

## Agenda Item 6

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<b>Date</b>	6 October 2015

<b>Ward (s) affected</b>	All	<b>Key Decision</b>	No
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<b>Subject</b>	Housing Allocations Scheme 12 Month Review
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### RECOMMENDATIONS

The Scrutiny Committee is asked to consider the 12 month review of the Housing Allocations Scheme and make recommendations to the Executive on the proposals for amendments to the scheme as shown in Appendix 1.

### EXECUTIVE SUMMARY

The current Housing Allocations Scheme was approved on 4 February 2014, and following the required changes to the software system it was implemented from September 2014.

The 2014 Scheme was developed by a cross-party working group of members. It was considered by the Scrutiny Committee on two occasions in late 2013 and early 2014. It was agreed that after 12 months of implementation the new scheme would be reviewed.

The key aim of the new scheme was to ensure that only applicants in housing need were registered. To achieve this, the bands used to prioritise applicants have been reduced from five to three. This along with the strengthened local connection criteria has reduced the number of applicants on the Housing Register to around 450, and whilst the verification process has become more complex, staff have more time to advise those in need rather than administering 1,200 applications the majority of which, in reality, would never be housed. They would not be housed as they either had no or a low level of housing need and there is insufficient social housing.

Following the experience of implementing the new scheme for 12 months there are two amendments recommended to the scheme and these are:

- Council Tax owed to MVDC be included in the category of debts that prevent applicants from qualifying for the Housing Register; and
- to amend the rural local connection criterion that specifies 'villages' and 'settlements' to that of the area of a 'parish'.

The opportunity has also been taken to clarify the wording of the scheme and is the reason for some of the amendments shown in Appendix 1.

## **CORPORATE PRIORITIES:**

### **PROSPERITY**

#### **Look for innovative ways to minimise the cost to taxpayers of Mole Valley District Council whilst protecting the standard of services**

- The Housing Allocations Scheme implemented last year with the strengthened qualification criteria and verification process has reduced the numbers on the register. This has improved the efficiency of the service and the detection of fraud, which overall improves the cost to taxpayers and protects the standard of service.

### **COMMUNITY WELLBEING**

#### **Active communities and support for those who need it.**

- The Housing Allocations Scheme is framed in accordance with legislation and the accompanying codes of guidance. Its aim is to support the community by prioritising households with a housing need and a local connection to Mole Valley for affordable homes with housing associations.

## **1. INTRODUCTION**

1.1 The current Housing Allocations Scheme was approved on 4 February 2014, and following the required changes to the software system it was implemented from September 2014. Prior to approval a cross-party member working group had proposed changes to the previous scheme and these were considered by the Scrutiny Committee on two occasions.

The key changes made for new scheme were:

- to strengthen the qualification criteria for the housing register in respect of local connection, owner occupiers, people with significant income and savings, people with no housing need and people who owe the Council money;
  - to provide additional preference to those with strong local connections to rural areas;
  - the transfer of households living in one bedroom homes, but needing two bedroom homes from band 3 to band 2, to reflect the level of overcrowding;
  - the removal of bands 4 and 5 that were made up of applicants with no local connection, no housing need, that did not meet the current income and savings criteria, owe the Council money or are guilty of unacceptable behaviour; and
  - the bedroom size criteria were amended to reflect new Housing Benefit regulations.
- 1.2 The scheme was amended again in June 2015, to comply with the legislation on the Right to Move (section 7.3.3, Appendix 1). This legislation enables housing association tenants that don't have a qualifying local connection, to qualify, if they have a job offer or employment in Mole Valley. These amendments were communicated to members by email and on the members' intranet.

- 1.3 It was agreed that after 12 months of implementation the new scheme would be reviewed.
- 1.4 Below there are comparative statistics on the operation of the scheme and an explanation of the issues that have arisen since implementation with proposed changes.

## 2. Statistics

### Applicants on the Housing Register by Bedroom Size Required and Band - Before the Implementation of the New Scheme 31 August 2014

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
<b>Band 1</b>	54	12	7	3	<b>76</b>
<b>Band 2</b>	78	97	42	17	<b>234</b>
<b>Band 3</b>	312	154	68	12	<b>546</b>
<b>Band 4</b>	103	30	10	4	<b>147</b>
<b>Band 5</b>	174	43	13	2	<b>232</b>
<b>Total</b>	<b>721</b>	<b>336</b>	<b>140</b>	<b>38</b>	<b>1235</b>

### Applicants on the Housing Register by Bedroom Size Required and Band - New Scheme 31 August 2015

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
<b>Band 1</b>	20	10	0	3	<b>33</b>
<b>Band 2</b>	33	68	27	11	<b>139</b>
<b>Band 3</b>	165	66	43	5	<b>279</b>
<b>Total</b>	<b>218</b>	<b>144</b>	<b>70</b>	<b>19</b>	<b>451</b>

- 2.1 A key aim of the changes implemented was to ensure that only those in housing need were registered and to achieve this, the bands for priority were reduced from five to three. This, along with the strengthened local connection criteria, reduced the number on the Housing Register to around 450 applicants and whilst the verification process has become more complex staff have more time to advise those in need rather than administering 1,200 applications, of which the majority would, realistically, never be housed. The reduced manageable numbers and increased verification improves the detection of potential fraud.
- 2.2 Other key benefits of the new scheme are:
- the amendment to the band two criteria has given all overcrowded applicants living in one bedroom properties needing to move to two bedroom homes the opportunity to move; and
  - care leavers and those applicants needing to move on from supported accommodation are being housed earlier because there are fewer applicants on the housing register.

**Applicants on the Housing Register by Current Bedroom Size and Bedroom Size Required 31 August 2015**

	Bedroom Size Needed					Total
	1Bed	2 Bed	3 Bed	4Bed +		
1Bed	81	30	1	1		113
2 Bed	50	70	36	6		162
3 Bed	50	30	26	11		117
4 Bed +	17	8	3	1		29
Other	20	6	4	0		30
Total	218	144	70	19		451

- 2.3 The table above shows the size of home by bedroom size an applicant household is currently residing in and the size of accommodation they are assessed to need. It also includes overcrowding caused by applicant households living in their parents' home who are classed, for example, as living in one room of their parents' three bedroom house. The table demonstrates that there are 37 households living in accommodation that is too small for them and they need a three bedroom home, of these only one applicant is living in a one bedroom home, as the majority, 36, live in a two bedroom property.

**Housing Association Homes Total Lettings**

Bed size	2013/2014	2014/2015	31 August 2015	Projected 31 March 2016
OAP/Sheltered	87	71	30	74
1 bed	88	83	39	90
2 bed	57	81	19	50
3 bed	26	35	17	35
4 bed +	3	0	0	1
<b>Total</b>	<b>261</b>	<b>270</b>	<b>105</b>	<b>250</b>

- 2.4 The table above shows the number of applicants that have been housed with local housing associations per year and the number housed ranges from the 250 to 270 households. When there were about 1,200 applicants on the register approximately 22% were housed per year, with the reduced register this has increased to 55%.

**3 Issues**

**People Who Owe the Council Money**

- 3.1 The qualification criteria that applicants should not owe money for housing debts with the Council or former landlords have been successful and many debts have been paid (section 7.3.10 Appendix 1). It is recommended that this could also be effective when applied to those applicants who owe MVDC Council Tax. A suggested amendment has been made to section 7.3.10 Appendix 1.

## **Rural Areas**

- 3.2 The new scheme introduced local connection criteria for vacancies in rural villages and settlements (section 11.5, Appendix 1). Since implementation there have been 31 properties where the rural connection preference has been applied and 11 were allocated successfully, after detailed verification, to households who met the criteria. This included one allocation for which 33 applicants were skipped in priority order because they did not meet the rural connection criteria. For eight of the remaining 20 properties there were applicants who expressed an interest and had a rural local connection, but were not successful because some chose to accept an alternative home or the property was on the ground floor and they did not have a specific need for this type of accommodation. For the other twelve there were no applicants who expressed an interest that had a rural local connection.
- 3.3 There have also been instances where properties in rural areas have not fallen within a rural village or settlement, such as Puddenhole Cottages just outside of Brockham. However, it is considered that the intention of the scheme is that the rural local connection should apply to such properties.
- 3.4 Following the experience of implementing the rural local connection criteria for 12 months it is considered that the geographic scope should be widened to increase the level of benefit to applicants with a rural local connection. To achieve this it is recommended that the criteria should be amended from applying specifically to villages and settlements to specify parish council areas. If there is no parish area the electoral ward would apply instead. The suggested tracked changes are shown at section 11, Appendix 1.

## **Families and Ground Floor Flats and Bungalows**

- 3.5 The Housing Allocation Scheme currently gives preference to families with children under 16 years for houses, section 11.5 of Appendix 1. Older households would need to have exceptional needs to be offered a house. There are limited ground floor flats and bungalows and to balance the reasonable preference to young families for houses the scheme gives those with an assessed medical need reasonable preference for ground floor properties. If there are no applicants meeting the criteria for ground floor accommodation such properties are allocated to the next suitable applicant in priority order, which could be a young family. There is concern that young families are often housed above the ground floor and are faced with the struggle of carrying shopping, buggies and children up possibly more than one flight of stairs. The table below shows the numbers waiting for ground floor homes on health grounds, which is not significant and provides the opportunity for ground floor properties to be offered to those without an assessed medical need. This issue will be kept under review.

### **Applicants Needing a Ground Floor Property on Health Grounds**

	<b>1 Bed</b>	<b>2Bed</b>	<b>3 Bed +</b>
<b>Band 1</b>	6	4	0
<b>Band 2</b>	7	4	3
<b>Band 3</b>	48	6	2
<b>Total</b>	61	14	5

### **3.6 Financial Implications**

The proposed amendments can be made within the existing budget.

### **3.7 Legal Implications**

The changes are in keeping with the main legislation (Housing Act 1996 Part 6) and the codes of guidance on Housing Allocations Schemes and other relevant legislation.

## **4.0 CORPORATE IMPLICATIONS**

### **4.1 Monitoring Officer Commentary**

The Monitoring Officer confirms that all the relevant legal implications have been taken into account.

### **4.2 S151 Officer Commentary**

The S151 Officer confirms that all the relevant financial implications have been taken into account.

### **4.3 Risk Implications**

There are no significant risks relating to this report.

### **4.4 Equalities Implications**

An Equalities Impact Assessment was carried out for the new scheme in 2014 and there are no significant changes brought about by the recommended amendments.

### **4.5 Employment Issues**

There are no employment issues relating to this report.

### **4.6 Sustainability Issues**

There are no sustainability issues relating to this report.

### **4.7 Consultation**

Circle Housing Mole Valley (CHMV) has been consulted on the proposed amendments to the scheme. They are generally supportive of the amendments, but would prefer that the qualification period that we require for money owed to the Council be an agreed repayment plan of six months rather than the Council's requirement of 12 regular payments. It is considered that six months is too long for an applicant, who is in severe housing need, to wait to qualify for the register if they have made efforts to make twelve regular payments in a shorter space of time. This has been confirmed to CHMV.

