

# Housing Register Allocations Policy

This document explains how the Council prioritises applications to the housing register and was amended in March 2016



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# Introduction

Every council is required to publish a scheme for the allocation of social housing in its borough. The Council administers a housing register for all of those people who want to be considered for housing through a housing association. This document explains the criteria and the procedure that Tunbridge Wells Borough Council uses to prioritise applications to the housing register. Although the Council does not have any housing stock of its own, it does have nomination rights to housing association owned properties that are situated in the borough.

## Aims and priorities

The housing register allocation policy has been designed to ensure that access to social housing supports the corporate aims of the Council, reflects current legislation and takes into account the pressures on the supply of affordable housing.

In the borough of Tunbridge Wells, there is an extremely limited supply of social housing and the demand for properties far outstrips the supply. This allocation policy therefore aims to work with our housing providers to make the best use of the properties available to us and to promote Tunbridge Wells as a decent place to live, supporting the Council's overall ambition set out in its Five Year Plan 'Enabling Tunbridge Wells borough to have a more prosperous, green and confident future'.

The Council no longer holds an open housing register which anyone regardless of their connection to the borough, financial situation or whether they are in housing need can join. We do not want to give false hope to those with little chance of being re-housed. Instead prospective applicants will be required to meet qualifying criteria as set out in this policy, in order to be able to join the register.

The Council aims to promote a prosperous and confident Tunbridge Wells and through its housing register allocation policy wishes to encourage people who can work, to find employment and to generally raise levels of aspiration and ambition. To support this ethos, the Council awards additional priority to applicants in work or who assist their communities in other ways, such through voluntary or charitable work. The policy also acknowledges the important contribution that the armed forces make to the country. We want to support people to take responsibility for themselves by providing advice on alternative, more realistic options for accessing housing for anyone who may need it. This includes those who are not able to join the housing register.

The Council wants to support the housing providers that have accommodation in our borough and to provide their tenants with greater opportunities to move within the social rented sector and to promote social and economic mobility. The housing register allocation policy therefore includes existing social housing tenants as well as new applicants to social housing.

The allocation policy aims to treat all applicants for social housing in a fair, equitable and open manner. The policy is designed to offer most applicants some choice in their accommodation in terms of expressing a preference as to where it is located and the type of housing they require. However this must be balanced with the needs of all applicants, the

need to support our housing providers in creating mixed communities and the need for the Council to offer best value through its housing services.

The objectives of the housing register allocation policy are to:-

- provide housing applicants with a fair and transparent system by which they are prioritised for housing;
- make best use of the social housing stock in the borough;
- promote successful and sustainable tenancies;
- ensure that the Council's obligations towards statutory homeless households are met so that the use of emergency bed and breakfast accommodation is minimised;
- ensure that priority is given to those with the greatest need for social housing;
- promote the development of sustainable mixed communities;
- encourage residents to access employment and training;
- promote and assist in securing alternative accommodation in the private sector when the housing register will not be able to solve housing need within certain timescales.

## Overview of document

This document is divided into eight sections and provides information on all aspects of the policy, from who is able to join the housing register through to how applicants can request a review of a decision as follows:

### Section 1 Legal context

This sets out the various legislation, strategies and policies that the Council has had to take into consideration when setting the policy.

### Section 2 Applicant choice

This sets out how the Council will offer choice to potential applicants and explains the choice based lettings system.

### Section 3 Who can join the register?

This sets out the government regulations regarding eligibility to the housing register and also explains the Council's policy on who can and cannot qualify to join the register.

## **Section 4 Assessment of need and housing register**

This sets out the housing need criteria that an applicant needs to meet in order to join the register, and explains the banding system.

## **Section 5 Prioritising applications to the housing register**

This sets out how the Council prioritises applications to the register and explains how the community contribution criteria and targeted allocation plan works.

## **Section 6 Applying to join the housing register**

This sets out how an applicant can apply to join the register and the process for assessing applications to the register in terms of property size and type, as well as any specific mobility needs. It also looks at alternative and speedier housing options that are available.

## **Section 7 Bidding and allocating properties**

This sets out how the choice based system works in terms of advertising properties and how applicants can place bids on properties. It also explains the shortlisting procedure, the Council's policy on direct lets and refusing offers of accommodation.

## **Section 8 Decisions and reviews**

This sets out all of the decisions which the Council is required to make in writing and the process for requesting and undertaking reviews. It also explains how the policy can be accessed, reviewed and monitored.

# Section 1 Legal context

This section sets out the legislative requirements and the policies and strategies that the Council has to take into consideration in developing the housing register allocation policy.

Under section 166 of the Housing Act 1996 (as amended by the Homelessness Act 2002), every local authority is required to publish a summary of its allocations scheme for the allocation of social housing and to make all allocations and nominations in accordance with this scheme.

The Housing Act 1996 (as amended) requires local authorities to give 'reasonable preference' in their allocation policies to the following groups of people with high levels of assessed housing need who are defined as:

- people who are homeless (within the meaning of Part VII of the 1996 Act (amended 2002));
- people who are owed duties by any local authority under Section 190(2), 193(2), 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3);
- people occupying unsanitary housing or who are overcrowded or living in unsatisfactory housing conditions;
- people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others);
- people who need to move on medical or welfare grounds including grounds relating to disability.

The Act also requires local authorities to state within their policy what their position is on offering choice to applicants on the register, and the Council's policy on this is detailed in section 2.

In framing our policy, we have had regard to our current tenancy and homelessness strategies and also the Council's equality duties under the Equality Act 2010. The Council is committed to ensuring that we deliver a fair and equitable service that is appropriate and accessible to all members of the community, as well as working to eliminate discrimination on any grounds.

The policy also takes into account the following legislative requirements:

- Housing Act 1996 (as amended by Homelessness Act 2002);
- Housing Act 2004, section 223 allocation of housing accommodation by local authorities;
- Localism Act 2011 (parts 6 and 7);
- Allocation of accommodation : guidance for local housing authorities in England (CLG 2012);
- Welfare Reform Act 2012;
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012;
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012.

The policy takes into consideration:

- the Council's statutory obligations as to who is eligible for a housing allocation;
- the Council's discretion to determine who will and will not qualify for an allocation of social housing;
- the Council's statutory obligations to provide 'reasonable preference' to certain categories of applicant as set down by legislation. The Council also recognises its ability to determine the priority between applicants with reasonable preference;
- the Council's discretion to grant additional priority to certain groups of applicants in urgent housing need and to frame its own policy to determine how that will work in practice;
- the Council's statutory obligations to grant additional preference to certain applicants through regulations set by central Government, including members or former members of the armed forces in certain circumstances;
- the Council's discretion to set local priorities to give preference to certain groups of people;
- the Council's discretion to have a single allocation system which covers all applicants (existing social tenants and new applicants) and to give appropriate priority to social tenants who are under-occupying their properties.

This document replaces all previous allocation policies and all existing applicants will be reassessed under the terms of the new policy.

## Section 2 Applicant choice

This section of the document sets out the choice that the Council will give to applicants through the policy.

The housing register allocation policy allows most applicants an element of choice in terms of the location and type of social housing they wish to live in. We will continue to provide a choice based lettings scheme (CBL) through Kent Homechoice. This enables housing associations to advertise properties that are becoming available and allows applicants to have up to three bids on suitable properties currently being advertised at a time.

For a property to be considered to be suitable for a particular applicant, it must be of an appropriate size (see section 6 regarding property sizes) and be advertised for that particular type of tenant (see section 5 regarding the targeted allocation plan).

Applicants should be aware that the housing stock in the borough is limited and that they may achieve an allocation to a property faster if they are more flexible in the type or location of the property that they bid for.

This element of choice needs to be balanced with the needs of the Council to effectively and efficiently manage and deliver its housing responsibilities. As such the Council reserves the right to make direct offers of social housing to home-seeker applicants in band B (who have been accepted as homeless, owed a main housing duty by the Council and have been in temporary accommodation for at least six months), where appropriate (for example, if the

applicant has not been successful in securing a property). The Council also reserves the right to make direct offers in other limited circumstances. For further information, see section 7.7.

Some properties may be subject to local lettings plans or specific local connection criteria which restrict the type of applicant that may be allocated these properties. Similarly a property with specific design features, such as a disabled adapted unit may be limited to applicants with specific needs. In these cases the need to create balanced communities and make best use of stock will take priority over the ability to offer choice.

