

# Housing Allocations Policy

2018

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## **1. Introduction**

This document is the Councils Housing Allocations scheme used by the Council with effect from [insert date] and explains how social housing in Wealden is allocated. The Council is required by Section 166A (1) of the Housing Act 1996 to have an allocation scheme for determining priorities and for defining the procedures to be followed when allocating social housing.

It is the Councils policy to operate a choice based lettings scheme, except in certain exceptional circumstances laid out within the policy.

For the purposes of Part 6 of the Housing Act 1996, a housing authority allocates accommodation when it selects a person from the Housing Register to be offered a tenancy of a property owned by the Council or one of our registered provider (housing association) partners.

The Council is committed to an allocations scheme that offers greater choice to all those seeking housing and enables people to make well-informed decisions about their housing options, across all tenures.

This scheme meets the requirements set out in Part 6 Housing Act 1996. It also incorporates flexibilities introduced by the Localism Act 2011. In developing this scheme the Council has had regard to guidance issued by the Secretary of State Communities and Local Government giving reasonable and additional preference to applicants in greatest need.

Consideration has been made to all relevant legislation including, but not exclusively:-

- The Equality Act 2010
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- The Localism Act 2011

### **Housing Register Partners**

The following Registered Social Landlords are partners to the Housing Register:

- Clarion Housing
- Town and Country Housing Group
- Stonewater
- Optivo
- Southern Housing Group Limited
- Orbit Homes
- Hyde Housing
- Moat Homes Ltd
- Home Group
- Anchor Trust
- Southdown Housing Association Ltd

- Places for People
- Hanover Housing Association
- Saxon Weald
- Sussex Housing and Care
- A2 Dominion

## 2. Applying to join the Housing Register

### How to apply

All applicants and tenants requesting re-housing or a transfer must complete an application form to be placed on the housing register. Applications can be completed by going to [www.wealden.gov.uk](http://www.wealden.gov.uk) and following the links to Housing / Applying for Social Housing. Alternatively applicants can go direct to [www.sussexhomemove.org.uk](http://www.sussexhomemove.org.uk) to create a new account and make an application.

If you need help to complete an application, this can be arranged by appointment with a member of housing staff by emailing [housingoptions@wealden.gov.uk](mailto:housingoptions@wealden.gov.uk) or calling 01323 443380.

## 3. Who can join the housing register?

Any person may apply to the council for an allocation of housing. However, housing will only be allocated to applicants who are registered on the council's housing register. To be registered an applicant must be:

- **eligible** for social housing in England (that is, not ineligible due to their immigration status); **and**
- **qualify** for social housing in the Wealden District (as determined by the following provisions below of the allocation scheme).

### Who is eligible for social housing in England?

All applicants will be eligible unless they are persons prescribed within the Housing Act 1996 s.160ZA(1) or by regulations made by the Secretary of State. This generally applies to persons from abroad without settled immigration status in the UK, apart from a limited number of exceptions. A person will be considered to be ineligible for an allocation of under s160ZA if they are:

- i. A person subject to immigration control – such a person is not eligible for an allocation of accommodation unless they come within a class prescribed in regulations made by the Secretary of State and
- ii. A person from abroad other than a person subject to immigration control

The Secretary of State may issue regulations at any time under the Housing Act

1996. Local Authorities are notified of any such changes by way of statutory instruments, approved by Parliament. Eligibility criteria changed by primary or secondary legislation will form part of this scheme from the date any such changes come into force without the need to refer any changes to committee.

The eligibility provisions do not apply to applicants who are existing tenants who are already secure or introductory tenants or assured tenants of a Private Registered Provider.

If an applicant is not eligible to register under s160ZA Housing Act 1996, the Housing Options team will notify the applicant in writing giving the reasons for the decision. The decision will contain the right of review that must be requested within 21 days of the notification. The council will not accept requests for a review after 21 days except in exceptional circumstances.

### **Who qualifies to join the housing register in Wealden?**

This section sets out the criteria that must be met for applicants to qualify for social housing in Wealden.

Decisions made on whether a person is a qualifying person are made by the assessing officer. Any decision as to whether a person is a qualifying person has a statutory right of review. A request for a review must be made within 21 days of the decision. See section 12 for further detail on reviews.

To be a qualifying person to join the housing register in Wealden, the applicant, must:

- a) Be eligible for an allocation of housing accommodation (as determined by law and set out above, that is, not ineligible due to immigration status); and
- b) Be 18 years old or over.
- c) Have a Local Connection to the Wealden District (see below)
- d) Is not disqualified – see page 7.

#### **Local connection**

All applicants applying to join the Housing Register must have a local connection to the Wealden District. For the purposes of this policy local connection is defined by meeting one of the following:

- They currently live within the Wealden district and have done so for at least three years.
- They have a close adult relative (over 18 years of age) (mother, father, adult children or siblings) who currently lives in Wealden and has resided in the district for at least ten years continuously.

- There are exceptional reasons where failure to reside in the district would cause hardship to the applicant or others (to be agreed by the Housing Options and Strategy Manager on a case by case basis)

For the purposes of determining local connection, living in Wealden will not include the following:

- Occupation of a mobile home, caravan or motor home which is not placed on an official council approved site or other council approval has been obtained (e.g. planning approval for permanent occupation)
- Occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation of the purposes of a holiday
- Resident in a bail hostel or other such accommodation
- In-patients of hospitals/specialist centres

Local connection will be applied to all cases unless any of the following exemptions apply.

### **Exemptions to local connection**

#### **Members of the Armed and Reserve Forces**

The following members of the Armed and Reserved Forces will be **exempt** from the above 'local connection' qualification criteria:-

A person who:-

a) is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;

(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**

Care leavers will be considered to have a local connection to Wealden if they are under the age of 21 and lived in the District for at least two years before they were 16.

## **Social tenants' Right to Move**

Existing social tenants who wish to move within or into Wealden from another area are able to join the housing register in order to take up work without requiring a local connection, subject to the following considerations:-

### ***Need to move***

The Council must be satisfied the tenant has a need to move (as opposed to a wish to move) and that failure to meet that need would result in hardship. Factors that would be taken into account when establishing if there is a need to move, would include:

- The distance and/or travel time between work and home
- The availability of transport
- The nature of work and whether similar opportunities were available more locally
- Any medical conditions or childcare affected if they couldn't move
- The length of the employment contract
- If failure to move would lessen opportunities to improve their employment circumstances, e.g. promotion

### ***Work***

The work being undertaken (or offered) cannot be short term, marginal in nature, or ancillary to work in another district. Voluntary work is also excluded. The Council will need to consider whether work is regular or intermittent – as may be the case for self-employed people, and the period of work. Contracts of less than 12 months may be considered short term and therefore excluded. Work of less than 16 hours a week would be considered marginal in nature. The level of earnings is also relevant.

If the work is occasionally in Wealden, but their main place of work is elsewhere, the work would be excluded from the regulations.

Voluntary work is excluded.

Apprenticeships are included, provided the contract is for at least 12 months.

### ***Verification***

The Council will require evidence that the work, or job offer is genuine and documentary evidence will be required such as:

- Employment contract
- Formal offer letter
- Acceptance letter
- Wage slips and bank statements
- Tax and benefits information

## **Who is not a qualifying person?**

This section sets out the circumstances in which applicants who meet the criteria set out above will nevertheless not be qualifying persons and cannot join or remain on the housing register. The criteria below will apply to all applications but may, in exceptional circumstances, be waived at the discretion of Housing Options & Strategy Manager in exceptional circumstances.

### **Applicants living outside the UK**

Applicants living outside of the UK will not qualify to join the housing register. Applicants who are eligible by virtue of their immigration status who are seeking accommodation in the UK, and who are likely to qualify for housing in Wealden should seek advice on their housing options prior to their arrival in the UK.