CHMV is concerned that with the reduced number of applicants on the Housing Register the Council may not have sufficient applicants to allocate to their vacant properties and have placed the issue on their risk register. They are particularly concerned that the number of three bedroom applicants has halved whilst they have seen an increase in three bedroom vacancies. The number of two bedroom applicants has also more than halved.

The increase in the number of three bedroom vacancies has been caused by tenants living in three bedroom homes that are too large for them transferring to smaller homes, because they are affected by the Housing Benefit social sector size regulation. If they remained in the larger home they would not receive Housing Benefit for the bedrooms they don't need, which is an affordability issue. The situation is compounded by some tenants remaining in two bedroom homes for longer because they do not meet the Housing Benefit

regulation criteria for a larger home and the Housing Allocation Scheme bedroom size criteria reflect these regulations. Typically this would affect a family with two children of the opposite sex who are both under ten. The family is not entitled to receive Housing Benefit to cover the rent on a three bedroom home until the eldest child is ten. The average local housing association rent for a two bedroom home is £194 per week and for a three bedroom home is £230, which is a £36 per week difference. These regulations were introduced to achieve the savings required under the Government's Welfare Reforms. Monthly liaison meetings will be held with CHMV to monitor the situation.

Despite the comments made by CHMV there are currently sufficient applicants registered and many new applications being received to ensure that nominations can be made to CHMV. Looked at another way this situation demonstrates that better use of the housing stock is being made alongside the more efficient management and turnover of the Housing Register, which is focused on those in housing need.

CHMV is further concerned that when the new Welfare Benefit cap is implemented next year of £385 per week that tenants will not be able to afford an average affordable rent for a three bedroom home of £230 per week. Tenants who are working will not be affected by the cap and this situation will also be monitored closely with CHMV.

#### **4.8 Communications**

Housing applicants and prospective applicants will be advised of the amendments on the Home Choice website. Information will also be posted on the Council's website and socials media. A press release will be issued.

#### **BACKGROUND PAPERS**

- Legislation and codes of guidance listed in the draft Housing Allocations Scheme in section 3 of Appendix 1
- Department of Communities Local Government Consultation paper: Providing Social Housing for Local People Strengthening Statutory Guidance on Social Housing Allocations, October 2013
- Department of Communities and Local Government. Providing social housing for local people. Statutory guidance on social housing allocations for local authorities in England, December 2013
- Right to Move Statutory guidance on social housing allocations for local housing authorities in England, March 2015
- Statistics relating to the Mole Valley District Council Housing Allocations Scheme
- Statistics from Circle Housing Mole Valley





Appendix 1

**HOUSING ALLOCATIONS SCHEME**

**February 2014  
Amended June 2015**



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## **1. Introduction**

This document sets out Mole Valley District Council's Housing Allocation Scheme, as required by section 1676A of the Housing Act 1996 Part 6. It identifies the priorities that the Council will follow in the letting of Private Registered Providers (referred to as housing associations in this document) properties for rent, to which it has nomination rights.

In drawing up this scheme the Council has consulted with the housing associations with which the Council has nomination arrangements, local voluntary and statutory agencies, housing applicants and residents of Mole Valley.

## **2. Aims of the Scheme**

The aims of the Allocation Scheme are to:

- provide an allocation scheme for housing applicants with a local connection to Mole Valley who are in housing need;
- maintain an appropriate balance between the needs of homeless households and others in housing need;
- make best use of the affordable housing stock, which is in short supply in Mole Valley;
- ensure that difficult to let properties are managed and re-let times are minimised;
- reduce under-occupation; and
- nominate households for housing association homes for rent in a way that is fair and transparent.

## **3. The Legal Background**

The Housing Allocation Scheme has regard to the following:

- The Housing Act 1996 as amended by the Homelessness Act 2002, Housing and Regeneration Act 2008 and other relevant legislation
- Allocation of Accommodation: guidance for Local Authorities in England, 2012
- Housing Allocations – Members of the Armed Forces (circular 04/2009), April 2009

- The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations (SI 1869/2012)
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2989/2012)
- Providing social housing for local people. Statutory guidance on social housing allocations for local authorities in England- December 2013
- Right to Move. Statutory guidance on social housing allocations for local authorities in England March 2015
- Localism Act 2011
- Equality Act 2010 and the Council's Equality Strategy
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- The Data Protection Act 1998
- Welfare Reform Act 2012
- Existing case law
- The Council's Housing Strategy 2009-13
- The Council's Tenancy Strategy 2012-15
- The Council's Homelessness Strategy 2015-2008-13

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

#### **4. The Scope of the Scheme**

The Council maintains a single list of applicants in need of affordable rented social housing known as the Housing Register and the applicants are assessed and prioritised in accordance with the Council's Housing Allocation Scheme. The housing register is used by the Council for allocating all housing for rent and applies where the Council nominates an applicant to be offered a:

- secure, fixed term or introductory tenancy by another Council (or another body able to grant a secure tenancy); or
- fixed term tenancy, assured tenancy or assured shorthold, or starter tenancy from a housing association.

Lettings that are not covered under the scheme are described below.

The sale of shared ownership homes - ~~and~~ information on sales can be found at <http://keyhomes-east.org.uk/register.asp>

Offers to homeless households of non-secure Council tenancies in discharge of any duty owed under Part 6 of the Housing Act 1996. Offers of tied accommodation (service tenancies or service licences) made to Council employees.

Referrals made to any private landlord for an assured shorthold tenancy made under the Council's rent deposit bond scheme or by the Council's Housing Options team.

Mutual exchanges between housing association and local authority tenants.

Succession of tenancies by household members of housing association and local authority tenants.

Any other situations, added by the Secretary of State through the making of regulations, in which the allocation scheme will not apply.

## 5. The Type of Scheme

The Council's Housing Allocation Scheme is a banding scheme. Applicants who are eligible and qualify will be placed in one of three bands ranging from 1 (highest need) to 3 (lower need), which reflect their housing need in accordance with the 'reasonable preference categories' in the Housing Act 1996 Part 6 and the Council's local priorities for housing allocation.

All applicants who apply to join Mole Valley's housing register will also be assessed and banded according to the jointly agreed criteria set out in the East Surrey Home Choice Allocation Policy Appendix 1. This banding will be used when allocating properties made available through the East Surrey Home Choice Scheme. These homes are generally for people over 55 years old.

## 6. Who can join the Housing Register?

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

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

### 6.2 To be Eligible Applicants must be:

- 16 years of age or older; and
- resident in the United Kingdom

### 6.3 To Qualify Applicants must:

- have a local connection to the geographic area covered by Mole Valley District Council;
- have a housing need that has been assessed in accordance with the Housing Allocation Scheme;
- not be an owner occupier, unless they are over 55 years old<sup>1</sup>;
- have an annual household gross income under £50,000;
- have combined savings and assets under £16,000, unless they are; ~~this does not apply to those~~ over 55;
- not owe this Council, another Council, housing association or private landlord money for housing debts; and
- not be guilty of unacceptable behaviour.

Detailed information on eligibility and qualification can be found in section 7 of this document.

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<sup>1</sup> Owner occupiers over 55 years old with a gross annual income of over £50,000 and combined savings and assets of over £16,000 will not qualify to join the housing register.

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

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

#### **6.5 Changes in the Law**

The Secretary of State may from time to time amend the classes of person eligible to be considered for housing. The Allocation Scheme will automatically be amended to reflect any such changes from the date of implementation.

### **7. Who cannot join the Housing Register?**

#### **7.1 Who is not Eligible?**

In accordance with legislation the following people are not eligible to join the housing register:

- those under 16 years of age; and
- persons from abroad and this is explained in section 7.2 of this document.

#### **7.2 Persons from Abroad**

Persons from abroad are not eligible to join the housing register. This means persons from abroad who are:

- subject to immigration control and have no recourse to public funds; or
- excluded by regulations made by the Secretary of State; or
- not habitually resident in the United Kingdom (UK); or
- who are required to leave the UK by the Secretary of State.

Specifically, the Secretary of State has determined that the following groups are not eligible to join the Council's housing register because of their immigration status.

- A person registered with the Home Office as an asylum seeker

- A visitor to the UK (including an overseas student) who has limited leave to enter or remain in the UK granted on the basis that they will not have recourse to public funds
- A person who has valid leave to enter or remain in the UK, which includes a condition that there will be no recourse to public funds
- A person who has ~~a~~-valid leave to remain in the UK, which carries no limitation or condition and who is not habitually resident in the Common Travel Area. The Common Travel Area is the UK, the Channel Islands, the Isle of Man and the Republic of Ireland
- A sponsored person who has been in this country less than 5 years (from date of entry or date of sponsorship, whichever is the later) and whose sponsor(s) is/are still alive
- A person who is a national of an European Union (EU) country that is subject to immigration control
- A person who is a national of a non European Economic Area country that has ratified the European Convention on Social & Medical Assistance (ECSMA) and/or the European Social Charter (ESC), but is not lawfully present in the UK (i.e. does not have leave to enter or remain or is an asylum seeker with a temporary admission) and/or is not habitually resident in the Common Travel Area
- A person who is in the UK illegally or who has overstayed their leave to ~~R~~remain

### 7.3 Who does not Qualify?

~~Taking into account the legislation and codes of guidance on housing allocations the Council has agreed the qualification criteria for the housing register.~~

The following people ~~are~~ do not qualify to join the housing register, those:

- ~~those with~~ with no local connection (go to sections 7.3.1 to 7.3.5)
- ~~those with~~ with no housing need (go to section 7.3.6)
- ~~those~~ who own their home, except those over 55 (go to section 7.3.7)
- ~~those with an annual household gross~~ income of over £50,000 (go to sections 7.3.8 and 7.3.9)

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- with combined ~~and~~ savings and assets of over £16,000, except those over 55 (go to sections ~~ss~~ 7.3.8 and ~~7.3.9~~ 7.3.9)
- those who owe the Council money (go to section 7.3.10)
- those guilty of unacceptable behaviour (go to section 7.3.11)

### 7.3.1 Persons with No Local Connection

People who do not have a local connection to the geographic area covered by Mole District Valley Council will not qualify to join the Housing Register. The Council has determined that for a local connection to be established with Mole Valley the applicant must provide written evidence that:

- they live in the district and have had residence in the district for the last two years; or
- their place of paid employment is in the district and they have been employed for more than 16 hours per week for the last two years; or
- they have close family, defined as parents, siblings and or adult children, who have lived in the district as their main place of residence for the last consecutive five years and on welfare and or health grounds the applicant needs the support of the close family or the close family need the support of the applicant and if not provided hardship would be caused.