## Section 3 Who can join the housing register?

This section of the document sets out the Government's regulations regarding eligibility to the housing register and the Council's policy on who can and cannot qualify to join the register.

Anyone can approach the Council for housing advice and assistance, however the amount of social housing in the borough is limited and the Council no longer holds an open housing register, and will be applying qualification criteria to prospective applicants. This means that only those who meet the criteria will be registered.

The housing register is open to home-seekers and transfer tenants.

Home-seekers include anyone who is not currently a housing association or council tenant or who is a council or housing association tenant living in a property outside the borough.

Transfer tenants are those applicants living in the borough who are currently tenants of a housing association.

Both are only able to include direct family members, dependants, spouses or people they are in a relationship with on their application. Friends and other acquaintances are not able to apply together unless there is evidence that there is a need for 24 hour live-in care that they provide.

To apply to join the housing register, all applicants must complete a housing register form. This can be completed online at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk). For further information on applying to the register please see section 6.

The housing register application will be assessed as follows:

### Applications from home-seekers

The applicant must:

- be eligible for an allocation of accommodation; and
- meet the qualification criteria; and
- be in housing need.

# Applications from Transfer Tenants

The applicant must:

- meet the qualification criteria; and
- be in housing need

Further details on the assessment criteria are explained below:

## 3.1 Eligibility

The law does not allow the Council or a housing association to allocate accommodation to an applicant unless they are 'eligible for an allocation of accommodation'.

The test for 'eligibility' relates to home-seekers only.

The regulations setting out which classes of people from abroad are eligible or ineligible for accommodation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No. 1294).

The following categories of people may not be eligible to join the housing register:

- a person from abroad who is subject to immigration control, this includes those people who need leave to enter or remain in the United Kingdom (whether or not such leave has been granted);
- a person from abroad other than a person subject to immigration control but who is not habitually resident in the common travel area or has limitations to their right to reside in the UK.

An applicant's eligibility will be considered at the time of application and again when making an allocation. If an applicant requires further information on those groups of people who may or may not be eligible for an allocation, they should contact the housing register team by email [allocations@tunbridgewells.gov.uk](mailto:allocations@tunbridgewells.gov.uk) or call the council on 01892 526121 and ask for the housing register team.

Where two persons apply jointly for housing, at least one of the applicants must be eligible. A joint tenancy cannot be granted when one of the applicants is not eligible. Instead the eligible applicant would be granted a sole tenancy. However, ineligible family members can be taken into consideration in determining the size of the accommodation to be allocated.

An applicant whose sole reason for being in housing need is based on the circumstances of a person who is subject to immigration control and is therefore a 'restricted person,' will not qualify to join the register.

If an applicant is considered to be ineligible to apply for social housing, they will be notified in writing of the decision and the grounds for this decision and of their right to request a review of the decision.

If a person is found to be ineligible to join the housing register they may make a new application if and when the grounds for ineligibility no longer apply.

## 3.2 Qualification

Home-seekers who meet the eligibility part of the assessment and all transfer tenants will need to be considered in line with the qualification criteria. The changes made to the Housing Act 1996, Part VI through the Localism Act 2011, allow local authorities to determine (subject to certain exceptions) who can and who cannot qualify for an allocation of accommodation. The Council recognises that the supply of social housing in the borough is a scarce resource and as such the following groups of people **will not** qualify to join the register:-

- Applicants where the household's income or capital exceeds the financial assessment limits set by the Council and are therefore considered to have sufficient resources to resolve their own housing situation;
- Applicants who own their own property;
- Applicants who have or have had significant rent arrears with a private or social landlord;
- Applicants who have been identified as being involved in committing ongoing anti-social behaviour including any member of their household, or where they have lost their previous home as a result of anti-social behaviour. This includes anyone who is considered to pose a risk to the public, as advised by the Police or another agency;
- Applicants who do not have a local connection to the borough;
- Applicants not living in the UK, except certain members of the armed forces;
- Applicants who are under 16 years of age.

The following information provides further details on some of the non qualifying categories above.

## 3.3 Financial assessment criteria

Applicants will be required to provide proof of their household income and capital/assets. Households whose income or savings exceed the financial assessment limits set by the Council (the latest of which can be found in appendix 2) will not qualify to join the register. The financial assessment criteria will be annually reviewed and may be changed as necessary by the Council in line with changes in the economy.

## 3.4 Applicants who own their own property

This will apply to anyone who owns a property anywhere in the world, and generally these applicants will not qualify to join the register. The exception to this will include older home owners whose current accommodation is no longer appropriate to meet their needs and who do not have the financial means to access a more suitable home. The new capital, savings or equity limit for older households wishing to be considered for sheltered accommodation is £150,000. This will be subject to an annual review. Home owners with disabilities whose current home cannot be adapted to meet their requirements and who do not have the financial means to access a more suitable home may also be an exception. In both of these

cases, the requirement will be on the applicant to provide evidence of the unsuitability of their existing house and also their financial situation, including the amount of equity remaining in the property.

### **3.5 Applicants with significant arrears**

Applicants with significant arrears with a private or social landlord will generally not qualify to join the register. Rent arrears may be previous or current and would be considered to be 'significant' when they are of such an amount that a judge would normally give possession back to the landlord if the case were to be taken to court. This ground for disqualification would also include applicants who have accrued serious rent or service charge arrears or outstanding recharges whilst in temporary accommodation provided by Tunbridge Wells Borough Council, or have outstanding arrears in repayments for debts accrued under the Council's rent in advance or deposit schemes or through a housing benefit overpayment.

The exception to this would be where the applicant can demonstrate a genuine commitment to clearing the debt. This would normally be where there is evidence provided of a payment agreement to clear the outstanding debt and evidence that regular agreed repayments are being made.

Some allowances may be made in respect of transfer tenants who are currently under-occupying their property and have accrued rent arrears through a shortfall in benefit due to the bedroom tax. The Council will look at each case on its own merits, however those who can demonstrate that they are trying to resolve the situation at an early stage by joining the register, exploring various move on options and are also attempting to make some payments to cover the shortfall in rent may be able to join the register.

### **3.6 Applicants who have been identified as being involved in committing ongoing anti-social behaviour**

This includes any member of the household or where they have lost their previous home as a result of anti-social behaviour. Applicants in this situation would generally not qualify to join the register. The behaviour of the applicant or member of the household would have to be serious enough to entitle a housing association to a possession order and therefore would make the applicant an unsuitable tenant.

Examples of such behaviour could be:

- breach of tenancy obligations;
- anti-social behaviour order;
- serious nuisance or annoyance to neighbours;
- a conviction for using accommodation, or allowing for it to be used for immoral or illegal purposes;
- serious damage or neglect;
- anyone identified by Police or Probation as currently posing a medium, high or very high risk to the public.

The onus will be on the applicant to prove that their behaviour or that of their family members is no longer considered unacceptable. This could include discharge of an anti-social behaviour order or a character reference from their current landlord.

### **3.7 Local connection**

Applicants must meet at least one of the following local connection criteria to qualify to join the register:

- be living in settled accommodation in the borough continuously for the last three years; or
- have previously lived in the borough for a total of five years out of the last 10 years; or
- have immediate family (parents, siblings, children over 18 years) who currently live in the borough and have continuously done so for the last five years; or
- be employed in the borough, with a permanent contract of paid employment that has been continuous for the last six months prior to their application or self employed for the last six months where it can be demonstrated that their main area of work is in the borough.

Applicants will be required to provide proof of their local connection at the time of their application via official documentation such as utility letters, wage slips, self employed accounts and so on.

Settled accommodation will normally be defined as one of the following:

- freehold or leasehold ownership of a property;
- a tenancy that has security of tenure;
- an indefinite licence or permission to occupy;
- long-term occupation with parents;
- indefinite stay with friends or relatives;
- tied accommodation as a long-term employee.

We would not normally treat the following as settled accommodation:

- holiday lets;
- bed & breakfast or other short-term hostel style accommodation;
- tied accommodation linked to short fixed-term employment;
- a temporary stay with relatives;
- moving in temporarily with a co-habitant;
- occupation in a caravan on a site without planning permission.

The Council retains the right to exercise its discretion when deciding whether an applicant's accommodation or residence in the borough should be treated as settled.

The following types of applicants will not be required to meet the local connection qualification criteria:

## Armed forces

In accordance with the requirements of the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, the following groups of people will not be required to meet the local connection criteria:

- those serving in the regular armed forces or who have done so in the five years preceding their application with the exception of those who have been dishonourably discharged;
- serving or former members of the reserved forces who are suffering from a serious injury, illness or disability which is partly or wholly attributable to their service;
- bereaved spouses or civil partners of members of the regular armed forces leaving Ministry of Defence family accommodation following the death of their spouse or partner where the death is wholly or partly attributable to their service.

