order under the Children Act).
- Where we let a property directly to someone who needs temporary accommodation only. This may include people who need to move out for a while whilst refurbishment is carried out (temporary decant), but does not include people who need to be moved out of their home permanently.
- Where the tenant is returning to the property after refurbishment or improvement
- Mutual exchanges.
- Tenancies granted under section 39 of the Land Compensation Act 1973 or sections 554 and 555 of the Housing Act 1985.

### 3. Equality and diversity

3.1. Gravesham is a diverse borough and home to people from a wide range of backgrounds and communities. We are committed to our residents having the opportunity to reach their potential and seek to ensure our services meet their needs. We seek to ensure that no section of our community is excluded from the benefits and opportunities available and that we always have regard to the need to eliminate discrimination, harassment and victimisation. The policy will be applied consistently to everyone who applies to or is on the housing waiting list regardless of race, gender, disability, age, sexuality, religion or belief.

### 4. The Lettings Policy

#### 4.1. Who can join the Housing Register?

Anyone age 16 or above is able to join the housing register, unless they are ineligible or disqualified. You will be ineligible if you:

- Are a person the Government says cannot be on the list (this includes people who are subject to immigration control and do not have permission to be in the United Kingdom (UK), or whose immigration status does not allow them to benefit from government help).
- If a member of your household who lives with you, and has engaged in unacceptable behaviour, which is defined below.

#### 4.2. Ineligible as a result of immigration status

The Government states that normally we will not be able to allocate social housing to persons who need leave to enter or remain in the UK. This applies to all persons except British citizens or persons with a right to reside in the UK under European law.

If you need leave to enter or remain in the UK (regardless of whether or not you have leave) you will only be eligible to join the housing list if you are a person who falls into one of the following:

- Recorded by the Secretary of State as a refugee.
- Granted Exceptional Leave to Remain outside of the Immigration Rules who is not subject to a condition of non-recourse to public funds (Indefinite Leave to Remain).
- Granted unconditional and unlimited leave to remain in the UK, is habitually resident in the Common Travel Area (UK, Channel Islands, Isle of Man or Republic of Ireland) and who is not sponsored.
- Granted Humanitarian Protection.
- An Afghan citizen granted limited leave to enter the UK under paragraph 276BA1 of the Immigration Rules.

- Granted limited leave to enter or remain in the UK on family or private life grounds under Article 8 of the European Convention of Human Rights under 12 paragraph 276BE(1) or 276DG or Appendix FM of the Immigration Rules who is not subject to a condition of non-recourse to public funds.

The Government also states that we cannot Allocate housing to anyone unless they are habitually resident in the Common Travel Area, subject to certain exceptions for persons with rights of residence under European law and persons who are in the UK as a result of being deported or expelled from another country.

The Government also states that we cannot Allocate housing to a person whose only right to reside in the UK arises under European law based on their status as a jobseeker or an initial three months' right of residence, or is a derivative right of residence based on being the principal carer for a British citizen.

The Council is not allowed to allocate housing to an ineligible person by granting them a joint tenancy with another, eligible person.

These rules do not apply to a person who is already a secure or introductory tenant or an assured tenant of accommodation to which they have been nominated by a local housing authority. In that case, you are free to apply for a transfer regardless of your immigration status.

The detailed provisions of these rules are complex and the above is only a summary of them. They are also subject to change by statutory instruments issued by Government from time to time.

#### **4.3. Ineligible as a result of unacceptable behaviour**

Unacceptable behaviour is behaviour that is sufficiently serious enough for us to consider you to be unsuitable to be our tenant. You will not usually qualify to be included on the Housing Register if you or a member of your household, has behaved in an unacceptable manner in the preceding five years on the date of your application.

Examples of unacceptable behaviour include, but are not limited to the following:

- Eviction or otherwise lost accommodation as a result of anti-social behaviour or rent arrears.
- Conviction of criminal offences in or near your home and we are satisfied you still pose a threat to neighbours or the wider community.
- Threatening or aggressive behavior towards Gravesham staff or contractors.
- Racial, sexual, homophobic harassment.

The decision to disqualify you will be made by the Housing Allocations Panel and will take into account any supporting information from you, your current or previous landlords, and the police, the Community Safety Unit, Probation or any other relevant professional body.

#### **4.4. Disqualification from the Housing Register**

As a result of the shortage of social housing in Gravesham we have identified certain groups who will not be allocated housing. These applicants are either disqualified from being on the housing register or disqualified from receiving an offer. We have outlined these groups below:

##### **If we consider that you have significant financial resources**

If you own or jointly own a property, (including under a shared ownership arrangement) whether or not you currently live there, you will not usually be included on the housing register. Homeowners who need to move on medical or welfare grounds or grounds relating to a disability may be

considered for sheltered, adapted or other suitable accommodation in accordance with their assessed needs where their needs cannot be met from the proceeds of the sale of the current property or their current income and capital, including savings.

If you have a total household income or capital (including savings) above the thresholds described below, you will not usually be included on the housing register. The current limits are for households:

- Without dependent children with a total gross income of £40,000 or more.
- With dependent children with a total gross income of £60,000 or more.
- With total capital assets or savings of £16,000 or more.