### 7.3.2 Exceptions to the Local Connection Criteria - British Armed Forces

British Armed Forces personnel who fall within the categories below are exempt from the local connection qualifying criteria under the ~~The~~ Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations (SI 1869/2012):

- Those who are serving in the regular forces or have done so in the five years preceding their application
- Bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service

In keeping with the terms of the Mole Valley Armed Forces Community Covenant September 2013, members of the wider British Armed Forces community, past and present, may also be exempt from the local connection criteria where the

household is in housing need and it can be shown on the grounds of health and welfare that to do otherwise would cause hardship. This may include:

- Veterans (those who have served as a regular or reservist in the armed forces).

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- Spouses, civil partners, and children for whom regular personnel, reservists and veterans are responsible (and in exceptional circumstances may include parents, unmarried partners and other family members)

Documentary evidence will be required, which will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether the exemption should be granted.

For the purposes of this policy the definition of ‘regular’ and ‘reserve’ forces will reflect the definition set out in section 374 of the Armed Forces Act 2006.

### 7.3.3 Exceptions to the Local Connection Criteria – Social Housing Tenants – The Right to Move

Persons, who at the date of their application, are social housing tenants with an assured, introductory or secure tenancy and do not reside in the district of Mole Valley, will have a local connection if:

- they need to move to Mole Valley to avoid hardship; and
- their work is located in the district of Mole Valley; or
- they have an offer of work in the district of Mole Valley that they have a genuine intention to accept.

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

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

- the distance and/or time taken to travel between their work in Mole Valley and their current home;
- the availability and affordability of transport from their current home to their work in Mole Valley taking into account the level of their earnings;
- the nature of their work and whether similar opportunities are available closer to their current home;
- other personal factors, such as medical conditions and child care, which would be affected if they could not move;

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- the length of their work contract; and
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.

This clause (7.3.3) will also apply to apprenticeships and offers of apprenticeships.

This clause (7.3.3) does not apply to work that is short-term or marginal in nature, or ancillary to work in another district. Voluntary work is also excluded.

Persons who qualify under this clause (7.3.3) will be assessed in accordance with the 'Banding Scheme' (9.1) and with the section on 'Special Circumstances' (14.14).

#### **7.3.4 Other Exceptions to the Local Connection Criteria**

Exceptions may include, for example, and not exclusively, the situations described below.

- Applicants placed outside the district by the Council into accommodation with a supported housing provider will retain any local connection for the purposes of qualifying for the Housing Register.
- Applicants placed outside the district by the Council into temporary accommodation under the homelessness legislation will retain a local connection for the purposes of qualifying for the Housing Register.
- Where an applicant has been assisted by the Council with privately rented accommodation through the Rent Deposit Bond Scheme (to prevent homelessness) and that accommodation is outside of the district, the applicant will be assessed as still having a local connection whilst they remain in that accommodation.
- Where someone is in an institution outside of the district they will be treated as having a local connection if they can show that they were placed there from an address in Mole Valley and documentary evidence can be provided to support this.
- Where, for example, applicants are fleeing domestic abuse or are other vulnerable people for whom returning to their area of origin would place them at risk, and there is third party evidence of the risk e.g. from the Police, Probation, Adult Social Care and Children's Services etc. The information will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether the exemption should be granted.

- Where the applicant provides documentary evidence that can be verified to show that they have special circumstances through which a local connection has been established with the district. This will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether a connection has been established. Where the evidence is unclear and or ambiguous a Corporate Head will review the evidence and make a decision.

### **7.3.5 A Local Connection will not be Established**

- Where the applicant has been placed in temporary accommodation within the district by another local authority in the discharge of their homelessness duties.
- Where the applicant has been placed in supported housing within the district by another local authority and has no qualifying local connection to this district. Time spent living in the supported housing in Mole Valley will not count as a local connection.
- Where the applicant is living in a night shelter, hostel accommodation or supported housing in the district they will not be considered to have any local connection unless previous residence or other qualifying local connection in the district can be proved. Time spent living in this accommodation in Mole Valley cannot count as a local connection unless a previous local connection can be proved.
- Where the applicant qualified for registration because the Council owed them the main homelessness duty and the Council has ceased to be subject to that duty because of the refusal of a suitable offer, and the applicant does not have any other qualifying local connection for the housing register.

### **7.3.6 Persons with No Housing Need**

Persons who do not have a housing need that would place them in bands 1, 2 or 3 will not qualify to join the housing register regardless of whether they have a local connection to Mole Valley. The criteria for the bands can be found in section 9.1 of this document.

### **7.3.7 People who Own their Home**

Persons who are under 55 years and own or jointly own any residential property either outright or mortgaged will not qualify to join the housing register regardless of whether they have a local connection. The age is set at 55 because it is the qualification age to be considered for older persons' housing association

accommodation and this type of accommodation in Mole Valley is in reasonable supply.

Exceptions will require documentary evidence, which will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether the exception should be made. Exceptions may include, for example, and not exclusively, the situations described below.

- There is a member of a household who is disabled and their home cannot be adapted to meet their needs, which has been confirmed by an Occupational Therapist and the proceeds from the sale combined with income and savings is insufficient to buy an alternative suitable property.
- There is a lack of bedroom space or medical, welfare or disrepair reasons and the household does not have sufficient income or savings to purchase alternative accommodation suitable to their needs, or to repair ~~to~~ their property.
- The applicant is unable to reside at the property due to a relationship breakdown, but is still having to maintain the home for dependent children.
- The applicant is unable to reside at the property because they are the victim of violence or threats of violence, including domestic violence.
- An applicant who has a shared interest in a property with a person not included on their application may be required to resolve the ownership issue before an application will be considered and an exemption granted. Affected applicants will be referred to the Housing Options Team in order to address these issues and look at all available options. The assessment may include referring the applicant for money advice.
- The applicant is in shared ownership accommodation and needs to move or downsize due to affordability or health issues, and does not have the financial means to be able to achieve this.

### **7.3.8 People with Income and Savings**

The Council has set financial qualifying criteria so that people with sufficient household income and/or savings and/or assets will not qualify to join the Housing Register.

All applicant households will be required to supply evidence of their income, savings and assets at the point of application and nomination.

The following applicant households will not qualify to join the housing register regardless of whether they have a local connection:

- those with an annual household gross income in excess of £50,000
- those under 55 years with combined savings and assets in excess of £16,000.

The state retirement pension will be disregarded as part of annual household gross income, as will accrued contributions to a pension that cannot be accessed until retirement age.

Lump sums received by a 'regular' or 'reservist' member of the British Armed Forces, as compensation for an injury or disability sustained on active service will be disregarded. This is in keeping with the Mole Valley Armed Forces Community Covenant September 2013. For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in section 374 of the Armed Forces Act 2006.

Exceptions may include, for example, and not exclusively, the situations described below.

- When in the view of the Council it is in its strategic interest to do so for example, and not exclusively, a housing association tenant living in Mole Valley with savings in excess of £16,000, ~~who is living~~ in a three bedroom property ~~who that~~ is assessed as needing to move to one bedroom accommodation. Documentary evidence, which will be reviewed on a case by case basis by the Housing Options Manager, who will, make a decision on whether the exception should be made.

Proof of income and savings will need to be provided and details can be found in section 8 below.

Households who do not qualify to join the Housing Register as a result of the financial qualifying criteria will be provided with advice and information regarding alternative housing options, such as low cost home ownership products (<http://keyhomes-east.org.uk/register.asp>) and private rented sector accommodation.

### 7.3.9 People Over 55 who are Owner Occupiers with Income and Savings

For clarity people who are over 55 that:

- own or jointly own any residential property either outright or mortgaged, have combined savings and assets of in excess of £16,000 and an annual household gross income under £50,000 **will qualify** to join the housing register, as long as they ~~have a local connection to Mole Valley, have a local connection to Mole Valley and~~ do not owe the Council ~~housing or Council Tax debts, or~~ another Council, housing association or private landlord money for housing ~~debtsdebts and are not guilty of unacceptable~~ ~~behaviour. This clause only applies for applicants who are applying for~~

sheltered housing or accommodation that is designated for people over 55.

- own or jointly own any residential property either outright or mortgaged, have combined savings and assets of in excess of £16,000 and an annual household gross income in excess of £50,000 **will not qualify** to join the housing register

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### 7.3.10 People who ~~Owe~~owe the Council Money

The following persons will not qualify to join the housing register regardless of whether they have a local connection to Mole Valley and meet other eligibility and qualification criteria:

- those who currently owe the Council money for: rent arrears from the Council's emergency accommodation; rent deposit bond claim; or have not made regular payments for a loan for rent in advance; ~~or~~
- those with current or former rent arrears with another Council or housing association or private landlord; ~~or~~
- owe Council Tax to Mole Valley District Council.

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Applicants with these debts will qualify to join once they have paid the debt in full. Where 12 regular payments have been made towards the debt the Housing Options Manager, on a case by case basis, will take into account the remaining debt and will decide whether the applicant may join the register. Applicants who then qualify to join the housing register because they have made the 12 regular payments must continue to make regular payments until the debt is paid, should payments either cease or become irregular the application will be temporarily suspended. If regular repayments have not commenced within three months the application will be cancelled.

### 7.3.11 People Guilty of Unacceptable Behaviour

People considered guilty of unacceptable behaviour will not qualify to join the housing register and this applies where any member of a household has behaved in such a way that their behaviour would have entitled the Council to a Possession Order had they been a secure tenant of the Council. ~~Furthermore, that they would still be considered to be not suitable to be a tenant of the Council because of that person's behaviour.~~

Examples of such unacceptable behaviour would include:

- significant rent arrears or breach of tenancy obligations;



- serious nuisance or annoyance to neighbours;
- a conviction for using accommodation, or allowing it to be used, for immoral or illegal purposes, such as drug dealing;
- serious damage or neglect of the property; and/or
- applicants and any member of the household who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974. Any person caught by this provision may re-apply once the is conviction is spent.

Each application will be considered on its own merits, but where the Council is satisfied that these conditions apply, the applicant will not qualify to join the housing register. The Council will also take into account whether the applicant or any member of the household has been served with a Community Protection Notice under the Anti-Social Behaviour, Crime and Policing Act 2014.

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

#### **7.4 Deliberately Worsening Circumstances**

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

This includes failure to take reasonable actions or follow advice which would prevent them becoming homeless or improve their housing circumstances, for example, accept an offer of suitable private rented or housing association accommodation which, given their situation, would be reasonable to do so. This may also include failure to express an interest in bid for suitable accommodation that is advertised each week and/or refusal of suitable accommodation that has been offered.~~they may have been offered.~~

#### **7.5 False or Misleading Information**

It is an offence to make a false statement and/or knowingly withhold information in connection with an application to join the Housing Register. The maximum fine for this is £5,000. Anyone who gives false information may be removed from the housing register.