### **Behaviour**

(a) The council is satisfied that they have, within the preceding 10 years, obtained or attempted to obtain housing or other housing related services/welfare benefits /public funds, from any public body in the UK, by making a false or misleading statement or withholding information, or encouraging someone else to do so on their behalf;

(b) The council is satisfied that the applicant is unlikely to satisfactorily manage the tenancy, for example but not limited to:

- i. they have been evicted due to anti-social behaviour (including, but not limited to domestic violence and abuse, homophobic, transphobic abuse and/or noise nuisance). These applicants will be ineligible for housing until they have sustained 12 months with no reported issues of anti-social behaviour against them.
- ii. they have been served with a notice for a serious breach of their tenancy conditions, including rent arrears, within the last 12 months;
- iii. another person who shared a property occupied by them left because of the applicant's violence/abuse or threats of violence/abuse against them or a person associated with them;
- iv. they or a member of their household have a history of anti-social behaviour (including domestic violence/abuse and noise nuisance);
- v. they have a record of failure to pay rent which would allow the tenant to be evicted under Section 8, 10, 11 of the Housing Act 1988
- vi. they have outstanding debt liabilities to the council (for example but not limited to rent deposits, council tax , former tenant debt) and are not making satisfactory arrangements to repay those debts. Applicants with debt repayment plans in place and have been kept for at least 6 months will be considered providing they continue to be kept until cleared;
- vii. transfer applicants whose property is found to have damage or disrepair which is the responsibility of the tenant to rectify, until such time as the tenant has rectified the issues or reimbursed the Council for the costs of repairs.
- viii. they are a person who has been removed from a premises subject to a

closure order under the Closure of Premises (Anti-Social Behaviour, Crime and Policing Act 2014)

- ix. Applicants who have been requested to attend “tenant training” courses but failed to successfully complete the course.

(c) Where an applicant or member of the household has been found guilty of a criminal offence for a period no longer than the period that an offence becomes spent under the Rehabilitation of Offenders Act 1974. Each case will be considered on its merits (See Appendix C)

Applicants with lower level rent or service charge arrears where they qualify to join the housing register will be ineligible for an offer of accommodation unless the debt is cleared or a firm and sustained commitment is made to repay their housing debt.

Applicants with rent arrears from a private sector tenancy will be encouraged to seek independent money advice and to make all reasonable efforts to clear the debt.

Applicants owed a main housing duty who are occupying emergency or temporary accommodation who are in rent arrears or who owe other rent or service charge arrears to the Council (e.g. B&B service charges), will be overlooked on any shortlist until such time as the debt is cleared in full.

### **Home ownership**

The Code of Guidance for Allocations recommends that local authorities should avoid allocating social housing to people who already own their own homes.

Applicants who own or jointly own a property or land with or without a mortgage, (including shared ownership, leasehold etc.) in the UK or elsewhere will not qualify to join the housing register unless exceptional circumstances apply.

Applicants or a member of their household who have purchased a property under the right to buy and has disposed of this asset by way of sale or gift to any other person will not qualify to join the housing register for a period of five years following the disposal of the property subject to otherwise being an eligible and qualifying person.

Applicants aged over the age of 60 with a need for Retirement Living accommodation may be considered subject to their financial resources. Decisions will be made on a case by case basis and medical, disability, community care and other relevant needs will be taken into account, for example,

- a. Where it is not possible to adapt the current accommodation to meet the needs of the owner occupier's medical/disability or
- b. The sale of the property would not enable the owner occupier to purchase or rent an alternative property suitable to meet their needs.

Where a person or member of the household disposes of a property, the equity received at the point of sale (or would have been received if equity is disposed of)

will be taken into account for the purposes of a financial assessment and will be counted as income/savings in line with the policy below.

### **Households with sufficient resources to accommodate themselves**

Applicants will be required to complete a financial assessment. If a household's income exceeds the following amounts they will not qualify to join the housing register:

- i. Applicants, including transfer applicants, with a combined gross household income of £30,500 per year or more.
- ii. Applicants, including transfer applicants, with savings or assets, in excess of £6,000

The council will carry out financial checks, which may include credit checks, on any adult member of the household included on the application, to determine combined household income and savings. Financial checks may apply to any part of this policy, which requires such an assessment and may also be carried out by our Registered Provider partners, including at the offer of accommodation stage.

Income is derived regardless of source and will include income from earnings, savings and welfare benefits.

The council will not take into account the following in assessment of savings or income:

- Any members of the armed forces recently discharged from the forces with a payment due to injury or disability, unless there is an award towards resolving their housing costs.
- Disability Living Allowance (DLA) or Personal Independence Payments (PIP) or any other replacement benefit for the above.

Exceptions may be made on a case by case basis for example, applicants for Retirement Living accommodation, or those with severe mobility needs that cannot be met with the funds available.

This threshold may be adjusted in line with Housing Benefit Regulations should savings thresholds change in the future for benefit entitlement.

Income will be calculated taking account of all adults on the application and include income from working and any other income, excluding disability benefits.

Where income/savings is derived from the sale of any assets such as a house then the council will assume that this sum is available as part of the financial assessment. If an applicant deliberately deprives themselves of capital or income in order to qualify for housing, they will be treated as still having it for the purpose of the financial assessment.

Deliberate deprivation includes gifted money to relatives and friends and payments

to third parties that do not form part of authorised loans that are regulated by the financial services authority.

Where an applicant has financial means in excess of the above thresholds, applications will be considered in the following circumstances:

- Where it is not possible to adapt the current accommodation to meet the needs of the owner/occupier's medical condition.
- Where the applicant does not have sufficient resources to adapt the existing accommodation to meet the needs of the owner/occupier's medical condition and they cannot afford to buy or rent suitable, specialist housing.
- The sale of the property would not enable the owner/occupier to purchase or rent an alternative property suitable to their specific medical needs.
- At the discretion of the Head of Housing and Property Services, the Council may exempt certain Wealden District Council leaseholders from the financial qualifying criteria, to enable them to join the housing register. This discretion would apply to Council leaseholders who are currently and were a leaseholder of their existing property, prior to 1<sup>st</sup> January 2014. Any application would be at the instigation of the Council on a scheme by scheme basis, following an assessment of affordability and housing needs

### **Households owed a prevention, relief or main housing duty who do not qualify to join the housing register**

Applicants owed a prevention duty (s195(2)), relief duty (s189B) or main housing duty (s193(2)) who do not qualify to join the housing register will normally be supported to access accommodation in the private rented sector as this offers the quickest solution to the housing issue. This may be offered at the prevention or relief stage, or by way of a private rented sector offer (PRSO) (see Appendix B). Households who are owed the main duty who do not qualify for the housing register will be placed in Band C only at the point a main duty is accepted and will be considered after all other qualifying households on a given shortlist have been considered.

Section 160A of the 1996 Act further provides that if the Council decides that an applicant for housing accommodation is ineligible for one of the reasons given above it must notify the applicant in writing and set out the reasons for its decision. Such a notice, if not received by the applicant, is treated as having been given if it is made available at the Council's offices for a reasonable period for collection by him/her or on his/her behalf.

There is a right under Part VI of the 1996 Act to ask the Council to review a decision not to accept an application to join the Housing Register. A senior officer, not involved in the decision to exclude the applicant, will carry out the review.

We will write to anyone who is being excluded from the Housing Register giving our reasons and informing them of their right to request a review of the decision. Any review request must be made within 21 days of the original decision. After the review we will provide our decision, the reasons for it and the facts that we have taken into account. See Section 12 for further guidance.

**A fresh application will be considered if:**

- The applicant's immigration status has changed, or
- The applicant can demonstrate how they qualify for the housing register.

