

Tunbridge Wells Borough Council

# **Housing Register Allocation Scheme**

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This document explains how the Council prioritises applications to the Housing Register and was most recently reviewed in January 2023 and implemented June 2023.



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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 allocation scheme 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. We are aware that house prices in the borough are relatively high, making purchase a challenge for many people and families, in particular those with low incomes and young people. As a result, the need for social rented housing remains high. This allocation scheme therefore aims to work with our housing provider partners to make the best use of the properties available to us and to promote Tunbridge Wells as a decent place to live, and support to meet the vision of our Housing, Homelessness and Rough Sleeper Strategy to, '**Enable access to safe, secure and affordable housing, preventing homelessness and ending rough sleeping**'.

Our aim is to promote a prosperous and confident Tunbridge Wells and through the allocation scheme 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. We want to help prevent households from becoming homeless by awarding additional priority to applicants threatened with homelessness. The allocation scheme also acknowledges the important contribution that the armed forces make to the country and the need for settled accommodation for survivors of domestic abuse.

We want 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. Our allocation scheme therefore includes existing social housing tenants as well as new applicants to social housing.

Our allocation scheme is designed to treat all applicants for subsidised housing in a fair and equitable manner. The scheme is designed to offer applicants some choice in their accommodation and ability to express preference on their accommodation type and location.

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. This must be balanced with the

needs of all applicants, the need to support housing providers in creating mixed communities and the need for the Council to offer best value through its housing services.

## **Overview of document**

This document is divided into seven sections and provides information on all aspects of the allocation scheme, from who is able to join the Housing Register through to how applicants can request a review of a decision:

### **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 allocation scheme and sets out the government regulations regarding eligibility to the Housing Register.

### **Section 2: Who can join the Housing Register**

This explains the Council's policy on who can and cannot qualify to join, including details of the local connection requirements and exemptions; financial assessment criteria; and policy of applicants with a history of rent arrears or anti-social behaviour.

### **Section 3: Assessment of housing need and priority banding**

This sets out the housing need criteria that an applicant needs to meet to qualify for the Housing Register and explains the banding system.

### **Section 4: Targeted Allocations Plan**

This sets out show the Council's targeted allocation plan works and the quota of properties advertised to applicants in the different priority bands.

# **Section 5: Applying to join the Housing Register and assessment of applications**

This sets out how an applicant can apply to join the Housing Register and the process for assessing applications in terms of property size and type, as well as any specific mobility needs.

# **Section 6: Bidding and allocating properties**

This sets out how the choice-based system works in offering choice to potential applicants and in terms of advertising properties and how applicants can place bids on properties. It explains the shortlisting procedure, the Council's policy on direct lets and refusing offers of accommodation. It also explains details of the use of local connection cascade and local lettings policies.

# **Section 7: Decisions and reviews**

This section provides information on how applicants can access information about the allocation scheme and the process the Council will need to undertake to review or update the scheme. 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.

# 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 allocation scheme.

## 1.0 Legal framework

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

1.2 In framing our Allocation Scheme we have taken into account the following legislation, statutory guidance, policies and strategies:

- The Housing Act 1996, as amended, (Part 6 and 7)
- The Localism Act 2011
- Allocation of accommodation: guidance for local authorities, June 2022.
- Tunbridge Wells Borough Council's Housing, Homelessness and Rough Sleeper Strategy 2021-26
- Tunbridge Wells Borough Council's emerging new Local Plan 2023
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012;
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012.
- Improving access to social housing for victims of domestic abuse, January 2022
- Improving access to social housing for members of the Armed Force, January 2020
- Right to Move and social housing allocations, March 2015
- Providing social housing for local people, December 2013
- Tunbridge Wells Borough Council's Tenancy Strategy 2013
- The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (as amended)

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

## 2.0 Reasonable preference

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

- (a) people who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need)

- (b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 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)
- (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- (d) people who need to move on medical or welfare grounds, including grounds relating to a disability, and
- (e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others)

## 3.0 Eligibility for an allocation of housing

3.1 In considering applications, the Council must ascertain:

- if an applicant is eligible for an allocation of accommodation, and
- if he or she qualifies for an allocation of accommodation

3.2 A person may not be allocated accommodation if he or she is a person from abroad who is ineligible for an allocation under section 160ZA of the 1996 Act.

3.3 There are 2 categories for the purposes of section 160ZA:

- (i) **a person subject to immigration control** – such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (section 160ZA(2)), and
- (ii) **a person from abroad other than a person subject to immigration control** – regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (section 160ZA(4)).

3.4 A person from abroad subject to immigration control who is not eligible for an allocation of accommodation includes:

- Over-stayers and visitors to the country
- Illegal entrants
- Asylum Seekers
- People in the country on condition that they have no recourse to public funds

- 3.5 A person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation (regulation 4 of the *Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006* (as amended)):
- (i) a person who is not habitually resident in the Common Travel Area (subject to certain exceptions – see Appendix 3)
  - (ii) a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in regulation 6(1) of the EEA Regulations
  - (iii) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations
  - (iv) a person whose only right to reside in the UK is a derivative right to reside to which they are entitled under regulation 16(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 16(5) of those Regulations
  - (v) a person whose only right to reside in the Common Travel Area is a right equivalent to one of those mentioned in sub-paragraph (ii) to (iv) above
- 3.6 The Council is prevented from granting a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible (under section 160ZA(1)(b)). However, where two or more people apply and one of them is eligible, a tenancy may be granted to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.
- 3.7 Applicants whose sole reason for qualifying for reasonable preference 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 Housing Register. A restricted person is a person subject to immigration control who is not eligible for homelessness assistance because he or she does not have leave to enter or remain in the UK, or has leave which is subject to a 'no recourse to public funds' condition (s.184(7) of the 1996 Act).
- 3.8 An applicant deemed not eligible to join the Housing Register can request a review of the Council's decision that they are not eligible to join Housing Register by writing to the Housing Options Manager (see Appendix 6 for more details).

## 4.0 Allocations not covered by the scheme

4.1 The following are examples of allocations not covered by, or specifically excluded from the Housing Register Allocation Scheme, under the provision of the Housing Act 1996:

- Offers of licences or non-secure tenancies to homeless households pursuant to any duty under Part 7 of the Housing Act 1996;
- The conversion of introductory tenancies into secure tenancies or their Housing Association equivalent;
- Offers of tied accommodation made to Council employees;
- Offers or nominations of accommodation made at the Council's own instigation, for example offers to tenants being moved from their homes to allow major works to take place;
- Transfer of tenancies made by a Court Order under the Matrimonial Causes Act 1973 or other family legislation;
- Granting or disposal of tenancies by order of a Court.

## 5.0 Equality and diversity

5.1 In framing our Allocation Scheme we have had regard to the Council's equality duties under the Equality Act 2010, in particular:

- Part 2 - Chapter 1, Protected Characteristics and Chapter 2 Prohibited Conduct; and
- Part 11 - Chapter 1, Public Sector Equality Duty and Chapter 2, Positive Action

5.2 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.

5.3 As part of the Housing Register application, we ask questions around ethnicity, disability, sexuality, religious beliefs, age, employment and support needs. The data provided by the applicant will help us to monitor that the scheme is operated in a fair and non-discriminatory manner as well as for service improvements.

# Section 2: Who can join the Housing Register?

This explains the Council's policy on who can and cannot qualify to join, including details of the local connection requirements and exemptions; financial assessment criteria; and policy of applicants with a history of rent arrears or anti-social behaviour.

## 6.0 Entry to the Housing Register

- 6.1 The Council operates a 'closed list' Housing Register and there are qualifying entry requirements prospective applicants must meet to be accepted onto the Housing Register.
- 6.2 As the supply of subsidised housing in the borough is limited, the Council will concentrate its resources on those applicants most likely to receive an offer of accommodation and as such the following groups of people **will not** qualify to join the Housing Register:
- Applicants assessed as not meeting a qualifying housing need criteria;
  - Applicants who do not have a local connection to the borough;
  - 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 (subject to exemptions see paragraph 9.0);
  - 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;
  - Applicants not living in the UK, except certain members of the armed forces;
  - Applicants who are under 16 years of age.
- 6.3 The Housing Register is open to both new applicants (home-seekers) and existing social housing tenants (transfer tenants). Both types of applicants must meet the qualifying criteria to be accepted onto the Housing Register.
- 6.4 Both types of applicants 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.
- 6.5 To apply to join the Housing Register, all applicants must complete an application 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 paragraph 14.0.