Current payments of the following are disregarded as income for the purposes of this assessment:

- Disability living allowance.
- Attendance allowance and any benefit treated as attendance allowance.
- Personal independence payments.
- Armed Forces Independence Payment
- War pensioner's mobility supplement.
- Payments in compensation for non-receipt of the above.

This does not apply to homeless persons to whom the Council owes the main housing duty under section 193 of Housing Act 1996, transfer applications from existing secure tenants of the Council or secure or assured tenants of our Partner Landlords or leaseholders where the Council is buying back the property as part of a decant programme.

### **Disqualification as a result of outstanding housing related debt**

It is an essential policy of the Council and our partner landlords that we collect rent and other housing related debt. Applicants who have an outstanding housing related debt to the Council, other social landlord or private sector landlord (including but not limited to rent arrears, council tax arrears, Housing Benefit overpayments and rent deposit scheme arrears) will be suspended from joining the Housing Register until they have entered into a repayment plan and have made continuous repayments in accordance with the plan for a minimum period of six months.

Once their application has been accepted onto the housing register, repayments should continue to be made on a regular basis until the debt is cleared. If the applicant is successful in bidding for a social home, any outstanding debts must usually be cleared in full before a property will be allocated.

In some cases where an applicant would otherwise be offered accommodation but for such a debt and where it is considered that although regular repayments are in place there is no reasonable prospect of them repaying the debt within the timeframe required because they are unable to gain employment because of physical or mental illness, learning or physical disability, or are considered to be unable to adequately manage their finances due to health or disability reasons, the offer may still be agreed. This decision will be made by the Housing Allocation Panel.

### **If you do not have a local connection with Gravesham**

You will not be able to join the Housing Register if you do not have a local connection with Gravesham. A local connection under this policy means:

- Currently living Gravesham and been resident for a continuous period of three years at the point of application. This residence must be of an applicant's own choice and does not

include households placed in temporary accommodation under the homeless provisions or Children Act 1989.

- Employed in Gravesham and working within the borough continuously for the last three years.
- A Housing Association or Council tenant currently residing outside Gravesham who is exercising the right to move for work related reasons, where a failure to move will cause hardship.
- If we have accepted the main housing duty under the homeless provisions (s193 Housing Act 1996) due to homelessness.
- A serving member of the Regular Armed Forces or a former member within five years of discharge (or a bereaved or separated spouse or civil partner of such a member).
- A serving or former member of the Reserve Armed Forces within five years of discharge who needs to move because of a serious injury, medical condition or disability sustained as a result of their service.

In exceptional circumstances, applicants will not need to demonstrate a qualifying local connection. This can include (but is not limited to) applicants who:

- Had a break in the period of continuous residence or employment due to circumstances beyond their control. For example a temporary move to escape violence or threats of violence, or a temporary change to their usual place of work.
- Are currently residing outside Gravesham Borough but need to move into the Borough to provide or receive significant and ongoing care or support to, or from a close family member (children, parents or siblings).
- Are currently residing outside Gravesham Borough but are at risk of violence or harassment (including domestic abuse or hate crime) and that risk would be substantially reduced by a move to Gravesham.
- Are Gravesham residents temporarily displaced because they are currently residing in a supported housing or rehabilitation scheme outside the Borough.
- Are aged 55 years or over and have been assessed as suitable for housing within one of our designated sheltered housing or extra care schemes.

The following households will not normally be considered to have a local connection to Gravesham:

- Households placed into temporary accommodation by another local authority, in the homeless provisions or Children Act 1989.
- Those who do not meet the residency criteria but who have family members in Gravesham.

Each case will be assessed on its merits by the Housing Allocations Panel.

#### **4.5. One Offer Policy (Direct Let)**

Occasionally, certain properties are excluded from the Choice Base Lettings scheme and allocated by making a direct offer to an applicant. This includes (but is not limited to) applicants:

- with an immediate need to move on health or welfare grounds, where the current home is unsuitable, or where there is an immediate threat of violence; or
- who are subject to current multi-agency public protection arrangements (MAPPA), and who pose a very serious risk to the community, where the type or location of properties that are suitable may need to be restricted; or
- who have been temporarily decanted from their current housing to enable demolition or redevelopment work and who need to transfer to a suitable property within the new development; or

- with a need for a bespoke adapted home which is to be provided within a new development (as agreed by the Housing Allocations Panel); or
- to discharge our duty to provide accommodation to some homeless households under the Housing Act 1996 (as amended).

Wherever possible the direct allocation of a property will match the applicant's assessed need in terms of number of bedrooms needed or floor level, and any essential requirements on health and welfare grounds. Other factors such as non-essential preferences regarding the location or type of housing will not normally be taken into account.

Only one direct offer of housing will be made which applicants will be expected to accept. If this is refused, the reasons for refusal will be considered by the Housing Allocations Panel who will decide if the property offered was suitable. If the property offered was unsuitable, then one further offer will be made. However, if the property offered was suitable then no further direct allocation will be made and the applicant's housing register application will be suspended for 12 months.

#### **4.6. Period to consider offers and refusals**

After the shortlisting and checking processes, the successful bidder will be contacted to arrange for them to view the property and attend a verification interview. If you are offered a home then you would normally be expected to accept or refuse it within 24 hours of the viewing.