**Who can be included on the application?**

- Anyone who is part of the household at the date of registration and is still in occupation.
- A partner, someone living with the applicant or who is married or have undertaken a commitment through a civil ceremony or otherwise would be reasonably expected to reside.
- Dependent children under 18 years who live with the applicant, or who might reasonably be expected to live with them, where the applicant is the parent or guardian in receipt of Child Benefit. Applicants with shared residency or contact arrangements for children would not usually qualify for family type accommodation where the children have accommodation available to them with the other parent/guardian.
- Dependent relatives not currently living with the applicant but who needs to join the households because they are unable to live independently. Evidence of no other option should be provided.
- A carer where the applicant can demonstrate that a live-in carer is essential for 24 hours a day care, one has been identified and has moved in with the household or is ready to do so when accommodation becomes available.

The decision of whether other persons normally reside with the applicant and, who is considered part of the household, is a matter for determination by the Council based on the facts of the case and the relevant factors involved, including appropriate case law.

**Tenants who wish to transfer**

Tenants who wish to transfer will be subject to the same 'qualifying criteria' as all other applicants.

All tenants are expected to actively pursue a mutual exchange at [www.exchangelocata.org.uk](http://www.exchangelocata.org.uk) or other mutual exchange websites. However, mutual exchanges (Assignments pursuant to Section 92 of the Housing Act 1985) are not included within this allocation policy.

In all Transfer cases the tenant's conduct and rent history will be taken into account in determining the suitability for an offer of accommodation.

### **The Transfer Quota**

This means properties which are reserved for transfer applicants. Such properties will be identified with a 'T' symbol against the property advert, designating the property for transfer cases only.

The transfer quota can be applied because the Council recognises that in certain instances transfer applicants will have limited priority under the banding scheme and that this could prevent or discourage transfers which would ultimately be beneficial to other non-transfer applicants looking for accommodation.

The number of properties to be reserved in this way will be no more than 20% of all new lettings in any financial year (that is 1 April to 31 March). Within this 20%, 1% of total lets (3-4 properties a year) will be prioritised for tenants meeting the Right to Move criteria.

### **Employees and Council Members**

In addition to complying with the Conditions of service, Code of Conduct and any other relevant conditions, all employees and Council Members must disclose their application or that of a close relative or partner. For the purposes of this disclosure:

- A relative means spouse, parent, parent-in-law, son, daughter, step-son, step-daughter, child of partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons.
- A partner is defined as a member or a couple who live together.

All applications for housing submitted by an employee or Council Member (or a relative/partner) must be notified to the Head of Housing and Property Services at the point of application. Any offer resulting from that application must be approved by the Head of Housing and Property Services and the Director of Environment and Community Services.

Such applications will be determined in accordance with this Allocations Policy.

## 4. Registration and Assessment

All applicants, including tenants, must apply by completing the Council's online housing application form at [www.sussexhomemove.org.uk](http://www.sussexhomemove.org.uk).

### Supporting information

Following submission of their application, they will need to validate their and their household's identity, income, address and other aspects of the application.

Applicants **MUST** provide the following information:-

Proof of identify – one of the following for each household member

- Passport – adult members
- Driving licence – adult members
- Birth certificate for all children under the age of 18
- Copy of marriage certificate (if name is different from ID)
- Copy of change of name deed (if name is different from ID)

Proof of income and savings – ALL that apply

- Bank statements for all accounts held for the past three months (ALL APPLICANTS)
- Wage slips for the past three months / 12 weeks
- Copy of HMRC self-assessment tax return dated within the last 12 months
- Occupational pension
- Private pension
  
- Copy of welfare benefit entitlement letters
  - Employment support allowance
  - Universal Credit
  - Child benefit
  - Child Tax Credit
  - Incapacity benefit
  - Disability Living Allowance
  - Personal Independence Payment
  - Carers Allowance
  - Working Tax credit
  - Pension credit
  - State pension

Housing circumstances – All that apply

- A copy of your tenancy agreement
- A copy of your licence agreement
- A copy of your notice, if you have been served one
- A copy of your mortgage statement, if you own your property
- A valuation within the last three months, if you own your property
- A copy of possession proceedings from your lender

- Tied accommodation agreement / employment contract
- A letter from your friend or relative confirming your living arrangements

Proof of other aspects of an application will be requested on a case-by-case basis.

*Copies of supporting evidence should be sent to:*

*Housing Options, Wealden District Council, Vicarage Lane, Hailsham, BN27 2AX.*

Applications will not be assessed or allowed on to the register to bid until the supporting information is provided.

### **Tenancy training**

From [date] all new applicants including transfer applicants will be required to complete pre-tenancy training at the point of application. This can be accessed at <http://housing.wealden.training> where applicants will need to create an account to complete the following modules, all of which must be completed:-

- Tenancy Agreements
- Finances
- Being a good tenant
- Welfare Benefits
- Employment, Training and Volunteering
- Moving home

### **Assessment**

It can take up to four weeks to process an application from the point all supporting information is received by the Council.

When the applicant has provided the supporting information required, their application will be assessed based on the information provided on the application form and any supporting information. Once assessed, the applicant is placed in the appropriate bedroom category, (see section 5) and into one of the four priority bandings in date order of registration.

The Applicant will be notified through their account at [www.sussexhomemove.org.uk](http://www.sussexhomemove.org.uk) when their application is live and including their:

- Priority Band and reason for it.
- Priority date, which is the date the application is received, or in the case of homeless prevention, relief or main duty accepted homeless applicants, the date that Wealden District Council accepts that particular duty.
- The minimum and maximum bedroom size they can bid for.
- Mobility group (physical disability level) if applicable.

- Advise the applicant that they have a right to see the information held in relation to the application. If they consider any details or decision to be inaccurate then they can request a review.

Applicants may also be asked to verify their circumstances at the point of any offer and should expect to provide any information requested within one working day because of the necessity to make offers quickly. Failure to provide information requested may result in the offer being withdrawn.

## 5. Bedroom entitlement

The number of bedrooms an applicant is eligible for is based on the local housing allowance (LHA) criteria where one bedroom is allocated to each of the following:-

Single person or couple	1 bedroom
Two children under 16 of the same sex	1 bedroom
Two children under 10 of the same or opposite sex	1 bedroom
Any other child or person aged 16 or over	1 bedroom
An overnight carer if appropriate	1 bedroom

It should be noted that a second reception room will be considered available for use as a bedroom. For larger households who require four bedrooms or more, the prevailing housing stock in the district will mean that provision of accommodation may not be possible. Unborn children will generally not be taken into account until the birth and the applicant has supplied the child's birth certificate. Where there is a proven and overriding medical need, or regular over-night carer, the Council will consider allocating up to one additional bedroom, on a case by case basis.

**Table 1: Bedroom eligibility**

	Single Person	Childless Couple	1-Child Family	2-Child Family	3-Child Family	4+ Child Family
Studio flat	✓					
1 Bedroom property	✓	✓	✓			
2 Bedroom property			✓	✓		
3 Bedroom property				✓	✓	✓
4 Bedroom property					✓	✓

In deciding the appropriate size of a property, the age and gender of the children within the household are considered. For example a family with a male and female child where one is over 10 years old would be entitled to three bedroomed accommodation. However, same sex children and young people are considered able to share a bedroom until the age of 16. Therefore, for example, some two child families are eligible for a two bedroomed property and other two child families are eligible for a three bedroomed property.

RPs may have different bedroom eligibility criteria which can affect the types of property some households can bid for. It is important that applicants check property adverts for detail on number of persons that can occupy the property before bidding.

### **Bedroom entitlement for foster carers**

Applicants who are an approved foster carer, will be entitled to one extra bedroom than their household would ordinarily be entitled to under this policy. This will only apply to:-

- Approved foster carers who have a child placed with them
- Approved foster carers who are between placements but only for a period of up to 52 consecutive weeks from the date of the last placement
- Newly approved foster carers but only for a period of up to 52 consecutive weeks from the date of the approval, if no child is placed with them during that period.

Prospective foster carers will not be entitled to an additional bedroom until they have been approved. Proof of approved status will be required before an additional bedroom entitlement will be awarded.

If the applicant is no longer an approved foster carer, this entitlement will cease.