- 6.6 Applications will not be assessed until all requested documents have been provided. Applicants have 28 days from date of application to supply all the requested documents in support of application. If applicant fails to provide all the necessary documents the application will be closed.
- 6.7 Where an application is accepted onto the Housing Register the applicant's priority date will be set as the date when a valid application was received, i.e. the date that the completed application and all required supporting information was received by the Council.
- 6.8 Applications will not normally be accepted from persons under 18 years of age, except those owed duties by any Local Authority under sections 189B to 195 of the Housing Act 1996, or under section 65(2) or 68(2) of the Housing Act 1985.

## 7.0 Local Connection

- 7.1 Applicants will need to be able to demonstrate that they meet one of the local connection criteria to be able to join the Housing Register, unless they fall within an exempt category of applicant:
- **Current residence** – the applicant has been residing in settled accommodation in the Tunbridge Wells borough continuously for the last three years, immediately prior to the application.
  - **Former residence** – the applicant was formerly resident in settled accommodation in the Tunbridge Wells borough for a continuous period of three out of the past five years, but does not currently live within the borough, immediately prior to the application. Exceptions to this are applicants who within the past 12 months have been released from custody or discharged hospital and where immediately prior to being detained or admitted, were resident within the borough for a continuous period of three years.
  - **Family association** – the applicant has immediate family (parents, siblings, children over 18 years) who currently live within the Tunbridge Wells borough and who have continuously done so for the last five years, immediately prior to the application.
  - **Employment** – the applicant is currently in paid employment within the Tunbridge Wells borough, on a permanent contract of a minimum of 16 hours per week, that has been continuous for the past 12 months, immediately prior to their application, or self-employment that is not marginal and ancillary for the last 12 months and where it can be demonstrated that their main area of work or business is in the borough. For applicants on a zero-hour contracts, the number of hours worked will be average across the three-month period immediately prior to the application.

7.2 We would not normally treat the following as settled accommodation:

- holiday lets;
- prison or hospital;
- bed & breakfast or other short-term hostel style accommodation;
- squatting, or occupation of non-residential dwellings;
- occupation in a caravan on a site without planning permission.

7.3 We retain the right to exercise discretion when deciding whether an applicant's accommodation or residence in the borough should be treated as settled.

7.4 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. We will also use Council held information to confirm details, such as Housing Benefit or Council Tax records.

7.5 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, as amended by the 2024 Regulations, the following relevant persons will not be required to meet the local connection criteria:

A relevant person is a person who—

(a) is serving in the regular forces or who has served in the regular forces,

(b) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where—

(i) the spouse or civil partner has served in the regular forces; and

(ii) their death was attributable (wholly or partly) to that service; or

(c) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

**Care Leavers** –the local connection criteria can make it difficult for some care leavers to establish a local connection to areas in which they wish to stay and feel most a home.

In accordance with The Allocation of Housing (Qualification Criteria for Victims of Domestic Abuse and Care Leavers) (England) Regulations 2025, the following relevant persons will not be required to meet the local connection criteria:

- an eligible child, a relevant child or a former relevant child.

These terms are defined by the Children’s Act 1989, and are understood to refer to the following:

- An “eligible child” is a person who is aged 16 or 17 and has been looked after by a local authority for a period of at least 13 weeks since the age of 14 and still in care (19B of Schedule 2 of the above Act)
- A “relevant child” is a person aged 16 or 17 and who was previously considered an "eligible child", but have since left care (23A(2) of the above Act)
- A “former relevant child” is a person aged 18 to 25 and who was previously in care (either as an "eligible" or "relevant" child) and was looked after, on or after, their 16th birthday (23C(1) of the above Act)

**Domestic Abuse** – In accordance with The Allocation of Housing (Qualification Criteria for Victims of Domestic Abuse and Care Leavers) (England) Regulations 2025, the following relevant persons will not be required to meet the local connection criteria:

- is or has been a victim of domestic abuse carried out by another person, who needs to move for reasons connected with that abuse, including from accommodation initially occupied on a temporary basis.

Domestic abuse has the meaning given by section 1 of the Domestic Abuse Act 2021.

**Homeless** – applicants who are owed a duty by Tunbridge Wells Borough Council under Section 189B or Section 193(2) of the Housing Act 1996, and where the Council has not chosen to exercise discretion to make a local connection referral to another local authority under Section 198 or Section 198(A1), are not required to meet the local connection criteria.

**Right to Move** – social housing tenants living outside of the Tunbridge Wells borough who need to move into the borough to take up an offer of employment, live closer to employed or training, or to avoid hardship. Information would need to be provided about the 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’. These include:

- The distance and/or time taken to travel between work and home.
- The availability and affordability of transport, taking into account level of earnings.
- The nature of the work and whether similar opportunities are available closer to home.
- Other personal factors, such as medical conditions and childcare, which would be affected if the tenant could not move.
- The length of the work contract.
- Whether failure to move would result in the loss of an opportunity to improve employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

The Right to Move exemption will not apply where the employment is:

- Short term or marginal in nature, or
- Ancillary to work in another district, or
- Voluntary.

**Exceptional Circumstances** - In exceptional circumstances the matter will be considered as part of the review process and discretion can be applied by the Housing Services Manager, if an applicant is able to demonstrate a local connection that does not readily match the local connection criteria stated above. For example, applicants may have a need for support, special school placements or medical treatment which cannot be met in any other reasonable location. This is often supported by the police or another external agency. If the Housing Services Manager is satisfied with the evidence provided in these cases, the applicant may exempt from meeting the local connection requirements.

- 7.6 An applicant can request a review of the Council's decision that they do not qualify to join Housing Register due to not meeting the local connection criteria by writing to the Housing Allocations Team Leader (see Appendix 6 for more details).

## 8.0 Financial assessment criteria

- 8.1 Applicants will be required to provide proof of all their household income, savings and capital/assets. Households whose income or savings exceed the financial assessment limits set by the Council (see Appendix 4) will not qualify to join the Housing Register.
- 8.2 The financial assessment criteria will be annually reviewed and may be changed as necessary by the Council in line with changes in the economy.
- 8.3 Applicants who exceed the current income/savings limits and are unable to join the Housing Register, may wish to consider alternative affordable housing options. For information on low cost home ownership options, such as shared ownership, view our [affordable homes webpage](#).
- 8.4 Where it has been deemed there has been a deprivation of capital, an applicant may be suspended from the Housing Register for a period of 12 months (see appendix 4 for more details).
- 8.5 An applicant can request a review of the Council's decision to that they do not qualify to join the Housing Register due to not meeting the financial criteria by writing to the Housing Allocations Team Leader (see Appendix 6 for more details).

## 9.0 Applicants who own their own property

- 9.1 This will apply to any applicant or household member who owns a property anywhere in the world, including property occupied by the applicant or their household members and investment properties. Generally, these applicants will not qualify to join the Housing Register.

- 9.2 The exception to this will include older homeowners 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.
- 9.3 Homeowners 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.
- 9.4 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.
- 9.5 The decision to whether an exemption applies will be made by the Housing Allocations Team Leader.
- 9.6 An applicant can request a review of the Council's decision that they do not qualify to join Housing Register due to being a homeowner by writing to the Housing Options Manager (see Appendix 6 for more details).

## **10.0 Applicants with significant rent arrears or former tenancy debt**

- 10.1 Applicants with significant arrears, or a former tenancy debt, with a private or social landlord will generally not qualify to join the Housing Register. Rent arrears may be previous or current and would 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 the repayments of debts accrued under the Council's homelessness prevention loans, or through a housing benefit overpayment.
- 10.2 An exception to this is where it can be demonstrated that the rent arrears or former tenancy debt, is not as a result of a wilful or neglectful cause of the tenant and there is reasonable cause for the arrears. Examples of this may be, a tenant who was up-to-date with their rent but accumulates rent arrears as a result of a loss of their employment and their entitlement to welfare benefits is not sufficient to enable the tenant to cover their full rent; or a tenant whose entitled to help with their rent is reduced as a result of a change in their household composition, resulting in them receiving a lower rate of benefits towards their rent.
- 10.3 Applicants who also demonstrate a genuine commitment to clearing their rent arrears or former tenancy debt, or debt owed to the Council, will also be considered. This would normally be where there is evidence provided of a payment agreement that has been in place for at least 6 months to clear the outstanding debt within a reasonable period. Applicants will be required to provide evidence of regular agreed repayments.