If at any time the Council obtains information that leads it to believe that an applicant already on the housing register is not eligible or does not qualify, it will inform the applicant in writing. The applicant will be given 21 days to provide information showing that they are eligible and or qualify. If they do not reply within this period, or if they reply but the Council remains of the view that they are not eligible or do not qualify, they will be removed from the housing register.

## **7.6 Right of Review**

The Council is required to provide advice, information and assistance to all applicants, even if they are likely to be unsuccessful with their application.

The Council will write to anyone who is told that they cannot join the housing register giving its reasons. Applicants have the right to ask for a review of a decision to exclude them from the Housing Register. Section 21 of this document provides further details on how to request a review.

## **7.7 Re-Applications from Non-Qualifying Persons**

Applicants who have applied to join the housing register, but were not considered to be qualifying persons may make a fresh application if they consider that their circumstances have changed so that they should be treated as a qualifying person. It is the applicant's responsibility to satisfy the Council that their circumstances have changed.

## **8. How to Join the Housing Register?**

There are a number of ways an applicant can join the Housing Register and the first step will be to assess that the applicant is eligible and qualifies. The ways to join are described below.

- The applicant may go to the following on-line link <https://www.molevalley-homechoice.org.uk/Data/ASPPages/1/701.aspx> and use the Mole Valley Housing Options Wizard that will tell the applicant their housing options and if they qualify for the housing register. If the applicant qualifies and wishes to join they may contact the Housing Options Team to discuss their housing options and, if appropriate, the application will be completed with the applicant. Further advice may also be offered.
- The applicant may make an appointment with the Housing Options Team at the Council's office in Dorking. An assessment will be made of the housing options available and if the applicant qualifies an application will be made. Further advice may also be offered.

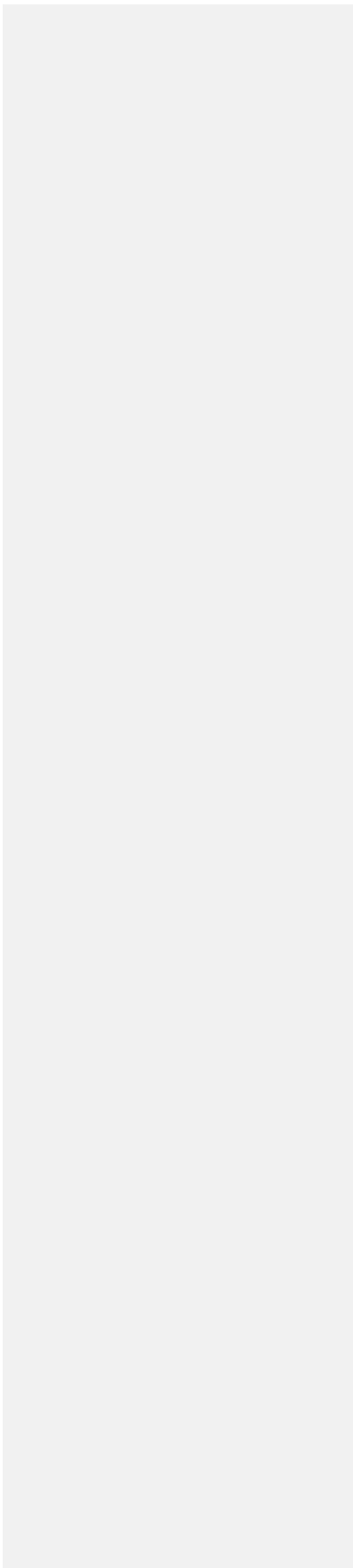
- If the applicant does not have on-line access to the Housing Options Wizard and cannot visit the office a telephone interview or, where necessary, a home visit will be offered.

The following documents must be provided for all members of an applicant's household:

- identification: preferably photo id that must be either a passport or drivers licence or birth certificate, preferably the long version
- immigration status: passport and for non UK and EU applicants an Immigration Status Document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder with an endorsement indicating whether the applicant is allowed to stay in the UK
- income and savings: pay slips; if self employed annual earnings and tax certificate from HM Revenue and Customs; statements for bank and accounts, savings accounts, bonds, equity and shares statements showing balance and interest and dividends; royalties statements; welfare benefit letters and statements; and any other document showing annual income and savings
- assets: ownership of any residential or commercial property in the UK or elsewhere; commodities (precious metals, nonferrous metals, agriculture, energy or others) Real Estate Investment Trusts; insurance products (annuity, life settlements, catastrophe bonds and personal life insurance); derivatives; collectibles such as art, coins, or stamps; foreign currency; venture capital; private equity; distressed securities; and any other document to confirm the applicant's assets
- local connection: bank statements, utility bills or Council Tax bills showing the applicant's current address; letter from the applicant's employer on their headed paper to confirm they are employed in Mole Valley, the date they commenced employment and number of hours worked per week; name and address of close family members living in Mole Valley; and any other document to confirm the applicant's local connection to Mole Valley and to a rural village or electoral ward

The contact details for the Housing Options Team are given below.

The Housing Options Team  
Mole Valley District Council  
Pippbrook  
Dorking  
Surrey  
RH4 1SJ  
Telephone: 01306 879396



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The application process should be completed within 21 working days provided that the documentary evidence required has been received. If it has not been received within 28 days of a reminder being sent, the application will be cancelled. The date that the application will be effective from will be the date that the application was received by the Council.

The Housing Options Team will undertake an assessment of the application against this scheme. Applicants may be asked to provide additional information and/or supporting documentation to verify their situation and or eligibility and qualification.

From the time that all relevant information has been received and assessed, the Council will then write to the applicant to confirm their application reference number and banding under both the Mole Valley scheme and the East Surrey Home Choice scheme that can be found at Appendix 1 of this document. This letter will also contain information that will enable the applicant to access the Mole Valley Home Choice web-site to place bids on properties and state the number of bedrooms that they have been assessed as needing for the size of their household.

If an applicant has the income to pursue shared ownership they will be directed to the following website <http://keyhomes-east.org.uk/register.asp>, where they can register their interest.

## **9. How are Applications Assessed?**

Every application will be assessed using the banding scheme. This is intended to ensure that some priority is awarded to all applicants who are entitled to reasonable preference, in accordance with section 16~~6A 7(2)~~ of the Housing Act 1996 (as amended by the Homelessness Act 2002). These categories are listed below.

- People who are homeless (within the meaning of Part VII of the Housing Act 1996); this includes people who are intentionally homeless and those who are not in priority need
- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (~~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) of the Housing Act 1996, as amended by the Homelessness Act 2002 and Housing and Regeneration Act 2008
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions

- People who need to move on medical or welfare grounds, including grounds relating to a disability

- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)

## 9.1 The Banding Scheme

Applicants' needs will be assessed in accordance with this scheme and their application will be placed in one of three bands by the date that they have joined the register. Should they move up a band they will start that band on the date that they move into that band. If they move down a band, the original date for being in that band will be restored. The bands are explained below.

### **Band 1 Exceptional Need**

- Households who cannot occupy their current accommodation because of a medical problem or disability, and the property cannot be adapted e.g. a wheelchair user who lives in a first floor flat with no lift. An independent Health Adviser will normally have recommended that the application should be awarded band 1. See section 14.9 of this document.
- An application where the life of a household member would be in immediate danger if they continued to live in their current accommodation and this has been substantiated by other agencies. E.g. victims of domestic violence, racial harassment and applicants accepted under the National Witness Protection Scheme.
- Other cases recognised as exceptional and/or emergencies but not fitting into the above. These are defined under special circumstances in section 14.14 of this document.
- Applicants who are under occupying a property and are a successor or a tenant of a local authority or housing association and Mole Valley District Council would be able to nominate to the resulting vacancy.
- Applicants who are occupying a property, which is subject to a compulsory purchase order and/or where the Council has a statutory duty to move the applicant or they need to move because their home is to be demolished or redeveloped within 6 months.
- Applicants who occupy a property that has been assessed by an Environmental Health Officer of the Council to have one or more category 1 hazards under the Housing Health and Safety Rating System and it is necessary for them to leave the property urgently due to safety concerns and the landlord has been informed of the hazard.



- Applicants whose needs fit into three or more categories in band 2 (with the exception of households being accepted under the homeless legislation), and this will be confirmed by Housing Options Manager.

### **Band 2 High Need**

- Households with an urgent or high need to move for medical or welfare reasons. For more information see sections 14.9 and 14.1~~43~~ of this document.
- Households moving from supported accommodation where the original referral to that accommodation was made by Mole Valley District Council.
- Households for whom the Council has accepted an obligation to provide housing under Part 7 of the Housing Act 1996 from the date that they went into emergency accommodation provided by the local authority – *People meeting this criteria do not benefit from cumulative need.*
- Households for whom the Council has arranged an Assured Shorthold Tenancy in the private rented sector in order to prevent their homelessness and they have been living in that accommodation for 12 months.
- Victims of proven anti-social behaviour or any form of abuse, harassment or hate crime that has been directed at them, where there life is not in immediate danger.
- Applicants who are considered to have special circumstances requiring them to move where this is substantiated by three or more agencies. Special circumstances are described in section 14.1~~34~~ of this document.
- Applicants with one or more dependent children who are living in accommodation that is a bedsit or has only one bedroom.
- Vulnerable applicants who are retiring or whose contract is terminated on health grounds from tied accommodation.
- Vulnerable applicants who are receiving a discharge from the British Armed Forces because of redundancy and/or end of service.

- Applicants who are care leavers and who have been referred by Surrey County Council Children's Services. These applicants will be included in band 2 when they are within 12 months of having to leave their care placement.
- Applicants who are foster carers approved by Surrey County Council Children's Services who need larger accommodation. This will be subject to a joint assessment with the County's Children's Services.
- Applicants who need a larger home to accommodate a fulltime (24 hour) carer, who is not a member of their family. This will be subject to a joint assessment with Surrey County Council's Adult Social Care.
- Households who at their current home are short of two or more bedrooms in accordance with this policy on the number of bedrooms a household may be considered ~~for~~ for (sections 10, 14.21 and aAppendix 2 of this document)
- Households who are short of one or more bedroom and have children with more than a 10 years age gap.
- Households who are short of one or more bedroom and have children of opposite sex sharing a room where the oldest child is 10 years old or older.
- Households whose accommodation lacks basic facilities (i.e. a kitchen, bathroom or WC) and this cannot be provided by the owner at reasonable cost.
- Applicants who are roofless or sleeping rough and whose circumstances are confirmed by the Housing Options Team.
- Applicants whose needs fit into three or more categories in band 3 with the exception of households being accepted under the homelessness legislation and this will be confirmed by the Housing Options Manager. *This cannot be cumulative with any other medical criteria within this band.*

### **Band 3 – Medium/Low Need**

- Households who are short of one bedroom according to the policy
- Households with dependent children where the facilities are shared with others who are not members of the applicant's household
- Households with a need to move for an identified medical or welfare reason which is not considered an emergency or urgent – *This cannot be cumulative with any other medical criteria within this band.* See section 14.9 of this document.
- Households containing one or more people who have health problems which may be improved by moving to alternative accommodation - *This cannot be cumulative with any other medical criteria within this band.* See section 14.9 of this document.
- Households who need to move on welfare grounds including giving or receiving care or support, to take up a particular employment, education or training opportunity, to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.
- People given notice to quit from tied accommodation, but not considered to be vulnerable.
- Households with no living room or those sharing a bathroom, living room or kitchen with another household.
- Households who are renting accommodation with limited security of tenure e.g. Assured Shorthold Tenancies.
- Households who have been assisted through the Council's rent deposit bond scheme and have not completed the first 12 months of the tenancy they have been assisted with.
- Households who are homeless, but who are not owed the full housing duty within the meaning of Part 7 of the Housing Act 1996 (this may be due to being intentionally homeless or through being in interim accommodation awaiting a decision being made on their application)
- Applicants who are no fixed abode and whose circumstances are confirmed by a Home Options Team.