If you refuse an offer, your Housing Register application will usually be suspended for 12 months and you will not be able to place any further bids during this time. If you feel the property you have been offered does not meet your needs, you can ask for a review as to the suitability of the property and you will need to provide detailed reasons for your refusal.

Your request will be considered by the Housing Allocations Panel who will consider the suitability of the offer in accordance with your assessed needs taking into account (but not limited to):

- The size, floor level, space and arrangement of the property, and whether it meets the housing needs of the household.
- Any medical or welfare grounds for re-housing.
- Any risk of domestic or other violence.
- Any other exceptional circumstances.

We will not hold the property for you during the review period; it will be immediately re-offered to another applicant and you will not receive any further offers during this time. If the review confirms the property was suitable your refusal will result in your housing register application being suspended for 12 months. If your reasons for refusal are accepted by the Housing Allocations Panel, and the property offered is considered to be unsuitable for your needs you will be able to continue bidding without any penalty.

#### **4.7. What happens if you are ineligible or disqualified from the Housing Register?**

We will write to you to notify you if we decide that you are not eligible or disqualified from the housing register. You have a right to review the decision, details of how we carry out the review can be found at Section 9 of this policy.

#### **4.8. Reinstatement of exceptional cases**

In exceptional circumstances the Council will reinstate applications. Applicants should write to the Service Manager (Housing Options), who will reinstate the applicant or make an offer if they are satisfied that disqualification would cause exceptional hardship to the applicant and their household. There will be no further right of review of the decision of the Service Manager (Housing Options).

The effect of a decision to reinstate a disqualified application on the ground of exceptional hardship will be that the application is treated as having been made on the date it was originally made, not the date on which it was reinstated.

## **5. Applying for Housing**

### **5.1. Making an application**

Everyone that wants to be considered for inclusion on our Housing Register must carry out the application process set out below:

- Complete the on-line application form at <https://www.gravesham.gov.uk/home/housing/apply-for-housing/apply-housing-register> with details of your housing history and the current needs of you and your household.
- Provide original documents to verify your identity and current housing circumstances.
- Complete any supplementary forms that we may send or answer further questions that we ask you.

This ensures that all applicants are assessed in a transparent and consistent manner and that we have all of the information needed about your household and current circumstances to determine whether you qualify to join the Housing Register and if so, what priority banding is appropriate. :

You can complete an assessment form to record your household's housing needs if you are 16 years of age or over. You can be included on only one application for housing in this borough. This can either be your own personal application or you can be included as a household member in another person's application.

You must complete the assessment form fully and accurately. We will use it to decide your priority on the Housing Register so that housing can be allocated fairly and openly on the basis of greatest need. We will carry out home visits and interviews to confirm housing needs.

If you are between 16 and 18 years of age, before you are offered social housing, your ability to manage a tenancy will be assessed, usually via a referral to Social Services or other support services, to identify any need for support. You will need a guarantor, usually your parent, legal guardian or other relative as any tenancy granted will be held in trust until you reach 18 years of age.

You are required to sign declarations to confirm that you:

- Have provided true, accurate and complete information.
- Will notify us of any change in your circumstances within 14 days of the change.
- Understand that information given on the assessment form will be shared with housing association landlords, other council departments, data matching companies and other relevant parties.
- Consent to us making relevant enquiries to verify the information given on the assessment form.
- Consent to the disclosure of relevant information by third parties to us, or by us to third parties.
- Understand that information provided may be used to help in the detection and prevention of fraud.

The Council is under a duty to protect the public funds it administers and to this end may use the information you provide for the prevention and detection of fraud. It may also share this information

with other Council departments, other local authorities, Government agencies and credit referencing agencies for the detection and prevention of crime.

It is an offence under the Housing Act 1996 and/or the Fraud Act 2006 for anyone seeking help from the Council to:

- Give false or misleading information.
- Withhold information that we have asked for on an assessment form or in subsequent correspondence.
- Fail to tell us of a relevant change in their circumstances which could affect the priority for housing they have been awarded.

This may result in prosecution, your application being suspended or cancelled and/or any tenancy granted to you being terminated. Prosecution by the Council could result in a sentence of up to ten years in prison.

It is your responsibility to inform us of any change that could affect the priority that has been awarded. If we offer affordable housing to you and, on further investigation, it appears that your circumstances had changed before the offer in a way that affected your housing priority; we reserve the right to withdraw the offer. While the investigation is ongoing the property will not usually be held for you and will be reallocated to the next person on the shortlist.

When housing has been allocated on the basis of false or misleading information, legal action may be taken to obtain possession of the property. We will decide when these provisions apply and when to begin criminal proceedings.

The Housing Register is registered under the current data protection legislation. Information on it is received, held, and disclosed only for registered purposes. Applicants have the right to see information on their file relating to their application except where this involves confidential third party information. If an applicant is not eligible or does not meet the qualifying criteria for inclusion on the register or respond to an annual review of their entry on the register or is otherwise removed from the register, their records will be kept for five years before being confidentially deleted.