- 10.4 Some further 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 removal of the spare room subsidy, often referred to as 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 Housing 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.
- 10.5 The decision as to whether an applicant with significant rent arrears or former tenancy debts, or debts owed to the Council, would not qualify to join the Housing Register will be made by the Housing Allocations Team Leader.
- 10.6 An applicant can request a review of the Council's decision to that they do not qualify to join the Housing Register due to having significant rent arrears or former tenancy debts, or debts owed to the Council, by writing to the Housing Options Manager (see Appendix 6 for more details).

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

- 11.1 This is where the applicant, or any member of their household, have lost their previous settled home as a result of anti-social behaviour. Applicants in this situation would generally not qualify to join the Housing Register. The behaviour of the applicant, or household member, would have to be serious enough to entitle a landlord to an Order for Possession and therefore would make the applicant an unsuitable tenant. Examples of such behaviour could be:
- breach of tenancy obligations;
  - community protection notice,
  - 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 of property;
- 11.2 The onus will be on the applicant to prove that their behaviour or that of their household members is no longer considered unacceptable.
- 11.3 The decision as to whether an applicant with a history of, or ongoing, anti-social behaviour would not qualify to join the Housing Register will be made by the Housing Allocations Team Leader.
- 11.4 An applicant can request a review of the Council's decision to that they do not qualify to join the Housing Register due to a history of being involved in committing anti-social

behaviour, by writing to the Housing Options Manager (see Appendix 6 for more details).

## Section 3: Assessment of housing need and priority banding

This sets out the housing need criteria that an applicant needs to meet to qualify for the Housing Register and explains the banding system.

### 12.0 Housing Need and Priority Banding

Applicants must be assessed to have a housing need to access the Housing Register and must qualify for one of the reasonable preference criteria as set out in S166A(3) of the Housing Act 1996.

We have adopted a four-band priority system for disguising between the reasonable preference categories together with local priorities. The four bands are:

- Band A: Additional Preference
- Band B: Reasonable Preference
- Band C: Specific Accommodation Need
- Band D: Homelessness

When an applicant applies join the Housing Register, they will be assessed against the housing need criteria and if they are a qualifying applicant, will be placed in one of the four bands according to their housing situation. Both new applicants, referred to as Home-Seekers, and applications from existing social housing tenants, referred to as Transfer Applicants, will be assessed in the same way against the housing need criteria.

The table below sets out the banding criteria. For more detailed information and definitions of the banding criteria please see further information below.

Priority Band	Band Reasons
Band A	<ul style="list-style-type: none"><li>• Homelessness prevention</li><li>• Severe overcrowding</li><li>• Life-threatening illness</li><li>• Armed forces</li><li>• Under-occupation</li><li>• Survivors of domestic abuse</li><li>• Regeneration decants</li></ul>

Priority Band	Band Reasons
	<ul style="list-style-type: none"> <li>• Band B criteria met with Community Contribution additional preference</li> </ul>
Band B	<ul style="list-style-type: none"> <li>• Medical</li> <li>• Welfare</li> <li>• Hardship</li> <li>• Overcrowding</li> <li>• Living in insanitary or unsatisfactory housing conditions</li> <li>• Homelessness applicant who has accepted a PRSO (S193(7AA))</li> <li>• Homeless applicants of another Local Authority</li> </ul>
Band C	<ul style="list-style-type: none"> <li>• Property Adaptations</li> <li>• Extra care accommodation</li> <li>• Sheltered accommodation need only</li> </ul>
Band D	<ul style="list-style-type: none"> <li>• Homelessness relief duty owed</li> <li>• Main housing duty owed</li> </ul>

## 12.1 Medical

For a household to qualify as having a housing need on medical grounds, the application must include a household member with a demonstrable, long term medical condition and for it to be demonstrated that the current accommodation is having a negative impact on the medical condition. This includes people who have a physical disability, mobility needs, mental illness or learning disabilities.

All applications for rehousing on medical grounds must include the completed medical assessment, which is part of the Kent Homechoice Housing Register application form. The Council's Allocations Team will assess the housing need based on this medical assessment form and must be supported by additional evidence provided by an NHS medical professional, or an equivalent external agency.

The test applied will be that:

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

Where an applicant has been diagnosis with a life-threatening illness, which is being made worse by their housing situation, as confirmed by a NHS medical professional, additional preference will be awarded to the application. For more information see paragraph 12.12.

Should an applicant require a property which is accessible or adapted/adaptable for wheelchair users; or a property with adaptations such as a flush floor shower, wet

room or through-floor lift, applicants will be placed into Band C – specific accommodation needs. See paragraph 12.7 for more information.

## 12.2 Welfare

Housing need based on welfare grounds may encompass a wide range of individual circumstances and will include, but not be limited to:

- A person leaving local authority care.
- A person moving on from a drug or alcohol recovery programme.
- Someone who wants to live independently but requires some additional support, such as someone with learning disabilities.
- Someone who needs to leave their current accommodation due to being a victim of crime, intimidation or domestic abuse.
- Someone who provides or receives care or support, such as approved foster carers or have been approved to adopt, but whom require a larger home to accommodate a looked after child, or child previously looked after, and special guardians.
- A person residing in short term supported accommodation and ready to move on to independent living.

A move on welfare grounds should be accompanied by supporting evidence from an appropriately qualified professional connected with the applicant.

Where the approval to foster or adopt has been granted by the Local Authority, proof of this must be provided in the form of a letter from that Local Authority.

Where an applicant is applying as being ready to move on from short term supported accommodation, a supporting letter is required by the manager of the housing scheme to confirm the applicant is ready to live independently.

The Allocation Officer will assess whether an applicant qualifies in this category.

## 12.3 Hardship

Households will be deemed to be in hardship if they need to move to alleviate or prevent hardship. This includes, but is not limited to, a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education or training opportunity. This includes social housing transfer tenants who have a 'right to move'.

Evidence of this must be provided and the Allocations Officer will assess whether an applicant qualifies on the basis of hardship.

Applicants who are applying due to financial hardship will need to provide a completed income and expenditure form for the household, for an assessment to be completed. A

form to assist the applicant can be sent upon request. The Council will refer to guidance, such as the most recently updated Assessing Affordability Guidance published by Housing Reviews Ltd, as an objective source of evidence to assist with the assessment of financial hardship.

## 12.4 Overcrowding

Overcrowding is assessed by closely applying the bedroom standard as recommended by the Secretary of State. The bedroom standard allocates a separate bedroom to each:

- married or cohabiting couple
- adult aged 16 years or more
- pair of adolescents aged 10 to 16 years of the same sex
- pair of children aged under 10 years regardless of sex

A household will be deemed to be **overcrowded**, if when the room standard is applied, the household is lacking one bedroom and their home is not considered suitable for their needs.

A household will be deemed to be **severely overcrowded** if when the room standard, is applied, the household is lacking two or more bedrooms and their home is not considered suitable for their needs. For more information see paragraph 17.0.

In larger properties, where there are additional rooms that would not be typically used as bedrooms, such as a dining room, any additional rooms should be counted as providing bed spaces, except for a kitchen, bathroom and one room being used as a living room.

In determining whether a property is overcrowded the Allocations Officer will apply an objective test based on the size and type of property and not on how the property is being used by the occupants.

The Housing Services Manager has the discretion to consider exceptional cases where the bedroom criteria do not readily match the household type (e.g., applying bed space standard).

## 12.5 Living in insanitary or unsatisfactory housing conditions

In determining whether an applicants' housing condition would be considered as insanitary or unsatisfactory, consideration is given to risk of harm posed to those occupying the accommodation, as assessed under the Housing Health and Safety Rating System (HHSRS).

A housing need is qualified where a category 1 hazard is found and which the landlord is unable, or refusing, to carry out the works to resolve the hazard within a period of 6 months.

Where there is good cause to consider that a category 1 hazard exists due to the wilful or deliberate behaviour of the applicant or a member of their household, the conditions for 'deliberate worsening of circumstances' as detailed in paragraph 19.0 is likely to apply.

## 12.6 Homelessness

A housing need is qualified where an applicant is accepted by Tunbridge Wells Borough Council as being owed the Relief Duty or Main Housing duty, under Section 189B(2) and Section 193(2) of The Housing Act 1996 respectively. For applicants owed the Prevention Duty under Section 195(2), please see paragraph 12.10.

Where an applicant's qualifying housing need is derived from being owed the Relief Duty, upon this duty being ended, the Allocations Officer will assess whether any alternative qualifying housing need exist. It is likely that the applicant will have an alternative qualifying housing need, for example a welfare need or overcrowding, however, should no alternative qualifying housing need be identified, the applicant will be removed from the Housing Register.