- Households who are considered to be a split family unit.
- Qualifying current and former British Armed Forces households - *please see section 9.2 of this document on when this will apply.*
- Households whose accommodation is assessed as being in disrepair and this has been verified by an Environmental Health Officer, and this priority will remain until the works to repair the property are completed by the landlord.

## 9.2 British Armed Forces

Members of the British Armed Forces who have been living in any accommodation provided by the Armed Forces, and who were living in the Mole Valley district prior to joining the Armed Forces, or who have acquired a connection with Mole Valley through residence or employment whilst serving, or are serving and are exempt from having a local connection in accordance with section 7.53.2 of this ~~document,document~~ will be assessed as living in 'tied accommodation' and will ~~therefore—be~~therefore be placed in band 3 until such time as their discharge date is known. Once the Council has been made aware of this date they will be assessed as living in insecure accommodation within the district and will be moved to Band 2.

For other qualifying British Armed Forces households the following criteria for Band 3 will be used and can be used as a cumulative factor within that band to give additional preference to the household's application.

- Former members of the Armed Forces as a regular or reservist
- Serving members of the regular Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service

Members of the wider British Armed Forces community, past and present, may also be considered where it can be shown on the grounds of health and welfare that to do otherwise would cause hardship. Documentary evidence will be required, which will be reviewed on a case by case basis by the Housing Options

Manager, who will make a decision on whether priority should be granted. This may include, but not exclusively:

- Spouses, civil partners, and children for whom regular personnel, reservists and veterans are responsible (and in exceptional circumstances may include parents, unmarried partners and other family members)

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~~The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2989 and Homelessness Act)~~

For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in [section 374](#) of the Armed Forces Act 2006.

### 9.3 Reduced Priority

#### Band 1

The supply of rented affordable housing within the district is limited and the Council cannot provide rented accommodation to everyone who requests it. Reduced priority for housing will, therefore, be given to applicants where they are in band 1 and have:

- refused at least three suitable nominations offered to them by the Council where they have freely bid upon the properties through the Mole Valley Council Home Choice scheme and in these cases the household will be moved to band 2 and will remain there unless their circumstances change; or
- not bid upon any suitable properties that have become available within a 6 month period – in these cases the household will be moved down to band 2 and will remain there unless their circumstances change.

#### Band 2

Reduced priority will also be given to an applicant in band 2 (except homeless household's whose choice is restricted, see section 11.4 of this document) that refuses a third offer of suitable accommodation, which they have freely bid on through Mole Valley Home Choice and will be moved to band 3 for a period of 12 months from the date of their third refusal. ~~The procedure for reducing priority is explained in section 11.9 of this document.~~

#### **9.4 Restricted Persons**

Where an applicant has been accepted by this, or any other housing authority as homeless because a priority need has been conferred to an 'eligible person' by a 'restricted person', they will not be given priority for an allocation of housing from the register. In these circumstances the household will be awarded band 3, as living in interim accommodation provided by this Council. Section 14.11 of this document explains who is a 'Restricted Person'.

#### **10. What Size of Property is a Household Eligible for?**

The number of bedrooms an applicant can be considered for is decided by looking at the size and structure of the household. The size of property that a typical household will normally be allocated is shown in Appendix 2.

Households with 2 children of the same sex where there is less than a 10 year age difference and no proven medical need for them to have separate rooms will only be eligible for 2 bedroom properties.

Households who have two children of the same sex will only be considered for 2 bedroom properties until the eldest child is 16.

Households who have opposite sex children will automatically be considered for 3 bedroom properties when the eldest child is 10 years old.

Due to a shortage of larger properties, applicants who are eligible for 4 bedroom properties may also be offered large 3 bedroom properties with two reception rooms. Those eligible for 5 bedroom properties, which rarely become available, may be offered large 4 bedroom properties.

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

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

Any decision to offer a larger property based on health or welfare grounds will not automatically mean that any claim for assistance with rent through Housing Benefit will be agreed on a larger property than the Housing Benefit regulations allow. This may result in a refusal by the housing association landlord if they feel that the property would be unaffordable for the household.

## **11. How are Homes Allocated?**

All vacancies that are available to the Council will be allocated from the housing register in accordance with the following procedure.

### **11.1 Advertising Properties**

When a property with a housing association becomes available the Council will advertise the details of that property. Those details are available on a dedicated web-site, Mole Valley Home Choice, on display at the Council offices, newsletters sent electronically to external agencies such as local Citizens Advice Bureaux, housing associations, Community Mental Health Teams and Surrey County Council's Children's Services and Adult Social Care.

The majority of the properties advertised will only be available for Mole Valley Council housing register applicants to bid on. Some vacancies will be made available for the sub-regional scheme, East Surrey Home Choice. These properties will usually be sheltered, special sheltered or age restricted properties, though other properties may sometimes be included. Applicants can access these advertisements through the Mole Valley Home Choice website <http://www.molevalley-homechoice.org.uk/Data/ASPPages/1/115.aspx> Properties advertised will be described and labelled that will typically include:

- Who owns the property and whether it is a specialist landlord
- Size and type of property
- Floor level
- Availability of a lift
- Any special features
- If pets are allowed
- If there is a garden
- Weekly rent including any other charges
- Where properties are, for example, restricted to families with dependent children, adapted for people with disabilities, within supported housing schemes, housing for older persons, where a local lettings plans applies or in rural areas and local connection restrictions apply. See section 11.4 of this document.

## **11.2 Bidding for Properties**

Properties will be advertised and available for bidding for a six day period from midnight on Thursday nights through to midnight on Wednesday nights. This is the bidding cycle.

Applicants can place bids using the website (<http://www.molevalley-homechoice.org.uk/Data/ASPPages/1/115.aspx>), have a friend/family member/advocate etc bid for them, ask a member of the Housing Options Team to place bids for them or the Housing Options Team can arrange for the system to automatically bid on the applicant's behalf.

## **11.3 Applicant Choice**

Applicants who have an active application will be able to place bids on up to three properties per week.

Most applicants are able to choose the type of accommodation that they wish to be considered for and this includes:

- the types of property applicant may want to live in eg. a bungalow, house, maisonette, flat, studio flat or sheltered accommodation;
- where applicable, the floor level of property they want to live in; and/or
- the location of property that they want to live in.

These choices are subject to some restrictions, which are described in section 11.5 of this document

Homeless households have restricted choice, which is explained in section 11.4 of this document.

## **11.4 Statutory Homeless Households**

Households to whom the Council has accepted a statutory homeless duty under sections 193(2) or 195(2) of Part 7 Housing Act 1996 (as amended) will be made one suitable offer of accommodation. The Council will arrange for automatic bids to be made for these applicants from the date the Council accepts their homelessness application.

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



If suitable offers of accommodation are refused by these applicants the Council may end its duty under homelessness legislation and possession proceedings will commence for their emergency accommodation. Their housing register application will be temporarily suspended until they have vacated the emergency accommodation provided for them. After leaving the accommodation a change of circumstances must be reported to the Council within 28 days to activate the application and if not received the application will be closed. Applicants in this situation who no longer meet the qualifying criteria will have their applications closed.

Applicants affected by the above paragraphs will be advised of their right to request a review of the suitability of the accommodation offered. This advice will be provided prior to the applicant making a decision to refuse the property, so that they are aware that they can accept the property and request a review. Information on how to request a review can be found in section 21 of this document.

### **11.5 Eligibility for Vacancies**

The Council aims to make the best use of the housing stock and the following eligibility criteria will apply to the types of vacancies described below. This information will generally be included on the advert for each property.

- **Houses**

Priority for houses will be given to households with at least one dependent child under 16 years of age. This means that households with older children still living at home will not be considered for a house while there are qualifying households with younger children, unless there are exceptional needs or circumstances.

- **Ground Floor Flats**

Priority for ground floor flats will be given to applicants who have been assessed by the Council's Health Advisor as having a need for this type of property, unless there is no suitable applicant with medical priority; or where the property although ground floor, is not suitable for someone who needs ground floor accommodation due to stairs or an inability to be adapted; or where such an allocation would be significantly disproportionate.

- **Sheltered Housing**

Applicants for sheltered housing (and if applicable their partner) must normally be aged 55 or over, or have a disability. All applicants for this type of housing will be assessed to determine the applicant's suitability for sheltered housing before being made an offer.

- **Special Sheltered Housing**

Applicants for special sheltered housing (and if applicable, their partner) must normally be aged 55 or over, or have a disability. All applicants will be assessed to determine their need for the higher level of support this type of accommodation offers, compared with that of regular sheltered housing.

- **Age Restricted Properties**

Some blocks of flats are designated for people aged 55 and over or 60 and over. Allocations of these properties will only be made to people who meet the age criteria. In particular, Mole Valley Housing Association has agreed that where one member of the household is under the age of 55 or 60 they will accept the household for the property, but on a sole tenancy in the name of the applicant who is over the age criteria.

- **Supported Housing**

Vacancies with housing associations that provide accommodation with support will not normally be advertised. Before an allocation of a supported housing unit is made, consideration will be given to each applicant's housing need, their need for support and their suitability for a particular vacancy. Nominations will then be made in accordance with an agreed priority order, in discussion with the housing association and other relevant agencies as appropriate.

- **Local Lettings Plans**

On new build housing schemes there is often a need to ensure that there is a mixed and balanced community. This is difficult to achieve if all the allocations are made to people in high need. The possibility of adopting a local lettings plan for initial lettings on some new schemes will be considered. This means that applicants in the highest band may not be considered first for the new properties and preference may be given to applicants for example with lower need, with a local connection to the village or town where the new scheme is located and/or to applicants who are working.

The Strategic Housing Manager will agree a lettings plan following discussion with the Portfolio Holder for Customer Services and Wellbeing. Lettings plans will be consulted on with applicants and published.