## **5.2. Who can be included on my application?**

You can include members of your household who are currently living together with you, including

- Your partner, whether you are married, in a civil partnership or co-habiting.
- You and your partner's dependent children under the age of 18, including adopted children.
- Relatives, including adult children, parents or brothers/sisters unless they have a separate application or otherwise intend to live independently from you.
- Someone who currently lives with you as your care giver.

We will also consider including partners, carers and their dependents who are not currently living with you if you are:

- No longer able to live independently because you need care and support that they can provide (or they need care and support that you can provide) and you are unable to live together as your current accommodation does not meet any needs arising from a disability.
- Unable to live together as neither you nor any other member of your household have accommodation available which is large enough to accommodate your whole household together.

### 5.3. What if I have shared responsibilities for dependent children?

The Council acknowledges that many separated or divorced parents continue to share responsibilities for their children including providing a home for them. Where any dependent children live with you some of the time and at other times with their other parent/guardian at a separate address, we will assess whether your address is their main home and if they can be included as members of your household.

We will take into account:

- The financial support you receive including Child Benefit, Universal Credit/tax credits, disability benefits (if appropriate) and maintenance from their other parent/guardian
- Any Family Court Order(s) under the Children Act (1989) in respect of parental responsibility, contact or residency.
- Supporting evidence from Social Services in respect of fostering, guardianship or adoption placements.
- Whether the children currently reside with someone else for all or part of each week.

Regardless of the amount of time that your children actually spend with you, if we decide that their main home is not with you, they will not be included on your Housing Register application; as they will not be considered when assessing overcrowding/under-occupation or the size of property (number of bedrooms) that you can apply for or be offered through Choice Based Lettings.

### 5.4. What if I need a carer?

A carer is someone who looks after and supports a partner, friend, relative or neighbour who would not be able to manage without their help. This could be due to age, physical or mental illness or disability. It does not mean a professional care-worker or personal assistant who gets paid for their work.

If you have identified a primary carer we will consider whether they need to live with you or near you to provide care. They may be entitled to Carer's Allowance if they spend at least 35 hours per week in their caring role. Even if your carer receives Carer's Allowance it may not be essential that they live with you as a member of your household.

If you have requested an additional bedroom for your carer, this will be considered by the Housing Allocations Panel

who will take into account:

- Whether your carer receives Carer's Allowance.
- Whether your care needs have been assessed as including overnight support.
- Whether you have been awarded benefits because of illness or disability including Disability Living Allowance (Care component), Personal Independence Payment (Daily living component), Attendance Allowance, Industrial Injuries Disablement Benefit, Employment and Support Allowance.
- The level of care that you need and whether this is likely to change in the future.
- The ability of your carer to provide the level of care required.
- Your current accommodation, and where your carer currently resides.

### 5.5. How we decide what size of property you need

Generally, social housing is offered in line with the following guide:

| Household composition | Type and Size of Home |
|-----------------------|-----------------------|
|-----------------------|-----------------------|

|  |   |
|--|---|
| A single person.   | Bedsit, studio flat, or one bedroom flat, house, or bungalow (or sheltered accommodation if appropriate). |
| A couple   | One bedroom flat, house, or bungalow (or sheltered accommodation if appropriate).                         |
| Two adults (or a couple with a verified need for separate bedrooms). | Two bedroom flat, house, or bungalow (or sheltered accommodation if appropriate).                         |
| A couple or single parent with one child.                            | Two bedroom flat, house or bungalow.  |
| A couple or single parent with two children.                         | Two or three bedroom flat, house or bungalow (depending on age/sex of children).                          |
| A couple or single parent with three or more children.               | Three or four bedroom house, (depending on age/sex of children).  |

Exceptions to this guide, depending on individual circumstances, which include (but are not limited to) applicants where:

- There is a medical recommendation for a bigger home for example:
  - To meet a medical or disability need for an extra bedroom.
  - Accommodate a carer.
  - The available home has special adaptations which you need and there are no other applicants of the correct household size available that need those adaptations.
- The home is offered as the result of an emergency.
- The home is offered to a homeless applicant as temporary accommodation.
- The home is offered to a downsizing tenant who has requested an additional bedroom to their assessed need which has been agreed by the Housing Allocations.
- The home is offered under the specific terms of a Local Lettings Plan.

Bungalows will usually be allocated to households where the applicant or a member of their household has been assessed as needing level-living accommodation.

## 5.6. Advice and information about your application

Advice and information about your application can be obtained from the Housing Allocation Team at [allocations@gravesham.gov.uk](mailto:allocations@gravesham.gov.uk)

If you are homeless or threatened with homelessness you should contact [housingneedsteam@gravesham.gov.uk](mailto:housingneedsteam@gravesham.gov.uk) for immediate advice and assistance.

All applicants accepted onto the Housing Register are entitled to see their entry and receive a copy of their application. An applicant also has the right to request general information to assess how their application is likely to be treated under this housing allocation scheme and whether and when housing appropriate to his/her needs is likely to become available.

In practice, waiting times depend on a range of factors, including:

- Your personal circumstances including your priority banding and the size and type of property needed to meet your household's need.
- The number of properties available for letting.
- The number of bids placed for each property.
- Changes in the law, regulations or guidance, or the rules of this Housing Allocation

Scheme.