## Other applicants

The following groups of applicants will not be required to meet the local connection criteria as detailed above:

- an applicant owed a full housing duty under the relevant homelessness legislation by Tunbridge Wells Borough Council, although they would remain in a low priority band;
- applicants leaving some drug and alcohol residential rehabilitation programmes in the borough. This would be in accordance with the Reconnection policy for supported accommodation providers. This would make allowances where for example, it has been confirmed that the applicant needs to reside in the borough because relocating to the area where do they do have a connection would be detrimental to their continued development or rehabilitation;
- applicants fleeing extreme violence or harassment;
- as per the 'right to move' guidance issued by Government on 1 March 2016, housing association tenants outside of the borough who want to move to social housing in this borough to take up an offer of employment or training. Information would need to be provided about the offer of employment or training, whether it is long term and whether the household would suffer hardship by not moving before a decision is made on whether the criteria is met for 'right to move';
- applicants aged 55 and over who wish to be considered for sheltered accommodation;
- certain categories of transfer applicants only, such as those:
  - a. who need to be rehoused as their home needs to be demolished for a regeneration programme in the borough;
  - b. who are occupying an adapted property in the borough which is no longer needed;
  - c. who are under-occupying their housing association property in the borough.
- where special circumstances arise which Tunbridge Wells Borough Council consider gives rise to a local connection.

If an applicant does not qualify to join the housing register, they will be notified in writing of the decision and the grounds for this decision and of their right to request a review. The applicant will also be offered the opportunity (if they have not already done so) to discuss

their situation with a housing options advisor to look at other options that might be open to them.

## **3.8 Housing need**

Once an applicant has met the eligibility criteria (for home-seekers only) and qualification criteria (both home-seekers and transfer tenants) the issue of whether the applicant is in housing need will need to be considered. Only applicants who have a demonstrable housing need will be accepted on to the housing register.

The Council has adopted a four band system with housing need criteria detailed within each band. To be deemed to be in housing need the applicant must meet at least one of the housing need criteria detailed within the bands. Applicants who meet more than one of the housing need criteria will be placed in the highest band which reflects the applicant's circumstances.

More information regarding the housing need criteria within the bands is detailed in the next section.

If an applicant does not qualify to join the housing register on the basis that they are assessed as not having a housing need, they will be notified in writing of the decision and the grounds for this decision and of their right to request a review. The applicant will also be offered the opportunity (if they have not already done so) to discuss their situation with a housing options advisor to look at other options that might be open to them.

## **3.9 Discretion to accept or refuse applicants to the register**

The Council retains the right to exercise its discretion in exceptional circumstances, where a combination of the situation and needs of the applicant warrant the Council to accept an application on to the register that would not normally meet the qualification or housing need criteria (this would not apply to the eligibility criteria which is set by legislation) or to refuse an applicant on the basis that there is evidence to show that they would be an unsuitable tenant.

This discretion may be exercised by the Housing Register & Development Manager or another senior manager in agreement with a second senior officer. A record of the decision and reasons for exercising the discretion would be kept on the electronic file of the applicant.

# Section 4 Assessment of need and housing register bands

This section of the document explains the housing need criteria that an applicant must meet to join the register and how the criteria is arranged between the four bands.

The housing need criteria detailed in the banding system reflect the 'reasonable preference categories' prescribed by the Housing Act 1996 (see section 1) together with local priorities. In order to be able to join the register an applicant must meet one of the housing need criteria detailed in the bands.

When an applicant joins the register, they will be assessed as to whether they are a home-seeker or a transfer tenant and will be placed in one of the following four bands according to their housing situation.

The table below sets out the banding criteria for home-seekers and transfer tenants;

	<b>Home-seekers housing need criteria</b>	<b>Transfer tenants housing need criteria</b>
<b>Band A</b>	<ol style="list-style-type: none"> <li>1. Bereaved spouses and civil partners of members of the armed forces, leaving services family accommodation following the death of their spouse or partner where the death was wholly or partly attributable to their service.</li> <li>2. Serving or former members of the armed forces or reserve forces personnel who need to move urgently and are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.</li> <li>3. Category 1 hazards which landlord is unable to address within six months including people living in insanitary or unsatisfactory conditions.</li> <li>4. Short term supported accommodation.</li> <li>5. High medical or welfare need to move.</li> <li>6. Those who are threatened with homelessness (through no fault of their own) or have no fixed abode.</li> <li>7. Overcrowded households according to Welfare Reform Act bedroom criteria.</li> <li>8. Tenants in private rented accommodation where it has been evidenced that the property is unaffordable to them.</li> </ol>	<p>Overcrowding of a housing association property, according to Welfare Reform Act bedroom criteria</p>
<b>Band B</b>	<p>Those who have been accepted as homeless, have a local connection through the housing register allocation policy and have been owed a main homelessness duty by Tunbridge Wells Borough Council for a period of more than six months.</p>	<ol style="list-style-type: none"> <li>1. High medical or welfare need.</li> <li>2. Transfer applicants occupying an adapted property which is no longer needed.</li> <li>3. Transfer applicants who require adaptations to be carried out to their property, where their current home has been deemed unsuitable for adaptations.</li> </ol>

	<b>Home-seekers housing need criteria</b>	<b>Transfer tenants housing need criteria</b>
		<ul style="list-style-type: none"> <li>4. Under occupation of a housing association property according to Welfare Reform Act bedroom criteria.</li> <li>5. Category 1 hazards which landlord is unable to address within six months including people living in insanitary or unsatisfactory conditions.</li> </ul>

	<b>Home-seekers housing need criteria</b>	<b>Transfer tenants housing need criteria</b>
<b>Band C</b>	<ol style="list-style-type: none"> <li>1. Serving or former members of the armed forces or reserve forces personnel who urgently need a suitable adapted property due to a serious injury/ medical condition sustained in service.</li> <li>2. Urgent medical and welfare grounds.</li> <li>3. Fleeing domestic abuse, extreme violence or harassment. Evidence needed to show urgent risk and that it is safe to live in the borough.</li> <li>4. Made homeless due to disaster, fire, flood.</li> <li>5. Housing association tenants outside of the borough who need to move to the borough to take up an offer of employment or training under 'right to move'.</li> </ol>	<ol style="list-style-type: none"> <li>1. Urgent management transfers.</li> <li>2. Urgent medical / welfare grounds.</li> <li>3. Fleeing domestic abuse, extreme violence or harassment. Evidence needed to show urgent risk and that it is safe to live in the borough.</li> <li>4. Need for rehousing as home due to be demolished as part of regeneration programme.</li> </ol>
<b>Band D</b>	<ol style="list-style-type: none"> <li>1. Low medical or welfare issues.</li> <li>2. Those who have approached the local authority as homeless, whilst the homeless application is pending.</li> <li>3. Those who have been accepted as homeless and in priority need but have been found to be intentionally homeless.</li> <li>4. Those who have been accepted as homeless, are owed a main homelessness duty by Tunbridge Wells Borough Council, have been owed that duty for six months or less and for whom a placement into the private rented sector is being sought.</li> <li>5. Those who have been accepted as homeless, are owed a main homelessness duty by Tunbridge Wells Borough Council, have no local connection under the Housing register allocation policy and for whom a placement into the</li> </ol>	Low medical or welfare issues.

	<b>Home-seekers housing need criteria</b>	<b>Transfer tenants housing need criteria</b>
	<p>private rented sector is being sought.</p> <p>6. Those who have been accepted as homeless, are owed a main homelessness duty by Tunbridge Wells Borough Council and have been successfully placed in private rented accommodation by the Council.</p> <p>7. Those owed a main homelessness duty by any other local authority.</p> <p>8. Applicants who have been living in the private rented sector for over five years and have had to move a number of times due to no fault of their own.</p>	

The following information provides further definitions on some of the housing needs criteria in the table above.

## 4.1 Medical grounds

For a household to be considered to be in housing need on medical grounds, the household must include a household member with a demonstrable, long term medical condition. All applications for rehousing on medical grounds must include the completed medical assessment, which is part of the housing register form. The Council's housing register team will primarily assess priority based solely on this medical assessment form.

The test applied will be that:

- a) the medical condition must be directly affected by the household's current housing situation; and
- b) the medical condition would be relieved or improved through rehousing.