In any situation where a local lettings plan is adopted all properties advertised will clearly show that this is the case and may include some guidelines from the plan for applicants information.

- **Vacancies on Rural Exception Sites**

From time to time the Council will work with housing associations to provide new affordable housing in rural areas. Some of these sites will be 'rural exception' sites, which are sites where planning permission has been granted, as an exception to planning policy, because there is an identified level of housing need. The planning conditions on these sites will require that the properties are allocated to housing applicants in the highest need, who have a local connection to the local parish. The Council has determined that for a local connection to be established with a parish in Mole Valley the applicant must provide written evidence that:

- they live in the parish and have done so for the last five years; or
- their place of paid employment is in the parish for more than 16 hours per week for the last five years; or
- they were born and brought up in the parish for eighteen years, but now live elsewhere; or
- they have close family, defined as parents, siblings and or adult children, who have lived in the parish as their main place of residence for the last consecutive ten years.

If there are no suitable applicants in the parish then applicants from the adjacent neighbouring parishes will be considered.

Where a rural area does not have a parish the local connection will be with the electoral ward for that area.

The above criteria may be varied in the planning conditions to reflect the needs of a parish or electoral ward.

It is the responsibility of applicants to provide the Council with the documentary evidence of their local connection to a parish or electoral ward. If an applicant has a local connection to a parish or electoral ward and has not provided the evidence as required, the above clause will not apply to them. Where the evidence is unclear and or ambiguous a Corporate Head will review the evidence and make a decision.

Where there is more than one applicant meeting the above criteria for a nomination, applicants will be considered in order of the priority that they have been assessed in accordance with the housing allocation scheme.

- **Vacancies in Rural Settlements or Villages**

For offers of nomination vacancies that occur in rural ~~areas settlements or villages~~ where there is an applicant, who has provided the Council with written proof of one of the local connections below to a ~~parish in Mole Valley rural settlement or village~~, who has a priority for housing and whose choice is to remain in the ~~parish settlement or village~~, then they will be preferred over another applicant who, although perhaps with a higher priority is not connected with the ~~parish settlement or village~~, but had a wider choice of area where they would like to live. The Council has determined that for a local connection to be established to a ~~parish village or settlement~~ the applicant must provide written evidence that:

- they live in the ~~parish settlement or village~~ and have done so for the last five years; or
- their place of paid employment is ~~in the parish settlement or village~~ for more than 16 hours per week for the last five years; or
- they were born and brought up in the ~~parish settlement or village~~ for eighteen years, but now live elsewhere; or
- they have close family, defined as parents, siblings and or adult children, who have lived in the ~~parish settlement or village~~ as their main place of residence for the last consecutive ten years; or
- they have special circumstances through which a local connection has been established with the ~~parish village or settlement~~. This will be reviewed on a case by case basis by the Housing Options Manager, who will, make a decision on whether a connection has been established.
- It is the responsibility of applicants to provide the Council with the documentary evidence of their local connection to a ~~parish settlement or village~~. If an applicant has a local connection to a ~~parish settlement or village~~ and has not provided the evidence as required, the above clause will not apply to them. Where the evidence is unclear and or ambiguous a Corporate Head will review the evidence and make a decision.

Where a rural area does not have a parish the local connection will be with the electoral ward for that area.

Where there is more than one applicant meeting the above criteria for a nomination, applicants will be considered in order of the priority that they have been assessed in accordance with the housing allocation scheme.

~~The above clause will apply to the following settlements and villages that are located within the boundaries of Mole Valley District Council: The Abingers, Cudworth, Beare Green, Betchworth, Brockham, Buckland, Box Hill, Capel, Charlwood, Coldharbour, Dean Oak Lane, Forest Green, Friday Street, Holmbury St Mary, Headley, Hookwood, Leigh, Mickleham, Mid Holmwood, Newdigate, Oakwood Hill, Ockley, Parkgate, Ranmore, South Holmwood, Strood Green, Walliswood, Westhumble, Westcott and Wotton.~~

The exception to the above will be where there is:

a band 1 applicant in very urgent need of housing, whose needs can only be met by a vacancy that has arisen in a rural village or settlement;  
a property advertised, which is a bungalow or ground flat, that is all on one level, and there is an applicant or applicants with higher priority than those with a verified local connection to the rural village or settlement; and

a property advertised, which is a property that has been adapted for a person with a disability and there is an applicant or applicants with higher priority than those with a verified local connection to the rural village or settlement.

## **11.6 The Selection Procedure**

At the end of the bidding cycle a list will be generated of all the applicants who have placed bids on individual properties. The qualifying applicants in band order, starting with the applicant who has been in the band for the longest period of time will be nominated to the housing association.

Where an applicant is successful with a bid, but the Council has not yet visited them at home, no offer of nomination will be made until this has taken place. If the Council has been unable to make contact with the applicant to arrange the visit within five working days, the offer of nomination will be made to the next qualifying applicant.

Eligibility for different sized properties is determined according to the Council's matching criteria. This information can be found in section 10 and Appendix 2. Where a property has been advertised sub-regionally the property size eligibility may be slightly different, and is shown in the East Surrey Home Choice Allocation Policy at Appendix 1.

Not all applicants are eligible for certain types of properties. Specific eligibility criteria that apply to these properties are shown in section 11.5 of this document.

The Council reserves the right annually to hold back up to five percent of properties (not including sheltered, special sheltered or age restricted properties) for direct nominations to certain classes of applicant where it would not be practicable for those applicants to use the scheme because of an identified risk to

the applicant. These direct nominations will only be made following consultation with other relevant agencies.

The Council will set aside annually one per cent of properties (not including sheltered, special sheltered or age restricted properties) for the 'Right to Move' target. This is for social housing tenants who qualify under section 7.3.3 above. This target is implemented from June 2015, and is set at one per cent so that the Council can establish the demand. The target will be reviewed from time to time. Where sheltered, special sheltered or age restricted properties have been advertised for a number of weeks with no qualifying applicants bidding on them, the Council may seek to find qualifying applicants through other means and make direct matches to those applicants. The Council would do this in order to assist the housing associations in minimising vacancy periods.

#### **11.7 Exceptions to the Standard Selection Procedure**

In certain circumstances it may not be appropriate to offer a property to the applicant with the highest priority. Examples of such situations, but not exclusively, are detailed below.

- The applicant at the top of the list does not yet have sufficient support to live independently.
- The applicant at the top of the list is not suited to, or is not eligible for, the vacant property. See section 11.5 of this document.
- The applicant at the top of the list has rent arrears that they are unable to pay and may be temporarily suspended or removed from the housing register, see section of this document 7.11.
- The allocation of the tenancy is likely to result in serious estate management difficulties.
- A mix of applicants is required to establish a balanced mix of people with different levels of support needs.
- The housing association may have eligibility criteria that the Council will need to apply when selecting a suitable applicant for the vacancy.
- The vacancy is subject to a local lettings plan, is on a rural exception site or is in a rural village. See section 11.5 of this document.

Offers made under one of the above exceptions, or any other, exceptions will be approved by the Housing Options Manager and a record will be made to confirm why the exception was made.

### **11.8 Offers of Nomination**

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

The applicant's details will be verified again and will then be passed to the relevant housing association, which will then make an offer of accommodation to the applicant and make arrangements for the applicant to view the property.

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

### **11.9 Refusals of Offers of Accommodation**

Applicants in bands 1 and 2 that refuse a third offer of accommodation after viewing the property ~~offered, offered~~ will be invited to discuss their reasons for those refusals with the Housing Options Team. The offers will then be reviewed to determine whether they were suitable and whether the refusals were reasonable in the circumstances. If the refusals were found to be reasonable then the applicant will be able to carry on bidding with their current banding position. If the refusals are found to be not reasonable the applicant will be entitled to carry on bidding, but will be moved to band 2 if currently in band 1 and will remain in band 2 unless their circumstances change, and moved to band 3 if currently in band 2 for 12 months from the date the last property was refused. This is explained in section 9.3 of this document.

In determining the suitability of property the Council will take into account the shortage of housing association accommodation in the area balanced against the applicant household's medical needs, the location of employment, schooling and support networks, mobility and transport issues and any proven issues of violence or harassment. Given the shortage of accommodation it cannot always be possible to ensure that these needs are met

The above clauses do not apply to homeless households, which is explained in section 11.4 of this document.

## **12. Keeping an Application Up to Date**

### **12.1 How to Renew an Application**

Applicants will be asked to renew their application annually on the anniversary of their application date and must provide details of their current circumstances and financial situation.

Applicants who do not renew their application within 28 days of receiving the invitation to renew will be assumed to no longer require housing and their application will be cancelled.

Where there has been no activity on an applicant's housing register application for 12 months (activity is considered to be updating an application and/or bidding for properties) the applicant will not be invited to renew their application and it will be cancelled. See section 12.4.

Applicant's who are no longer eligible or qualify to be on the housing register will be told in writing and their right of review will be explained. Section 21 of this document explains review rights.

### **12.2 Changes in Circumstance**

Applicants who move to a new address, or whose circumstances change after they have been accepted onto the housing register (e.g. someone joining or leaving the household, or a change in income or employment etc.) should immediately contact the Council and arrange to complete any necessary forms. Applicants are advised of this requirement in their initial acceptance letter and annual review letters.

### **12.3 Home Visits**

Where practicable, applicants will be visited at home to verify their circumstances prior to any offer of accommodation made. At this visit the Council's officer will complete a home visit form which the applicant will be expected to sign to confirm that the information is correct and to give consent for the information to be shared with relevant housing associations where they may be considered for a tenancy. Where it is not possible to carry out a home visit, e.g. where applicants are of no fixed abode or living outside of the district, they will be asked to attend at the Council offices so that these checks can be carried out.

Where practicable, applicants who are currently in an institution (prison or hospital etc) will be visited by a Housing Options Team. Where this is not



possible, those applicants will be invited to attend an options interview within a week of their release/discharge.

Applicants who are already tenants of a housing association within the district can expect that their landlord will be contacted by the Council, prior to any formal offer of accommodation being made, to ensure that the landlord is satisfied with the tenants' rent account and condition of the property.

#### **12.4 Removal or Cancellation of Applications**

If information is obtained that gives the Council reason to believe that an applicant who has already been accepted onto the housing register is, in fact, not eligible to be on the register, they will be informed in writing and given 28 days to provide information to show that they are eligible. If they do not reply within this period, or if they reply but the Council still believes them to be ineligible, they will be removed from the housing register.

Applications will be cancelled:

- when an applicant fails to respond to correspondence sent to them by the Housing Options Team where a response is required, applicants will be given notice that this will be the case and will be given 28 days to respond;
- at an applicant's written or verbal request, in these cases the Housing Options Team will confirm the cancellation in writing;
- if the Housing Options Team is made aware that an applicant has moved and that applicant has not provided a forwarding address, in these cases no written notice or confirmation will be given; and
- once an applicant has been offered and accepted a housing association tenancy; and
- where there has been no activity on an applicant's housing register application for 12 months (activity is considered to be updating an application and/or bidding for properties), and the applicant will not be invited to renew their application.