An applicant will also be deemed to have a qualifying housing need for a period of two years from the date the applicant accepts a final offer of private rented sector accommodation (section 193(7AA)), which brings to an end the Relief Duty or Main Housing Duty owed by Tunbridge Wells Borough Council. Upon the end of this two-year period elapsing, the Allocations Officer will review where any alternative qualifying housing need exists. Should no alternative qualifying housing need be identified, the applicant will be removed from the Housing Register.

Applicants will also qualify for a housing need if they are owed a duty by any housing authority under the following sections of The Housing Act 1996:

- section 190(2) - duty to an intentionally homeless person to secure that accommodation is available for a reasonable period, or
- section 193(2) – duty to secure that accommodation is available to the applicant, or
- section 195(2) – duty to take reasonable steps to help the applicant secure that accommodation does not cease to be available for the applicants occupation.

An applicant can request a review of the Council's decision to remove them from the Housing Register as no longer having a qualifying housing need by writing to the Housing Allocations Team Leader.

## 12.7 Property adaptations

Applicants who are assessed as having a qualifying housing need, but who require a property which is accessible or adapted/adaptable for wheelchair users; or a property with adaptations such as a flush floor shower, wet room or through-floor lift, applicants will be placed into Band C.

All properties which are accessible, adapted/adaptable or have adaptations such as those states above will only be available to those applicants in Band C and who have a need for these. Supporting evidence from an Occupational Therapist or qualified medical professional will be required which specifies the adaptations required by applicant, following an assessment of needs having been undertaken.

If no suitable applicants from Band C can be found for a property, the property will be advertised to applicants from other priority bands.

## 12.8 Extra care accommodation

Extra care housing is for single people, or couples 55 and over, who want to maintain independence in their own home but need some care and support. It is ideal for people who have long-term deteriorating health conditions, people who need care at night or whose needs can change quickly. There is care on site, but it is not a care home.

To be eligible for extra care accommodation applicants must also have a care need, as confirmed by Kent County Council's adult social care. Within the Tunbridge Wells borough there is one extra care scheme, Bowles Lodge in Hawkhurst.

Home-owners and applicants who exceed the financial assessment criteria will still qualify for a housing need for extra care accommodation and will be exempt from the financial assessment requirements.

## 12.9 Sheltered accommodation need only

It is recognised that the demand on some forms of sheltered housing is not as high as general needs accommodation, with some sheltered accommodation schemes being more difficult to allocate than others. Where an applicant is eligible for sheltered accommodation, but is deemed as not having met any other qualifying housing need criteria and wishes to be considered for an offer of sheltered housing, a housing need of 'sheltered accommodation need only' will be awarded. Applicants with a housing need for sheltered accommodation will be placed in Band C and will only be eligible for sheltered accommodation.

## 12.10 Homelessness prevention

The Council is committed to early intervention to prevent homelessness and recognises that there are significant challenges with the affordability of accommodation within the Tunbridge Wells borough and surrounding areas.

To meet local needs and priorities, additional preference is awarded to applicants who are owed the Section 195(2) Prevention Duty (under the Housing Act 1996, as amended) by Tunbridge Wells Borough Council.

Where an applicant is already on the Housing Register and becomes owed the Prevention Duty, their priority date will be amended to the date this duty is accepted. Should the Prevention Duty be ended, and the applicant retains a qualifying housing need, but no longer has any grounds to be awarded additional preference, their priority date will revert to the previous date before any additional preference was awarded.

Where an applicant's qualifying housing need is only derived from being owed the Prevention Duty, upon this duty being ended, the Allocations Officer will assess whether any alternative qualifying housing need exist. Should no alternative qualifying housing need be identified, the applicant will be removed from the Housing Register.

The exception to this is where the applicant was at risk of homelessness due to a parental or family eviction, and the Prevention Duty has been discharged because there is the reasonable prospect that the applicant is able to remain in their existing accommodation for at least 6 months. In these cases the applicant can retain band A 'Homelessness Prevention' for a period of 12 months from the date the prevention duty is discharged. After the 12-month period, the Allocations Officer will assess whether any qualifying housing need exists. Should no alternative qualifying housing need be identified, the applicant will be removed from the Housing Register.

An applicant can request a review of the Council's decision to remove them from the Housing Register as no longer having a qualifying housing need by writing to the Housing Allocations Team Leader (see Appendix 6).

## 12.11 Severe overcrowding

A household will be deemed to be **severely overcrowded** if when the room standard (see paragraph 17.0) is applied, the household is lacking two or more bedrooms and their home is not considered suitable for their needs.

In cases of severe overcrowding, applicants will be awarded an additional preference and qualify for Band A.

## 12.12 Life-threatening illness

The test set out for a qualifying housing need under medical grounds is detailed in paragraph 12.1. Where an applicant meets the qualifying criteria for a housing need under medical grounds and been diagnosis with a life-threatening illness, which is being made worse by their housing situation, as confirmed by a NHS medical professional, additional preference will be awarded to the application. This places an applicant into priority Band A.

Should an applicant require a property which is accessible or adapted/adaptable for wheelchair users; or a property with adaptations such as a flush floor shower, wet room or through-floor lift, applicants will be placed into Band C. See paragraph 12.7 for more information.

## 12.13 Armed Forces

The Secretary of State made regulations that certain members and former members of the armed forces, must be provided with additional preference. The following categories of applicant are awarded this additional preference:

- former members of the Armed Forces.
- serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.
- serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

## 12.14 Under-occupation

The housing need of under-occupation is applicable only to existing social housing tenants, residing in the Tunbridge Wells borough, who are applying for a transfer and where the applicant is assessed to be under-occupying their home. This is to help to release larger family accommodation in the borough which is being under-occupied and support tenants who are impacted by the removal of the spare room subsidy, often referred to as the 'Bedroom Tax'.

A household will be deemed to be under-occupying if they are an existing social housing tenant, in the Tunbridge Wells borough, and when the bedroom standard (see paragraph 17.0) is applied, the household exceeds its need by one or more bedrooms.

## 12.15 Survivors of domestic abuse

The Council recognises the particular needs of survivors of domestic abuse who have needed to flee their home and often have moved miles away from their local area to a place of safety. As part of our response to supporting survivors of domestic abuse, a local priority is to ensure that survivors who have fled their home and moved into a refuge or safe accommodation, as defined by the Domestic Abuse Act 2021, are provided with additional preference for an allocation of social housing. Not only will this enable survivors to secure a permanent home quicker to rebuild their lives, but also to enable these vital forms of safe accommodation to become available for other victims in need of safe accommodation.

This additional preference is not applicable to survivors of domestic abuse applying from their own homes, or those applicants residing in other forms of accommodation which is not a refuge, or another form of safe accommodation as defined by the Domestic Abuse Act 2021.

Where a victim of domestic abuse is a lifetime tenant and is granted a new tenancy for reasons connected with the abuse, they will retain their lifetime security of tenure. This protection applies to victims who have a lifetime tenancy, or victims who have had a lifetime tenancy in the past and have fled their social home to escape domestic abuse. The protection also applies to victims of domestic abuse who have a joint lifetime tenancy and who wish to continue living in their home after the perpetrator has left. The provisions apply to lifetime tenants of local authorities and private registered providers of social housing.

## 12.16 Regeneration decants

This applies to social housing tenants who are required to leave their homes due to a large-scale area regeneration. Where such proposals of regeneration are made by social landlords, consultation should take place with the Housing Services Manager to agree the approach, prior to redevelopment of the scheme being confirmed. This is to ensure that all applicants being decanted from their homes are part of this regeneration are prioritised fairly.

## 12.17 National Crime Agency Relocations

The National Crime Agency (NCA) Relocation Team, formerly known as the National Witness Mobility Scheme, assists intimidated and protected persons, who are at risk if they were to stay in their current accommodation, to secure housing outside of their local areas. The risk to the majority of clients supported by the team is deemed to be life-threatening.

Tunbridge Wells Borough Council may receive referrals from the NCA Relocation Team to assist with relocating and rehousing of persons at risk in their existing accommodation and who need to be relocated.

Due to the high demand for subsidised housing in the borough the Council will accept up to 2 nominations per financial year from the NCA under this scheme.

These applicants will be award Band A (Additional Preference) priority. For the safety of those individuals their applicant will not be identified as a NCA referral, and any application will be managed by the Housing Options Manager.

## 12.18 Community contribution

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 B, who meet the community contribution criteria, to be given additional priority for housing. Applicants in Band B who meet the community contribution criteria, will therefore be awarded additional preference, and be placed in Band A. Community contribution will not be applicable to applicants in priority Band C or D.