### **Shared accommodation**

On occasion, accommodation may be available within shared houses or houses in multiple occupation (HMOs). These may be in the private rented sector or a social landlord. These vacancies will be advertised through Sussex Homemove and available to bid on by single person households.

Criteria may be set by the landlord as to eligibility for these vacancies, to ensure the occupants are able to share kitchen and sometimes bathroom facilities with each other. Therefore, the successful applicant may not be the applicant at the top of the shortlist. The Council will make the final decision as to the successful nominee in these circumstances.

## **6. How housing priority is decided**

### **Banding Structure**

The four priority Bands are:

#### **Band A**

- Homeless households owed the main housing duty by Wealden District Council under s.193(2) of the 1996 Act who are accommodated by this Council in emergency or temporary accommodation.
- Medical Priority A - where the housing conditions are having a life threatening or significantly adverse effect on the medical condition of the applicant or member of the household to be re-housed with them, so as to warrant emergency priority. Such cases may be referred for independent medical assessment.
- Council and housing association tenants under-occupying general needs accommodation in Wealden and are moving to Wealden District Council-owned Retirement Living accommodation. Wealden District Council tenants may also qualify for a transfer incentive payment (TIS).
- Transfer applicants needing permanent or temporary decant (move) where the property is imminently required for major repair or redevelopment within the Wealden District.
- Releasing an adapted property or to make best use of adapted stock, where the tenant does not require adaptations or where the existing property cannot be adapted to meet the applicant's needs, to be determined by the Council.
- Move on from care or supported housing as agreed by the Housing Options Team Leader and social care providers.
- High priority transfer where there is significant imminent personal risk to the household if they remain to be agreed by the Head of Housing Services on a case-by-case basis
- High welfare needs – exceptional circumstances which warrant emergency priority – to be agreed by the Housing Options & Strategy Manager on a case by case basis.

#### **Band B**

- Wealden District Council and housing association tenants under-occupying family sized accommodation in Wealden and are downsizing to smaller general needs housing or bungalows. Wealden District Council tenants may also qualify for a transfer incentive payment (TIS).

- Severe Overcrowding - households lacking 2 or more separate bedrooms in accordance with the Bedroom Standard.
- Successors, other than spouse or partner, approved by the Housing Services Manager for suitable alternative accommodation.
- Management Transfers – agreed by the Housing Services Manager and Housing Options & Strategy Manager for transfers on management grounds, to properties of same size and type.
- Medical Priority B - where the current housing conditions are having a major adverse effect on the medical condition of the applicant or on one of the household to be re-housed with them as recommended by the Council's medical advisor and approved by the Housing Options Team Leader.
- Medium welfare needs - circumstances which warrant priority – to be agreed by Housing Options Team Leader on a case-by-case basis.

### **Band C**

- Households lacking one separate bedroom in accordance with the Bedroom Standard.
- Applicants owed a prevention (s195(2)) or relief duty (s189B) who qualify to join the housing register
- Households who have accepted accommodation in the private rented sector in discharge of a prevention, relief or main homelessness duty owed by Wealden District Council within the last 12 months.
- Applicants owed the main housing duty (s193(2)) by WDC who are not in emergency or temporary accommodation or who do not qualify to join the Council's housing register.
- Former and serving members of the regular and reserve Armed Forces (as defined by s.374 of the Armed Forces Act 2006) who have an urgent housing need.
- Medical Priority C - where the current housing conditions are having an adverse effect on the medical condition of the applicant or on one of the household to be re-housed and approved by the Housing Options Team Leader .
- Applicants living in unsatisfactory or insanitary housing conditions that cannot be addressed by the Council's Private Housing team
- Other homeless households e.g. not owed a prevention, relief or main housing duty.

- Applicants for Retirement Living where there is no higher need.
- Low welfare/hardship needs - people who need to move to a particular area in the district where failure to meet that need would cause hardship e.g. to give or receive support.

#### **Band D**

- Applicants and transfer applicants with no reasonable preference for housing.
- Applicants who have refused one suitable offer of accommodation will remain in Band D for six months from the date of refusal.
- Applicants who have rejected a suitable offer of private rented sector accommodation under prevention, relief or the main homelessness duty will remain in Band D for 12 months from the date of refusal.
- Applicants who have intentionally worsened their circumstances or manufactured destitution in order to increase their housing priority.
- Applicants who have failed to successfully complete tenancy training.

#### **How medical priority is assessed**

Medical priority of the applicant/s and/or those to be re-housed with them is assessed, where appropriate, based on the information supplied by the applicant on their online housing application and information supplied by the applicant to support the link between housing and their specific condition.

Repeat requests for medical assessment will result in the Council charging applicants for the cost of referrals to the medical advisor. This charge will be made before any referral is made and is currently set at £35.00.

Medical priority is only awarded in circumstances where a move to alternative accommodation would significantly improve the health condition, or quality of life of the applicant or a member of their household to be rehoused with them.

Medical priority *is not* awarded because the applicant has a health condition. Priority will only be considered in cases where there is a clear, adverse and demonstrable link between the current accommodation and the health of the applicant (or a member of their household).

Many households with medical conditions will not receive any medical priority because, despite the seriousness of their condition, they already reside in accommodation that is suitable for their needs, or the Council cannot provide accommodation that would improve their health or is more suitable.

In many cases, re-housing will not alleviate the medical condition. It is therefore always the effect on the health of the housing circumstances, not the severity of the medical condition/s itself that the Council considers.

Mental health can range from mild depression to severe conditions. Even severe conditions can be managed with medication. Mental illness which is controlled by medication or other treatment is unlikely to receive any medical priority.

In addition, relatively mild or intermittent or temporary conditions are unlikely to receive any priority.

### **Medical priority awards**

In more severe cases, where a clear link between the health condition and housing situation is demonstrated, medical awards can be made as follows:

**Medical Priority A** will be recommended where the applicant or one of the household to be re-housed with them, has an *emergency* need to move, and has a *life threatening condition* which is *seriously adversely affected by their current housing*. All recommendations for Medical Band 'A' are referred to the Council's independent medical advisor. Such applicants may include applicants unable to access their accommodation due to a significant physical disability or life threatening trauma where discharge from hospital is delayed due to existing accommodation being inaccessible.

**Medical Priority B** will be recommended where the applicant or a member of their household has an *urgent* need to move, because current housing conditions are having a *major adverse effect on the medical condition* of the applicant or on one of the household to be re-housed with them.

**Medical Priority C** will be recommended where the applicant or a member of their household has a need to move because the current housing conditions are having an adverse effect on the medical condition.

**No medical priority** – will be awarded where the medical condition will not be improved by moving, or where the Council cannot provide the type of housing that may improve the health condition

In all cases requesting medical priority, a demonstrable impact of the current housing on the health condition must be evidenced. It should be noted that there must be a clear link between the current housing and its affect on the applicant or household member's health condition. An applicant or household member suffering from a medical condition who are living in appropriate housing or where the Council cannot provide more suitable accommodation, will not be awarded any housing priority on medical grounds.

### **Mobility Groups**

Certain properties will have a mobility group and priority will be given to those with a matching need. Properties will be also be advertised with notes where the potential for adaptation or further adaptation exists.

Mobility group 1: Suitable for someone who uses a wheelchair full time. The property provides wheelchair access throughout.

Mobility Group 2: Typically suitable for a person with restricted walking ability and may use a wheelchair some of the time. The property will have level or ramped access but parts of the property may not be fully wheelchair accessible.

Mobility Group 3: Typically suitable for a person able to manage two or three steps and who are usually independent. The property may have adaptations to assist people with limited mobility, such as a level access shower.

Where a disabled applicant bids for a property which does not match their mobility needs, the Council will take account of whether it is reasonable and practical to adapt the property, and consider our duties under the Equalities Act 2010 and the Housing Grants, Construction and Regeneration Act 1996.

Occasionally offers may be withdrawn where the housing is not considered appropriate and would not meet the housing need.