Applicants who are removed from the housing register may request a review of the Council's decision and information can be found in section 21 of this document.

### 13. Engagement with the Housing Options Team

An applicant who is not engaging with the Housing Options Team will have their housing register application temporarily suspended until the Council is satisfied that they are engaging.

To not engage means:

- Not actively bidding for properties for one year
- Bidding for suitable properties and then withdrawing the bids over the period of one year
- Failing to attend three consecutive appointments with the Housing Options Team
- Not contacting Housing Options Team when a Housing Options Officer has written or called to discuss their case on three consecutive occasions
- Breaching the tenancy agreement or house rules for emergency accommodation provided by the Council under the homelessness legislation

Applicants temporarily suspended under the above clause will be required to attend an interview with the Housing Options Team and a recommendation for the suspension may or may not be made to the Housing Options Manager for the suspension to be lifted.

### 14. Definitions of Terms

#### 14.1 Bedroom Space

In assessing the application the will Council consider how many bedrooms are needed for the household and how many they actually have. We also look at the size of each bedroom.

Where more than one living room is available, this will be considered as an alternative bedroom as long as the applicant does not need to walk through it to access another room.

Bedroom size	Equivalent bed space
4.6 m <sup>2</sup> - 6.5 m <sup>2</sup>	½
6.5 m <sup>2</sup> – 10.2 m <sup>2</sup>	1
More than 10.2 m <sup>2</sup>	2

To determine how much bedroom space is needed by a household, the following amount of space per person is allowed. Only people who are permanently resident as part of the household will be included for this purpose.

Person under 8 years old	½ bedspace
Person over the age of 8	1 bed space

A separate bedroom is allowed for each of the following groups:

- Each adult couple living together as partners
- Each single adult who is not a child of the applicant and is not living as a partner of another person
- Children of opposite sex where one of them is over 10 years of age
- Children of the same sex where one of them is over 16 years old
- Furthermore a separate bedroom **may** be allowed where a person of any age who has to sleep alone on certified medical grounds. This will not necessarily mean however that the property would be affordable if Housing Benefit were to be required for as the payment of Housing Benefit is regulated by separate guidelines. On this basis a housing association may refuse the nomination if they felt that it was not going to be affordable for the household.

All households of more than one person should have a living room in addition to any bedrooms needed.

Where a household has two children of opposite sex sharing a bedroom and the oldest is 11 years or older they will be placed in Band 2.

Where a household has two children with a 10 year age gap they will be placed in Band 2.

#### **14.2 British Armed Forces**

For the purposes of this policy the definition of ‘regular’ and ‘reserve’ armed forces will reflect the definition set out in s374 of the Armed Forces Act 2006.

#### **14.3 Cumulative Need**

This occurs where an applicant has one or more factors in the banding criteria explained in section 9.1 of this document, unless it is stated that cumulative need does not apply.

#### **14.4 Health Housing and Safety Rating System**

This is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. It was introduced under the Housing Act 2004 and applies to residential properties in England and Wales. The assessment method focuses on the hazards that are present in housing.

#### **14.5 Household**

The household, for the purposes of this policy, will be regarded as:

- a sole applicant;
- any two persons who wish to live together as a couple;
- any parent(s)/guardian(s) and dependent children, permanently residing with them or who would reasonably expect to be permanently residing with them;
- any parent(s)/guardian(s) and adult children who are not dependent but have not yet left the family home;
- any parent(s)/guardian(s) and adult children who are still living at home because of a care need; or
- any adult siblings who wish to live together.

As there is such high demand on family sized accommodation in Mole Valley, for the purposes of this policy, the Council will not accept the following situations of persons as being a “household”, unless there are special circumstances, which will be considered on request by the Housing Options Manager.

- Where two persons are not married, are not currently living together, have not previously lived together and have no children together and are applying for more than one bedroom accommodation, unless there is a proven need for one party to have 24 hour or overnight care.
- Where a father or mother is living separately from their children and the other parent or another party has residence of those children and the home that any children are living in is adequate for their needs. This is unless it would be in the best interest of the child/children to live with the absent parent. This would be subject to appropriate evidence being made available to the Council for consideration by the Housing Options Manager.

- Where a sibling, parent or other relative is residing with the applicant and has lived there for less than 12 months.

In a situation of joint residence the Council will also have regard to the housing situation in the Mole Valley area when making their decision, the shortage of housing stock and any under occupation which would result for part of the week.

#### **14.6 Housing Options Manager**

The Housing Options Manager is responsible for making discretionary decisions on the implementation of the Housing Allocations Scheme. In their absence these decisions will be made by the Strategic Housing Manager or Corporate Head of Service.

#### **14.7 Lacking or Sharing Basic Amenities**

For the purpose of this policy, facilities will include bathrooms, toilets and kitchen amenities. If more than one facility is lacking the household will be placed in band 2.

#### **14.8 Legal Notice to Quit from a Landlord**

Awarded where the notice is served through no fault of the applicant and they would have a local connection with Mole Valley if made homeless, further that they do not own suitable accommodation elsewhere that they could reasonably be expected to occupy and the notice expires in two calendar months.

#### **14.9 Medical Need**

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

##### **a) Emergency Medical Need**

In very exceptional circumstances an applicant may be assessed as requiring an emergency move on medical grounds. This level of priority may only be awarded by the Housing Options Manager, following a recommendation from the Health Advisor. An example of such a situation is where:

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

- there is more than one member of a household who has a High Medical Need.

**b) Households with an Urgent or High Need to Move for Medical or Welfare Reasons**

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

- an elderly applicant who lives above ground floor without a lift and who has had a series of heart problems; or
- where an applicant's continued occupation of their current home is likely to cause a marked deterioration in their health e.g. severe clinical depression or mental illness; or
- there is more than one member of a household who has a Medium Medical Need and the Housing Options Manager considers that the composite need of the total household members equates to an urgent need to move because of the possibility of a rapid decline in health or a life threatening situation, as described in section 14.9b above.

**c) Households with a Need to Move for an Identified Medical or Welfare Reason which is not considered an Emergency or Urgent**

This level of priority will be awarded where it is recognised that the applicant's health is being affected by their current accommodation, but their health is unlikely to deteriorate significantly within a short period of time or full recovery is likely within one year, or where there is more than one member of a household who have a non-urgent or Emergency Medical Need

**d) No Medical Need**

Where rehousing is unlikely to improve the applicant's health or where accommodation in itself is not affecting the illness then no medical need will exist and no priority will be given on this basis.

In certain circumstances where there are a number of household members who have health problems related to their current accommodation the Housing Options Manager may award a higher banding following a recommendation from the Health Advisor.

#### **14.10 No Fixed Abode, Roofless and Sleeping Rough**

An applicant will be held to be of no fixed abode when they are staying with various friends; family members etc, and have no permanent home, which includes people who are living in an institution where they will have no accommodation available for them to occupy when they are discharged/ released. This includes prison, mental health units and accommodation; rehabilitation units and respite placements. It also includes people resident in a direct access night hostel where they otherwise have a local connection with the Mole Valley area.

An applicant will be considered to be Roofless when they are unable to stay with any friends, family members, or at hostels, night shelters etc, and the Council has reason to believe that they are permanently sleeping rough, in a tent or car and with no immediate access to any essential facilities.

#### **14.11 Restricted persons**

A 'restricted person' is some one who is not 'eligible' for housing assistance under the law on homelessness or to join the housing register because they require immigration leave, or who has leave with a condition of no recourse to public funds, who then jointly applies with a person who is 'eligible' to join the housing register and confers on that 'eligible' person a 'priority need' under the law on homelessness.

#### **14.12 Shared Ownership**

There are a variety of shared ownership schemes available in Surrey and detailed information on eligibility and how to apply can be found on the following website <http://keyhomes-east.org.uk/register.asp>

#### **14.13 Social Housing Tenants**

Social housing tenants are either tenants of a local authority or housing association.

#### **14.14 Special Circumstances**

Additional priority on this basis may be awarded where there are welfare or social factors, or exceptional circumstances not covered elsewhere. These will need to be substantiated by other agencies e.g. the Police, Children's Services or Adult Social Care, etc. The information will be reviewed on a case by case basis by the

Housing Options Manager, who will, make a decision on whether priority should be granted.

Priority may be awarded, but not exclusively, in the following circumstances.

- Where an applicant is a relative of a housing association tenant in Mole Valley who has died and they were residing with them for at least 12 months immediately prior to their death, but they do not have the right to succeed to the tenancy. In these cases additional priority will be awarded if the applicant does not have sufficient income, funds or assets to purchase or rent alternative accommodation suitable to their needs privately or by using a shared ownership scheme.
- Where an applicant has had to give up an existing housing association tenancy to receive long-term treatment or rehabilitation. Priority may be awarded following confirmation that the applicant has completed the treatment and is in housing need.
- Where a person needs to move to a different locality in order to give or receive care, to access specialist medical treatment, or to take up particular employment or training. Furthermore that hardship would be caused to themselves or others if they were unable to do so.
- Where an applicant has a particular special need that causes them to be considered vulnerable, other than on medical grounds. Examples of such applicants would include those with a learning disability; a care leaver aged 18-21 etc. Priority may be awarded following an assessment of an applicant's case at a Multi-Agency Special Needs Panel.
- Reciprocal arrangements between housing associations. These apply where one landlord rehuses an applicant from another housing association on the understanding that the housing association who has given up a property will, at some stage, be offered a property for someone from their waiting lists. At Mole Valley a reciprocal will be considered in the following circumstances.
  - Where the applicant is fleeing violence, including domestic abuse.
  - Where supported accommodation is vacant and there is no one on Mole Valley's housing register in need of the type of accommodation in question.
  - Where there are exceptional management reasons requiring a move e.g. when a tenant from another authority area is to be a witness in criminal proceedings and needs to be moved for their own protection.



- Where a request for assistance is made through the mobility scheme for the rehousing of victims of violence in accordance with procedures agreed by the Surrey District and Borough Housing Authorities.
- Where a request for assistance is made through the mobility scheme for the rehousing of offenders in accordance with the current protocol agreed by the Surrey District and Borough housing authorities and partner agencies.

Before any agreement is given to a reciprocal arrangement a full written report of the circumstances is required. The Housing Options Team may also need to be satisfied that an applicant in housing need from the Council's list can be housed by the housing association or Council within a reasonable time. A written commitment is also required.

If additional priority is regarded as appropriate the Housing Options Manager will decide which of the following awards should be given as described below.