Community contribution criteria can be granted to the following applicants:

- Persons in employment
- Persons undertaking voluntary work
- Persons who are foster carers or adopters
- Persons providing care

### Employment

Where the applicant or joint applicant, is in permanent employment or has an offer of permanent employment, or is self-employed, within the Tunbridge Wells borough. This employment must be for a minimum of 12 months and be for at least 16 hours per week. Proof of employment must be provided, for example through wage slips, self-employed accounts or a letter from an employer on headed paper.

### Voluntary work

Where the applicant or joint applicant is volunteering for a not-for profit organisation which is recognised by the Council, or a charity that is registered with the Charity Commission within the Tunbridge Wells borough. Volunteering must have been for a continuous period of six months up to the point of application and must still being undertaken prior to any offer of accommodation being made. Volunteering must also be for a minimum period of 10 hours per week. 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.

### Foster Carers or Adopters

Kent County Council approved adopters and foster carers will fulfil the community contribution qualification. Those who are applying to be a foster carer or adopter will not qualify for community contribution until they have been approved by KCC and provided documentation confirming this.

### Providing Care

Any applicant in receipt of Carer's Allowance who is providing care to a person ordinarily resident within the Tunbridge Wells Borough will qualify as a carer for the purposes of the community contribution award detailed in paragraph 12.18. Evidence of both the Carer's Allowance award and the residence of the person being cared for within the Borough must be provided.

Where an applicant believes that they fulfil the community contribution criteria in another way, they should provide full details and supporting evidence of their contribution to the Housing Allocations Team Leader, who will determine whether the applicant qualifies for the additional preference.

## **12.19 Discretion**

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 applicant as qualifying to join the Housing Register would not normally meet the qualification criteria (this would not apply to the eligibility criteria which is set by legislation). An example of this is a social housing tenant occupying an adapted property, whereby the adaptations are no longer required. In circumstances where the housing need criteria has not been met, but discretion awarded to accept an applicant onto the Housing Register, these applicants would usually be placed into Band B, unless they require an adapted property, in which case they would be placed into Band C.

This discretion may be exercised by the Housing Services Manager or Head of Service. A record of the decision and reasons for exercising the discretion would be kept on the electronic file of the applicant.

## **12.20 Priority date when changing bands**

Applicants within each priority band are prioritised within property shortlists based on their priority date. The priority date is the date the applicant provided all the required documentation needed to process their application and award a priority band.

Where an applicant moves between the different priority bands, the applicant will retain their priority date. The exception to this is where an applicant moves into priority Band A from another priority band. Where an applicant moves into priority Band A from another priority band, their priority date will be amended to the date in which they qualified for the Band A additional preference.

Where an applicant has moved from another priority band into priority Band A, but later loses their additional preference, their priority date will revert back to the priority date they had before the additional preference was awarded.

For example, applicant Z qualifies to be placed into priority Band B due to overcrowding on 01/01/2022. On 01/06/22 applicant Z updates his application notifying the Council that he is now in permanent employment, working for 20 hours a week and **provides** evidence of his employment contract. Applicant Z qualifies for additional preference under 'Community Contribution' to move into Band A. His priority date is therefore amended to 01/06/22. Applicant Z later informs the Council on 30/09/22 that he has lost his employment. He therefore loses his additional preference of Community Contribution and moves back to priority Band B. His priority date therefore is amended back to 01/01/22, this being the priority date he had before being awarded the additional preference.

## Section 4: Targeted allocations plan

This sets out show the Council's targeted allocation plan works and the quota of properties advertised to applicants in the different priority bands.

### 13.0 Banding Allocation

The Council wants to ensure that applicants with the highest need are housed more quickly, whilst also enabling a range of applicants with differing housing needs across all bands to have an opportunity 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.

- 13.1 We 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 table:

Priority Band	Allocation Quota
A	50 per cent
B	30 per cent
C	10 per cent
D	10 per cent
Total	100 per cent

- 13.2 The percentage of allocations per band will be reviewed annually and is subject to change based on the levels of housing need in the different bands. Any recommendation to the change in quota of allocations must be approved by the Cabinet Member for Housing and Planning.
- 13.3 Properties which have been adapted to suit those with specific needs, such as those with flush floor showers, wet rooms or stair lift etc will be advertised to Band C: Specific Accommodation Need first.
- 13.4 Properties that are subject to age restrictions (e.g. sheltered housing) or specific planning conditions, such as new build properties secured through Section 106 agreements with a local connection cascade criteria, will be advertised to all bands.

## **Section 5: Applying to join the Housing Register and assessment of applications**

This sets out how an applicant can apply to join the Housing Register and the process for assessing applications to the Housing Register in terms of property size and type, as well as any specific mobility needs.

### **14.0 Housing Register Applications**

- 14.1 To apply to join the housing register, all applicants must complete a housing register form. An online application form can be made at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk). Applications will not be accepted in any other form other than an online application. Applicants who are not computer or digitally literate and who have no other means of support to submit an application, are encouraged to contact the Council's Allocations Team on 01892 554151 for further support.
- 14.2 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 and can be found at Appendix 5. Failure to fully complete the form or provide the required documents will mean that the application cannot be processed.
- 14.3 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;
- knowingly withhold information which the authority has reasonably required the applicant to give.

14.4 There is a huge demand for social housing which is in short supply and as such the Council will act 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.

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

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

## 15.0 Who can be considered as part of an application?

15.1 The only persons who will be considered as part of an applicant's household will be:

- Partner/Spouse/Civil Partner
- Dependent Children – this includes adult dependent children over 18 years
- Relatives needing care
- Carers where evidence is provided that a full-time carer is required
- Any other non dependant adult who is a family member of the applicant or their partner, who can reasonably be considered residing with the applicant at the time of initial application

15.2 Shared custody / joint residence of children

Where children have two homes because parents are separated (for example under a Shared-Residence or Child Arrangements Order), a child will normally be included on only one housing application for the purposes of bedroom entitlement and housing

need priority. Children will be included on the application of the parent with whom they are reasonably expected to reside.

Where only one parent has applied for housing, but the Council is satisfied that the other parent has primary residence of a child and is able to provide a suitable home for the child, the child will not normally be included on the applicant's housing application, and no additional bedroom entitlement will be awarded.

In determining with whom a child is reasonably expected to reside, the Council will consider objective evidence including (but not limited to) child benefit or Universal Credit awards, the number of nights spent with each parent, the terms of any Child Arrangements Order, and relevant professional evidence.

Where residence is disputed, the Council will decide based on the evidence provided and balance of probabilities.

- 15.3 An applicant, joint applicant or household member can only have one active application, or be included in only one application to the Council, at any time

## **16.0 Assessment of applications**

- 16.1 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.
- 16.2 Applicants will be notified in writing that they have qualified to join 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).

## **17.0 Assessment of bedroom need**

- 17.1 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.
- 17.2 The household composition determines the number of bedrooms in a home that an applicant can be awarded. The Council applies a similar standard to The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2017, in determining the number of bedrooms a household is assessed as being entitled to. These are:
- 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
- in respect of pregnancy, the unborn baby will be considered as an additional child once pregnancy is in the third trimester, usually from week 28 of pregnancy.
- a disabled adult who is receiving the higher rate of Attendance Allowance, the middle or the higher rate of the care component of DLA, either rate of the daily living component of PIP or Armed Forces Independence Payment, where the Council is satisfied that because of their disability, they cannot reasonably share a bedroom with their partner, will be allowed one extra room;
- a disabled child, who is receiving middle or higher rate care component of Disability Living Allowance (DLA) and where the Council is satisfied that because of the disability, a child cannot reasonably be expected to share a bedroom, the applicant will be allowed one extra bedroom;
- a disabled adult who is receiving the higher rate of Attendance Allowance, the middle or the higher rate of the care component of DLA, either rate of the daily living component of PIP or Armed Forces Independence Payment, where the Council is satisfied that because of their disability, they require a non-resident carer to provide overnight care, will be allowed one extra room;
- an additional bedroom will be allowed for those who have been approved as foster carers or prospective adopters, providing they have fostered a child, or have become an approved foster carer, in the past 12 months.