Applicants with mobility needs would normally be considered for ground floor flats, accommodation with a lift or bungalows.

### **Unsatisfactory housing conditions and overcrowding**

Where a household lacking two or more bedrooms where no other presenting housing circumstances exist (e.g. homelessness) they would normally be placed in Band B.

Applicants will be placed in Band 'C' if they lack one bedroom.

The table below sets out the bedroom standards that apply.

**Table 2: The Bedroom Standard**

An adult couple	1 bedroom
A person over 21	1 bedroom
Two young persons 10-20 years of the same sex	1 bedroom
One child under 10 years and one young person under 20 of the same sex	1 bedroom
One or two children under 10 years (not necessarily of the same sex)	1 bedroom
Any unpaired young persons 10-20 years of unpaired children under 10	1 bedroom

Please note that if there is a second reception room it will generally be deemed to be available for use as a bedroom.

Applicants living in unsatisfactory or insanitary housing conditions that have been assessed by the Council's Private Housing team will be considered on a case by case basis taking into account remedies available and feasibility of resolving the issue. Applicants who do not consent to involvement and interventions from the Private Housing team will not be eligible for priority on this basis. Where all actions to remedy the situation have failed, applicants will be placed in Band C.

### **Reviews of the Housing Register**

The Council will carry out annual reviews of applicants on the Housing Register. This process is carried out via applicants' online account at [www.sussexhomemove.org.uk](http://www.sussexhomemove.org.uk) and applicants are notified by email when they are required to re-register. It is the applicant's responsibility to ensure that their email and contact details are up to date. The Council will not make repeated attempts to re-register applicants and those not responding to the email request will be removed from the housing register.

Applicants may be requested to complete a full application at re-registration stage. If the applicant fails to complete a full application within 28 days, their application will be removed.

Applicants who have been requested to re-register or complete a re-application will not receive any offers of accommodation whilst this review is outstanding.

Applications will also be reviewed before any offer of accommodation is made. If circumstances are found to have changed from those initially declared, the offer will be reviewed and may be withdrawn.

### **Changes in circumstances**

Applicants are required to notify the Council of any change in circumstances that might affect their application at any stage. This should not be delayed until an annual review. Failure to notify the Council of a change in their circumstances is considered an offence under s179 of the Housing Act 1996 and is subject to a fine.

If an applicant's circumstances change they may be moved up or down a band depending on their need or removed from the housing register.

If an applicant fails to inform the Council of a change in their circumstances, it may mean any offer of accommodation could be withdrawn. Applications will be suspended until supporting evidence has been provided by the applicant and verification has taken place.

### **Priority Date**

The principle of the scheme is that no one should overtake existing applicants in a Band.

Priority dates will be set as follows:

- New applicants including transfers: the date all supporting information has been received and application can be processed.
- Prevention duty (s195(2)): the date the prevention duty notification is issued, not the date of application or presentation.
- Relief duty (s198B): the date the relief duty notification is issued
- Main housing duty (s.193(2)): the date of notification of the main housing duty. The priority date cannot be before the relief duty has ended
- Lacking one or more bedrooms due to the birth of a child: the date of the child's date of birth (subject to copy of the birth certificate being provided).
- Transfer Priorities: the date supporting information is received from housing management.
- Unsatisfactory or insanitary housing conditions: the date supporting information is received from the Private Housing team.
- Medical reasons: the date of decision of any band change made by the Council.

If an applicant moves down a Band, then their priority date will revert to the date that applied when the applicant was previously in that Band, or any earlier date in a higher Band.

### **Removal from the housing register**

An applicant will be removed from the housing register if:-

- They are no longer eligible to join the housing register
- They no longer have a local connection to the District
- They no longer qualify to join the housing register
- They have been rehoused by the Council or a Registered Provider
- They have been rehoused into the private rented sector and have not made a fresh application to re-join the housing register
- If they fail to re-apply, re-register or complete a review within 28 days or when requested.
- The applicant requests to be removed from the housing register.
- The applicant provides false or misleading information or withholds information that is relevant to their housing application.

## 7. Community Contribution Policy

The aim of the community contribution policy is to give additional priority to applicants who can demonstrate a commitment and contribution to the community and district's economic growth as working households or through voluntary work or training. Community contribution will be awarded separately to an applicant's existing priority and does not increase applicants' banding. It will not operate as a standalone banding criterion.

### How does it work?

A percentage of available lets up to a maximum of 20% per year will be made available to applicants able to demonstrate a 'community contribution'. Applicants must be able to demonstrate this at the point of application and at the point of offer. Properties will be advertised through Sussex Homemove with preference given to applicants with a proven and accepted Community Contribution. The shortlist will be run in the usual way, with the successful applicant being in the highest band, waited longest, with a Community Contribution.

### Definition of community contribution

1. Households where at least one adult household member is in employment within the Wealden district or an adjoining district or borough to Wealden and has been employed for a continuous period of at least 12 months with a combined household income of less than £30,500
2. Applicants undertaking full time training for a nationally recognised qualification such as NVQ, BTEC or Diploma; an Apprenticeship or work-place based training for a minimum of 16 hours per week. Training must be for a duration of at least six months and the training must already have commenced. Evidence will be required from the educational institution or work placement employer.
3. Applicants who have successfully completed tenancy training *and* have a positive tenancy history defined as a clear rent account for at least three years, no reports of anti-social behaviour or nuisance *and* making a positive contribution to the local community by involvement in residents groups or similar community-based interests.
4. Applicants who can demonstrate a contribution to the local community such as voluntary work for a not for profit or community-based organisation or charity. This could be specific to an area or estate or could be voluntary work anywhere in the Wealden area. Volunteers must have been volunteering on a **regular** basis for a **continuous and sustained** period of at least **three years** up to the point of application and the same at point of offer.

Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper from their employer or sponsor in order to qualify.

## **8. Bidding, shortlisting and lettings of homes**

### **Advertising and bidding**

The Council advertises all available Council and Registered Provider homes online at [www.sussexhomemove.org.uk](http://www.sussexhomemove.org.uk). Applicants who are registered with Wealden District Council are able to log in securely to their Sussex Homemove account using their email address and password, which allows them to bid for available homes. Applicants who are considered vulnerable and who do not have internet access are assisted to bid by staff.

Applicants with support needs and those who have difficulty with written English will be supported by the Housing Options Team, an appointed support provider or a translator.

All bids for a property are checked against the eligibility rules, for example any age restrictions or size of property. Ineligible bids are excluded from consideration. We will provide advice and support to applicants who regularly bid for properties they are not eligible for.

Applicants can bid for up to three properties at one time.

Full details of how to bid are explained at [www.sussexhomemove.org.uk](http://www.sussexhomemove.org.uk)

The Council will advertise all properties as being for Transfer applicants or housing applicants or both and set the eligibility criteria for the property, such as:

- The minimum and maximum number of persons in the household
- If there are age restrictions for applicants e.g. retirement accommodation.
- If properties are restricted for example, for transfers only or those with a 'community contribution' or local connection to a parish or if a local lettings plan exists.
- If pets are allowed.
- The landlord – the Council, a housing association or a private landlord.
- The weekly rent, service charge and any other payment required e.g. rent in advance.
- The mobility group, if applicable.

Applicants cannot bid for properties that would not be a suitable size for the household size.

Supported housing will normally be allocated outside of Sussex Homemove to applicants that have support needs that have been assessed and approved by the Council and support providers.

Offers of temporary accommodation made to homeless households will be allocated outside of Sussex Homemove.

### **Retirement Living accommodation and bungalows**

The Council and Registered Providers have a variety of Retirement / sheltered accommodation specifically for older people aged 60 years or over (there are a small number of sheltered schemes that will accept applications from people aged 55 and over). Bungalows will also usually be advertised for applicants over the age of 60 or for those in need of this type of accommodation due to a mobility need. Where it has been agreed with Housing Management, bids for sheltered schemes may be considered from applicants with mobility needs under the age of 60.