Only a very general indication can be given as to how long an applicant may have to wait to be successful by using historical allocations data. There is no guarantee of housing by a certain date regardless of the priority band awarded. Households with a relatively low need are likely to wait a very long time and many have no realistic prospect of receiving an offer of social housing.

### **5.7. How to bid on accommodation**

Gravesham Council is a member of Kent Homechoice, a partnership of local councils and Register Providers who allocate housing throughout Kent via a Choice Based Lettings (CBL) system.

CBL enables applicants to apply for suitable housing in their borough via an online bidding process. After a property is let, feedback about the number of households that made a bid, the priority band of the successful applicant, and their priority date is available to view to bidders on Kent Homechoice. This helps applicants to understand the availability of suitable properties, their likelihood of success when applying and the possible time they could be waiting.

When your application has been accepted onto our Housing Register you will receive confirmation of your priority banding and details of how to access the Kent Homechoice CBL process. All housing offered by Gravesham and our partners within the borough is advertised at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk) and each property will be available for applicants to place bids for a period of five calendar days.

The advertisements show photographs and give basic details of the properties. These include: the area, number of bedrooms, floor level and mobility level, weekly rent and service charges, along with any age or pet restrictions. Properties that have been adapted for wheelchair users and those within sheltered housing schemes are usually offered to those who would benefit from them. There are no restrictions on the number of properties that you can bid for: you can place bids on any property that meet your household's needs as and when they are advertised.

If you prefer, we can set up auto-bidding on your account which means that a bid will automatically be placed on all properties that meet your needs by the close of bidding so that you will be included on all of the relevant shortlists and do not miss any opportunities to be offered affordable housing.

### **5.8. How housing is allocated**

After the advertisements have closed, a shortlist is produced for each property which ranks all the bids placed in priority order, with applicants in Band A first, Band B second and so on. Within each band, the order of bids is ranked by the applicant's priority date, starting with the earliest.

If two or more applicants share the same priority date within the priority band, the system will randomly place them in order of priority. The applicant at the top of the shortlist will be verified to check that the information they have given is correct and that the property is suitable. Once verified, the highest priority applicant will usually be offered the property, subject to any additional criteria that apply such as a local lettings plan, age restriction or suitability. If an applicant is not verified, does not respond to an offer or the offer is refused, the property will be offered to the next applicant in the shortlist, and so on, until the property is successfully let.

An applicant who is the highest priority bidder for more than one property will be asked to list the properties in their order of preference. They will usually be offered their first choice of property. If this is not suitable they will be offered their second choice, and so on.

The relative position of bidders on the shortlist for a property may change between the close of bidding and when the property is offered. This will only happen where there is a change in the priority band awarded for one or more bidders on the shortlist, this would normally be as a result of

the verification process. In such cases, the property will usually be offered to the applicant with the highest priority at the time the offer is made.

If there are no successful bidders the property will usually be re-advertised or it may be offered as a direct allocation to another applicant on the Housing Register. Once you are shortlisted and nominated for a property you will not be considered for any other properties that you have placed a bid on.

## 6. Determining Priority

### 6.1. Assessment and priority list date

We assess all of the information you provide to support your application in full, and may ask you to provide further evidence to support your application. If you do not meet any of the housing need criteria you will usually be excluded from the register because there is no realistic chance of being offered social housing. If your circumstances change you will need to re-apply.

If you are eligible and your application is not disqualified, the two main factors that determine priority on the register are your assessed need (Bands A to D) and your priority date. Your priority date will usually be the date that your online application is made, unless your application is rejected if you fail to provide the information we need to assess it within 28 days of applying.

Where there is a subsequent relevant change in your circumstances that affects your priority band assessment, your priority date will usually be changed to the date we were notified of the change. We will email to tell you whether or not you have been included on the register. If you have been included, we will tell you the size of property you are eligible to bid for and in which priority band you have been placed. You have the right to request a review of the facts of your case that we have used in this assessment.

You must tell us of any change in your circumstances within 14 days of the change. We will email you to let you know if the change affects your level of housing need and/or your priority band. The banding reflects broad levels of housing need, so some changes in your circumstances may make no difference to the band you are in. However, sometimes a significant change in circumstances, such as a move to another address, the birth of another child, a change to your household income or savings or a substantial change in mobility may result in a reassessment of your priority. Your application will usually be suspended and you will not be able to bid for any properties until you have provided enough written evidence to allow us to verify the change and reassess your priority, regardless as to whether your priority banding actually changes.

### 6.2. Priority Banding

If you have a qualifying housing need your application will be placed into one of four bands which broadly equate to:

#### **Band A – Urgent Priority need to move.**

Applicants in Band A have the highest priority. However, other options may still need to be sought so that Applicants can move more quickly. Our Housing Options Officer will discuss this with you.

This band includes the following:

- Those with an urgent need to move as their current accommodation is unsuitable for their medical or disability needs and they are unable to be discharged home from hospital or other clinical or respite facilities.
- Where an applicant has a terminal illness and the current accommodation is unsuitable for their medical needs and End-of-life care.