- 17.3 In the case of a disabled adult or disabled child, where there is the request for an additional bedroom, evidence from a specialist medical professional, must also be provided to support the requirement of an extra bedroom. The decision to award an extra bedroom will be made by the Housing Allocations Team Leader.
- 17.4 Where the approval to foster or adopt has been granted by the Local Authority, proof of this must be provided in the form of a letter from that Local Authority. The decision to award an extra bedroom will be made by the Housing Allocations Team Leader.
- 17.5 Where a decision is made not to grant an extra bedroom in respect of a disabled child, adult, foster carer or adopter, an applicant can request a review of this decision by writing to the Housing Options Manager (see Appendix 6).
- 17.6 An applicant can request a review of their allocated bedroom need by writing to the Housing Allocations Team Leader (see Appendix 6).

## 18.0 Change of circumstances

- 18.1 Applicants are expected to notify the Council of any changes to their circumstances which could affect their qualification for the Housing Register or their priority band the earliest opportunity. Applicants should log into their Kent Homechoice account and complete update their details within their customer portal account, including any change of address since their application was made

## 19.0 Deliberate worsening of circumstances

- 19.1 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, where there was no good cause requiring the applicant to move, 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.
- 19.2 The decision to whether an applicant has deliberately worsened their circumstances will be made by the Housing Allocations Team Leader.
- 19.3 An applicant can request a review of the Council's decision that they do not qualify to join Housing Register, or placed into a lower band, due to deliberately worsening their circumstances by writing to the Housing Options Manager.

## 20.0 Re-applying to join the Housing Register

- 20.1 Applicants who have been previously assessed as not eligible or not qualifying to join the Housing 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.

## 21.0 Annual reviews

- 21.1 The Council will conduct annual reviews on the anniversary date that the applicant first applied to the register. Applicants will be expected to complete an annual review form within the specified time frame, advising the Council of any changes in their circumstances or their application will be removed from the Housing Register.
- 21.2 Where upon assessing an applicants annual review application, it has been determined that the applicant no longer qualifies to remain on the Housing Register, e.g. there has been a change in their housing need or local connection to the borough, the applicant will be removed from the Housing Register.
- 21.3 An applicant who has been removed from the Housing Register upon can request a review of the Council's decision that they no longer qualify to remain on Housing Register, by writing to the Housing Allocations Team Leader.

## **22.0 Restrictions on housed applicant re-joining the housing register**

- 22.1 To promote tenancy sustainability and to manage the housing register more effectively, there will normally be a 12-month restriction on applicants re-joining the register who have been housed into a social rented property.
- 22.2 There will be exceptions to this as agreed by the Housing Options Manager. A record of the decision and reasons for exercising the discretion will be kept on the file of the applicant.

## **23.0 Applications from Tunbridge Wells Borough Council employees and elected members**

- 23.1 Applications from employees and elected members of Tunbridge Wells Borough Council (including applications where the employee or elected member is part of the household in the application) will be assessed in accordance with the Allocation Scheme and will have to meet the same qualifying criteria in order to be accepted on to the register.
- 23.2 Employees of Tunbridge Wells Borough Council should not use any internal housing systems to access their account or those of their family members and/or associates. Where a conflict of interest may arise, the officer should bring this to the attention of their line manager.

# **Section 6: Bidding and allocating properties**

This sets out how the choice-based system works in offering choice to potential applicants and in terms of advertising properties and how applicants can place bids on properties. It explains the shortlisting procedure, the Council's policy on direct lets and refusing offers of accommodation. It also explains details of the use of local connection cascade and local lettings policies.

## **24.0 Choice Based Lettings**

- 24.1 The Council operates Choice Based Lettings (CBL) which 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, the partnership between all 13 Local Authorities in Kent and over 30 housing association landlords.

## 25.0 Adverts

- 25.1 Housing associations with properties within the Tunbridge Wells borough will advertise their properties that are becoming available, in accordance with the nominations agreements between the Council and housing associations, on Kent Homechoice, with properties advertised daily. Adverts are placed on the Kent Homechoice website by the housing association landlord and are intended to be an accurate description of the property and include any adaptations that have been made to the property. The advert will also include details of local amenities, as well as any additional requirements for applicants, such as if there is a Local Lettings Plan in place.
- 25.2 Property adverts will clearly state which type of applicant and which priority bands are eligible to bid on the property.
- 25.3 In the case where no bids have been received on a vacancy that was advertised to a specific priority band, the advert will be extended and opened to all bands. If no bids are received from any applicants, the landlord can request a nomination from the Council which will constitute a direct allocation. These offers will be a suitable offer of accommodation and the usual penalties for refusal will apply

## 26.0 Bidding

- 26.1 Applicants can log into their Kent Homechoice account upon being accepted onto the Council's Housing Register and place bids on suitable properties currently being advertised at a time.
- 26.2 For a property to be suitable for a particular applicant, it must be of an appropriate size (see paragraph 17.0) and be advertised for that particular type of tenant (see Section - targeted allocation plan).
- 26.3 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.
- 26.4 Applicants will be expected to actively seek a property via the Kent Homechoice Scheme. If an applicant places no bids within a period of 6 months, where there have been properties available for the applicant to bid on, the Council may suspend their application. The applicant will be contacted within 7 days of their application being suspended and asked to explain their reason for not bidding. If the applicant fails to respond with a valid reason within 14 days, their application will be removed.
- 26.5 If the reason for non-bidding relates to their inability to use the Kent Homechoice website the Council will provide assistance to the applicant and the application can be reinstated by the Housing Allocations Team Leader without any penalty. In exceptional cases, the Council can also set up auto-bidding for customers who have no means to regularly check what properties are available to bid on and unable to place bids.

- 26.6 Where the applicant is owed the Main Housing duty, under Section 193(2) of the Housing Act 1996, the applicant will be placed onto auto-bidding to ensure that bids are placed on all suitable properties.

## 27.0 Shortlisting

- 27.1 Once a property advert has closed for bidding a shortlist will be drawn up of all the applicants who are eligible to bid on the property. Applicants within the same band will be prioritised in the order of their priority date, i.e. the date that the completed application and all required supporting information was received by the Council.
- 27.2 Applicants can see on Kent Homechoice whether they have been successful in bidding on a property, and if not, where on the shortlist they have been placed once a property has been let.

## 28.0 Nominations

- 28.1 The Council will nominate applicants to a property from the property shortlist in accordance with the eligibility requirements of the advert and applicants priority date, as detailed above. The Council acknowledges that some housing associations operate their own allocation policy and may be circumstances where the Council's nomination is declined by the housing association, in line with their policy. In those circumstances the applicant will be referred to the relevant housing association by the Council to enable the applicant to challenge the decision made by the housing provider should the applicant want to do so.
- 28.2 Where a successful nomination is made, the housing association will attempt to contact the applicant. The housing association will arrange for the successful nomination to view the property, or arrange to conduct pre-sign up interviews for the property.
- 28.3 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.
- 28.4 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 into the property within this quick timescale. As most properties available will be unfurnished, the applicant will need to provide their own furniture, white goods, curtains and sometimes the carpet/flooring.
- 28.5 If the applicant does not respond to the housing association within 3 working days of the logged contact the nomination will be deemed to be refused and penalties detailed

in paragraph 30.0 will be applied. Whilst being considered for an offer of a property, applicants will not be short-listed for other vacancies.

## 29.0 Direct Letting

- 29.1 The element of choice needs to be balanced with the needs of the Council to manage and deliver its housing responsibilities effectively and efficiently. As such the Council reserves the right to make direct offers of social housing to applicants. An example of this is where the Council owes an applicant a duty under Part 7 of the Housing Act 1996, to secure that accommodation is available to an applicant, or to take reasonable steps to relieve an applicant of homelessness. Alternatively, some properties may not attract any bids and to minimise the number of empty properties in the borough the Council will match an applicant to a suitable property without the applicant necessarily bidding on the vacancy.
- 29.2 Where an applicant who has been directly let a property, but fails to respond to the housing association, or refuses the property, the penalties detailed in paragraph 30.0 will be applied.

## 30.0 Refusals

- 30.1 If an applicant chooses to refuse an offer of accommodation, they will need to inform the housing association and provide the Council with written reasons for the refusal within 7 days.
- 30.2 If the Housing Allocations Team Leader considers the applicant to have reasonable grounds for refusing the property, 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 or there are considered to be reasonable grounds for not having accepted an offer within 3 working days of the logged offer contact, then the offer would not be counted as a refusal.
- 30.3 Where the grounds for refusal are not considered as reasonable, the applicant will have their priority date re-set to the date on which they refused the offer, effectively reducing their priority within the priority band.
- 30.4 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, or an auto bid made based on criteria provided by the applicant. This also applies in the case of applicants owed a housing duty under Part 7 of the Housing Act 1996 who have been made a direct let, or where a bid has been placed on their behalf by an officer within the Housing Options Team.
- 30.5 An applicant will be informed in writing of the Council's decision as to whether the offer is reasonable and the reasons for this within 14 days of the date of the Council being notified of the refusal, and applicants will have the right to request a review of the

decision, by putting this in writing to the Housing Options Manager. See Appendix 6 for more details.