If the medical assessment form shows an urgent or high medical need for rehousing, the applicant will be required to provide supporting evidence from a recognised medical professional. Depending on the severity of the condition and the effect the accommodation is having, the application may be placed in band A, B, C or D as follows.

## Urgent medical grounds

This is where a member of the household has been assessed as having a critical need to move as they are unable to remain or return to their current accommodation on medical grounds for example, because:

- they have a life-threatening illness which is being made worse by their housing conditions;
- their current housing is having such a detrimental impact on their health and their ability to live independently and remaining in the accommodation will be seriously harmful or life-threatening;
- they cannot be discharged from hospital until alternative and more suitable accommodation can be provided (subject to the availability of such accommodation);
- they give or receive care without which the recipient of the care is at a significant risk of harm or will have to move into residential care as assessed by the relevant social services team.

## High medical grounds

This is where there is evidence that a move to more suitable accommodation will improve a significant health condition substantially, for example where a member of the household has a high need to move for example, because:

- their current housing is unsuitable for severe medical reasons, they are not house-bound and their life is not at risk due to their current housing situation but where their housing conditions are directly contributing to causing serious ill health;
- of a disability which requires adaptations to be carried out to their property to enable them to live independently or to improve the management of the condition, but where their current home has been deemed unsuitable for such adaptations.

## Low medical grounds

This is where a member of the household has a moderate need to move for example, because:

- they need to be near family or relatives or medical facility on medical grounds;
- they need sheltered housing or ground floor accommodation;
- the move to more suitable accommodation will improve the management of their condition;
- they give or receive care which is supporting continued independent living.

## 4.2 Welfare grounds

Housing need based on welfare grounds may encompass a wide range of circumstances. For a household to be considered in housing need on welfare grounds there must be substantiated evidence of the family member's circumstances, and the test applied will be that:

- a) the issues faced by the household member are long term and are being directly affected by the household's current housing situation; and
- b) would be relieved or improved through rehousing.

The reasons for applying for rehousing on welfare grounds must be made clear in the application form and the applicant will also need (when appropriate) to provide evidence of their circumstances from supporting agencies working with the household, including Social Services, the Police and the school. Depending on the severity of the circumstances and the effect the accommodation is having, the application may be placed in band A, B, C or D as follows.

## **Urgent welfare grounds**

This is where the household has been assessed as being unable to remain in their current accommodation and has a critical need to move on welfare grounds for example, because:

- there are children in the public care system that are being prevented from being reunited with parents or other family members due to inappropriate housing;
- of delayed discharge from an inpatient setting due to unsuitable housing;
- of an exceptional social need to move which is supported by the Police or housing association.

## **High welfare grounds**

This is where the household can remain in their property but where there is evidence that that a move to more suitable accommodation will improve the household's situation substantially, for example where a member of the household has a high need to move because:

- there is severe bullying of children in the family by local children and this is supported by the Police or the school;
- of investigations of possible child abuse against a child in the family where the alleged abuser is local (supported by the Police);
- the household needs to move to a particular locality in the district of that authority and where failure to do so will cause severe hardship to themselves or another;
- they are young and moving on from care and have left a care home or foster placement within the last six months;
- they are moving on from a drug or alcohol residential rehabilitation programme in the borough with the support of the accommodation provider;
- they want to live independently but require some additional support, such as someone with learning disabilities.

## **Low welfare grounds**

This is where the household can remain in their property but where there is evidence of a moderate need to move for example, because:

- of young children under five years old, living in flats above the ground floor where there are no lifts;
- of children under 10 years old living in properties without a garden where there is no open play space or park in the local vicinity;
- of families who need to be near relatives to give or receive care or support.

## Allocated bands

The bands allocated to these medical and welfare needs are different for home-seekers and transfers. They are allocated as set out in the following table.

Housing need	Home-seeker	Transfer
Urgent medical or welfare need	Band C	Band C
High medical or welfare need	Band A	Band B
Low medical or welfare need	Band D	Band D

## 4.3 Category 1 hazards which landlord is unable to address within six months

This can include people living in a property which has been assessed as having a Category 1 hazard under the Housing Health and Safety Rating Scheme by the Council's private sector housing team. It also includes people who are living in a property which is in a general state of disrepair or where the property lacks a bathroom, kitchen or inside toilet or any utilities (water, gas, electricity, adequate heating). In addition to this the property must be in such a condition that the landlord is unable to remedy the situation within six months. This does not include situations where the landlord is unwilling to co-operate to carry out the repairs and in these situations the case will be referred to the private sector housing team for investigation.

## 4.4 Bedroom criteria - Welfare Reform Act 2012

The Council has decided to use the criteria in the Welfare Reform Act 2012 which coincides with the housing benefit/universal credit bedroom allowances. This allocates one bedroom for each of the following:

- married or cohabiting couple;
- pair of children aged under 16 years of the same sex;
- pair of children aged under 10 years regardless of sex;
- anyone else;
- for disabled tenants requiring a non-resident carer to stay overnight, the tenant will be allowed one extra room. Medical confirmation of this need will be required.

The bedroom criteria will be used to measure whether a household is overcrowded or is under-occupying a property.

## Overcrowding

A household will only be recognised as being overcrowded at the point the household exceeds the bedroom criteria. For example, a family with two children of the same sex would only be considered to be overcrowded once one of the children turns 16 years old. All applicants who are deemed to be living in overcrowded properties whether by one bedroom or more will be placed in the band appropriate to them, according to whether they are a transfer tenant or home-seeker.

## Under-occupation

To assess whether a household is under-occupying a property, the Council would take into consideration the family make-up, including gender, age and relationships together with the number of bedrooms in the property to determine whether the household has more rooms than it requires in accordance with the bedroom criteria and are therefore under-occupying the property.

## 4.5 Short term supported accommodation

Applicants living in short term supported accommodation such as the YMCA, Salvation Army housing association (SAHA), women's refuge, Kenward Trust, Colebrook Road, Bridge Trust, and Pepenbury will be considered to be in housing need and will be able to apply to join the register. Applicants must be able to satisfy the eligibility and qualification criteria including having the established local connection before entering the supported accommodation (unless they fall within one of the categories of applicant who are not required to meet the local connection criteria, see section 3.7 for more details).

However applicants living in short term supported accommodation will only be considered for offers of accommodation when they are ready to move on as confirmed in writing by their current housing provider and support workers. The advantage of joining the register at an earlier stage than the property is needed will provide the applicant with an earlier priority date.

## 4.6 Those threatened with homelessness through no fault of their own or no fixed abode

This includes the following applicants:

- those without a home of their own, including those who are sofa-surfing or sleeping rough;
- those living in insecure housing which they have no legal right to occupy and could be evicted without notice (for example, lodgers or families with dependent children sharing with relatives or friends);
- families with dependent children who would normally live together are living separately in different households;
- households who are living in private rented accommodation and who have been served with notice to quit or who are in tied employment, where the employment is coming to an end and are required to leave their accommodation within two months.

In respect of both of these applicants, the Council will need to be satisfied that the applicant is not losing their accommodation through any fault of their own.

## **4.7 Affordability**

High demand for private rented accommodation has made rents beyond the earnings and/or benefit levels of many households in the borough. Rents are particularly unaffordable for tenants who are working but have low wages or restricted hours.

If applicants wish their application to be assessed to take into account the affordability of their current accommodation, they will be expected to complete a detailed income and expenditure form to enable this to be assessed.

Affordability will only be taken into account for private rented tenancies and will therefore only apply to home-seekers. If it is confirmed that the tenancy is unsustainable, the application will be placed into band A.

## **4.8 Discretion to place applicants in a higher band**

The Council retains the right to exercise its discretion in exceptional circumstances, where a combination of the situation and needs of the applicant warrant the Council to place the application in a higher band or a property being made available to them as a direct let. This discretion may be exercised by the Housing Register & Development Manager or another senior manager in agreement with a second senior officer. A record of the decision and reasons for exercising the discretion would be kept on the file of the applicant.

## **4.9 Placing applicants in a lower band**

If an applicant is found to have acted unreasonably to make their housing situation deliberately worse, for example by moving to a house where the family are more overcrowded than in their previous accommodation, or obstructing their landlord from carrying out the necessary repairs to their property, they will be assessed on their original housing circumstances prior to them worsening their situation. This may result in the applicant being refused access to the housing register or being placed in a lower band. After a period of 12 months the applicant may re-apply to join the housing register or have their housing application reassessed.