- Households that need to move because they will suffer from severe physical or mental illness as a result of their present housing circumstances.
- Transfer applicants currently living in a property with significant adaptations to meet a disability need but those adaptations are not required by any member of the household.
- Transfer applicants who need to move because their home is scheduled for redevelopment by the Council or one of its development partners.
- Applicants who have been assessed by the Housing Allocations Panel as needing a move under the National Witness Mobility Programme or other similar vulnerable person protection scheme.
- Where the Private Sector Housing Team have assessed there are significant hazards (as assessed under the Housing Health and Safety Rating Scheme) or other severe property conditions that impose an imminent risk of harm to the occupants and the landlord is unwilling or unable to remedy the defects.
- Applicants who have been assessed by the Housing Allocations Panel as needing a move due to an immediate, urgent or exceptional need.
- Where there is a rehousing obligation because a demolition, prohibition or compulsory purchase order has been served in respect of the applicant's current accommodation.
- Transfer applicants who are looking to downsize and move to a home with at least one less bedroom than in their current home.
- Applicants who are living in accommodation that is three bedrooms short of the Bedroom Standard.
- Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of your service.
- The bereaved spouse or civil partner of a member of the Armed Forces leaving Services Family Accommodation following the death of your spouse or partner.

### **Band B – High Priority need to move.**

Applicants in Band 2 have a high priority but are still likely to have to wait some time to be rehoused.

This band includes the following:

- Applicants who are living in accommodation that is two bedrooms short of the bedroom standard.
- Anyone who will probably become homeless within 90 days but has not yet become homeless (including domestic violence and harassment cases).
- Anyone who is not occupying temporary accommodation provided or arranged by the Council
- Anyone who has not refused a reasonable offer of accommodation (including a private rented sector tenancy) or has a priority need.
- Anyone who did not become threatened with homelessness intentionally (within the meaning of Part 7 of the Housing Act 1996).
- Homeless applicants where we have accepted a duty to secure accommodation under part 7 of the Housing Act 1996 and they have the following additional needs.
  - Long-term health conditions that are unlikely to improve as assessed by the Housing Allocations Panel.
  - Households where there is a need to place them in Gravesham due to Child Protection Plans under Children Act 1989.
  - Households with children who have an Educational Health and Care Plan.
  - Applicants who are unable to work as they are providing care for friends and family, and are in receipt of carer's allowance.
- Applicants living in supported housing schemes within the borough (or temporarily displaced to a supported housing scheme in another borough) who have been assessed as ready to move on into independent living.

- Households that need to move because they will suffer from serious physical or medical illness as a result of their present housing circumstances.
- Tenants occupying HM Forces service family accommodation who are threatened with homelessness because they have been served with a valid notice to vacate their tenancy (usually at least three months).

### **Band C – Priority need to move.**

Applicants in Band C can expect a long time to be rehoused. They may wish to look at other housing options to resolve their housing difficulties.

- Homeless applicants where we have accepted a duty to secure accommodation under part 7 of the Housing Act 1996, that are residing in temporary accommodation.
- Verified rough sleepers who have a local connection to Gravesham.
- Overcrowding – applicants needing one more bedroom than their current home
- Households where one or more members are awarded a low priority on medical, disability or welfare grounds as the current housing conditions are having a negative impact on the medical, disability or welfare needs of a member of the household.
- Where the Private Sector Housing Team have assessed that there are some hazards (as assessed under the Housing Health and Safety Rating Scheme) which are having a negative impact on the medical, disability or welfare needs of a member of the household and the landlord is unwilling or unable to remedy the defects.
- Households that need to move because they will suffer from some physical or mental illness as a result of their present housing circumstances.

### **Band D – Needing older persons (sheltered or extra care) housing or low priority**

Applicants in Band D can expect to wait a very long time to be rehoused, unless they are applying for older person's accommodation. They may wish to look at other housing options to resolve their housing difficulties.

- Applicants assessed as needing sheltered accommodation who are not currently residing in sheltered accommodation.
- Homeless applicants where we do not owe a duty to secure accommodation, such as:
  - non-priority homeless households; or
  - households assessed as having become homeless intentionally; or
  - those who are of no fixed abode, including those staying or “sofa surfing” with relatives or friends, or living in a garage, shed, outbuilding, car or tent; or
  - where we have a duty to relieve homelessness

Within each band, relative priority between applicants is determined by their priority date.

Your household will be placed in the appropriate band according to its highest need, not the accumulation of its needs. For example, if you are awarded priority on the grounds of overcrowding and are lacking two or more bedrooms, you will be placed into band B regardless of whether you also have another need such as a non-essential medical or welfare reason for moving.

### **6.3. Overcrowding / under occupation**

We assess overcrowding and under-occupation by comparing the number of bedrooms in your home against your household's needs. You will be assessed as needing one bedroom for:

- Every adult couple.
- Any other adult aged 18 or over.

- Any two children of the same sex aged under 18.
- Any two children aged under 10.
- A carer (or team of carers) who does not live with you but provides you or a member of your household with regular overnight care.

You will be assessed as needing an extra bedroom if:

- You have a disabled child who is unable to share a room with a sibling.
- You are an approved foster carer whether or not a child has been placed with you or you are between placements (as long as you have fostered a child, or become an approved foster carer in the last 12 months).
- You have adult children in the Armed Forces (but who continue to live with you) who will be treated as continuing to live at home, even when deployed on operations.
- A member of your household is temporarily absent from your home because they are attending a full time University or higher education course.