## 31.0 Rural needs housing schemes

- 31.1 New affordable housing in rural areas is normally provided in three ways - built on sites allocated for housing development in the Local Plan, on windfall sites or on Rural Exception Sites.
- 31.2 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.
- 31.3 These properties will be clearly advertised on Kent Homechoice for applicants and bids for these will be invited from applicants in all priority bands. To be considered for a rural needs housing scheme the applicant 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 three years out of the last five 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 permanent employment in the parish;
- 31.4 Where no applicants are identified as meeting the above local connection criteria, a local connection cascade will apply. This means that applicants who meet the above local connection criteria to any bordering parishes will be next considered, as determined by the Section 106 planning agreement or Local Lettings Plan. Should no applicant be identified with a local connection to a bordering parish, applicants will then be considered based on their priority date order.

## 32.0 Local lettings policies

- 32.1 Local lettings policies may be used as part of the housing nomination process. They may be used for some developments/properties to achieve a balanced community on a new development, or to tackle issues in an existing locality where there are management problems and the properties have become less desirable, or to prevent there being higher than usual concentrations of deprivation, or vulnerable households with high support needs,
- 32.2 The application of a local lettings policy 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. 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.

- 32.3 The Council will only seek to use local lettings policies in limited circumstances as detailed above and in consultation with relevant housing providers. In developing a local lettings policy the Council will refer to the principles agreed within the Kent Housing Group (Creating Successful Communities in Kent and Medway protocol).

## **Section 7: 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.

### **33.0 Information on the current policy**

- 33.1 The current Housing Register Allocation Scheme will be available on the Tunbridge Wells Borough Council website. Approximately every year the Council will publish statistics to show rehousing figures and approximate waiting times for various bands and bedrooms sizes based on the last year.

### **34.0 Reviewing the Housing Register Allocation Scheme**

- 34.1 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 consultation with the Cabinet Member for Housing.
- 34.2 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 Housing Register are made aware of the changes. All applicants directly affected would be written to advising them of the impact on their current application.

### **35.0 Reviews**

- 35.1 When the Council makes any of the following decisions on an applicant's application, we will provide the applicant with reasons for the decision in writing. Applicants can

submit a written request for a review (see Appendix 6 for more details) of any of the following decisions reached on their applicant:

- the applicant is ineligible for an allocation of accommodation;
- the applicant does not qualify to join the Housing Register, including not meeting the housing need criteria;
- the applicant'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 applicant is a reasonable offer and will count as a refusal;
- removal from the Housing Register;

- 35.2 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, where good cause has been demonstrated by the applicant for being unable to submit their request for review within the 21 days. It is acceptable for a request for a review to be made by the applicant's representative on their behalf.
- 35.3 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.
- 35.6 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 Allocations Team Leader. Where the Housing Allocations Team Leader has made a decision in relation to an application, the review will be conducted by the Housing Options Manager.
- 35.7 The officer undertaking the review will consider any information provided by the applicant, including any changes since the original decision was made and reach a decision in accordance with the Council's Allocation Scheme, any legal requirements and all relevant information. Most reviews 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.

## **36.0 Requesting information**

- 36.1 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 Scheme, 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.

## 37.0 Data protection

- 37.1 By clicking on the declaration at the end of the online application form 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.
- 37.2 An applicant has the right to see and to confirm the accuracy of information about them which is held by the Council. In order to request access to personal information, applicants can make a Subject Access Request by sending an email to [Dataprotection@Tunbridgewells.gov.uk](mailto:Dataprotection@Tunbridgewells.gov.uk)
- 37.3 The Allocations Team will collect and prepare the information within one month of your request. Files may be edited where necessary to exclude information restricted by law or evidence provided by a third party, for example a healthcare professional. In the latter case, information can only be released if the professional concerned has given their written consent. Applicants wishing to see information provided by third parties must seek consent from the third party(s) involved.
- 37.4 If the applicant considers the personal information they have received is inaccurate, they may request that it is amended or removed from their records. If the Housing Options Manager agrees the information is incorrect, appropriate action will be taken to amend the records.
- 37.5 General Data Protection Regulation (GDPR) states individuals have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances.
- 37.5 Disclosure of information may be denied by the Council in any of the following circumstances:
- The information could prejudice criminal proceedings;
  - Legal professional privilege could be claimed;
  - A care professional is of the opinion that disclosure could result in a risk of serious harm to the applicant or others as a result of disclosure.
- 37.6 Personal information is only disclosed to other parties with the applicant's consent or in circumstances where disclosure without consent is necessary and there is a legal right to obtain it, for example, because the information is required by the Police as part of a criminal investigation.

# Appendix 1 – Glossary

## **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 Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2017.

## **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 this criteria to award additional preference to applicants with a Band B reasonable preference who meet these criteria and which will increase the applicants priority to Band A.

## **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 Housing 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 Housing 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 Housing 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**

Low-cost subsidised housing provided through a housing association or stock holding Council, 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 4.

## **Transfer tenant**

An applicant who applies to join the Housing Register and is currently a tenant of a housing association or stock holding Council.

# Appendix 2 - Persons subject to immigration control who are eligible for an allocation of social housing

Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

- i)  
a person granted refugee status: normally granted 5 years' limited leave to remain in the UK;
- ii)  
a person granted exceptional leave to enter or remain in the UK granted outside the provisions of the Immigration Rules; and whose leave to enter and remain is not subject to a condition requiring them to maintain and accommodate themselves, and any person who is dependent on them, without recourse to public funds. Exceptional leave to remain now usually takes the form of 'discretionary leave';
- iii)  
a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area): such a person will have indefinite leave to enter or remain and will be regarded as having settled status. However, where indefinite leave to enter or remain was granted as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation, the applicant must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later – in order to be eligible. Where the sponsor has (or, if there was more than one sponsor, all of the sponsors have) died within the first five years, the applicant will be eligible for an allocation of accommodation;
- iv)  
a person who has humanitarian protection granted under paragraphs 339C – 344C of the Immigration Rules;
- v)  
a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Act, such leave granted under paragraph 276BE (1), paragraph 276DG or Appendix FM of the Immigration Rules, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds;
- vi)  
a person who is habitually resident in the Common Travel Area and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules;
- vii)  
a person who is habitually resident in the Common Travel Area and who has Calais leave to remain under paragraph 352J of the Immigration Rules. (Effective from 1 November 2018);
- viii)  
a person who is habitually resident in the Common Travel Area and who has limited leave to remain in the UK as a stateless person under paragraph 405 of the Immigration Rules;

ix)

a person who has limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland' by virtue of Appendix EU of the Immigration Rules;

x)

a person who has limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British Citizen (Overseas) of the Immigration Rules, who is habitually resident in the Common Travel Area, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds;

xi)

a person who has been granted leave by virtue of the Afghan Relocations and Assistance Policy or the previous scheme for locally-employed staff in Afghanistan;

xii)

and a person with leave to enter or remain in the United Kingdom who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021 and who is not subject to a condition of no recourse to public funds and has not been given leave to enter or remain as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation. However, a person who was sponsored will be eligible for housing assistance if the applicant has been resident in the Common Travel Area for 5 years since the date of entry (or the date of the sponsorship undertaking, whichever is later) or their sponsor(s) have died.

xiii)

a person in the UK who left Ukraine in connection with the Russian invasion on 24 February 2022 and had resided in Ukraine immediately before 1st January 2022, and who has been granted leave in accordance with Immigration rules made under section 3(2) of the Immigration Act 1971.

xiv)

A person in the United Kingdom who has limited leave to remain granted in accordance with Appendix Ukraine Scheme of the immigration rules pursuant to an application made by that person from within the United Kingdom. Other persons from abroad who may be ineligible for an allocation

# Appendix 3 – Persons from abroad exempted from the requirement to be habitually resident

The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

- (i) an EEA citizen who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- (ii) an EEA citizen who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- (iii) a person who is treated as a worker for the purpose of the definition of ‘qualified person’ in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (as amended), (right of residence of an accession State citizen subject to worker authorisation)
- (iv) a person who is a family member of a person referred to in (i) to (iii) above and has been granted pre-settled status;
- (v) a person who is in the UK as a result of their deportation, expulsion or other removal by compulsion of law from another country to the UK
- (vi) a person who is in the United Kingdom as a frontier worker for the purpose of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020
- (vii) a person who is a family member of a person referred to in (vi) above and has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom, as a family member of a relevant EEA citizen, under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act
- (viii) a person who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021
- (ix) a person who left Ukraine in connection with the Russian invasion on 24 February 2022 and had resided in Ukraine immediately before 1 January 2022 and is not subject to immigration control.