Retirement Living is for older people who are capable of living independently with some limited help in the home. The Council reserves the right not to make an offer of Retirement Living where it reasonably believes that to do so would have an adverse effect on the health, welfare and/or safety of any person including the applicant.

Small pets in sheltered accommodation are considered on a case by case basis, where an applicant has successfully bid on ground floor accommodation. Permission must be sought from the Supported Housing Team Leader before bringing pets to sheltered accommodation and are subject to certain conditions.

### **How bids are shortlisted**

All eligible bids for each property are placed in priority order. Priority is decided firstly by Band, secondly by priority date within the Band, and finally by random selection if there are two applicants in the same band with the same priority date.

For properties in the rural parishes, the shortlist is filtered to show only applicants with a verified local connection to the parish. Priority is then decided firstly by Band (A to C only), secondly by priority date within the Band, (please see Appendix A for full details of the Parish Lettings Policy).

For properties advertised with preference given to applicants with a Community Contribution, the shortlist is filtered to show only applicants with a community contribution. Priority is then decided by Band, secondly by priority date within the Band.

Where a property has been advertised to give preference to a mobility group, the shortlist is filtered to show only applicants with a matching mobility need. Priority is then decided by Band, secondly by priority date within the Band.

The Council's intention is to extend the benefits of choice based letting to all applicants. As explained above under the heading 'Advertising' certain properties will be advertised subject to certain restrictions whilst other properties (referred to as 'general needs accommodation') will not be subject to any such restrictions.

Applicants who have particular housing needs due to medical or mobility needs or other circumstances can bid for general needs accommodation. However, the Council reserves the right not to make an offer where it reasonably believes that to do so would have an adverse effect on the health, welfare and/or safety of any person including the applicant, or where other, accommodation would be more suitable, for example where ground floor accommodation would be more suitable than a house where an applicant cannot manage steps.

Every bid will be assigned a random number when the bid is made. This number is used to resolve a tie, the highest number getting the priority. If there are no eligible bidders for a property, the Housing Options Team may decide to make a direct allocation or re-advertise the property.

If the property is owned by a Registered Provider, the prioritised list will be referred to the landlord for offer.

To minimise delays the landlord may arrange multiple viewings for up to three applicant households per property. Applicants will be required to bring proof of identity and any other relevant documentation that has not already been verified to the viewing. For general needs Council housing the Housing Options Team will:

- Arrange accompanied viewings, advise on any non-essential repairs to be completed after the tenancy start date and give a target date for the completion of these repairs.
- Offer the applicant the option to accept and invite to sign for the tenancy or agree a decision within 24 hours.
- If the applicant refuses or fails to respond to the offer, the Allocations Officer will note the reasons for the refusal and the next applicant is selected for an offer.
- Applicants who do not provide proof of identity or other relevant requested documentation at the viewing will be given 24 hours to provide proof at a Council office prior to signing for the tenancy.

If a property is considered to be a sensitive let, any issues surrounding this will be discussed with the incoming tenant prior to a tenancy being granted, where appropriate.

## **Affordability**

Changes to welfare benefits under the Welfare Reform agenda including the under-occupation charge (benefit cap), Universal Credit and housing benefit changes have resulted in affordability issues for households dependent on welfare benefits.

In the event that the landlord decides the household does not have the means to pay the rent, this may result in being rejected for the property by the landlord.

If an applicant is required to pay rent in advance to secure a tenancy from a social landlord and they cannot afford to pay, they should discuss this with the landlord to agree how this can be overcome. The Council is unable to subsidise these requests.

In the case of private rented sector offers, these will be made where the property is considered affordable following an income and expenditure assessment. The Council considers it reasonable that a household makes a contribution to the rent where there is a shortfall between housing benefit and rent. The amount of this will vary on a case by case basis.

## **Feedback on bids placed**

All properties that an applicant bids for will show in the applicant's bidding history on their account at [www.sussexhomemove.org.uk](http://www.sussexhomemove.org.uk). When the property is let, applicants can see the band and priority date of the successful applicant. This information can help applicants to assess the likelihood of being successful for a similar property, by comparing their own banding and waiting time with that of the successful applicant. The Council is unable to provide individual feedback to applicants on the properties they have bid for and will direct customers to their Sussex Homemove account.

## **9. Local Lettings Plans**

Offers will normally be made to applicants at the top of the shortlist. In very exceptional circumstances we may need to reject an applicant on the shortlist for a particular property to ensure that we meet the following objectives:

- To ensure that communities are as balanced as possible
- To help sustain rural communities
- To ensure that allocations are sensitively made
- To ensure properties are let quickly
- To make best use of the Council's stock and to reduce under occupation

A local lettings plan is an agreement between the Council and housing provider that restricts lettings in the area to certain households. This may be done to tackle a specific issue or problem that has been identified locally or to help with sustainability of a new community level.

Where a local lettings policy is in place, the property advert will outline how preference may be given.

## **10. Auto bids and Refusals**

Auto bids will be placed for applicants with the following band reasons:-

- Homeless households owed the main housing duty by Wealden District Council under s.193(2) of the 1996 Act who are accommodated by this Council in emergency or temporary accommodation
- Applicants owed a prevention (s195(2)) or relief duty (s189B) who qualify to join the housing register
- Any other applicant who requires support to bid and has requested auto-bidding is set up on their behalf.

### **Direct Lettings**

The Council needs to retain some flexibility to deal with exceptional circumstances. At the discretion of the Head of Housing, the Council may allocate properties directly. Any property let direct will generally not be advertised through Sussex Homemove. The Council will make one reasonable offer to the applicant in these circumstances. If refused the application will be moved to Band D.

### **Refusals**

Where an applicant has made a successful bid, been made a direct let or a successful bid made on their behalf by the Council, the Council will make one reasonable and suitable offer which as far as possible matches the size and type of property the applicant is eligible for and in an area of choice, where possible, for the household.

The applicant will be expected to view, accept and move into the property promptly. If the applicant refuses the offer, their application will be placed into Band D for six months. If the applicant is owed the main homelessness duty, no further offer will be made and the Council will consider that its duty will have been discharged.

Applicants owed a prevention, relief or main housing duty who refuse one reasonable and suitable offer of accommodation will have their banding reduced to Band D and will remain in Band D for six months notwithstanding any other housing circumstances that apply.

Applicants bidding for retirement living housing (other than applicants owed a prevention, relief or main housing duty) who have refused *three* offers of accommodation will have their application moved to Band D for six months. If

however, an applicant is bidding for general needs and Retirement Living accommodation and refuses a general needs offer, the one-offer rule will apply.

If the applicant refuses the offer, they will be requested to give their reasons for refusing and no further offer will normally be made. Failure to respond to an offer within four days of the date of the offer, will be considered a refusal.

The applicant can request a review of the decision not to make a further offer. The property will not be held empty while the refusal is reviewed but will be let to another applicant.

Where such an offer is made pursuant to a duty arising under prevention (s195(2), relief (s189B) or the main duty (s.193) of the 1996 Act and the offer is refused, the Council will normally regard itself as discharged from that duty.

Applicants placed into temporary accommodation by Wealden District Council may be required to leave the accommodation provided, and repay all temporary accommodation and storage costs incurred as a result of refusing a suitable offer by the Council.

### **Joint tenancies**

The Council will grant a joint tenancy to partners applying together for housing in most circumstances. A joint tenancy remains in joint names until one or both joint tenants terminate the tenancy. For further advice please contact your Housing Officer or seek independent legal advice.

## **11. Other Housing Options**

Due to the pressures on social housing across the district applicants will receive advice and information about a range of housing options such as low-cost home ownership schemes, accommodation outside of the district and suitable private sector rented accommodation.