A bedroom is defined as any room intended to be used as a bedroom, in line with what is stated on any tenancy agreement and to reflect the level of rent charged. If your current home has two separate living/reception rooms it is probable that one of these could be considered as suitable for use as a bedroom.

For the purposes of assessing overcrowding:

- Two children of the same sex would be expected to share a bedroom until the eldest reaches 18 years of age.
- Two children of the opposite sex would be expected to share a bedroom until the eldest reaches 10 years of age.
- A couple or single parent would not be expected to share their bedroom with a child.
- A room measuring less than 50 sq. ft. (4.65 sq. m) would not be treated as a bedroom.

#### 6.4. Property Condition

If you rent your current home from a private landlord and you state that your reason for seeking social housing is due to problems with the condition of your home, a member of our Private Sector Housing team will contact you and your landlord or managing agent responsible for the property. You must co-operate with this and any subsequent property inspection that may be required. No priority will be awarded if you withhold your consent to allow us to contact your landlord or prevent works being carried out, for example by refusing to let contractors into your home to undertake the works.

If a visit is determined necessary by the Private Sector Housing team, they will inspect and assess your home using the Housing Health and Safety Rating System (HHSRS). We use this to identify and categorise any hazards to health and safety. A crowding and space hazard is included within the housing needs assessment of overcrowding and, if present, no additional priority will be awarded under property condition grounds.

Band A priority will only be awarded to applicants who currently occupy a property which has at least one Category 1 hazard (excluding crowding and space) where the conditions present an immediate threat of serious injury or are life threatening and where remedial action is considered unreasonable or impractical for cost or other reasons.

Examples of where remedial action is considered unreasonable or impractical is where:

- Work cannot be carried out to remedy a serious hazard with the applicant in residence and no alternative accommodation is available to the applicant to assist in progressing remedial works.
- The risk from the hazard in the property is greater because of being an elderly person or having a young child but the property would be relatively safe for occupation by others.

Band C priority will only be awarded to applicants who occupy a property which has at least one Category 1 hazard (excluding crowding and space) where:

- The hazard(s) identified pose a threat to the health and wellbeing of the occupants but where there is no immediate danger or it is not life-threatening, and remedial action is considered unreasonable or impractical.
- You do not have access to one or more of the basic facilities: bathroom, kitchen, inside toilet, cold or hot water supplies, or gas/electricity and this cannot be remedied within a reasonable timescale. (This does not apply if you live in shared accommodation and share facilities with another household).

Any priority awarded on the grounds of property condition will be removed if the necessary remedial works are completed before you are offered social housing.

### 6.5. Medical or welfare reasons for moving

Our assessment is not based on the nature or severity of any medical condition or disability but is focused on the direct impact that the current housing has on any condition or disability, and whether this could be alleviated by a move to a more suitable home.

For example, priority may be awarded if you may have mobility issues which make it difficult for you to climb stairs and you are unable to access your bedroom or bathroom facilities on a different floor as these are only accessible by stairs. In this situation, you would benefit from a move to a property that provides level living. We will only assess your priority on medical and/or welfare grounds if there is evidence that your current housing impacts directly on your medical condition, disability or welfare. We will not usually assess your priority on medical or welfare grounds if your household is already in Band A as an assessment cannot increase your priority.

Priority on medical or welfare grounds is assessed on the basis of the information you submit. If you consider that anyone in your household has a medical condition that is adversely affected by your current housing, you must provide independent verification from your GP, Nurse, Hospital Consultant, Occupational Therapist or other health care professional. In welfare cases you should provide independent verification of your circumstances from your Social Worker, Support Worker or other professional involved in your case. For medical cases we may ask you to provide further evidence or refer your case for independent medical advice. For welfare assessments we may ask you to provide further evidence or (where appropriate) we may make a joint assessment with Social Services, or an appropriate support agency.

We assess your priority by looking at your current housing. If it meets the medical and welfare needs of you and all members of your household there will be no change in your housing priority. We look at whether your current housing makes a medical condition or disability worse, and whether it is possible to make relevant adaptations, such as providing a stair lift or wet room to your home. In mobility cases we look at the severity of your difficulties in relation to your property. Factors such as the number of steps inside and leading to a property, width of internal doorways and circulation space, and whether you have a lift or ramp may be relevant. The assessment will consider whether a move to more suitable housing would either improve the medical condition or substantially improve your quality of life. If you have medical needs, but a move would not significantly improve the situation, there will be no change in priority based on medical grounds.

Overcrowding may impact on the health and well-being of some or all members of your household and/or the needs of any dependent children. This is taken into account in the banding priority awarded due to overcrowding, and usually no further priority will be awarded.

Similarly, when assessing priority on welfare grounds we will consult with other people involved in your care, as this may identify ways to help you stay in your current home with appropriate ongoing support. If this resolves your support needs, you will not be awarded any priority on welfare grounds. Otherwise, we look at whether your needs are made worse by your current housing. If so, we will consider whether a move to more suitable housing would improve things for you. If you have welfare needs, but a move would not significantly improve the situation, there will be no change in priority on welfare grounds.