# **Section 5 Prioritising applications to the housing register**

This section of the document explains how the Council prioritises applications for social housing in the borough. It provides information on the community contribution criteria which the Council uses to determine the priority of applicants in bands A and D and also the targeted allocation plan which sets out how properties are allocated between the four bands.

## **5.1 Community contribution criteria scheme – Bands A and D**

The Council aims to promote a prosperous and confident Tunbridge Wells. We want to support and recognise those who take responsibility for themselves and their community. We also believe it is important to contribute to creating balanced communities which include a diverse range of people, including those who are working or trying to get back into work as well as those who are in receipt of benefits as it is anticipated that this will assist in raising levels of aspiration and ambition within communities.

The community contribution criteria scheme will compliment these objectives by allowing applicants (in band A and D only) who meet the community contribution criteria to be given an increased priority for housing.

The scheme will operate by directing an average of 25 per cent of properties that are targeted to applicants in bands A and D to those who are working, volunteering or contributing to their communities in some way.

Community contribution criteria can be granted to the following applicants:.

### **Working households**

Where at least one adult member (excludes adult children) is in permanent employment or is self-employed. Proof of employment must be provided, for example through wage slips, self employed accounts or a letter from an employer on headed paper.

### **Those who are actively looking for work**

Where adult members of the household (excludes adult children) who are able to work, (and do not meet any of the exception criteria below) are actively seeking work through work based placements organised by Jobcentre Plus, are registered with local employment agencies or undertaking training or studying to enable them to gain work in the future. This must be over and above the normal required activities to qualify for Job Seeker's Allowance. Proof of this must be provided, for example through details of work based training placements or confirmation and details of attendance on college courses or other recognised training courses.

### **Those who are volunteering**

This would include applicants where at least one adult member of the household is volunteering for a non-for profit organisation which is recognised by the Council, or a charity that is registered with the Charity Commission. Volunteering must have been for a continuous period of six months up to the point of application and prior to an offer of accommodation, and must be for a minimum period of 20 hours per month. Proof of this must be provided through a letter from the manager of the organisation on headed paper confirming the total amount of time they have been a volunteer and number of hours per month.

### **Those who have been approved to foster or adopt**

Where the approval to foster or adopt has been granted by Kent County Council (KCC), proof of this must be provided in the form of a letter from KCC.

## **Armed forces personnel**

The Council is also required to give additional priority to certain armed forces personnel. As such, applicants falling within the following categories will also be awarded additional preference under the community contribution criteria scheme:

- former members of the regular armed forces;
- serving members of the regular forces and existing or former members of the reserve forces who are suffering from a serious injury, illness or disability which is wholly or partially attributable to their service
- bereaved spouses or civil partners of those serving in the regular forces, where the spouse or partner have been required to leave Ministry of Defence accommodation and where the death was wholly or partially attributable to their service.

## **Exceptions to community contribution criteria**

The Council recognises that certain applicants may not be able to meet the community contribution criteria for personal reasons. As such community contribution criteria will be assumed for the following applicants:

- single parent households with a child under the age of five years of age. The applicant must be complying with the requirements of the work focused interview regime which is a condition of their income support entitlement and not be subject to any sanctions, or be exempt from this requirement;
- applicants who are disabled. This will apply where the disability prevents them from being able to work or volunteer. Each case will be looked at on an individual basis.

## **Discretion to award applicants community contribution criteria**

The Council retains the right to exercise its discretion in exceptional circumstances, where a combination of the situation and needs of the applicant warrant the Council to award community contribution criteria to the applicant, where it falls outside of the normal criteria detailed above. This discretion may be exercised by the Housing Register & Development Manager or Housing Services Manager in agreement with a second senior officer. A record of the decision and reasons for exercising the discretion would be kept on the file of the applicant.

## **Applicants in Bands B and C**

Community contribution criteria will not apply to applicants in bands B and C. Band C includes applicants with an urgent need for rehousing and band B includes applicants to whom the Council owes a main housing duty and that duty has been in place for at least six months. Priority will therefore be based entirely upon the priority date (that is the date the applicant joined the register or moved to their current band).

## **5.2 Targeted allocation plan**

The Council wants to ensure that on the whole, applicants with the highest needs are housed more quickly, whilst also enabling a range of applicants with differing housing needs across all bands to be offered accommodation. We also want to discourage applicants from 'band

chasing' by providing applicants across all four bands with a fairer opportunity of being housed. The targeted allocation plan will help us to achieve this.

The Council intends to direct approximately 60 per cent of all vacancies towards home-seekers with the other 40 per cent of vacancies going to transfer tenants. We also want to ensure that applicants within each of the four bands are allocated a certain number of vacancies per year. The targeted allocation plan sets out how many properties on average will be directed towards each band as set out in the following two tables.

**Targeted allocation plan for home-seekers (approximately 60 per cent of vacancies)**

<b>Band</b>	<b>Percentage</b>
A	85 per cent (25 per cent of this will go to applicants who meet the community contribution criteria)
B	10 per cent
C	3 per cent
D	2 per cent (25 per cent of this will go to applicants who meet the community contribution criteria)
Total	100 per cent

**Targeted allocation plan for transfer tenants (approximately 40 percent of vacancies)**

<b>Band</b>	<b>Percentage</b>
A	40 per cent (25 per cent of this will go to applicants who meet the community contribution criteria)
B	30 per cent
C	20 per cent
D	2 per cent (25 per cent of this will go to applicants who meet the community contribution criteria)
Total	100 per cent

The percentage of allocations per band will be reviewed regularly and is subject to change based on the levels of housing need in the different bands.

In order for applicants to be able to see how the targeted allocation plan and community contribution criteria operates, the Council will provide information annually via the Kent Homechoice website showing the number of people re-housed, the number of applicants that are home-seekers and transfer tenants and how properties have been allocated between the bands.

# Section 6 Applying to join the housing register, assessment of applications and alternative housing options

This section provides information on how an applicant can apply to join the register and the process for assessing applications in terms of property size and type as well as any specific mobility needs. It also provides details of alternative and more expedient housing options that are available to both applicants who are able to join the register as well as those who do not meet the qualification criteria.

## 6.1 Applying to join the register

To apply to join the housing register, all applicants must complete a housing register form. This can be completed online at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk) or in exceptional circumstances a paper version may be requested from the Housing needs team at Tunbridge Wells Borough Council.

The form must be completed in full and applicants will be required to provide all essential supporting evidence before the application can be processed. Details regarding the exact supporting information required will be provided as part of the online application process. Failure to fully complete the form or provide the required documents will mean that the application cannot be processed.

When completing the application form it is important to ensure that the information provided is accurate and honest. This information will be used by the Council to assess whether an applicant is eligible and qualifies to join the housing register and to determine the priority to be given to the application. It should be noted that it is a criminal offence for anyone seeking assistance from a housing authority to:

- knowingly or recklessly give false information; or
- knowingly withhold information which the authority has reasonably required the applicant to give.

There is a huge demand for social housing which is in short supply and as such the Council will take action against applicants who are suspected to have deliberately provided false information either:

- on the housing register application form;
- in response to subsequent requests for the provision of further information to process the application, review letters or other updating mechanisms; or
- provided by applicants during the proceedings of a review.

If any of the above circumstances are suspected, the application will be reviewed immediately and where it is considered that an offence has been committed, the Council may take one or more of the following courses of action:

- removal from the register;
- not allowing the applicant to join or re-join the register;
- eviction from any housing association property gained;
- instigation of criminal proceedings.

An immediate review will also be taken where an applicant is suspected of deliberately changing or worsening their housing situation in order to be placed in a higher band than they would normally be awarded.

## **6.2 Who can be included on the application**

The following can be included on the application;

- a partner, someone living with the applicant, civil partner, spouse or someone who would otherwise be reasonably expected to live with the applicant;
- dependent children under 18 years who live with or might reasonably be expected to live with them, where the applicant is in receipt of child benefit for that child and can provide a formal agreement of residency showing that the child resides with them for the majority of the time. Due to shortages in accommodation, the Council will not be able to take into consideration an arrangement where the child spends part of the week with one parent and part of the week with another parent;
- someone who is not living with the applicant but for whom it would be reasonable to do so, for example a relative needing care, but unable to live with applicant due to a genuine lack of accommodation or unsuitability of current accommodation;
- a carer where evidence can be provided that full time care is required;
- any other non dependent adult who is a family member and is normally resident with the applicant and has been six months prior to the application.