The Council currently operates:

- **The Transfer Incentive Scheme** - financial assistance offered to Council tenants giving up general needs accommodation.
- **Letsure** - financial assistance for applicants to secure accommodation in the private rented sector.
- **Mutual Exchange** - to assist existing social housing tenants to swap their property with other tenants within and outside of the Wealden district.

## **12. Appeals and Reviews**

This section sets out the procedure for reviewing or appealing the following decisions:-

1. Exclusions from the Housing Register to exclude an applicant or to remove someone from the Housing Register other than at his or her request.
2. That an applicant is ineligible for an offer.
3. Suitability of an offer of accommodation
4. Other decisions relating to the scheme, including banding decisions and priority dates.
5. Where a priority has been removed
6. Where a Direct Let has been offered and / or refused.

An officer senior to the officer making the original decision (and who was not involved in making the decision) will carry out these reviews.

### **Procedure**

- A request for a review must be made within 21 days from the day on which the applicant is notified of the Council's decision and the reasons for it. The Council has discretion to extend the time limit if it considers this would be reasonable.
- A request should be in writing (help is available at Citizens Advice Bureaux and other agencies). The applicant should provide relevant new information e.g. NTQ, medical information where appropriate.
- The reviewing officer will carry out an investigation, and, if further information is needed, invite the applicant to write or, if unable to do this, make oral representation. The applicant may also appoint someone on his/her behalf to do this.
- If the reviewing officer finds that the officer who took the decision did not take relevant information into account, they will refer the file back to that officer for reconsideration or overturn the decision.
- The officer will notify the applicant of the decision and the reasons for it within eight weeks of the request for a review.
- There is no right to request a further review of the decision unless the applicant's circumstances change.

Any rights to review under the Housing Act 1996, Homelessness Reduction Act 2017 or any other legislation to request that the Council reviews a decision, remain unaffected by these rights of review.

### **13. Complaints**

Any applicant wishing to make a formal complaint about any aspect of their application must follow the Council's formal complaints procedure which can be found on the Council's website: [www.wealden.gov.uk](http://www.wealden.gov.uk)

#### **Complaints relating to housing association lettings**

Complaints about adverts and allocations by the Council registered providers should be addressed to those partners. While we will do our best to assist in resolving such complaints and will take responsibility if the partner was acting on our instructions, we cannot be held liable for errors made or separate allocations policies followed by these bodies, which are independent of the Council.

### **14. Access to information**

Applicants are entitled to see the entry on the Housing Register relating to them and receive a copy of the details held for a set fee. An applicant must also be notified of any Band or status change to their entry on the Housing Register.

All information held on the Housing Register is confidential and it will only be used for the purposes of allocating social housing.

Redacted information is used to provide information on levels of housing need across the district. Any information used in this way will be anonymous, unless the express permission from the applicant has been given.

The Allocations Policy is available on the Council's website [www.wealden.gov.uk](http://www.wealden.gov.uk). Printed copies will be made available on request.

#### **Equality and diversity**

The Council is committed to ensuring equality and the promotion of diversity and will seek to ensure that applicants are not discriminated against on the basis of race, ethnic origin, culture, religion, gender, sexual orientation, age or disability. The Allocations Policy is subject to an Equality Impact Assessment and regular monitoring will be undertaken to ensure its fair implementation.

#### **Providing false or misleading information**

Section 171 of the 1996 Act makes it an offence to knowingly withhold information that this authority reasonably requires to assess an application, or to knowingly or recklessly provide false information. The Council will take robust action against anyone who gains a tenancy in such circumstances. This may result in a substantial fine and/or the loss of the home.

### **General Data Protection Regulations**

The Data Protection Act 1988 and General Data Protection Regulations (GDPR) are designed to protect personal data about living individuals (Data Subjects). The Act also places obligations on those organisations that process personal data (Data Controllers). As a Data Controller, the Council and its partners on the Housing Register are committed to complying with this legislation by applying the Principles of the Act and GDPR.

## Appendix A: Parish Lettings Policy

### **Why do we have this policy?**

The Parish Lettings Policy aims to sustain and support rural communities by ensuring that housing in a rural parish is allocated to those applicants who have a local connection with that parish. The local connection is with the parish as a whole not individual villages or settlements within the parish.

### **Where does it apply?**

The Parish Lettings Policy applies to all parishes in Wealden. It does not apply to lettings in Hailsham, Polegate, Uckfield or Crowborough.

### **What types of properties does it apply to?**

This policy applies to all new and existing homes in the parishes to which this Parish Lettings Policy applies except for sheltered accommodation, four bedroomed homes and disabled adapted homes.

*The application of this Parish Lettings Policy may be modified where, for example, social housing is built on what is called a 'rural exception site'. The letting of such properties will be controlled by very specific criteria (usually set out in a S.106 Planning Agreement) relating to enabling access to affordable housing for people with a local connection to a particular parish. This means that lettings of these homes will be subject to the conditions set out in the S.106 agreement. The shortlist will be considered from Bands A to D inclusive, before considering neighbouring rural parishes Bands A to D, then the Wealden District.*

Also, there are certain affordable housing developments in respect of which the Council has the right to make nominations or make allocations and so far as these sites are concerned this policy will apply as follows: -

- (a) On sites of 10 or less affordable housing units this Parish Lettings Policy will apply to the initial and subsequent letting of all of the affordable housing units made available to the Council.
- (b) On sites of 11 or more affordable housing units this Parish Lettings Policy will apply to the initial and subsequent letting of a percentage (to be determined on a site by site basis) of the affordable housing units made available to the Council. The remainder of the affordable housing units made available to the Council will be allocated in accordance with the Council's allocations scheme to meet district-wide need.

The percentage of affordable housing units made subject to this Parish Lettings Policy will be determined on a site by site basis having regard to the local housing need in a particular parish. By way of example only, in respect of a small site in a rural parish with a high housing need, it may be appropriate to provide that 50% of the affordable housing units shall be subject to terms of this Policy.

### **How does the Parish Lettings Policy work?**

When accommodation is allocated in a rural parish the Parish Lettings Policy will normally apply and you will need to demonstrate that you have a local connection with the parish. How you demonstrate a 'local connection' is explained below.

### **How to demonstrate a local connection to a parish**

In order to be considered as having a local connection to a particular parish, applicants must complete a Local Connection form at the time of applying for housing. This form is part of the Housing Application form. Additional forms can be requested from the Council offices or downloaded at [www.wealden.gov.uk](http://www.wealden.gov.uk). If an applicant believes they have a local connection to more than one parish, they must complete a separate Local Connection form for each parish they consider they have a connection to.

### **Definition of local connection**

For the purposes of the Council's Parish Lettings Policy, a local connection to the Parish is defined as meeting *one* of the following criteria:-

1. People in need of separate affordable accommodation who currently live in the parish and have normally done so for a continuous period of at least **five** years.
2. People with close adult relatives (over the age of 18), generally defined as parents and adult children or siblings who live in the parish and normally have done so continuously for a period of at least **ten** years.
3. People who have lived in the parish for **five** years out of the last **ten** years and who had to move away from the parish because of a lack of affordable housing.
4. Exceptional circumstances - where failure to reside in the parish would cause hardship to the applicant or others (to be agreed by the Housing Options and Strategy Manager on a case by case basis)

*Please note parish local connection is defined as meeting one of the above criteria. There is no additional weight given to applicants with a "stronger" local connection than the criteria above or by meeting more than one criterion.*

## **How will rural homes be allocated under Sussex Homemove?**

### Stage 1 - application

For an applicant's local connection to a parish to be considered when bids are received, a local connection form must have been submitted and verified by the Council before a bid is made. It is the applicant's responsibility to inform the Council of a local connection using the Local Connection form.

When a Council or Housing Association property becomes vacant in any of the rural parishes, the property will be advertised under the Sussex Homemove scheme, along with all other available homes. Applicants can 'bid' for the property if it is suitable for their needs.

### Stage 2 – short listing

When the Council receives the shortlist of bidders, priority will be given to bidders in the highest Band, who have been registered the longest time and have a proven local connection to that parish. .