If you need to move into the borough in order to provide or receive significant and ongoing care or support to or from a close family member (children, grandchildren, parents, grandparents or brothers/sisters) we will look at the following factors as part of the assessment:

- The level of care and support that is required and whether this can be provided locally or by a formal care package.
- Whether you and/or your family member can drive or use public transport.
- Whether you and/or your family member are in receipt of Carer's Allowance.
- Whether you need or can provide frequent assistance with activities of daily living, including household chores, preparing and cooking meals, organising finances and attending to medical needs including administering medication and attending appointments.

If you want to move within the Borough to provide or receive significant and ongoing care or support to or from a close family member you will not usually be considered for priority on welfare grounds.

If you are currently living in supported housing (including refuge) and have been assessed by the support provider as ready to move on into independent living, you will usually be awarded Band B priority on welfare grounds.

If you are experiencing difficulties in accessing your home due to non-medical matters such as carrying children, shopping, prams or pushchairs on external or communal stairs or do not have access to a private garden, you will not usually be awarded any change in priority based on medical or welfare grounds.

## **6.6. Local Lettings Plans**

National and regional policies encourage new housing schemes to be mixed tenure, catering for a range of needs and aspirations. Alongside this we may use Local Lettings Plans to make social housing available to a wider range and variety of households, rather than concentrations of those with particular support needs to contribute towards balanced and sustainable communities.

Local lettings plans will set out the criteria and priorities for letting homes within a specific housing development or area. Local Lettings Plans will be agreed by the Assistant Director (Housing) in consultation with the relevant Cabinet member.

## **6.7. Exceptional Priority**

Exceptionally, circumstances require an applicant to move urgently, which fall outside the general rules of the Housing Allocation Scheme. These include (but are not limited to) cases where:

- The applicant is a high risk offender where the Council has been asked to assist under the Multi Agency Public Protection Arrangements; or

- The Council has been asked by the National Witness Mobility Service to assist in relocating witness households.

The Housing Allocations Panel will consider such cases on an individual basis and can place the application in Band A on the grounds of exceptional priority. Applicants with exceptional priority may also be considered for a direct allocation.

## 6.8 The Housing Allocation Panel

The Housing Allocations Panel comprises a group of three or more officers with at least one representative from the Housing Allocations Team, the Housing Options Team and the Housing Management team. They will meet on a regular basis to make and review decisions. The Panel will normally be chaired by the Senior Allocations Officer who will be responsible for notifying the applicant of the outcome.

The panel may also invite other relevant partners to attend, including but not limited to the Community Safety Team and other partner landlords.

There is no right to review a decision made by the Housing Allocation Panel.

## 7. Keeping the register up to date

7.1. We will contact you once a year, on or near the anniversary of the date you were first registered to check whether you wish to remain on the register for another year. We will also remind you to tell us about any changes in your circumstances. If you fail to respond, or fail to provide any further information we ask for within 28 days, we will assume that you no longer wish to be on the register, and your application will be removed. If you notify us of a change of circumstances, you must also supply evidence of the change within 28 days so we can reassess your application.

7.2. Your application will be removed from the housing register if you:

- Accept an offer of accommodation made from the Housing Register.
- Accept a private sector tenancy, including when we have provided financial assistance by way of a rent deposit and no longer have a qualifying housing need.
- Do not respond to the annual review.
- Do not respond to correspondence from the Council asking you to provide information.
- Are no longer eligible to be included on the register.
- No longer wish to be re-housed.
- Have left temporary accommodation that we arranged for you and we do not have your forwarding address.
- Have moved without notifying us of your new address.

## 8. Scheme maintenance

8.1. The Housing Service is responsible for this scheme, and will review its operation every year and following any changes to the relevant legislation or regulations.

It may sometimes be necessary to make minor amendments to this scheme, for example, if we decide to change the frequency of reviewing applications from annually to every two years. Authority to introduce such minor amendments is delegated to the Assistant Director (Housing) in consultation with the Cabinet Member for Housing Services.

We will seek to inform all applicants of any changes to this scheme by publicising details on our website and on Kent Homechoice.

## **9. The right to request a review of a decision**

9.1 You have the right to request a review of any decision to:

- Treat you as ineligible because of your immigration status; or
- Exclude you from the register because you do not have a qualifying local connection and/or a housing need.
- Consider the facts of your case which have been, or are likely to be taken into account in considering your priority on the register.
- To disqualify your application on the grounds of your household income and/or capital, unacceptable behaviour, offending history, previous eviction or deliberately worsening your housing circumstances.
- To suspend your application due to your refusal of an offer.
- To remove your application from the Housing Register.

The notification of the decision will give clear grounds for the decision based on the relevant facts of your case. To request a review of a decision you must contact us within 21 days of receiving it and clearly state why you do not agree with the decision. We may ask you to provide more information and/or attend an interview. Reviews will usually be carried out by the Housing Allocations Panel.

The review will look at your case on the basis of the rules in our Housing Allocation Scheme, any legal requirements and all relevant information. This includes information you have provided and any changes since the original decision was made, for example paying off arrears or setting up a repayment plan, or where someone responsible for anti-social behaviour has left your household. We will not consider a further review of the decision unless there is a material change in your circumstances.