## **6.3 Assessment of applications**

The Council upon receipt of a complete application form together with all relevant supporting information and identification will aim to assess the application within 15 working days.

Applicants will be notified in writing that they have been entered on to the housing register, together with their reference number, details of the band they have been placed in, priority date and the size of accommodation they have been registered for. Information on the Choice Based Lettings system and how it works, as well as a full user guide is available through [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk).

Applicants that do not qualify to join the register, including those who do not meet the housing need criteria within the banding system will be able to receive housing advice on alternative housing options, if they have not already done so (see section 6.8 below).

## **6.4 Assessment of property requirements**

Due to the limited supply of social housing in the borough and the need to ensure that the best use is made of the available stock, the Council will ensure that applicants are appropriately matched to accommodation that is the right type and size for their requirements.

## Property sizes

To promote tenancy sustainment, it is important that households are not allocated a larger property than they are considered to need as this could result in a reduction in the amount of housing benefit they will receive for the property, which could ultimately create difficulties later on.

The Council has decided to use the criteria provided by the Welfare Reform Act 2012 to determine the size of property a household needs. The rules are as follows:

- one bedroom will be allocated for a single person or a couple;
- two children under 10 expected to share regardless of gender;
- two children under 16 of the same gender will be expected to share;
- one bedroom will be allowed for anyone else
- for disabled tenants, requiring a non-resident carer to stay overnight, the tenant will be allowed one extra room;
- tenants who are over the state pension age, will not be subject to the size criteria. However, medical information will need to be provided to support the need for a property larger than required. It should be noted that the state pension age is subject to increase and applications will be assessed against state pension age equalisation criteria;
- an additional bedroom will be allowed for those who have been approved as foster carers or prospective adopters.

To determine the size of accommodation a family requires, the Council will take into consideration the family size, relationships and ages and sexes of the children.

The table below shows what size of accommodation a household would normally be eligible for.

Household size	Size of home
Single person	One bed or a bedsit
Couple wishing to live together	
Pregnant women with or without partner and no other children	Two bed
Parent/s with one child or one non dependant	
Parent/s with two children under 10 years	
Parent/s with two children of same sex where the eldest is aged less than 16 years.	
Parent/s with two children of different sexes where the eldest is aged 10 years or over	Three bed
Parent/s with two non dependants/children where at least one is up to 16 years.	

Household size	Size of home
Parent/s with three children up to 16 years	
Parent/s with four children of any sex under 10 years	
Parent/s with four children of the same sex up to 16 years	
Parent/s with four children of different sexes up to age of 16 years	Three or four bed
Parent/s with five children up to the age of 16 years	Four bed
Parent/s with three or more non dependants/children over 16 years	

There is a limited supply of four bed properties, and larger families will be expected to occupy these units in the best way they can. Where three or four bed properties have two living rooms, these will be advertised as having an additional bedroom as the second living room would be expected to be used as a bedroom. Children will be expected to share rooms with other children in the household regardless of whether they are siblings

Applicants who need larger properties than this would be required to look at alternative options such as renting in the private sector.

Applicants will not normally be eligible for a bedroom in excess of their requirements except in exceptional circumstances such as where a disabled tenant requires a non-resident carer to stay overnight. If there is supporting medical evidence that a separate bedroom is required for a member of the household, this will be considered if a claim is in place for Disability Living Allowance (DLA) with a middle or higher rate care component, or Personal Independence Payments (PIP) with a standard or enhanced care component.

## Property types

The Council will also aim to ensure that any housing with particular features is allocated to those who are most suited to the property as follows:

- houses and gardens - priority for houses and/or properties with gardens will normally be given to applicants with dependent children aged less than 12 years old;
- ground floor flats - priority for ground floor flats will normally be given to applicants who are considered to be in need of this type of accommodation on medical grounds;
- bungalows - priority for bungalows will normally be given to applicants aged 50 years or over or applicants with a physical disability or who are considered to be in need of this type of accommodation on medical grounds;
- sheltered housing - applicants for sheltered housing will normally need to be of pensionable age, unless the scheme has a different age restriction;
- mobility assessment - if a member of the household has a substantial and permanent physical disability which restricts their mobility, accessing or moving around the home, details of this will need to be provided on the medical assessment form and the Council will assess their level of mobility based on the three categories below:
  - Category 1 – wheelchair users indoors and outdoors;
  - Category 2 – people who cannot manage steps or stairs and may occasionally use a wheelchair;
  - Category 3 – independent but can only manage a few steps.

This assessment will then be used to match the household to properties that are suitable for them.

## 6.5 Adaptations and properties with level access

If an applicant has been assessed as having a mobility level in accordance with the categories above and in need of certain types of adaptation (such as stair-lifts, level access showers, ramps or hoists), they will be given preference for any properties which already include these features. Properties which include these adaptations will be advertised in accordance with their suitability for the mobility levels listed above. The Council will normally prioritise these properties to people who are in need of this type of accommodation.

## 6.6 Choice of areas

As part of the application process, applicants will be asked to specify their top three choices of the areas in which they would like to live. The Council collects data on the housing need within the borough and this information is used for the future planning of social housing in the district. The borough is broken down into 30 smaller areas for applicants to choose from. Applicants can bid for properties anywhere in the borough.

The 30 smaller areas are set out in the following table:

	<b>Area of the borough</b>
1.	Royal Tunbridge Wells Town
2.	Sherwood, Tunbridge Wells
3.	Showfields, Tunbridge Wells
4.	Ramslye, Tunbridge Wells
5.	Hawkenbury, Tunbridge Wells
6.	Rusthall
7.	Langton Green
8.	Speldhurst
9.	Ashurst
10.	Bidborough
11.	Southborough
12.	Barnetts Wood, Southborough
13.	High Brooms

	<b>Area of the borough</b>
14.	Brenchley
15.	Matfield
16.	Horsmonden
17.	Cranbrook
18.	Sissinghurst
19.	Frittenden
20.	Goudhurst
21.	Kilndown
22.	Lamberhurst
23.	Hawkhurst
24.	Sandhurst
25.	Benenden
26.	Iden Green
27.	Paddock Wood
28.	Capel
29.	Five Oak Green
30.	Pembury

## 6.7 Re-applying to join the register

Applicants who have been previously assessed as not eligible or not qualifying to join the register may make a fresh application if they consider that their circumstances have changed and they should now be eligible or qualify. It will be down to the applicant to demonstrate the change in their situation.

## 6.8 Alternative housing options

For many households the option of joining the housing register may not be available to them. It is also important for those who are able to join the register to consider alternative and speedier options that could help them to resolve their housing situation.

The borough has an active and ever increasing private rented sector and renting through a private landlord or letting agent is a good option to consider. The Council operates various schemes to assist people to access the private rented market and further information on these are available from the Council.

For those who are working and on a low income, and applicants who do not qualify as they exceed the Council's financial assessment limits, there are a number of affordable home ownership scheme options available. For more information on these applicants should contact the Help to Buy agents, see [www.helptobuyese.org.uk](http://www.helptobuyese.org.uk).

There will be an expectation on homeless applicants to whom the local authority has accepted a full duty and who are residing in temporary accommodation provided by the Council to actively work with the Housing options team to access accommodation through the private rented sector.

## 6.9 Mutual exchange

For transfer tenants, the option of mutual exchange whereby tenants 'swap' their properties may be a quicker alternative to being rehoused via the housing register. Tenants do not have to be living in the same borough or have the same housing provider. However they will need to get permission from their landlord to pursue this option. It should be noted that there may be situations due to the planning conditions attached to the property or because of the tenant's circumstances (if they are in arrears for example) where permission may not be granted. For transfer tenants interested in mutual exchange it is possible to register your accommodation details on Kent Homechoice and also to look at other properties that are available for mutual exchange. Further information on this option can be found at [www.exchangelocata.org.uk](http://www.exchangelocata.org.uk)

# Section 7 Bidding and allocating properties

This section provides information on choice based lettings, how properties are advertised, how applicants can place bids on properties, the shortlisting procedure, the Council's policy on direct lets, and refusing offers of accommodation. It also explains the expectations on applicants once they join the register.

## 7.1 Advertising properties

As part of the registration information that an applicant receives when they are accepted on to the housing register, applicants will be given a unique identification number together with information on the choice based lettings scheme and how they can bid on properties via Kent Homechoice.