- 1) Bids will be considered from Bands A to C where the applicant has a proven local connection to the parish.
- 2) If no applicants through Bands A, B and C have a local connection to the parish, we will consider all applicants through Bands A, B and C who have a local connection to an adjoining *parish*.
- 3) If no applicants through Bands A, B and C have local connection to the parish or an adjoining parish, the property will be allocated to the applicant in the highest band with a local connection to the District.

Band D applicants will only be considered if no bids have been received from Band A, B or C applicants. In the event only Band D bids have been received, we will allocate the property in the following order.

- 4) Bids will be considered from Band D where the applicant has a proven local connection to the parish.
- 5) If no applicant in Band D who has a local connection to the parish, we will consider all applicants in Band D who have a local connection to an adjoining parish.
- 6) If no applicants in Band D who have local connection to the parish or adjoining parish, the property will be allocated to a Band D applicant with a local connection to the District

Stage 3 – offer

If the Council is satisfied that the applicant has a local connection to the parish, the offer will go ahead. If a local connection is not in place, the short-listing process will start again from Stage 2.

## **Appendix B: Private Rented Sector Accommodation Offer Policy**

The Council does not have enough Council and housing association properties available for all those that would like the opportunity of a social tenancy. The annual supply of social housing is reducing and numbers of households in temporary accommodation (TA) are increasing along with significant costs to the Council and local tax payers as a result.

In order to meet our obligations under the Housing Act 1996 and Homelessness Reduction Act 2017, greater use must be made of the private rented sector to ensure households who are owed a prevention, relief or main housing duty, can be offered accommodation quickly. In the majority of these cases, we will make an offer into the private rented sector where possible. This is possible also, as a result of the Localism Act which enables the Council to discharge a main housing duty into the private rented sector without an applicant's consent. This applies to any applicant accepted after 9<sup>th</sup> November 2012.

### **HOW THE POLICY WILL BE APPLIED**

This document sets out the local policy arrangements for discharging prevention, relief or the main housing duty into the private rented sector.

#### **Applicants owed the 'Prevention' or 'Relief' duty**

All applicants who seeks assistance from the Council after 3<sup>rd</sup> April 2018 due to being homeless or threatened with homelessness, will be supported under the Homelessness Reduction Act 2017.

As part of our work to prevent or relieve homelessness, consideration will be made of the private rented sector, depending on the client's circumstances.

Where an applicant's existing accommodation cannot be sustained, the private rented sector will be considered as the next available solution in most cases, depending on the client's circumstances.

#### **Applicants owed the 'main' housing duty**

For any applicant who has made a homeless application after November 9<sup>th</sup> 2012 and is owed the main housing duty, that duty will remain until one of the following events occur which, by law, will bring the duty to an end. These are:-

- a) The applicant accepts an offer of settled accommodation from the Council (in accordance with Part VI of the Housing Act 1996)
- b) The applicant is made a suitable offer of private rented sector accommodation (PRSO), available for a period of 12 months or more.
- c) The applicant refuses an offer of accommodation which the Authority is satisfied is suitable for their needs

- d) The applicant becomes intentionally homeless from the suitable accommodation made available for his/her occupation.
- e) The applicant ceases to be eligible for assistance due to their immigration status.
- f) The applicant otherwise voluntarily ceases to occupy as their only or principal home, the accommodation made available to them to meet the main housing duty.

The level of private rented sector supply will determine the number of households that may be made a suitable PRSO. In situations where the number of applicants exceeds the supply of properties, applicants will be selected for a PRSO in the following order.

- Restricted cases, as defined by Section 193 (3B) Housing Act 1996.
- Applicants who do not qualify for inclusion on the Wealden Housing Register
- Applicants who are owed the main housing duty and where no suitable temporary accommodation is available in the District.
- Applicants for whom the Council considers a private rented sector tenancy can best meet their needs and preferences.

### **Offers of Private rented sector accommodation for prevention, relief and main duty cases**

A full consideration of the household's individual circumstances and the facts that apply to the case will be considered before making an offer of accommodation in the private sector, under any of the above duties.

Applicants within the above categories will be prioritised by date of acceptance of the particular duty owed and the suitability of the property having regard to the Housing Act 1996 and The Homelessness (Suitability of Accommodation) (England) Order 2012 (as amended by the Homelessness Reduction Act 2017 and the Homelessness Code of Guidance 2018. Factors that will be taken into account include:-

- Location
- Property condition and management
- Size
- Affordability

Having undertaken this consideration if the council is satisfied that it is appropriate to exercise this power, the Council will discharge its duty by arranging for a private landlord to make an offer in the private rented sector.

Each private rented sector offer will be assessed for suitability and matched to the individual household. The Council will not make arrangements for an applicant to be made a final offer of a private sector assured shorthold tenancy unless it is satisfied that:

- I. The accommodation is suitable for the applicant and
- II. The applicant is able to bring to an end any contractual obligations (e.g. tenancy agreement or licence) that they have in respect of their current accommodation before they are required to take up the offer.

When making an offer which will end the prevention, relief or main housing duty, the Council will notify the applicant in writing of:

- I. The possible consequences of refusal or acceptance – which will normally bring the Council's duty to an end;
- II. The right to request a review of the decision that the accommodation is suitable for the household;
- III. The property's suitability in relation to the above legislation and guidance;
- IV. Any other matters and issues that relate to the applicant's particular circumstances and that of any other household members who might reasonably be expected to reside with the applicant.
- V. That the accommodation is affordable having fully considered the cost of the rent and other outgoings relating to the property, the household compared with the income available to the applicant with or without benefits and basic essentials such as food, heating and transport costs.

Applicants will be offered the opportunity to view the property and will be expected to attend any viewings made on their behalf, often at short notice.

Due to the limited supply of privately rented accommodation in the Wealden District, applicants may be offered accommodation outside of the District where the offer is considered suitable.

Non-attendance or refusal of arranged viewings and deliberate non-co-operation at viewings will be considered a refusal which would normally bring the Council's prevention, relief or main duty to an end.

Offers made under this policy are subject to statutory review under the Homelessness Reduction Act 2017.

## Appendix C: Rehabilitation of Offenders Act 1974

### Rehabilitation periods

How long the rehabilitation period will last depends on the length of the sentence handed down for a crime, rather than the crime itself. If you were released early on parole from a prison sentence, the length of the rehabilitation period will still depend on the original sentence you were given – for example, if you were sentenced to 8 months in prison, but were released after 4 months, your rehabilitation period would be 4 years, rather than 2 years.

The rehabilitation period does not begin until the of the end of the custodial sentence.

Custodial sentences lasting over four years **never become spent**. For sentences shorter than this, consult the table below.

SENTENCE	REHAB PERIOD – AGED 18 OR OVER WHEN CONVICTED	REHAB PERIOD – AGED 17 AND UNDER WHEN CONVICTED
Prison sentences [1] of 6 months or fewer	2 years	18 months
Prison sentences [1] of more than 6 months to 2 and a half years	4 years	2 years
Prison sentences [1] of more than 2 and a half years to 4 years	7 years	3.5 years
Prison sentences [1] of more than 4 years	Cannot be spent	Cannot be spent
Fines	1 year	6 months
Compensation orders	Spent once paid in full	Spent once paid in full
Youth Rehabilitation Orders	N/A	6 months

SENTENCE	REHAB PERIOD – AGED 18 OR OVER WHEN CONVICTED	REHAB PERIOD – AGED 17 AND UNDER WHEN CONVICTED
Absolute discharge	Spent immediately	Spent immediately
Probation [2], supervision, care order, conditional discharge or bind-over	Spent at end of the order	Spent at end of the order
Hospital orders (with or without a restriction order)	Spent at end of the order	Spent at end of the order

1. Including suspended sentences, corrective training, detention in a young offender institution, and youth custody (abolished in 1988).
2. For people convicted before 3 February 1995.