- Band 1 will be awarded where, in very exceptional circumstances an applicant is assessed as needing an emergency move, e.g. an applicant's life would be in immediate danger if they continued to live in their current property, or an applicant is unable to occupy their current property due to severe medical problems.
- Band 2 will be awarded where an applicant has an urgent need to move on welfare grounds or because of other special circumstances, or needs to move urgently to a particular locality to avoid hardship to themselves or others and written support for this has been received from an appropriate agency.
- Band 3 will be awarded where an applicant has a less urgent need to move on welfare grounds or needs to move to a particular locality to avoid hardship to themselves or others.

#### **14.15 Split Family**

Where a household with dependent children is unable to reside together. For the purposes of considering a household as a split family, the Council will only consider this to be the case where:

- a married couple or a couple in a civil partnership are unable to live together because of the lack of accommodation;

- a couple who are not married or in a civil partnership have previously lived together for a minimum of 6 months and are unable to continue to live together because of the lack of accommodation;
- a couple who have had children together but cannot live together because of the lack of accommodation; or
- any children of a parent or parents who could reasonably be expected to need to live with that parent but cannot because of the lack of accommodation.

#### **14.16 Special Sheltered Housing**

These are sheltered housing schemes owned by Circle Housing Mole Valley. The schemes offer self contained accommodation for independent living as in regular sheltered, but have the added support of staff onsite during the day, every day of the year. There is also a daily lunch service available on all days of the week, booked weekly in advance for as many days as required.

#### **14.17 Suitable Offer**

The Council will seek to take into account applicants' particular or special needs, but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of housing association accommodation and the demands placed upon it by those applicants with the highest needs. See also sections 9.3, 11.4 and 11.9 of this document.

#### **14.18 Temporarily Suspended**

Applications may be temporarily suspended for certain reasons. This means that an applicant will not be able to bid for a home whilst they are temporarily suspended. The reasons an application may be temporarily suspended are:

- an applicant owes the Council money and has ceased making regular repayments, see section 7.11 of this document
- homeless households who have refused an offer of accommodation and the Council has discharged its responsibility to them and are living in the Council's emergency accommodation, see section 11.4 of this document
- an applicant has been offered accommodation by a housing association, see section 11.8 of this document

- the applicant has not engaged with the Housing Options Team, see section 13 of this document

#### **14.19 Under-occupation**

Where a household have more bedrooms than they require under this policy and for more information go to Appendix 2.

#### **14.20 Victim of Proven Anti-social Behaviour, or any Form of Abuse, Harassment or Hate Crime)**

Evidence must be provided from the police and confirmed by the housing association or landlord where appropriate, which will be authorised by Housing Options Manager.

#### **14.21 Vulnerable**

When considering whether an applicant or member of their household is vulnerable, the Council will consider if someone will be considered vulnerable in accordance with the homelessness legislation Housing Act 1996 Part 7.

### **15. Members of the Council, Staff Members and their Relations**

In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or re-housing from members of the Council, employees of the Council or associated persons must be disclosed. These applications will be assessed in the normal way, but any nomination of housing will require specific approval by a Corporate Head of Service.

### **16. Changes to the Scheme**

The Housing Options Manager is authorised to make minor changes to this Allocations Scheme. These may be needed from time to time to ensure that the policy remains lawful following new statutory guidance or case law. However, these changes should not significantly affect large numbers of applicants. The reasons for making any changes will be documented and available to the public. Where the Council is considering making significant changes to the policy it will consult with all necessary statutory and voluntary agencies. Any significant changes to the policy will be approved by the Council's Executive.

### **17. Monitoring and Reviewing the Scheme**

To ensure that the day to day tasks of assessment of applications and nominations to housing associations are made in accordance with this policy the Housing Options Manager will make random checks and take corrective action if required.

The Council has agreed to review this scheme in June 2016.

#### **18. Who is on the Housing Register and Who Gets Housed?**

The Council will publish annually on its main website and the Mole Valley Home Choice website anonymised information on the numbers and types of households on the housing register and of the households who have been housed.

#### **19. Equal Opportunities**

The Council is committed to the aims in the public sector Equality Duty of giving applicants equality of opportunity and ensuring that it does not discriminate on grounds of sex or sexual-orientation, trans-gender status, marital status, race, religion or belief, age, disability, pregnancy or maternity. It will not discriminate on the basis of HIV status, social or economic status, responsibility for dependents, trade union membership or unrelated criminal conviction.

This does not mean that the Council is required by the Equality Duty to treat everyone the same. Rather, it requires the Council to think about people's different needs and how these can be met.

To ensure that the Council is administering the Housing Allocations Scheme fairly, applicants will be asked to complete a monitoring questionnaire. This information will be treated in the strictest confidence and it will not affect applications in any way. Applicants do not have to answer any of these questions if they do not wish to.

This Allocations Scheme is compatible with the Council's equality obligations and an Equality Impact Assessment has been undertaken.

#### **20. Data Protection**

All information held by the Council is subject to the Data Protection Act 1998 and all personal information must be treated in strictest confidence.

Applicants are entitled to request a copy of the information held about them, for which they may be charged an administration fee.

By completing a Housing Register application the applicant provides their consent to the Council processing sensitive personal data about them, and consenting to the Council requesting and sharing information about them with and/or from other agencies and organisations.

The Council also reserves the right to check information provided by applicants with data matching and credit checking services.

## **21. Right to Information and Request a Review**

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

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

All applicants have a right to ask for a review of any decision made regarding their application for housing including where: they have been found not eligible or do not qualify to join the housing register; and their application has been cancelled.

A review request should be submitted to the Council in writing within 21 days of receiving the Council's decision. The applicant may ask a representative to submit the written request and may ask to meet with the Council with or without their representative. The review will be considered by a more senior officer to the officer who made the original decision and will not have been previously involved in the applicant's case. The Council will reach a decision within eight weeks and will notify the applicant if there will be a delay in issuing the decision. Once the decision has been issued the applicant cannot ask the Council for another review, but they may contact the Local Government Ombudsman [www.lgo.org.uk](http://www.lgo.org.uk)

## **22. How to Comment or Complain**

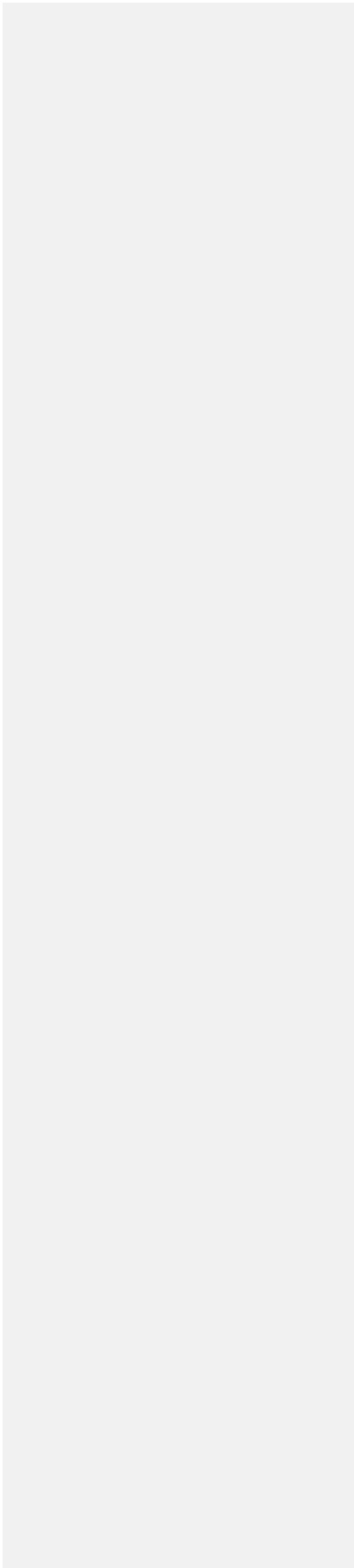
If an applicant wishes to comment or is unhappy with the service that we provide they may request a copy of our comments and complaints procedure. Details are available from:

The Complaints Officer  
Mole Valley District Council  
Pippbrook  
Reigate Road  
Dorking


















Surrey  
RH4 1SJ  
Telephone 01306 885001 Minicom 01372 819094  
Website [www.molevalley.gov.uk](http://www.molevalley.gov.uk) Fax 01306 876821

**Appendix 1**  
**East Surrey Home Choice Policy**

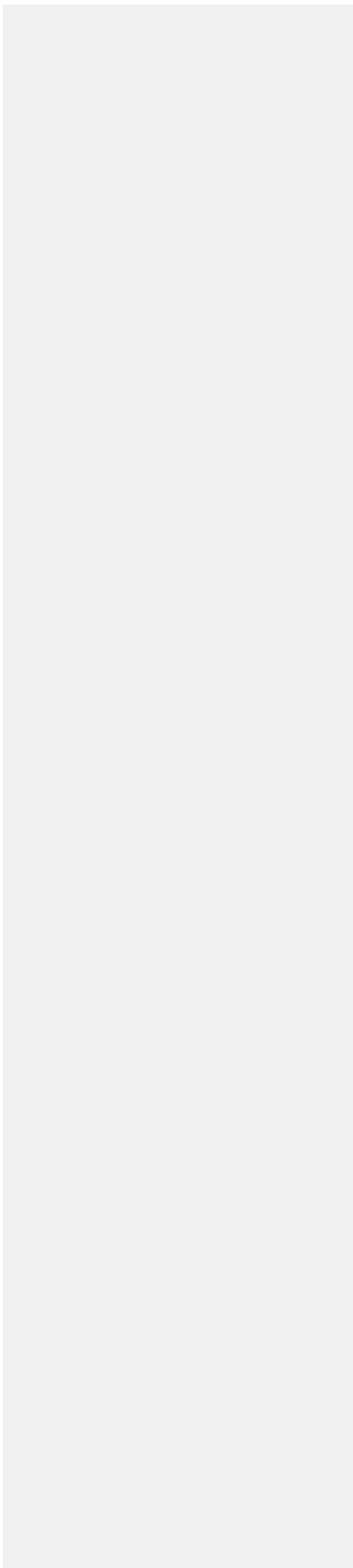
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**Appendix 2  
Mole Valley District Council Bedroom Standard**

Household Type	Bedroom Requirement					
	Bedsit	1	2	3	4 (also 3 bed 2 living room)	5 (also 4 bed 2 living room)
Single person						
Couple (including pregnant couple until 6 weeks before EDD)						
Parent(s) with 1 child or 6 weeks before EDD						
Parent(s) with 1 girl and 1 boy under 10						
Parent(s) where two children of the same sex where both are under 16						
Parent(s) with 1 girl and 1 boy where the eldest is over 10						
Parents(s) with two children where one child is over 16						
Parent(s) with two children (under 16) of same sex where this is more than a 10 year age gap						
Parent(s) with two children of separate sex where this is more than a 10 year age gap						
Parent(s) with three children depending on age and sex						
Parent(s) with four children depending on age and sex						
Parent(s) with 5 or more children						





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