All vacant properties will be advertised on the internet through Kent Homechoice, except for properties required for direct lets. If an applicant does not have access to a personal computer, then computers and access to the internet are available at the Council's Gateway offices during office hours, as well as in many local libraries.

In very limited circumstances, the Council may be able to make bids on behalf of applicants. This would only be available to those applicants whom the Council considers vulnerable, for example because they are elderly or have support needs.

Properties will be advertised on a continuous cycle, so potentially properties can be uploaded to advertise daily. Each property will be advertised for a minimum of five full days. The adverts will indicate:

- the location, rent and type of property;
- how many bedrooms the property has and the number of persons it is suitable for;
- whether the property is for a home-seeker or transfer tenant;
- which band the property is aimed at, as well as any community contribution criteria that might apply;
- any specific eligibility criteria – for example if the property is subject to a local needs agreement or only suitable for certain applicants, for example those who have a disability;
- the date that the bidding closes on the property.

## **7.2 Schemes with specific criteria**

### **Rural needs housing schemes**

From time to time the Council is able to develop rural needs housing schemes for local people who require affordable housing in the rural areas. These properties are often subject to a planning agreement which means that the housing association who is seeking a new tenant for these properties is restricted to considering applicants with a proven local connection to the specific parish in which the property is located, or in some circumstances the immediately neighbouring parishes.

These properties will be clearly advertised on Kent Homechoice and bids for these will be invited from applicants who are eligible through the local connection criteria. To be considered for a rural needs housing scheme, an applicant must be deemed to have a housing need and otherwise be unable to gain access at affordable cost to existing local housing suited to their needs. They must also satisfy and provide proof of one of the following local connection criteria:

- have lived in the parish continuously for the last three years or have previously lived in the parish for a total of five years out of the last 10 years;
- have immediate family (parents, siblings, children over 18 years) who currently live in the parish and have continuously done so for the last five years;
- be in or about to take up full time employment in the parish;
- provide an important service that requires residence in the parish.

## Local lettings policies

Some developments/properties may be subject to a local lettings policy. This may mean that the property or some of the properties are targeted to households of a certain age group, or families with children of a certain age group, or with a limited housing need, or specifically to working households.

These policies apply to a limited part of the housing stock and assist in achieving a balanced sustainable community on a new development, to prevent there being higher than usual concentrations of deprivation, or vulnerable households with high support needs, or to tackle issues in an existing locality where there are management problems.

Properties subject to a local lettings policy will be advertised as such and applicants will be able to click on a link to access details of the policy in place.

## 7.3 Placing bids

If an applicant is interested in one of the properties advertised and meets all the criteria, they will need to place a bid on the property. Bids can be placed via the Kent Homechoice website or by calling into the Gateway office. If applicants require a family member, friend or support agency to make bids on their behalf, this can be done by providing them with their Kent Homechoice details and date of birth. The applicant's representative can use this information to access their application online and place a bid.

Applicants are only able to bid on properties that are an appropriate size for their household make-up and are advertised for applicants within their band. Please refer to section 6.4 for information on the bedroom allowance for households.

Applicants are allowed to have three open bids at any one time. Once a property closes for bidding, this frees up the ability to bid on another property. However careful consideration must be given before placing a bid as applicants are only allowed up to three reasonable refusals (see section 7.6). It is recommended that they carry out their own research, including the location of the property and its proximity to schools, shops, GP services, work, local transport links and the affordability of the property (including rent, bills, council tax and so on).

Applicants who have been accepted as having an urgent housing need and placed into band C will have bids made on their behalf by the Housing needs team. Rehousing areas will be agreed when registered into band C. The households in this band have been placed there as they have an urgent need to move, and therefore will be expected to accept the first suitable property prioritised for them.

## 7.4 Shortlisting – the criteria for prioritising between applicants

Once the deadline for bidding has passed, the following criteria will be taken into consideration between all applicants bidding for a property:

- the type of applicant the property is prioritised for – home-seeker or transfer tenant;
- the band the property is prioritised for;
- for bands A and D only community contribution criteria may be applied, for example employment, or member of the armed forces. Approximately 25 per cent of nominations will go to applicants who fulfil the community contribution criteria in these categories;
- priority date (this is the date the applicant joined the register or moved to current band);
- any other criteria specific to that property such as rural local needs, local lettings, specialist property adaptations and so on.

Normally, the top three bidders will be considered by the housing association for each property.

## 7.5 Offers of accommodation

When the property is ready to view, or when the housing association are ready to conduct pre-sign up interviews for the property, they will directly contact the highest priority bidder who meets the criteria for the property. Applicants may be required to allow staff from the housing association to visit them at home to verify the circumstances of the household.

In respect of viewing the property, some housing associations may contact the top three bidders and arrange group viewings in order to try and keep the time that the property is empty to a minimum. The timescales for the housing associations making contact with the successful bidder/s vary depending on the property and when it is ready.

It is likely that the housing association will aim to sign up the tenancy agreement as soon as possible after the viewing, with the tenancy normally commencing on the following Monday. The applicant will therefore need to ensure that they are ready to move in to the property within this quick timescale. As the majority of properties available will be unfurnished, the applicant will need to provide their own furniture, white goods, curtains and sometimes the carpet/flooring.

## 7.6 Refusing offers of accommodation

If an applicant chooses to refuse an offer of accommodation, they will need to inform the housing association and to provide the Council with written reasons for the refusal. The property would then normally be offered to the next applicant on the list.

To reduce void periods and generally speed up the allocation process, applicants will normally be allowed up to three refusals, after which, their application will go to the bottom of their current band and their priority date will change accordingly.

If an applicant refuses the property and the Council considers they have reasonable grounds for doing so, such as the property being unsuitable on medical grounds or the applicant discovers they cannot live in the vicinity where the property is situated for personal safety reasons, then the offer would not be counted as a refusal. The offer will normally be deemed

to be reasonable and therefore counted as an offer where the property is the correct size for the household and the applicant has chosen to bid on the property. An applicant will be informed in writing of the Council's decision as to whether the offer is reasonable and the reasons for this, and will have the right to request a review of the decision.

There will be an expectation on applicants to whom the Council owes a main housing duty and are living in temporary accommodation provided by the Council, to accept the first suitable and reasonable offer of accommodation. Due to the shortage of temporary accommodation and pressures on the use of bed and breakfast accommodation, a refusal on a property that is considered a suitable and reasonable offer may result in Tunbridge Wells Borough Council discharging their duty under the homelessness legislation and being removed from the register (please refer to paragraph 7.7 below).

Applicants accepted as having an urgent housing need and placed into band C will also be expected to accept the first suitable and reasonable offer of accommodation. A refusal on a property that is considered suitable may result in their application being downgraded to a different band.

## 7.7 Policy on direct lettings

In limited circumstances the Council will directly nominate a household to a vacancy as set out below:

- special circumstances – for example if the multi-agency Public Protection Group or the National Witness Mobility Scheme recommends an applicant with high priority should be excluded from bidding;
- home-seekers in band B who have not been successful in securing a property in the private rented sector or through Kent Homechoice;
- people who require supported living accommodation and whose care managers have completed a Kent agency assessment form [kent-agency-assessment-form](#)
- other exceptional circumstances.

In all cases the Council will ensure that one reasonable and suitable direct offer is made to the applicant. If the offer is refused, the applicant may be removed from the register and in the case of home-seeker applicants in band B, the Council may also discharge its duty on the grounds that a reasonable and suitable offer of accommodation has been made. In this situation, the applicant will be required to leave the temporary accommodation provided. In all of the above situations the applicant will be informed of the action to be taken and will have the right to request a review.

## 7.8 Responsibilities of applicants who have joined the register

Once an applicant has joined the register they will be required to keep their application live and active by regularly looking at the choice based lettings adverts and bidding on suitable properties that become available. There will also be the following expectations on them.

## **Active bidding**

To ensure that those who are on the register are genuinely in need of housing, applicants will be expected to regularly bid on properties. Applicants who do not bid for a 24 month period will be written to and may be removed from the register.

## **Changes of circumstances**

Applicants are expected to notify the Council of any changes to their circumstances which could affect their banding on the register at the earliest opportunity.

## **Annual reviews**

The Council will conduct annual reviews on the anniversary date that the applicant first applied to the register. Applicants will be expected to complete and return the renewal letter within the specified time frame, advising the Council of any changes in their circumstances or their application will be removed from the housing register.