A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. A person who is no longer working does not cease to be treated as a ‘worker’ for the purpose of regulation

6(1)(b) of the EEA Regulations, if he or she:

- (a) is temporarily unable to work as the result of an illness or accident; or
- (b) is recorded as involuntarily unemployed after having been employed in the UK, provided that he or she has registered as a jobseeker with the relevant employment office, and:
  - (i) was employed for one year or more before becoming unemployed; or
  - (ii) has been unemployed for no more than 6 months; or
  - (iii) can provide evidence that he or she is seeking employment in the UK and has a genuine chance of being engaged; or
- (c) is involuntarily unemployed and has embarked on vocational training; or
- (d) has voluntarily ceased working and embarked on vocational training that is related to his or her previous employment.

EEA citizens who have established citizens' rights in accordance with Part 2 of the Withdrawal Agreement can be joined by close family members (spouses, civil and unmarried partners, dependent children and grandchildren, and dependent parents and grandparents) who live in a different country at any point in the future, if the relationship existed before/on 31 December 2020 and still exists when the family member wishes to join the EEA citizen in the UK.

The family member will have 3 months from their date of arrival, to apply to the EU Settlement Scheme. If the family member is a third country citizen, they can apply for an EU Settlement Scheme family permit or EEA family permit. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations. When considering the eligibility of a family member, housing authorities should consider whether the person has acquired indefinite leave to remain in the UK in their own right, for example, a family member at the point they are eligible and are granted settled status under the EU Settlement Scheme.

# Appendix 4 – Financial Assessment Criteria

Applicants will be required to provide proof of their household income and capital/assets and provide details of all bank accounts, savings, investments and capital that belong to any member of their household.

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.

The financial assessment criteria considers all net income received by the household, including but not limited to:

- Employment/Self-Employment earnings
- Universal Credit
- Child Benefit
- Child Support/Maintenance payments
- Personal Independence Payments and Disability Living Allowance
- Any other welfare benefits
- Property rental income
- Dividends
- Interest

We will not include within the household income any childcare costs which are reimbursed through Universal Credit.

Where an applicant is residing in supported housing that qualifies as being exempt accommodation for housing benefit purposes, income received from housing benefit will be capped at just the 'core rent' element for the purposes of calculating an applicant's income.

Household	Income	Capital/savings	Exceptions
Single /couple	£37,000	£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	£52,000	£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	£63,100	£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.

Where it is evidenced that savings are in child trust fund/savings account, which cannot be accessed until a child is an adult, or savings of an adult child where it is evidenced these savings are to fund a deposit for home-ownership, these will be excluded from the capital/savings assessment.

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.

Applicants deemed to have had a deprivation of capital or savings, i.e. where an applicant has deliberately, knowing or willingly reduced or transferred their capital or savings elsewhere in order to fulfil the financial assessment criteria, within two years of their application, may be restricted from joining the Housing Register for a period of 12 months.

Where it is considered that there has been a deprivation of capital/savings, a decision to restrict access to the Housing Register for 12 months will be made by the Housing Allocations Team Leader, following a review of the evidence. This may include for example:

- documents to show that ownership of property has been transferred to another person
- deeds to show that money has been given to another person in trust, settlement or as a gift
- receipts to show what your cash or savings has been spent on

Where it is deemed that there has been deprivation of capital of an existing applicant on the Housing Register, for example an applicant has received a large inheritance payment and has deliberately, knowing or willingly reduced or transferred their capital or savings elsewhere in order to continue to fulfil the financial assessment criteria, may be suspended from the Housing Register for a period of 12 months by the Housing Allocations Team Leader.

An applicant can request a review of the Council's decision to restrict access or suspend from the Housing Register due to a deprivation of capital or savings, by writing to the Housing Options Manager.

# Appendix 5 – Documents required from the applicant to be accepted on to the housing register or upon consideration of an allocation of accommodation.

## Eligibility

1. EEA Nationals, but not UK citizens, resident in the UK on or before 31<sup>st</sup> December 2020
  - Valid passport for each household member
  - EU Settlement Scheme share code
  - Evidence of any employment
  - Any other evidence that proves eligibility for subsidised housing
2. Non-EEA Nationals, or EEA Nationals who have arrived in the UK on or after 1<sup>st</sup> January 2021
  - Valid passport for each household member
  - Proof of indefinite leave to remain
  - Any other evidence that proves eligibility for subsidised housing.

## Additional Information

1. Proof of identity
  - For each named applicant photographic identification, for example, a valid passport or photo driving licence, or similar document and your national insurance number.
2. Proof of income
  - Salary/wage slips for the past two months
  - Proof of any income-related benefits received, for example, Universal Credit or income support
  - Statements from all bank, building society and savings accounts for the past two months
- 2a. Proof of capital, savings, and investments
  - Account statements for any savings, ISA, investment accounts, or child trust funds
  - National Saving Certificates
  - Income or Premium Bonds
  - Details of any land or property owed in UK or abroad to be provided

### 3. Proof of your address/tenure

- Tenancy agreement if there is a tenancy, if not, official correspondence, such as Council Tax letter, utility bill, or welfare benefit letter, dated within the past three months.

### 4. If you have children living with you

- Birth certificate for each child, and
- Proof of receipt of child benefit

### 5. If you have access to children that do not live with you full time

- Residence Order if available, or letter from the child's full time carer detailing the access arrangements, including the frequency of visits, the length of time they have been in place, and any future arrangements.
- Occupational therapist housing needs assessment

### 6. If you own, or have ever owned, a property

- Current mortgage statement and recent valuation of the property.
- Confirmation of the amount received from the sale or transfer of the property.

### 7. Medical Information

- Documentation provided from an NHS medical professional, or an equivalent external agency.

### 8. Voluntary, charitable work or training

- A letter or email from an employee of the group/organisation to confirm that you volunteer or carry out charitable work for a minimum of 10 hours a week and have done so on a consistent basis for at least 6 months.
- A letter or email from the college, university or training organisation providing the details of the course being undertaken including the start and finish dates of the course.

### 9. Right to Move

- A contract of employment.
- A formal offer/acceptance of employment letter
- Proof of current address.

# Appendix 6 – Reviews

Paragraph	Subject of Review Request	Officer Conducting the Review	Time Limit to request a review	Response Time
3.0	Eligibility	Housing Options Manager	21 days from decision	56 days from request
7.0	Local Connection	Housing Allocations Team Leader	21 days from decision	56 days from request
8.0	Financial Assessment Criteria	Housing Allocations Team Leader	21 days from decision	56 days from request
9.0	Applicants who own their own property	Housing Options Manager	21 days from decision	56 days from request
10.0	Significant rent arrears or former tenancy debts (includes debts owed to the Council)	Housing Options Manager	21 days from decision	56 days from request
11.0	History of being involved in committing anti-social behaviour	Housing Options Manager	21 days from decision	56 days from request
12.0	Housing Need	Housing Allocations Team Leader	21 days from decision	56 days from request
12.2	Amendment of priority date	Housing Allocations Team Leader	21 days from decision	56 days from request
17.0	Allocated bedroom need or refusal of extra bedroom allocation or refusal of extra bedroom allocation	Housing Options Manager	21 days from decision	56 days from request
19.0	Deliberate worsening of circumstances	Housing Options Manager	21 days from decision	56 days from request
21.0	Removal from Housing Register	Housing Allocations Team Leader	21 days from decision	56 days from request

<b>Paragraph</b>	<b>Subject of Review Request</b>	<b>Officer Conducting the Review</b>	<b>Time Limit to request a review</b>	<b>Response Time</b>
30.0	Refusals	Housing Options Manager	21 days from decision	56 days from request

The request for a review must be made in writing or by email within 21 days of the applicant being notified of the decision. The review should be sent to [Allocations@tunbridgewells.gov.uk](mailto:Allocations@tunbridgewells.gov.uk) or by post to Housing Allocations, Tunbridge Wells Borough Council, Town Hall, Tunbridge Wells, TN1 1RS.

In exceptional circumstances it may be possible to extend this time-limit, where good cause has been demonstrated by the applicant for being unable to submit their request for review within the 21 days. It is acceptable for a request for a review to be made by the applicant's representative on their behalf.