## **7.9 Restrictions on re-joining the housing register**

To promote tenancy sustainability and to manage the housing register more effectively, it is proposed that there will normally be a 12 month restriction on applicants re-joining the register who have been housed into a social rented property. There will be exceptions to this as agreed by the Housing Register & Development Manager or Housing Services Manager in agreement with a second senior officer. A record of the decision and reasons for exercising the discretion will be kept on the file of the applicant.

# **Section 8 Accessing information on the current policy, decisions and reviews**

This section provides information on how applicants can access information about the housing register allocation policy and the process the Council will need to undertake to review or update the policy. It also sets out the various decisions the Council is required to provide in writing, the rights to information that an applicant has as well as the process for requesting and undertaking reviews.

## **8.1 Information on the current policy**

The current housing register allocation policy will be available to download through the Tunbridge Wells Borough Council website and Kent Homechoice. A copy of the document will also be kept in the Housing register team's office and will be available for members of the public to access if requested.

Approximately every year the Council will publish statistics on Kent Homechoice and the Tunbridge Wells Borough Council website to show rehousing figures and approximate waiting times for various bands and bedrooms sizes based on the last year.

## **8.2 Reviewing the Housing Register Allocation policy**

Circumstances may arise which require changes or updates to be made to the housing register allocation policy. The Head of Housing, Health and Environment (or equivalent officer) is authorised to make minor amendments to the policy.

In respect of more significant changes resulting in a major change to the policy that would affect a large number of applicants, the Council would consult with all housing associations with stock in the borough who advertise through Kent Homechoice, to obtain their views on the proposed changes. The Council would also take all reasonable steps to ensure that applicants on the register are made aware of the changes. A summary of the proposals would be made available on the Kent Homechoice website and all applicants directly affected would be written to advising them of the impact on their current application.

## **8.3 Decisions**

When the Council makes any of the following decisions about a household's application, it will be given in writing with reasons for the decision and their right to request a review of the decision:

- the household is ineligible for an allocation of accommodation;
- the household does not qualify to join the housing register including not meeting the housing need criteria;
- the household's priority on the housing register, including the band they have been placed in and any changes to the banding of their application;
- the offer of accommodation to the household is a reasonable one and will count as a refusal;
- removal from the housing register;
- discharging duty to a homeless applicant who has refused a reasonable and suitable offer of accommodation.

Where a decision is complex or it is likely that the applicant will have difficulties in understanding the implications of the decision, arrangements may be made to deliver the decision verbally as well as in writing.

Where it is not possible to give the applicant a copy of the decision, for example because the whereabouts of the applicant is unknown, the decision letter will be held at the Council's offices for a period of four weeks.

## 8.4 Reviews

Applicants can request a review in respect of any of the decisions above. They can also request a review regarding any decision made about the facts of their case that is likely to be or has been taken into account in considering whether to make an allocation them.

The request for a review must be made in writing or by email within 21 days of the applicant being notified of the decision. In exceptional circumstances it may be possible to extend this time-limit. It is acceptable for a request for a review to be made by the applicant's representative on their behalf.

The written request for a review should include all relevant information and where possible, supporting evidence as to why the applicant disagrees with the decision. It may also be possible in some circumstances for the applicant to make verbal submissions in addition to those that have been provided in writing.

The review will be carried out by a different officer to the original decision maker and will be undertaken by a more senior officer, normally the Housing Register & Development Manager or their equivalent.

The officer undertaking the review will consider any information provided by the applicant, including any changes since the original decision was made and this will be looked at in light of the housing register allocation policy and any legal requirements. The review will be completed within eight weeks of the applicant submitting their request for the review. If a longer period of time is required, the applicant will be advised of this in writing. The applicant will be advised in writing of the outcome of the review and the reasons for the decision. If the applicant is not satisfied with the outcome they may seek a final stage review which would be dealt with by the Housing Services Manager. Applicants also have the right to a judicial review or to take their case to the Local Government Ombudsman if they remain unsatisfied following this stage of review.

## 8.5 Requesting information

An applicant may request the following general information from the Council:

- information that will enable them to assess how their application is likely to be treated under the housing register allocation policy, and in particular whether they are likely to fall within one of the reasonable preference categories;
- information about whether accommodation appropriate to their needs is likely to be made available to them and if so, how long it is likely before such accommodation becomes available.

## 8.6 Monitoring

The housing register allocation policy will be reviewed annually and any major changes will only be made following consultation with housing register applicants, housing associations and other stakeholders.

## 8.7 Data protection

By clicking on the declaration at the end of the online application form, or signing the paper version, the applicant gives consent for Tunbridge Wells Borough Council to make relevant enquiries with regard to their housing need and their potential ability to maintain a tenancy. It also gives express consent to share information with partner housing associations or other social housing providers when nominating applicants to be tenants of their properties.

Personal information is only disclosed to other parties with the applicant's consent or in exceptional circumstances where disclosure without consent is necessary, for example, because the information is required by the Police as part of a criminal investigation.

# Appendix 1 definitions

## **Additional Preference**

The Council is required by law to give additional preference to certain applicants, including members or former members of the armed forces in certain circumstances. The Council also has the discretion to give additional preference to other groups of applicants in urgent housing need who it considers are a local priority.

## **Bedroom criteria**

This is used to determine the size of accommodation that a household needs, also used for determining whether a household is under-occupying or overcrowded. The criteria that the Council uses are provided by the Welfare Reform Act 2012.

## **Category 1 hazard**

This is a housing defect assessed under the Housing health and safety rating system (HHSRS) where there is a serious and immediate risk to a person's health and safety.. Most category 1 hazards can be repaired by the landlord, and the Council's Private sector housing team will work with the landlord and tenant to address the situation, taking enforcement action where necessary.

## **Community contribution criteria**

The Council uses these criteria to determine the priority of applicants in bands B and D. 25 per cent of properties targeted to applicants in these bands will go to applicants who meet these criteria.

## **Direct offer**

Where the Council makes an offer of accommodation to the applicant outside of the normal bidding process

## **Financial assessment criteria**

Part of the qualification criteria that an applicant would normally be required to meet to join the register. Applicant's income and capital or savings must not exceed the financial assessment limits set within the criteria.

## **Home-seeker**

This includes anyone who is not currently a housing association or council tenant or who is a council or housing association tenant living in a property outside the borough.

## **Housing need**

This means that you fall with one of the reasonable preference categories or that your situation falls within the criteria detailed in the banding system.

## **Local connection criteria**

Part of the qualification criteria that an applicant would normally be required to meet to join the register. Properties advertised on Kent Homechoice may also have local connection criteria attached to them which a prospective applicant would need to meet to be considered for the property.

**Local lettings plan**

These are used to enable housing associations to create mixed communities on housing estates and prevent them from having higher than usual concentrations of deprivation or vulnerable households. The local lettings plan sets out specific criteria that applicants must meet to be considered for the property.

**Mobility assessment**

This is used to assess how mobile an applicant is and will be used to match applicants to a property that is suitable for their needs.

**Priority date**

This is the date that the applicant joined the register or moved into their current band.

**Reasonable preference**

The Council is required by law to give some priority in its housing register allocation policy to certain defined groups of people who have a high need for housing.

**Rural needs housing scheme**

These are housing developments in rural areas for people with a local connection to the parish in which they are built. Planning agreements provide criteria of local people who can access these schemes

**Social housing**

Housing provided through a housing association, this could be for social rent or affordable rent or for shared ownership

**Targeted allocation plan**

This set out how many properties on average will be directed towards each band as detailed in section 5.2.

**Transfer tenant**

This includes anyone living in the borough who is currently a tenant of a housing association.

# Appendix 2 financial assessment criteria

Applicants will be required to provide proof of their household income and capital/assets.

Households whose income or savings exceed the financial assessment limits below, that have been set by the Council, will not qualify to join the register.

Household	Income	Capital/savings	Exceptions
Single /couple	£30,000	£20,000	Lump sums or compensation received by former or serving armed forces personnel or by anyone else as compensation for an injury/disability.
Family with one child	£40,000	£20,000	Lump sums or compensation received by former or serving armed forces personnel or by anyone else as compensation for an injury/disability.
Family with two or more children	£50,000	£20,000	Lump sums or compensation received by former or serving armed forces personnel or by anyone else as compensation for an injury/disability.

The financial assessment criteria will be annually reviewed and may be subject to change.

Exceptions to the capital/savings level of the financial assessment criteria include older households seeking sheltered accommodation within the borough, in which case the capital, savings or equity limit is £150,000.

# Appendix 3 application flowchart

The flowchart below summarises the housing register application process.



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